

“(a) REPEAL.—Except as provided in subsection (b), section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa–9) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section [repealing section 3839aa–9 of this title] shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 ([former] 16 U.S.C. 3839aa–9) 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 1240I of the Food Security Act of 1985 ([former] 16 U.S.C. 3839aa–9), any funds made available from the Commodity Credit Corporation to carry out the agricultural water enhancement program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts and agreements referred to in paragraph (1) that 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 regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 [16 U.S.C. 3871 et seq.], as added by section 2401, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

§ 3839aa–21. Definitions

In this subpart:

(1) Agricultural operation

The term “agricultural operation” means all eligible land, whether or not contiguous, that is—

- (A) under the effective control of a producer at the time the producer enters into a contract under the program; and
- (B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

(2) Conservation activities

(A) In general

The term “conservation activities” means conservation systems, practices, or management measures.

(B) Inclusions

The term “conservation activities” includes—

- (i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary;
- (ii) planning needed to address a priority resource concern;
- (iii) development of a comprehensive conservation plan, as defined in section 3839aa–24(e)(1) of this title;

- (iv) soil health planning, including planning to increase soil organic matter; and
- (v) activities that will assist a producer to adapt to, or mitigate against, increasing weather volatility.

(3) Conservation stewardship plan

The term “conservation stewardship plan” means a plan that—

- (A) identifies and inventories priority resource concerns;
- (B) establishes benchmark data and conservation objectives;
- (C) describes conservation activities to be implemented, managed, or improved; and
- (D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

(4) Eligible land

(A) In general

The term “eligible land” means—

- (i) private or tribal land on which agricultural commodities, livestock, or forest-related products are produced; and
- (ii) lands associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

(B) Inclusions

The term “eligible land” includes—

- (i) cropland;
- (ii) grassland;
- (iii) rangeland;
- (iv) pasture land;
- (v) nonindustrial private forest land; and
- (vi) other land in agricultural areas (including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock), as determined by the Secretary.

(5) Priority resource concern

The term “priority resource concern” means a natural resource concern or problem, as determined by the Secretary, that—

- (A) is identified at the national, State, or local level as a priority for a particular area of a State;
- (B) represents a significant concern in a State or region; and
- (C) is likely to be addressed successfully through the implementation of conservation activities under this program.

(6) Program

The term “program” means the conservation stewardship program established by this subpart.

(7) Stewardship threshold

The term “stewardship threshold” means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource through the use of—

- (A) quality criteria under a resource management system;
- (B) predictive analytics tools or models developed or approved by the Natural Resources Conservation Service;

(C) data from past and current enrollment in the program; and

(D) other methods that measure conservation and improvement in priority resource concerns, as determined by the Secretary.

(Pub. L. 99–198, title XII, § 1240I, formerly § 1238D, as added Pub. L. 110–234, title II, § 2301(a)(2), May 22, 2008, 122 Stat. 1040, and Pub. L. 110–246, § 4(a), title II, § 2301(a)(2), June 18, 2008, 122 Stat. 1664, 1768; Pub. L. 113–79, title II, § 2101(a), Feb. 7, 2014, 128 Stat. 721; renumbered § 1240I and amended Pub. L. 115–334, title II, §§ 2301(b), 2308(a), Dec. 20, 2018, 132 Stat. 4551, 4564.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3838d 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

2018—Par. (2)(B)(iii)–(v). Pub. L. 115–334, § 2308(a)(1), added cls. (iii) to (v).

Par. (7). Pub. L. 115–334, § 2308(a)(2), substituted “resource through the use of—” and subpars. (A) to (D) for “resource.”

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section defined terms for this subpart.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment of this subpart 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 a note under section 8701 of Title 7, Agriculture.

EFFECT ON EXISTING CONTRACTS BY PUB. L. 115–334

Pub. L. 115–334, title II, § 2301(c)(3)–(5), Dec. 20, 2018, 132 Stat. 4552, 4553, provided that:

“(3) TRANSITIONAL PROVISIONS.—

“(A) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The cessation of effectiveness under paragraph (2) [enacting provisions set out as a note under former section 3838d of this title] shall not affect—

“(i) the validity or terms of any contract entered into by the Secretary [of Agriculture] under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) before the date of enactment of this Act [Dec. 20, 2018], or any payments, modifications, or technical assistance required to be made in connection with the contract; or

“(ii) subject to subparagraph (D), any agreement entered into by the Secretary under the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 (16 U.S.C. 3871 et seq.) on or before September 30, 2018, under which conservation stewardship program acres and associated funding have been allocated to the agreement for the purpose of entering into a contract under subchapter B of chapter 2 of subtitle D of title XII of that Act (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act).

“(B) EXTENSION PERMITTED.—Notwithstanding paragraph (2), the Secretary may extend for 1 year a contract described in subparagraph (A)(i) if that contract expires on or before December 31, 2019, under the terms and payment rate of the existing contract and in accordance with subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16

U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act).

“(C) RENEWAL NOT PERMITTED.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), and subject to clause (ii), the Secretary may not renew a contract or agreement described in that subparagraph.

“(ii) EXCEPTION.—The Secretary may renew a contract described in subparagraph (A)(i)—

“(I) if that contract expires on or after December 31, 2019;

“(II) under the terms of the conservation stewardship program under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa–21 et seq.] (as added by subsections (a)(2) and (b)); and

“(III) subject to the limitation on funding for that subchapter under section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841).

“(D) RCPP CONTRACTS.—

“(i) TREATMENT OF ACREAGE.—In the case of an agreement described in subparagraph (A)(ii), the Secretary may provide an amount of funding that is equivalent to the value of any acres covered by the agreement.

“(ii) FUNDS AND ACRES NOT OBLIGATED.—In the case of an agreement described in subparagraph (A)(ii) to which program acres and associated funding have been allocated but not yet obligated to enter into a contract under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act)—

“(I) the Secretary shall modify the agreement to authorize the entrance into a contract under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa–21 et seq.] (as added by subsections (a)(2) and (b)); and

“(II) the funds associated with the conservation stewardship program acres allocated under that agreement, on modification under subclause (I), may be used to enter into conservation stewardship program contracts with producers under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa–21 et seq.] (as added by subsections (a)(2) and (b)).

“(4) CONTRACT ADMINISTRATION.—Subject to paragraphs (3)(C) and (3)(D)(ii)(II), the Secretary shall administer each contract and agreement described in clauses (i) and (ii) of paragraph (3)(A) until the expiration of the contract or agreement in accordance with the regulations to carry out the conservation stewardship program under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838d et seq.) (as in effect on the day before the date of enactment of this Act) that are in effect on the day before that date of enactment.

“(5) FUNDING.—Notwithstanding paragraphs (1) and (2), any funds made available from the Commodity Credit Corporation under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) for fiscal years 2014 through 2018 shall be available to carry out—

“(A) any contract or agreement described in paragraph (3)(A)(i) for fiscal year 2019;

“(B) any contract or agreement described in paragraph (3)(A)(ii);

“(C) any contract extended under paragraph (3)(B); and

“(D) any contract or agreement under subchapter B of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa–21 et seq.] (as added by subsections (a)(2) and (b)).”

EFFECT ON EXISTING CONTRACTS BY PUB. L. 113–79

Pub. L. 113–79, title II, § 2101(b), Feb. 7, 2014, 128 Stat. 728, provided that:

“(1) IN GENERAL.—The amendment made by this section [amending sections 3838d to 3838g of this title] shall not affect the validity or terms of any contract

entered into by the Secretary of Agriculture under subchapter B of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3838d et seq.) 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.

“(2) CONSERVATION STEWARDSHIP PROGRAM.—Funds made available under section 1241(a)(4) of the Food Security Act of 1985 (16 U.S.C. 3841(a)(4)) (as amended by section 2601(a) of this title) may be used to administer and make payments to program participants that enrolled into contracts during any of fiscal years 2009 through 2013.”

§ 3839aa–22. Conservation stewardship program

(a) Establishment and purpose

During each of fiscal years 2019 through 2031, the Secretary shall carry out a conservation stewardship program to encourage producers to address priority resource concerns and improve and conserve the quality and condition of natural resources in a comprehensive manner—

- (1) by undertaking additional conservation activities; and
- (2) by improving, maintaining, and managing existing conservation activities.

(b) Exclusions

(1) Land enrolled in other conservation programs

Subject to paragraph (2), the following land (even if covered by the definition of eligible land) is not eligible for enrollment in the program:

- (A) Land enrolled in the conservation reserve program, unless—
 - (i) the conservation reserve contract will expire at the end of the fiscal year in which the land is to be enrolled in the program; and
 - (ii) conservation reserve program payments for land enrolled in the program cease before the first program payment is made to the applicant under this subpart.

(B) Land enrolled in a wetland reserve easement through the agricultural conservation easement program.

(2) Conversion to cropland

Eligible land used for crop production after December 20, 2018, that had not been planted, considered to be planted, or devoted to crop production for at least 4 of the 6 years preceding that date shall not be the basis for any payment under the program, unless the land does not meet such requirement because—

- (A) the land had previously been enrolled in the conservation reserve program;
- (B) the land has been maintained using long-term crop rotation practices, as determined by the Secretary; or
- (C) the land is incidental land needed for efficient operation of the farm or ranch, as determined by the Secretary.

(Pub. L. 99–198, title XII, §1240J, formerly §1238E, as added Pub. L. 110–234, title II, §2301(a)(2), May 22, 2008, 122 Stat. 1041, and Pub. L. 110–246, §4(a), title II, §2301(a)(2), June 18, 2008, 122 Stat. 1664, 1769; amended Pub. L. 112–55, div. A, title VII, §716(b), Nov. 18, 2011, 125 Stat. 582; Pub. L. 113–79, title II, §2101(a), Feb. 7, 2014,

128 Stat. 722; renumbered §1240J and amended Pub. L. 115–334, title II, §§2301(b), (d)(1)(C), 2308(b), Dec. 20, 2018, 132 Stat. 4551, 4554, 4565; Pub. L. 117–169, title II, §21001(c)(3), Aug. 16, 2022, 136 Stat. 2017.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 3838e 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. (a). Pub. L. 117–169 substituted “2031” for “2023” in introductory provisions.

2018—Subsec. (a). Pub. L. 115–334, §2308(b)(1), substituted “2019 through 2023” for “2014 through 2018” in introductory provisions.

Subsec. (b)(1)(C). Pub. L. 115–334, §2301(d)(1)(C), struck out subpar. (C) which read as follows: “Land enrolled in the conservation security program.”

Subsec. (b)(2). Pub. L. 115–334, §2308(b)(2), substituted “December 20, 2018” for “February 7, 2014”.

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section related to conservation stewardship program.

2011—Subsec. (a). Pub. L. 112–55 substituted “2014” for “2012”.

§ 3839aa–23. Stewardship contracts

(a) Submission of contract offers

To be eligible to participate in the conservation stewardship program, a producer shall submit to the Secretary a contract offer for the agricultural operation that—

- (1) demonstrates to the satisfaction of the Secretary that the producer, at the time of the contract offer, meets or exceeds the stewardship threshold for at least 2 priority resource concerns; and
- (2) would, at a minimum, meet or exceed the stewardship threshold for at least 1 additional priority resource concern by the end of the stewardship contract by—

- (A) installing and adopting additional conservation activities; and
- (B) improving, maintaining, and managing existing conservation activities across the entire agricultural operation in a manner that increases or extends the conservation benefits in place at the time the contract offer is accepted by the Secretary.

(b) Evaluation of contract offers

(1) Ranking of applications

(A) In general

In evaluating contract offers submitted under subsection (a) and contract renewals under subsection (e), the Secretary shall rank applications based on—

- (i) the natural resource conservation and environmental benefits that result from the conservation treatment on all applicable priority resource concerns at the time of submission of the application;
- (ii) the degree to which the proposed conservation activities increase natural resource conservation and environmental benefits; and