

**Congress of the United States**  
**Washington, DC 20515**

October 21, 2024

The Honorable Terry Cosby  
Chief  
Natural Resources Conservation Service  
1400 Independence Ave SW  
Washington, D.C. 20250

Re: SUSTAINS Act Applicability to FY25 Funding Opportunities

Chief Cosby,

Recently, the Natural Resources Conservation Service (NRCS) announced the availability of fiscal year (FY) 2025 conservation funding opportunities and is now accepting applications. These conservation programs are also referenced in an active Request for Information (RFI) issued by NRCS pertaining to enforcement of the Sponsoring USDA Sustainability Targets in Agriculture to Incentivize Natural Solutions (SUSTAINS) Act. We are requesting clarification on the applicability of this new law to FY25 funding.

On August 15, 2024, NRCS announced it was seeking public input to best implement the SUSTAINS Act.<sup>1</sup> The RFI was published in the Federal Register the following day with a comment deadline of September 16, 2024.<sup>2</sup> The SUSTAINS Act allows the U.S. Department of Agriculture (USDA) to accept and pair private dollars with mandatory annual appropriations to further the scope of its existing conservation programs. Cited explicitly in the RFI were the Environmental Quality Incentives Program (EQIP), Conservation Stewardship Program (CSP), Agricultural Conservation Easement Program (ACEP), and Regional Conservation Partnership Program (RCPP). Notably, our constituents are being actively solicited to apply for these programs, as well as other conservation programs, with no clarity on whether and how the SUSTAINS Act will apply to these programs.

We are greatly concerned that the SUSTAINS Act, as drafted by Congress and as discussed by NRCS in the RFI, is an attempt to extend the Administration's 30x30 goals to private lands using natural capital accounting. Allowing outside donors to selectively fund environmental causes of their choice and then prescribe the terms of their share of the "environmental service benefits" derived from the land is a veiled attempt to impede the productive use of the land, all in the name of protecting and increasing the politically subjective value of the benefits derived from the land.

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<sup>1</sup> Request for Public Input About Implementation of the Sustainability Targets in Agriculture to Incentivize Natural Solutions Act, 89 FR 66672 (August 16, 2024)

<sup>2</sup> [USDA Requests Public Input on Implementation of SUSTAINS Act. August 15, 2024](#)

These concerns were raised in comments submitted to the RFI, and according to Regulations.gov, NRCS received a total of 1,106 comments to the RFI. Since the comment period closed approximately one month ago, and we believe commentors have not received responses, we are greatly concerned that notice of FY25 funding has gone out without any reference to whether, or how, the SUSTAINS Act will be implemented with this year's funding, of which applications are due by November. Since the SUSTAINS Act proposes such a radical change in federal conservation program policy which raises grave concerns about private property rights, we are seeking answers to the following questions by **November 1, 2024**:

1. Has USDA reviewed every comment submitted to the SUSTAINS Act RFI? Does it plan to respond to comments, and if so, when and in what form?
2. Does USDA plan to implement the SUSTAINS Act to FY25 conservation funding?
  - a. If so, how does USDA plan to appropriately review all submitted RFI comments, make applicable changes, and communicate this information to those applying for/receiving funding?
3. How does the Secretary plan to use the discretion to accept funds provided by Congress to secure private property rights against prospective contributing entities with malicious intent?
  - a. This includes securing property owners against foreign entities seeking to harm U.S. development for its own sovereign benefit, or entities seeking to undermine the productive use of the land as a term of its share of the environmental service benefit.
4. The RFI comment period closed approximately one month ago, and applications for FY25 funding opportunities close next month. If USDA plans to implement the SUSTAINS Act with this fiscal year's funding, how does it plan to communicate the Act's applicability and requirements to those seeking participation?
5. Does USDA plan to attempt to apply the SUSTAINS Act requirements retroactively to conservation program participants who are seeking to extend their participation into FY25?

The SUSTAINS Act, and natural capital accounting broadly, are dangerous policies which threaten fundamental American rights like private property. We are concerned that NRCS is concurrently running FY25 funding applications while also going through a regulatory process which impacts these funding mechanisms.

Sincerely,



Harriet M. Hageman  
Member of Congress



Michael S. Lee  
United States Senator



John Barrasso, M.D.  
United States Senator



Pete Ricketts  
United States Senator



Cynthia M. Lummis  
United States Senator