

(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:

(1) Department

The term “Department” means the Department of Agriculture.

(2) Private grazing land

The term “private grazing land” means private, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(c) Private grazing land conservation assistance**(1) Assistance to grazing landowners and others**

Subject to the availability of appropriations for this section, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing land;

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises; and

(I) encouraging the use of sustainable grazing systems, such as year-round, rotational, or managed grazing.

(2) Program elements**(A) Funding**

If funding is provided to carry out this section, it shall be provided through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) Technical assistance and education

Personnel of the Department trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and edu-

cation to owners and managers of private grazing land, at the request of the owners and managers.

(C) Partnerships

In carrying out the program under this section, the Secretary shall provide education and outreach activities through partnerships with—

(i) land-grant colleges and universities (as defined in section 3103 of title 7); and

(ii) nongovernmental organizations.

(d) Grazing technical assistance self-help**(1) Findings**

Congress finds that—

(A) there is a severe lack of technical assistance for farmers and ranchers that graze livestock;

(B) Federal budgetary constraints preclude any significant expansion, and may force a reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) Establishment of grazing demonstration

In accordance with paragraph (3), the Secretary may establish 2 grazing management demonstration districts at the recommendation of the grazing land conservation initiative steering committee.

(3) Procedure**(A) Proposal**

Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) Funding

The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) Approval

The Secretary shall approve the proposal if the Secretary determines that the proposal—

(i) is reasonable;

(ii) will promote sound grazing practices; and

(iii) contains provisions similar to the provisions contained in the beef promotion and research order issued under section 2903 of title 7 in effect on April 4, 1996.

(D) Area included

The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of an application by farmers or ranchers.

(E) Authorization

The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) Activities

The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(e) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$60,000,000 for each of fiscal years 2002 through 2023.

(Pub. L. 99-198, title XII, § 1240M, as added Pub. L. 104-127, title III, § 335, Apr. 4, 1996, 110 Stat. 1002; amended Pub. L. 107-171, title II, § 2502(a), May 13, 2002, 116 Stat. 264; Pub. L. 110-234, title II, § 2601, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, § 4(a), title II, § 2601, June 18, 2008, 122 Stat. 1664, 1796; Pub. L. 113-79, title II, § 2501, Feb. 7, 2014, 128 Stat. 751; Pub. L. 115-334, title II, § 2404, Dec. 20, 2018, 132 Stat. 4572.)

Editorial Notes**REFERENCES IN TEXT**

The Agricultural Adjustment Act, referred to in subsec. (d)(3)(E), is title I of act May 12, 1933, ch. 25, 48 Stat. 31, which is classified generally to chapter 26 (§ 601 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 7 and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2018—Subsec. (c)(2)(C). Pub. L. 115-334, § 2404(1), added subpar. (C).

Subsec. (e). Pub. L. 115-334, § 2404(2), substituted “2023” for “2018”.

2014—Subsec. (e). Pub. L. 113-79 substituted “2018” for “2012”.

2008—Subsec. (e). Pub. L. 110-246, § 2601, substituted “2012” for “2007”.

2002—Pub. L. 107-171 amended section catchline and text generally. Prior to amendment, section required the Secretary to establish conservation farm option pilot programs for producers of wheat, feed grains, cotton, and rice.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 3839bb-1. Repealed. Pub. L. 113-79, title II, § 2707(a), Feb. 7, 2014, 128 Stat. 769

Section, Pub. L. 99-198, title XII, § 1240N, as added Pub. L. 107-171, title II, § 2502(a), May 13, 2002, 116 Stat. 266; amended Pub. L. 110-234, title II, § 2602, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, § 4(a), title II, § 2602, June 18, 2008, 122 Stat. 1664, 1796, related to wildlife habitat incentive program.

Statutory Notes and Related Subsidiaries**REPEAL; TRANSITIONAL PROVISIONS**

Pub. L. 113-79, title II, § 2707, Feb. 7, 2014, 128 Stat. 769, provided that:

“(a) REPEAL.—Except as provided in subsection (b), section 1240N of the Food Security Act of 1985 (16 U.S.C. 3839bb-1) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section [repealing section 3839bb-1 of this title] shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240N of the Food Security Act of 1985 [(former) 16 U.S.C. 3839bb-1] before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract or agreement.

“(2) FUNDING.—

“(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240N of the Food Security Act of 1985 [(former) 16 U.S.C. 3839bb-1], any funds made available from the Commodity Credit Corporation to carry out the wildlife habitat incentive program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts or agreements referred to in paragraph (1) which were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance).

“(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary [of Agriculture] may use funds made available to carry out the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) to continue to carry out contracts or agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts or agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

§ 3839bb-2. Grassroots source water protection program**(a) In general**

The Secretary shall establish a national grassroots water protection program to more effectively use onsite technical assistance capabilities of each State rural water association that, as of May 13, 2002, operates a wellhead or groundwater protection program in the State.

(b) Funding**(1) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$20,000,000 for each of fiscal years 2008 through 2023.

(2) Availability of funds

In addition to funds made available under paragraph (1), of the funds of the Commodity Credit Corporation, the Secretary shall use \$5,000,000, to remain available until expended.

(3) Additional funding

In addition to any other funds made available under this subsection, of the funds of the Commodity Credit Corporation, the Secretary shall use—

(A) \$5,000,000 beginning in fiscal year 2019, to remain available until expended; and

(B) \$1,000,000 beginning in fiscal year 2024, to remain available until expended.

(Pub. L. 99-198, title XII, § 1240O, as added Pub. L. 107-171, title II, § 2502(a), May 13, 2002, 116 Stat. 267; amended Pub. L. 110-234, title II, § 2603, May 22, 2008, 122 Stat. 1068; Pub. L. 110-246, § 4(a), title II, § 2603, June 18, 2008, 122 Stat. 1664, 1796; Pub. L. 113-79, title II, § 2502, Feb. 7, 2014, 128