

(I) Annual report

Each fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the payment rates for conservation activities offered to producers under the program and an analysis of whether payment rates can be reduced for the most expensive conservation activities.

(Pub. L. 99-198, title XII, §1240L, formerly §1238G, as added Pub. L. 110-234, title II, §2301(a)(2), May 22, 2008, 122 Stat. 1045, and Pub. L. 110-246, §4(a), title II, §2301(a)(2), June 18, 2008, 122 Stat. 1664, 1773; Pub. L. 113-79, title II, §2101(a), Feb. 7, 2014, 128 Stat. 726; renumbered §1240L and amended Pub. L. 115-334, title II, §§2301(b), 2308(d), Dec. 20, 2018, 132 Stat. 4551, 4566; Pub. L. 117-169, title II, §21001(c)(4), Aug. 16, 2022, 136 Stat. 2017.)

Editorial Notes**REFERENCES IN TEXT**

The Organic Foods Production Act of 1990, referred to in subsec. (h)(1), is title XXI of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3935, which is classified generally to chapter 94 (§6501 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of Title 7 and Tables.

CODIFICATION

Section was formerly classified to section 3838g of this title prior to renumbering by Pub. L. 115-334.

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2022—Subsec. (h)(2)(A). Pub. L. 117-169 substituted “2031” for “2023”.

2018—Subsec. (b). Pub. L. 115-334, §2308(d)(1), substituted “allocate funding” for “allocate acres” in introductory provisions.

Subsec. (c). Pub. L. 115-334, §2308(d)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “During the period beginning on February 7, 2014, and ending on September 30, 2022, the Secretary shall, to the maximum extent practicable—

“(1) enroll in the program an additional 10,000,000 acres for each fiscal year; and

“(2) manage the program to achieve a national average rate of \$18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.”

Subsec. (c)(5). Pub. L. 115-334, §2308(d)(4), added par. (5).

Subsec. (d). Pub. L. 115-334, §2308(d)(3), (5)(A), redesignated subsec. (e) as (d) and inserted “and advanced grazing management” after “crop rotations” in heading. Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 115-334, §2308(d)(5)(D), inserted par. designation, heading, and introductory provisions, added subpars. (A) and (B), designated existing provisions of par. (1) as subpar. (C), and, in subpar. (C), substituted “The term” for “In this subsection, the term”, redesignated former subpars. (A) to (D) and (E) of par. (1) as cls. (i) to (iv) and (vi), respectively, realigned margins, and added cl. (v).

Pub. L. 115-334, §2308(d)(5)(C), redesignated par. (4) as (1). Former par. (1) redesignated (2).

Subsec. (d)(2). Pub. L. 115-334, §2308(d)(5)(C), (E), redesignated par. (1) as (2), substituted “agree to adopt or

improve, manage, and maintain—” for “agree to adopt or improve resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.”, and added subpars. (A) and (B).

Pub. L. 115-334, §2308(d)(5)(B), struck out par. (2). Text read as follows: “The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1) based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.”

Subsec. (d)(3). Pub. L. 115-334, §2308(d)(5)(F), substituted “paragraph (2)” for “paragraph (1)” and “agree to adopt or improve, manage, and maintain resource-conserving crop rotations or advanced grazing management for the term of the contract” for “agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract”.

Subsec. (d)(4). Pub. L. 115-334, §2308(d)(5)(G), added par. (4). Former par. (4) redesignated (1).

Subsec. (e). Pub. L. 115-334, §2308(d)(6), added subsec. (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 115-334, §2308(d)(7), substituted “2019 through 2023” for “2014 through 2018”.

Subsec. (h). Pub. L. 115-334, §2308(d)(8), substituted “Organic certification” for “Coordination with organic certification” in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added par. (2).

Subsecs. (j) to (l). Pub. L. 115-334, §2308(d)(9), added subsecs. (j) to (l).

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section related to duties of the Secretary.

§ 3839aa-25. Grassland conservation initiative**(a) Definitions**

In this section:

(1) Eligible land

Notwithstanding sections 3839aa-21(4) and 3839aa-22(b)(2) of this title, the term “eligible land” means cropland on a farm for which base acres have been maintained by the Secretary under section 9012(d)(3) of title 7.

(2) Initiative

The term “initiative” means the grassland conservation initiative established under subsection (b).

(b) Establishment and purpose

The Secretary shall establish within the program a grassland conservation initiative for the purpose of assisting producers in protecting grazing uses, conserving and improving soil, water, and wildlife resources, and achieving related conservation values by conserving eligible land through grassland conservation contracts under subsection (e).

(c) Election

Beginning in fiscal year 2019, the Secretary shall provide a 1-time election to enroll eligible land in the initiative under a contract described in subsection (e).

(d) Method of enrollment

The Secretary shall—

(1) notwithstanding subsection (b) of section 3839aa-23 of this title, determine under subsection (c) of that section that eligible land ranks sufficiently high under the evaluation criteria described in subsection (b) of that section; and

(2) enroll the eligible land in the initiative under a contract described in subsection (e).

(e) Grassland conservation contract

(1) In general

Notwithstanding section 3839aa-23(a)(1) of this title, to enroll eligible land in the initiative under a grassland conservation contract, a producer shall agree—

- (A) to meet or exceed the stewardship threshold for not less than 1 priority resource concern by the date on which the contract expires; and
- (B) to comply with the terms and conditions of the contract.

(2) Terms

A grassland conservation contract entered into under this section shall—

- (A)(i) be for a single 5-year term; and
- (ii) not be subject to renewal or reenrollment under section 3839aa-23(e) of this title; and
- (B) be subject to section 3839aa-23(d) of this title.

(3) Early termination

The Secretary shall allow a producer that enters into a grassland conservation contract under this section—

- (A) to terminate the contract at any time; and
- (B) to retain payments already received under the contract.

(f) Grassland conservation plan

The grassland conservation plan developed for eligible land shall be limited to—

- (1) eligible land; and
- (2) resource concerns and activities relating to grassland.

(g) Payments

(1) In general

Beginning in fiscal year 2019, of the funds made available for this subpart under section 3841(a)(3)(B) of this title, and notwithstanding any payment under title I of the Agriculture Improvement Act of 2018, an amendment made by that title, or section 3839aa-24(c) of this title, the Secretary shall make annual grassland conservation contract payments to the producer of any eligible land that is the subject of a grassland conservation contract under this section.

(2) Payment noneligibility

A grassland conservation contract under this section shall not be—

- (A) eligible for payments under section 3839aa-24(d) of this title; or
- (B) subject to the payment limitations under this subpart.

(3) Limitation

The amount of an annual payment under this subsection shall be \$18 per acre, not to exceed the number of base acres on a farm.

(h) Considered planted

The Secretary shall consider land enrolled under a grassland conservation contract under this section during a crop year to be planted or

considered planted to a covered commodity (as defined in section 9011 of title 7) during that crop year.

(i) Other contracts

A producer with an agricultural operation that contains land eligible under this section and land eligible under section 3839aa-23 of this title—

- (1) may enroll the land eligible under this section through a contract under this section or under section 3839aa-23 of this title; and
- (2) shall not be prohibited from enrolling the land eligible under section 3839aa-23 of this title through a contract under section 3839aa-23 of this title.

(Pub. L. 99-198, title XII, § 1240L-1, as added Pub. L. 115-334, title II, § 2309, Dec. 20, 2018, 132 Stat. 4569.)

Editorial Notes

REFERENCES IN TEXT

The Agriculture Improvement Act of 2018, referred to in subsec. (g)(1), is Pub. L. 115-334, Dec. 20, 2018, 132 Stat. 4490. Title I of the Act enacted section 9071 of Title 7, Agriculture, amended sections 608c, 1308, 1308-3a, 1359bb, 1359ll, 4504, 4553, 7272, 7333, 8737, 8772, 9011 to 9017, 9031, 9032, 9034 to 9039, 9051 to 9060, 9081, 9091, 9092, and 9097 of Title 7, repealed section 9019 and former section 9071 of Title 7, and enacted provisions set out as notes under sections 608c, 1308, 1308-3a, 6932, 9051, 9052, and 9081 of Title 7 and section 6101 of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 9001 of Title 7 and Tables.

PART V—OTHER CONSERVATION PROGRAMS

§ 3839bb. Conservation of private grazing land

(a) Purpose

It is the purpose of this section to authorize the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

- (1) establishing a coordinated and cooperative Federal, State, and local grazing conservation program for management of private grazing land;
- (2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;
- (3) conserving and improving wildlife habitat on private grazing land;
- (4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;
- (5) protecting and improving water quality;
- (6) improving the dependability and consistency of water supplies;
- (7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and
- (8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(b) Definitions

In this section: