

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

(iii) other consistent criteria, as determined by the Secretary.

(B) Additional criterion

If 2 or more applications receive the same ranking under subparagraph (A), the Secretary shall rank those contracts based on the extent to which the actual and anticipated conservation benefits from each contract are provided at the lowest cost relative to other similarly beneficial contract offers.

(2) Prohibition

The Secretary may not assign a higher priority to any application because the applicant is willing to accept a lower payment than the applicant would otherwise be eligible to receive.

(3) Additional criteria

The Secretary may develop and use such additional criteria that the Secretary determines are necessary to ensure that national, State, and local priority resource concerns are effectively addressed.

(c) Entering into contracts

After a determination that a producer is eligible for a contract or contract renewal under this section, and a determination that the contract or contract renewal offer ranks sufficiently high under the evaluation criteria under subsection (b), the Secretary shall enter into a conservation stewardship contract or contract renewal with the producer to enroll the eligible land to be covered by the contract or contract renewal.

(d) Contract provisions

(1) Term

A conservation stewardship contract shall be for a term of 5 years.

(2) Required provisions

The conservation stewardship contract of a producer shall—

(A) state the amount of the payment the Secretary agrees to make to the producer for each year of the conservation stewardship contract under section 3839aa-24(c) of this title;

(B) require the producer—

(i) to implement a conservation stewardship plan that describes the program purposes to be achieved through 1 or more conservation activities;

(ii) to maintain and supply information as required by the Secretary to determine compliance with the conservation stewardship plan and any other requirements of the program; and

(iii) not to conduct any activities on the agricultural operation that would tend to defeat the purposes of the program;

(C) permit all economic uses of the eligible land that—

(i) maintain the agricultural nature of the land; and

(ii) are consistent with the conservation purposes of the conservation stewardship contract;

(D) include a provision to ensure that a producer shall not be considered in violation