section for any fiscal year that is in excess of the amount made available under this section for fiscal year 2001, the Secretary shall, to the maximum extent practicable—

(1) give equal consideration to—

(A) proposals submitted by organizations that were participating organizations in prior fiscal years; and

(B) proposals submitted by eligible trade organizations that have not previously participated in the program established under this subchapter; and

(2) give equal consideration to—

(A) proposals submitted for activities in emerging markets; and

(B) proposals submitted for activities in markets other than emerging markets.

(Pub. L. 95–501, title VII, § 703, as added Pub. L. 104–127, title II, § 252, Apr. 4, 1996, 110 Stat. 972; amended Pub. L. 107–171, title III, § 3105(b), May 13, 2002, 116 Stat. 291; Pub. L. 110–246, title III, § 3104(b), June 18, 2008, 122 Stat. 1833.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–246 substituted ''2008 through 2012'' for ''2002 through 2007''.

2002—Pub. L. 107–171 amended section catchline and text generally. Prior to amendment, text read as follows: ''There are authorized to be appropriated to carry out this subchapter such sums as may be necessary for each of fiscal years 1996 through 2002.''

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

CHAPTER 88—RESEARCH

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SUBCHAPTER I—SUSTAINABLE AGRICULTURE RESEARCH AND EDUCATION

§ 5801. Purpose and definitions

(a) Purpose

It is the purpose of this subchapter to encourage research designed to increase our knowledge concerning agricultural production systems that—

(1) maintain and enhance the quality and productivity of the soil;

(2) conserve soil, water, energy, natural resources, and fish and wildlife habitat;

(3) maintain and enhance the quality of surface and ground water;

(4) protect the health and safety of persons involved in the food and farm system;

(5) promote the well being of animals; and

(6) increase employment opportunities in agriculture.

(b) Definitions

For purposes of this subchapter:

(1) The term ''sustainable agriculture'' shall have the same meaning given to that term by section 3103 of this title.

(2) The term ''integrated crop management'' means an agricultural management system that integrates all controllable agricultural production factors for long-term sustained productivity, profitability, and ecological soundness.

(3) The term ''integrated resource management'' means livestock management which utilizes an interdisciplinary systems approach which integrates all controllable agricultural production practices to provide long-term sustained productivity and profitable production of safe and wholesome food in an environmentally sound manner.

(4) The term ''agribusiness'' includes a producer or organization engaged in an agricultural enterprise with a profit motive.

(5) The term ''extension'' shall have the same meaning given to that term by section 3103 of this title.

(6) The term ''Secretary'' means the Secretary of Agriculture.

(7) The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, or federally recognized Indian tribes.

(8) The term ''State agricultural experiment stations'' shall have the same meaning given to that term by section 3103 of this title.

(9) The term ''nonprofit organization'' means an organization, group, institute, or institution that—

(A) has a demonstrated capacity to conduct agricultural research or education programs;

(B) has experience in research, demonstration, education, or extension in sustainable agricultural practices and systems; and

(C) qualifies as a nonprofit organization under section 501(c) of title 26.

(Pub. L. 101–624, title XVI, § 1619, Nov. 28, 1990, 104 Stat. 3733; Pub. L. 102–237, title IV, § 407(2), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104–127, title VIII, § 860(c)(1), Apr. 4, 1996, 110 Stat. 1173; Pub. L. 110–234, title VII, § 7101(b)(5), May 22, 2008, 122 Stat. 1213; Pub. L. 110–246, § 4(a), title VII, § 7101(b)(5), June 18, 2008, 122 Stat. 1664, 1975.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a) and (b), was in the original ''this subtitle'', meaning subtitle B (§§ 1619–1629) of title XVI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see 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

2008—Subsec. (b)(1). Pub. L. 110–246, § 7101(b)(5)(A), substituted ''section 3103'' for ''section 3103(17)''.

Subsec. (b)(5). Pub. L. 110–246, § 7101(b)(5)(B), substituted ''section 3103'' for ''section 3103(7)''.

Subsec. (b)(8). Pub. L. 110–246, § 7101(b)(5)(C), substituted ''section 3103'' for ''section 3103(13)''.

1996—Subsec. (b)(7) to (10). Pub. L. 104–127 redesignated pars. (8) to (10) as (7) to (9), respectively, and struck out former par. (7) which read as follows: ''The term 'Advisory Council' means the National Sustainable Agriculture Advisory Council established under section 5812(c) of this title.''

1991—Subsec. (b)(8). Pub. L. 102–237 substituted ''Mariana Islands'' for ''Marianas Islands''.

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 this title.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

PART A—BEST UTILIZATION OF BIOLOGICAL APPLICATIONS

§ 5811. Research and extension projects

(a) Projects required

The Secretary shall conduct research and extension projects to obtain data, develop conclusions, demonstrate technologies, and conduct educational programs that promote the purposes of this part, including research and extension projects that—

(1) facilitate and increase scientific investigation and education in order to—

(A) reduce, to the extent feasible and practicable, the use of chemical pesticides, fertilizers, and toxic natural materials in agricultural production;

(B) improve low-input farm management to enhance agricultural productivity, profitability, and competitiveness; and

(C) promote crop, livestock, and enterprise diversification; and

(2) facilitate the conduct of projects in order to—

(A) study, to the extent practicable, agricultural production systems that are located in areas that possess various soil, climate, and physical characteristics;

(B) study farms that have been, and will continue to be, managed using farm production practices that rely on low-input and conservation practices;

(C) take advantage of the experience and expertise of farmers and ranchers through their direct participation and leadership in projects;

(D) transfer practical, reliable and timely information to farmers and ranchers concerning low-input sustainable farming practices and systems; and

(E) promote a partnership between farmers, nonprofit organizations, agribusiness, and public and private research and extension institutions.

(b) Agreements

The Secretary shall carry out this section through agreements entered into with land-

grant colleges or universities, other universities, State agricultural experiment stations, the State cooperative extension services, nonprofit organizations with demonstrable expertise, or Federal or State governmental entities.

(c) Selection of projects

(1) In general

The Secretary shall select research and extension projects to be conducted under this section on the basis of—

(A) the relevance of the project to the purposes of this part;

(B) the appropriateness of the design of the project;

(C) the likelihood of obtaining the objectives of the project; and

(D) the national or regional applicability of the findings and outcomes of the proposed project.

(2) Priority

In conducting projects under this section, the Secretary shall give priority to projects that—

(A) closely coordinate research and extension activities;

(B) indicate the manner in which the findings of the project will be made readily usable by farmers;

(C) maximize the involvement and cooperation of farmers, including projects involving on-farm research and demonstration;

(D) involve a multidisciplinary systems approach; and

(E) involve cooperation between farms, non-profit organizations, colleges and universities, and government agencies.

(d) Diversification of research

The Secretary shall conduct projects and studies under this section in areas that are broadly representative of the diversity of United States agricultural production, including production on family farms, mixed-crop livestock farms and dairy operations.

(e) On-farm research

The Secretary may conduct projects and activities that involve on-farm research and demonstration in carrying out this section.

(f) Impact studies

The Secretary may approve study projects concerning the national and regional economic, global competitiveness, social and environmental implications of the adoption of low-input sustainable agricultural practices and systems.

(g) Project duration

(1) In general

The Secretary may approve projects to be conducted under this section that have a duration of more than one fiscal year.

(2) Sequence planting

In the case of a research project conducted under this section that involves the planting of a sequence of crops or crop rotations, the Secretary shall approve such projects for a term that is appropriate to the sequence or rotation being studied.

(h) Public access

The Secretary shall ensure that research projects conducted under this section are open for public observation at specified times.

(i) Indemnification

(1) In general

Subject to paragraph (2), the Secretary may indemnify the operator of a project conducted under this section for damage incurred or undue losses sustained as a result of a rigid requirement of research or demonstration under such project that is not experienced in normal farming operations.

(2) Subject to agreement

An indemnity payment under paragraph (1) shall be subject to any agreement between a project grantee and operator entered into prior to the initiation of such project.

(Pub. L. 101–624, title XVI, § 1621, Nov. 28, 1990, 104 Stat. 3734; Pub. L. 104–127, title VIII, § 860(c)(2), Apr. 4, 1996, 110 Stat. 1173.)

AMENDMENTS

1996—Subsec. (c)(1). Pub. L. 104–127, § 860(c)(2)(A), redesignated subpars. (B) to (E) as (A) to (D), respectively, and struck out former subpar. (A) which read as follows: ''the recommendations of the Advisory Council;''.

Subsec. (c)(2). Pub. L. 104–127, § 860(c)(2)(B), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: ''are recommended by the Advisory Council;''.

§ 5812. Program administration

(a) Duties of Secretary

The Secretary shall—

(1) administer the programs and projects conducted under sections 5811 and 5813 of this title through the National Institute of Food and Agriculture, Agricultural Research Service, and other appropriate agencies;

(2) establish a minimum of four Regional Administrative Councils in accordance with subsection (b) of this section; and

(3) in conjunction with such Regional Administrative Councils, identify regional host institutions required to carry out such programs or projects.

(b) Regional Administrative Councils

(1) Membership

The membership of the Regional Administrative Councils shall include representatives of—

(A) the Agricultural Research Service;

(B) the National Institute of Food and Agriculture;

(C) State cooperative extension services;

(D) State agricultural experiment stations;

(E) the Soil Conservation Service;

(F) State departments engaged in sustainable agriculture programs;

(G) nonprofit organizations with demonstrable expertise;

(H) farmers utilizing systems and practices of sustainable agriculture;

(I) agribusiness;

(J) the State or United States Geological Survey; and

(K) other persons knowledgeable about sustainable agriculture and its impact on the environment and rural communities.

(2) Responsibilities

The Regional Administrative Councils shall—

(A) promote the programs established under this subchapter at the regional level;

(B) establish goals and criteria for the selection of projects authorized under this subchapter within the applicable region;

(C) appoint a technical committee to evaluate the proposals for projects to be considered under this subchapter by such council;

(D) review and act on the recommendations of the technical committee, and coordinate its activities with the regional host institution; and

(E) prepare and make available an annual report concerning projects funded under sections 5811 and 5813 of this title, together with an evaluation of the project activity.

(3) Conflict of interest

A member of the Regional Administrative Council or a technical committee may not participate in the discussion or recommendation of proposed projects if the member has or had a professional or business interest in, including the provision of consultancy services, the organization whose grant application is under review.

(Pub. L. 101–624, title XVI, § 1622, Nov. 28, 1990, 104 Stat. 3736; Pub. L. 104–127, title VIII, § 860(a), (b), Apr. 4, 1996, 110 Stat. 1173; Pub. L. 110–234, title VII, § 7511(c)(15), May 22, 2008, 122 Stat. 1268; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(15), June 18, 2008, 122 Stat. 1664, 2030.)

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

2008—Subsec. (a)(1). Pub. L. 110–246, § 7511(c)(15)(A), substituted ''the National Institute of Food and Agriculture'' for ''the Cooperative State Research Service in close cooperation with the Extension Service''.

Subsec. (b)(1)(B) to (L). Pub. L. 110–246, § 7511(c)(15)(B), added subpar. (B), redesignated former subpars. (D) to (L) as (C) to (K), respectively, and struck out former subpars. (B) and (C) which read as follows:

''(B) the Cooperative State Research Service;

''(C) the Extension Service;''.

1996—Subsec. (a)(2) to (4). Pub. L. 104–127, § 860(b)(1), redesignated pars. (3) and (4) as (2) and (3), respectively, substituted ''subsection (b)'' for ''subsection (e)'' in par. (2), and struck out former par. (2) which read as follows: ''establish the Advisory Council in accordance with subsection (c) of this section;''.

Subsec. (b). Pub. L. 104–127, § 860(a), (b)(3), redesignated subsec. (e) as (b) and struck out former subsec. (b) which required Secretary, not later than Apr. 1, 1991, and each April 1 thereafter, to prepare and submit to congressional committees and to Advisory Council report describing results of programs carried out under sections 5811, 5813, and 5821 of this title and report describing progress of projects conducted under this subchapter.

Subsec. (b)(2). Pub. L. 104–127, § 860(b)(4), redesignated subpars. (B) to (F) as (A) to (E), respectively, and struck out former subpar. (A) which read as follows: ''make recommendations to the Advisory Council concerning research and extension projects that merit funding under sections 5811 and 5813 of this title;''.

Subsecs. (c) to (e). Pub. L. 104–127, § 860(b)(2), (3), redesignated subsec. (e) as (b) and struck out subsec. (c) which provided for membership of the National Sustainable Agriculture Advisory Council and subsec. (d) which set forth responsibilities of Advisory Council.

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, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(15) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

§ 5813. Federal-State matching grant program

(a) Establishment

The Secretary shall establish a Federal-State matching grant program to make grants to States to assist in the creation or enhancement of State sustainable agriculture research, extension, and education programs, in furtherance of this subchapter.

(b) Eligible programs and activities

States eligible to receive a grant under this section may conduct a variety of activities designed to carry out the purpose of this subchapter, including—

(1) activities that encourage the incorporation and integration of sustainable agriculture concerns in all State research, extension, and education projects;

(2) educational programs for farmers, educators, and the public;

(3) the development and funding of innovative research, extension, and education programs regarding sustainable agriculture;

(4) the conduct of research and demonstration projects;

(5) the provision of technical assistance to farmers and ranchers;

(6) activities that encourage farmer-to-farmer information exchanges;

(7) the incorporation of sustainable agriculture studies in undergraduate and graduate degree programs; and

(8) such other activities that are appropriate to the agricultural concerns of the State that are consistent with the purpose of this part.

(c) Submission of plan

(1) Required

States that elect to apply for a grant under this section shall prepare and submit, to the appropriate Regional Administrative Council established under section 5812 of this title, a State plan and schedule for approval by such council and the Secretary.

(2) Elements of plan

State plans prepared under paragraph (1) shall provide details of the proposed program to be implemented using funds provided under this section for fiscal years 1991 through 1995, or any 5-year period thereafter, and shall identify the sources of matching State funds for the same fiscal year.

(3) Participation of farmers

To be eligible for approval, State plans submitted under this subsection shall demonstrate that there will be extensive and direct participation of farmers in the development, implementation, and evaluation of the program.

(d) Grant award

(1) Limits

Subject to paragraph (2), the Secretary shall provide grants to eligible States in an amount not to exceed 50 percent of the cost of the establishment or enhancement of a State sustainable agriculture program under a plan approved by the Secretary under subsection (c) of this section for a period not to exceed 5 years.

(2) State contribution

To be eligible to receive a grant under this section, a State shall agree to pay, from State appropriated funds, other State revenue, or from private contributions received by the State, not less than 50 percent of the cost of the establishment or enhancement of the sustainable agriculture program under an approved plan under subsection (c) of this section.

(Pub. L. 101–624, title XVI, § 1623, Nov. 28, 1990, 104 Stat. 3738.)

§ 5814. Authorization of appropriations

There are authorized to be appropriated $40,000,000 for each fiscal year to carry out this part. Of amounts appropriated to carry out this part for a fiscal year, not less than $15,000,000, or not less than two thirds of any such appropriation, whichever is greater, shall be used to carry out sections 5811 and 5812 of this title.

(Pub. L. 101–624, title XVI, § 1624, Nov. 28, 1990, 104 Stat. 3739; Pub. L. 102–237, title IV, § 408, Dec. 13, 1991, 105 Stat. 1865.)

AMENDMENTS

1991—Pub. L. 102–237 substituted ''and 5812'' for ''and 5813''.

PART B—INTEGRATED MANAGEMENT SYSTEMS

§ 5821. Integrated management systems

(a) Establishment

The Secretary shall establish a research and education program concerning integrated resource management and integrated crop management in order to enhance research related to farming operations, practices, and systems that optimize crop and livestock production potential and are environmentally sound. The purpose of the program shall be—

(1) to encourage producers to adopt integrated crop and livestock management practices and systems that minimize or abate adverse environmental impacts, reduce soil erosion and loss of water and nutrients, enhance the efficient use of on-farm and off-farm inputs, and maintain or increase profitability and long-term productivity;

(2) to develop knowledge and information on integrated crop and livestock management systems and practices to assist agricultural producers in the adoption of these systems and practices;

(3) to accumulate and analyze information on agricultural production practices researched or developed under programs established under this subchapter, chapter 86 of this title,[1] and other appropriate programs of the Department of Agriculture to further the development of integrated crop and livestock management systems;

(4) to facilitate the adoption of whole-farm integrated crop and livestock management systems through demonstration projects on individual farms, including small and limited resource farms, throughout the United States; and

(5) to evaluate and recommend appropriate integrated crop and livestock management policies and programs.

(b) Development and adoption of integrated crop management practices

The Secretary shall encourage agricultural producers to adopt and develop individual, site-specific integrated crop management practices. On a priority basis, the Secretary shall develop and disseminate information on integrated crop management systems for agricultural producers in specific localities or crop producing regions where the Secretary determines—

(1) water quality is impaired as a result of local or regional agricultural production practices; or

(2) the adoption of such practices may aid in the recovery of endangered or threatened species.

(c) Development and adoption of integrated resource management practices

The Secretary shall, on a priority basis, develop programs to encourage livestock producers to develop and adopt individual, site-specific integrated resource management practices. These programs shall be designed to benefit producers and consumers through—

(1) optimum use of available resources and improved production and financial efficiency for producers;

(2) identifying and prioritizing the research and educational needs of the livestock industry relating to production and financial efficiency, competitiveness, environmental stability, and food safety; and

(3) utilizing an interdisciplinary approach.

(d) Authorization of appropriations

There are authorized to be appropriated for each fiscal year $20,000,000 to carry out this section through the National Institute of Food and Agriculture.

(Pub. L. 101–624, title XVI, § 1627, Nov. 28, 1990, 104 Stat. 3739; Pub. L. 104–127, title VIII, § 862(b)(2), Apr. 4, 1996, 110 Stat. 1174; Pub. L. 110–234, title VII, § 7511(c)(16), May 22, 2008, 122 Stat. 1269; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(16), June 18, 2008, 122 Stat. 1664, 2030.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a)(3), was in the original ''this subtitle'', meaning subtitle B

[1] See References in Text note below.

(§§ 1619–1629) of title XVI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

Chapter 86 of this title, referred to in subsec. (a)(3), was in the original ''subtitle G of title XIV'', meaning subtitle G (§§ 1481–1485) of title XIV of Pub. L. 101–624, which was repealed by Pub. L. 105–185, title III, § 302(c), June 23, 1998, 112 Stat. 563.

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

2008—Subsec. (d). Pub. L. 110–246, § 7511(c)(16), substituted ''National Institute of Food and Agriculture'' for ''Extension Service''.

1996—Subsec. (a)(3). Pub. L. 104–127 struck out ''and section 5881 of this title'' before ''and other appropriate''.

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, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(16) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

§ 5822. Integrated Farm Management Program Option

(a) Establishment

The Secretary of Agriculture (hereafter in this section referred to as the ''Secretary'') shall, by regulation, establish a voluntary program, to be known as the ''Integrated Farm Management Program Option'' (hereafter referred to in this section as the ''program''), designed to assist producers of agricultural commodities in adopting integrated, multiyear, site-specific farm management plans by reducing farm program barriers to resource stewardship practices and systems.

(b) Definitions

(1) In general

For purposes of this section—

(A) The term ''resource-conserving crop'' means legumes, legume-grass mixtures, legume-small grain mixtures, legume-grass-small grain mixtures, and alternative crops.

(B) The term ''resource-conserving crop rotation'' means a crop rotation that includes at least one resource-conserving crop and that reduces erosion, maintains or improves soil fertility and tilth, interrupts pest cycles, or conserves water.

(C) The term ''farming operations and practices'' includes the integration of crops and crop-plant variety selection, rotation practices, tillage systems, soil conserving and soil building practices, nutrient management strategies, biological control and integrated pest management strategies, livestock production and management systems, animal waste management systems, water and energy conservation measures, and health and safety considerations.

(D) The term ''integrated farm management plan'' means a comprehensive, multiyear, site-specific plan that meets the requirements of subsection (f) of this section.

(2) Crops

For purposes of paragraph (1)(A)—

(A) The term ''grass'' means perennial grasses commonly used for haying or grazing.

(B) The term ''legume'' means forage legumes (such as alfalfa or clover) or any legume grown for use as a forage or green manure, but not including any bean crop from which the seeds are harvested.

(C) The term ''small grain'' shall not include malting barley or wheat, except for wheat interplanted with other small grain crops for nonhuman consumption.

(D) The term ''alternative crops'' means experimental and industrial crops grown in arid and semiarid regions that conserve soil and water.

(c) Eligibility

To be eligible to participate in the program established by this section, a producer must—

(1) prepare and submit to the Secretary for approval an integrated farm management plan (hereafter referred to in this section as the ''plan'');

(2) actively apply the terms and conditions of the plan, as approved by the Secretary;

(3) devote to a resource-conserving crop, on the average through the life of the contract, not less than 20 percent of the crop acreage bases enrolled under such program;

(4) comply with the terms and conditions of any annual acreage limitation program in effect for the crop acreage bases contracted under the terms of this subsection; and

(5) keep such records as the Secretary may reasonably require.

(d) Acreage

In accepting contracts for the program, the Secretary, to the extent practicable, shall enroll not less than 3,000,000, nor more than 5,000,000, acres of cropland in each of the calendar years 1991 through 1995.

(e) Contracts

The Secretary shall enter into contracts with producers to enroll acreage in the program. Such contracts shall be for a period of not less than 3 years, but may, at the producer's option, be for a longer period of time (up to 5 years) and may be renewed upon mutual agreement between the Secretary and the producer.

(f) Requirements of plans

Each plan approved by the Secretary shall—

(1) specify the acreage and the crop acreage bases to be enrolled in the program;

(2) describe the resource-conserving crop rotation to be implemented and maintained on such acreage during the contract period to fulfill the purposes of the program;

(3) contain a schedule for the implementation, improvement and maintenance of the resource-conserving crop rotation described in the plan;

(4) describe the farming operations and practices to be implemented on such acreage and how such operations and practices could reasonably be expected to result in—

(A) the maintenance or enhancement of the overall productivity and profitability of the farm;

(B) the prevention of the degradation of farmland soils, the long-term improvement of the fertility and physical properties of such soils; and

(C) the protection of water supplies from contamination by managing or minimizing agricultural pollutants if their management or minimization results in positive economic and environmental benefits;

(5) assist the producer to comply with all Federal, State, and local requirements designed to protect soil, wetland, wildlife habitat, and the quality of groundwater and surface water; and

(6) contain such other terms as the Secretary may, by regulation, require.

(g) Administration; certification; termination

(1) Administration; technical assistance; flexibility; implementation; displacement

(A) Administration

The program shall be administered by the Secretary.

(B) Technical assistance

In administering the program, the Secretary, in consultation with the local conservation districts, and any State or local authorities deemed appropriate by the Secretary, shall provide technical assistance to producers in developing and implementing plans, evaluating the effectiveness of plans, and assessing the costs and benefits of farming operations and practices. The plans may draw on handbooks and technical guides and may also include other practices appropriate to the particular circumstances of the producer and the purposes of the program.

(C) Flexibility

In administering the program, the Secretary shall provide sufficient flexibility for a producer to adjust or modify the producer's plan consistent with this section, except that such adjustments or modifications must be approved by the Secretary.

(D) Minimization of adverse effect

(i) In general

Notwithstanding any other provision of this section, the Secretary shall implement this section in such a manner as to minimize any adverse economic effect on the agribusinesses and other agriculturally related economic interests within any county, State, or region that may result from a decrease of harvested acres due to the operation of this section. In carrying out this section, the Secretary may restrict the total amount of crop acreage that may be removed from production, taking into consideration the total amount of crop acreage that has, or will be, removed from production under other price support, production adjustment, or conservation program activities.

(ii) Maximize conservation goals

The Secretary shall, to the greatest extent practicable, permit producers on a farm that desire to participate in the program authorized under this section to enroll acreage adequate to maximize conservation goals on such farm and ensure economic effectiveness of the program in each individual application.

(E) Displacement

The Secretary shall not approve any plan that will result in the involuntary displacement of farm tenants or lessees by landowners through the removal of substantial portions of the farm from production of a commodity. In the case of any tenant or lessee who has rented or leased the farm (with or without a written option for annual renewal or periodic renewals) for a period of two or more of the immediately preceding years, the Secretary shall consider the refusal by a landlord, without reasonable cause other than simply for the purpose of enrollment in the program, to renew such rental or lease as an involuntary displacement in the absence of a written consent to such nonrenewal by the tenant or lessee.

(2) Certification

The Secretary shall certify compliance by producers with the terms and conditions of the plans.

(3) Termination

The Secretary may terminate a contract entered into with a producer under this program if—

(A) the producer agrees to such termination, or

(B) the producer violates the terms and conditions of such contract.

(h) Program rules

(1) Base and yield protection

Notwithstanding any other provision of law, the Secretary shall not, except as provided in paragraph (6), reduce crop acreage bases, or farm program payment yields, as a result of the planting of a resource-conserving crop as part of a resource-conserving crop rotation.

(2) Resource-conserving crops on reduced acreage

Notwithstanding the provisions of title I of the Agricultural Act of 1949 [7 U.S.C. 1441 et seq.], acreage devoted to resource-conserving crops as part of a resource-conserving crop rotation under this program may also be designated as conservation use acreage for the purpose of fulfilling any provisions under any acreage limitation or land diversion program and up to 50 percent of the acreage so designated shall be without restrictions on haying and grazing, except as provided in paragraph (5)(B), except that such acreage that is devoted to perennial cover on which cost-share assistance for the establishment of the perennial cover has been provided, shall not be credited towards the producer's re-

source-conserving crop requirement under a contract under this section.

(3) Barley, oats, and wheat

Notwithstanding any other provisions of this section, barley, oats, or wheat planted as part of a resource-conserving crop on reduced acreage may not be harvested in kernel form.

(4) Payment acres

Notwithstanding any other provision of this Act, the Secretary shall not reduce farm program payments of participants in this program as a result of the planting a resource-conserving crop as part of a resource-conserving crop rotation on payment acres.

(5) Haying and grazing restriction

(A) In general

The Secretary shall not make any program payments to a producer who is otherwise eligible to receive with respect to acreage enrolled in the program if such producer hays or grazes such acreage (excluding acreage designated as conservation use acreage) during the 5-month period in each State during which haying and grazing of conserving use acres is not allowed under the provisions of the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or, if the crop planted on such acreage includes a small grain, before the producer harvests the small grain crop in kernel form.

(B) Limitation on permitted haying and grazing

Notwithstanding any other provision of this section, if the Secretary determines that implementation of this section will result in a significant adverse economic impact on hay or livestock prices in a particular geographic area, the Secretary may limit the quantity of hay that can be harvested or grazed from that area. Such limit may include restrictions on the number of times that hay may be harvested or grazed from the acres per year, the timing of such harvesting and grazing, or the number of years that such land may remain in the same hay stand, or a prohibition on the harvesting or grazing of hay from acres on which a small grain was not originally interplanted with the hay crop and harvested for grain.

(6) Base acre adjustments

The Secretary, only for the purpose of establishing a producer's crop acreage base under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], may make such adjustments as the Secretary determines to be fair and equitable to reflect resource-conserving crop rotation practices that were maintained by producers prior to participation in the program and to reflect such other factors as the Secretary determines should be considered, except that the total of such adjustments in any year shall not exceed the total farm program savings in the same year that would result from the implementation of plans.

(7) Payment acreage limitation

(A) In general

No producers enrolled in a resource-conserving crop rotation shall be eligible to receive payments under farm programs for wheat, feed grains, cotton, or rice under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] on acreage equal to the average number of traditionally underplanted acres for the three years prior to enrolling in this program.

(B) "Traditionally underplanted acreage" defined

(i) In general

Subject to clause (ii), for the purposes of this paragraph the term ''traditionally underplanted acreage'' means the difference in a particular year between the acreage that is part of a producer's crop acreage base that is not planted to the program crop and the part of the crop acreage base subject to an acreage limitation program or required to be set aside, but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–1). In no case shall such acreage be less than zero.

(ii) Exception

In the case of a producer participating in a particular year in a program authorized under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E)[1] of the Agricultural Act of 1949, the term ''traditionally underplanted acreage'' means 8 percent of the producer's permitted acreage for such year.

(Pub. L. 101–624, title XIV, § 1451, Nov. 28, 1990, 104 Stat. 3607; Pub. L. 101–508, title I, § 1204(a), Nov. 5, 1990, 104 Stat. 1388–11; Pub. L. 102–237, title II, § 201(a), Dec. 13, 1991, 105 Stat. 1846.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (h)(2), (5)(A), (6), (7)(A), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§ 1421 et seq.) of this title. Title I of the Agricultural Act of 1949, is classified generally to subchapter II (§ 1441 et seq.) of chapter 35A of this title. Sections 101B, 103B, 105B, and 107B of the Act were classified to sections 1441–2, 1444–2, 1444f, and 1445b–3a of this title prior to repeal by Pub. L. 104–127, title I, § 171(b)(2)(A)–(D), Apr. 4, 1996, 110 Stat. 938. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

This Act, referred to in subsec. (h)(4), is Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3359, as amended, known as the Food, Agriculture, Conservation, and Trade Act of 1990. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section 1101 of the Omnibus Budget Reconciliation Act of 1990, referred to in subsec. (h)(7)(B)(i), is section 1101 of Pub. L. 101–508, which amended former sections 1441–2, 1444–2, 1444f, and 1445b–3a of this title.

CODIFICATION

Section was not enacted as part of subtitle B of title XVI of Pub. L. 101–624 which comprises this subchapter.

AMENDMENTS

1991—Subsec. (b)(1)(D). Pub. L. 102–237, § 201(a)(1), substituted ''subsection (f)'' for ''subsection (e)''.

[1] See References in Text note below.

Subsec. (d). Pub. L. 102–237, § 201(a)(2), inserted ''each of'' before ''the calendar''.

Subsec. (f)(5). Pub. L. 102–237, § 201(a)(3), substituted ''assist'' for ''assisting''.

Subsec. (h)(7)(B)(i). Pub. L. 102–237, § 201(a)(4)(A), inserted before period at end of first sentence '', but only to the extent that such number exceeds the number of acres resulting from the reduction in payment acres under an amendment made by section 1101 of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–1)''.

Subsec. (h)(7)(B)(ii). Pub. L. 102–237, § 201(a)(4)(B), substituted ''under section 101B(c)(1)(D), 103B(c)(1)(D), 105B(c)(1)(E), or 107B(c)(1)(E)'' for ''under section 101B(c)(1)(B), section 103B(c)(1)(B), section 105A(c)(1)(B), or section 107A(c)(1)(B)''.

1990—Subsec. (d). Pub. L. 101–508, § 1204(a)(1), substituted ''enroll not less than'' for ''enroll not more than''.

Subsec. (h)(7)(A). Pub. L. 101–508, § 1204(a)(2), substituted ''shall be eligible'' for ''shall not be eligible''.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–237 effective as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990, Pub. L. 101–624, to which the amendment relates, see section 1101(b)(1) of Pub. L. 102–237, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101–508, set out as an Effective Date note under section 940d of this title.

PART C—SUSTAINABLE AGRICULTURE TECHNOLOGY DEVELOPMENT AND TRANSFER PROGRAM

§ 5831. Technical guides and handbooks

(a) Development

Not later than two years after November 28, 1990, the Secretary shall develop and make available handbooks and technical guides, and any other educational materials that are appropriate for describing sustainable agriculture production systems and practices, as researched and developed under this subchapter, chapter 86 of this title,[1] and other appropriate research programs of the Department.

(b) Consultation and coordination

The Secretary shall develop the handbooks, technical guides, and educational materials in consultation with the Natural Resources Conservation Service and any other appropriate entities designated by the Secretary. The Secretary shall coordinate activities conducted under this section with those conducted under section 3861 of title 16.

(c) Topics of handbooks and guides

The handbooks and guides, and other educational materials, shall include detailed information on the selection of crops and crop-plant varieties, rotation practices, soil building practices, tillage systems, nutrient management, integrated pest management practices, habitat protection, pest, weed, and disease management, livestock management, soil, water, and energy conservation, and any other practices in accordance with or in furtherance of the purpose of this subchapter.

[1] See References in Text note below.

(d) Organization and contents

The handbooks and guides, and other educational materials, shall provide practical instructions and be organized in such a manner as to enable agricultural producers desiring to implement the practices and systems developed under this subchapter, chapter 86 of this title,[1] and other appropriate research programs of the Department to address site-specific, environmental and resource management problems and to sustain farm profitability, including—

(1) enhancing and maintaining the fertility, productivity, and conservation of farmland and ranch soils, ranges, pastures, and wildlife;

(2) maximizing the efficient and effective use of agricultural inputs;

(3) protecting or enhancing the quality of water resources; or

(4) optimizing the use of on-farm and nonrenewable resources.

(e) Availability

The Secretary shall ensure that handbooks and technical guides, and other educational materials are made available to the agricultural community and the public through colleges and universities, the State Cooperative Extension Service, the Soil Conservation Service, other State and Federal agencies, and any other appropriate entities.

(f) Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(Pub. L. 101–624, title XVI, § 1628, Nov. 28, 1990, 104 Stat. 3740; Pub. L. 102–237, title IV, § 407(3), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104–127, title VIII, §§ 860(c)(3), 862(b)(3), Apr. 4, 1996, 110 Stat. 1174.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a), (c), and (d), was in the original ''this subtitle'', meaning subtitle B (§§ 1619–1629) of title XVI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3733, which enacted this subchapter, repealed sections 4701 to 4710 of this title, and repealed provisions set out as a note under section 4701 of this title. For complete classification of subtitle B to the Code, see Tables.

Chapter 86 of this title, referred to in subsecs. (a) and (d), was in the original ''subtitle G of title XIV'', meaning subtitle G (§§ 1481–1485) of title XIV of Pub. L. 101–624, which was repealed by Pub. L. 105–185, title III, § 302(c), June 23, 1998, 112 Stat. 563.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–127, § 862(b)(3), struck out ''section 5881 of this title,'' before ''and other appropriate''.

Subsec. (b). Pub. L. 104–127, § 860(c)(3), substituted ''Natural Resources Conservation Service'' for ''Advisory Council, the Soil Conservation Service,''.

Subsec. (d). Pub. L. 104–127, § 862(b)(3), struck out ''section 5881 of this title,'' before ''and other appropriate'' in introductory provisions.

1991—Subsec. (c). Pub. L. 102–237 substituted ''educational'' for ''education''.

§ 5832. National Training Program

(a) In general

The Secretary shall establish a National Training Program in Sustainable Agriculture to

provide education and training for Cooperative Extension Service agents and other professionals involved in the education and transfer of technical information concerning sustainable agriculture in order to develop their understanding, competence, and ability to teach and communicate the concepts of sustainable agriculture to Cooperative Extension Service agents and to farmers and urban residents who need information on sustainable agriculture.

(b) Administration

The National Training Program shall be organized and administered by the National Institute of Food and Agriculture, in coordination with other appropriate Federal agencies. The Secretary shall designate an individual from the Cooperative Extension Service in each State to coordinate the National Training Program within that State. The coordinators shall be responsible, in cooperation with appropriate Federal and State agencies, for developing and implementing a statewide training program for appropriate field office personnel.

(c) Required training

(1) Agricultural agents

The Secretary shall ensure that all agricultural agents of the Cooperative Extension Service have completed the National Training Program not later than the end of the five-year period beginning on November 28, 1990. Such training may occur at a college or university located within each State as designated by the coordinator designated under this section.

(2) Proof of training

Beginning three years after November 28, 1990, the Secretary shall ensure that all new Cooperative Extension Service agents employed by such Service are able to demonstrate, not later than 18 months after the employment of such agents, that such agents have completed the training program established in subsection (a) of this section.

(d) Regional training centers

(1) Designation

The Secretary shall designate not less than two regional training centers to coordinate and administer educational activities in sustainable agriculture as provided for in this section.

(2) Training program

Such centers shall offer intensive instructional programs involving classroom and field training work for extension specialists and other individuals who are required to transmit technical information.

(3) Prohibition on construction

Such centers shall be located at existing facilities, and no funds appropriated to carry out this part shall be used for facility construction.

(4) Administration

Such centers should be administered by entities that have a demonstrated capability relating to sustainable agriculture. The Secretary should consider utilizing existing entities with expertise in sustainable agriculture to assist in the design and implementation of the training program under paragraph (2).

(5) Coordination of resources

Such centers shall make use of information generated by the Department of Agriculture and the State agricultural experiment stations, and the practical experience of farmers, especially those cooperating in on-farm demonstrations and research projects, in carrying out the functions of such centers.

(e) Competitive grants

(1) In general

The Secretary shall establish a competitive grants program to award grants to organizations, including land-grant colleges and universities, to carry out sustainable agricultural training for county agents and other individuals that need basic information concerning sustainable agriculture practices.

(2) Short courses

The purpose of the grants made available under paragraph (1) shall be to establish, in various regions in the United States, training programs that consist of workshops and short courses designed to familiarize participants with the concepts and importance of sustainable agriculture.

(f) Regional specialists

To assist county agents and farmers implement production practices developed under this subchapter, chapter 86 of this title,[1] and other appropriate research programs of the Department, regional sustainable agriculture specialists may be designated within each State who shall report to the State coordinator of that State. The specialists shall be responsible for developing and coordinating local dissemination of sustainable agriculture information in a manner that is useful to farmers in the region.

(g) Information availability

The Cooperative Extension Service within each State shall transfer information developed under this subchapter, chapter 86 of this title,[1] and other appropriate research programs of the Department through a program that shall—

(1) assist in developing farmer-to-farmer information exchange networks to enable farmers making transitions to more sustainable farming systems to share ideas and draw on the experiences of other farmers;

(2) help coordinate and publicize a regular series of sustainable agriculture farm tours and field days within each State;

(3) plan for extension programming, including extensive farmer input and feedback, in the design of new and ongoing research endeavors related to sustainable agriculture;

(4) provide technical assistance to individual farmers in the design and implementation of farm management plans and strategies for making a transition to more sustainable agricultural systems;

(5) consult and work closely with the Soil Conservation Service and the Agricultural

[1] See References in Text note below.

Stabilization and Conservation Service in carrying out the information, technical assistance, and related programs;

(6) develop, coordinate, and direct special education and outreach programs in areas highly susceptible to groundwater contamination, linking sustainable agriculture information with water quality improvement information;

(7) develop information sources relating to crop diversification, alternative crops, on-farm food or commodity processing, and on-farm energy generation;

(8) establish a well-water testing program designed to provide those persons dependent upon underground drinking water supplies with an understanding of the need for regular water testing, information on sources of testing, and an understanding of how to interpret test results and provide for the protection of underground water supplies;

(9) provide specific information on water quality practices developed through the research programs in chapter 86 of this title;[1]

(10) provide specific information on nutrient management practices developed through the research programs in chapter 86 of this title;[1] and

(11) provide information concerning whole-farm management systems integrating research results under this subchapter, chapter 86 of this title,[1] and other appropriate research programs of the Department.

(h) "Appropriate field office personnel" defined

For purposes of this section, the term ''appropriate field office personnel'' includes employees of the National Institute of Food and Agriculture, Soil Conservation Service, and other appropriate Department of Agriculture personnel, as determined by the Secretary, whose activities involve the provision of agricultural production and conservation information to agricultural producers.

(i) Authorization of appropriations

There are authorized to be appropriated $20,000,000 for each fiscal year to carry out the National Training Program.

(Pub. L. 101–624, title XVI, § 1629, Nov. 28, 1990, 104 Stat. 3741; Pub. L. 102–237, title IV, § 407(4), Dec. 13, 1991, 105 Stat. 1864; Pub. L. 104–127, title VIII, § 862(b)(4), Apr. 4, 1996, 110 Stat. 1174; Pub. L. 105–185, title VI, § 606(f), June 23, 1998, 112 Stat. 604; Pub. L. 110–234, title VII, § 7511(c)(17), May 22, 2008, 122 Stat. 1269; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(17), June 18, 2008, 122 Stat. 1664, 2030.)

REFERENCES IN TEXT

Chapter 86 of this title, referred to in subsecs. (f) and (g), was in the original ''subtitle G of title XIV'', meaning subtitle G (§§ 1481–1485) of title XIV of Pub. L. 101–624, which was repealed by Pub. L. 105–185, title III, § 302(c), June 23, 1998, 112 Stat. 563.

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

2008—Subsec. (b). Pub. L. 110–246, § 7511(c)(17)(A), substituted ''the National Institute of Food and Agriculture'' for ''the Extension Service'' in first sentence.

Subsec. (h). Pub. L. 110–246, § 7511(c)(17)(B), substituted ''National Institute of Food and Agriculture'' for ''Extension Service''.

1998—Subsec. (g). Pub. L. 105–185 struck out ''section 5881 of this title,'' before ''and other appropriate research'' in introductory provisions.

1996—Subsecs. (f), (g)(11). Pub. L. 104–127 struck out ''section 5881 of this title,'' before ''and other appropriate''.

1991—Subsec. (c)(1). Pub. L. 102–237 substituted ''ensure'' for ''insure''.

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, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(17) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

SUBCHAPTER II—NATIONAL GENETIC RESOURCES PROGRAM

§ 5841. Establishment, purpose, and functions of National Genetic Resources Program

(a) In general

The Secretary of Agriculture shall provide for a National Genetic Resources Program.

(b) Purpose

The program is established for the purpose of maintaining and enhancing a program providing for the collection, preservation, and dissemination of genetic material of importance to American food and agriculture production.

(c) Administration

The program shall be administered by the Secretary through the Agricultural Research Service.

(d) Functions

The Secretary, acting through the program, shall—

(1) provide for the collection, classification, preservation, and dissemination of genetic material of importance to the food and agriculture sectors of the United States;

(2) conduct research on the genetic materials collected and on methods for storage and preservation of those materials;

(3) coordinate the activities of the program with similar activities occurring domestically;

(4) unless otherwise prohibited by law, have the right to make available on request, without charge and without regard to the country from which the request originates, the genetic material that the program assembles;

(5) expand the types of genetic resources included in the program to develop a comprehensive genetic resources program which includes plants (including silvicultural species), animal, aquatic, insect, microbiological, and other types of genetic resources of importance to food and agriculture, as resources permit; and

(6) engage in such other activities as the Secretary determines appropriate and as the resources of the program permit.