

115TH CONGRESS
2D SESSION

S. 2874

To amend the Food Security Act of 1985 with respect to land stewardship,
and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2018

Ms. SMITH introduced the following bill; which was read twice and referred
to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 with respect to
land stewardship, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Strengthening Our In-
5 vestment in Land Stewardship Act” or the “SOIL Stew-
6 ardship Act”.

1 **SEC. 2. COMMON PROVISIONS AND PROGRAM COORDINA-**
 2 **TION.**

3 Subchapter A of chapter 2 of subtitle D of title XII
 4 of the Food Security Act of 1985 (16 U.S.C. 3838 et seq.)
 5 is amended to read as follows:

6 **“Subchapter A—Common Provisions and**
 7 **Program Coordination**

8 **“SEC. 1238. DEFINITIONS.**

9 “In this chapter and chapter 4:

10 “(1) AGRICULTURAL OPERATION.—The term
 11 ‘agricultural operation’ means all eligible land, re-
 12 gardless of whether the eligible land is contiguous,
 13 that is—

14 “(A) under the effective control of a pro-
 15 ducer at the time the producer enters into a
 16 contract under the applicable program; and

17 “(B) operated with equipment, labor, man-
 18 agement, and production or cultivation prac-
 19 tices that are substantially separate from other
 20 agricultural operations, as determined by the
 21 Secretary.

22 “(2) COMPREHENSIVE CONSERVATION PLAN.—
 23 The term ‘comprehensive conservation plan’ means a
 24 plan that—

25 “(A) identifies and inventories resources of
 26 concern;

1 “(B) establishes benchmark data and stew-
2 ardship objectives;

3 “(C) formulates and evaluates alternative
4 approaches to meeting stewardship objectives
5 for all resources of concern;

6 “(D) selects among the alternatives under
7 subparagraph (C) and describes the particular
8 conservation systems, practices, activities, and
9 management measures to be implemented,
10 maintained, or improved that will enable the
11 producer to meet stewardship objectives for all
12 resources of concern;

13 “(E) contains a schedule for the planning,
14 installation, maintenance, improvement, and
15 management of the selected conservation sys-
16 tems, practices, activities, and management
17 measures; and

18 “(F) contains a description and schedule
19 for on-farm activities to assess and evaluate the
20 conservation systems, practices, activities, and
21 management measures described in the plan.

22 “(3) CONSERVATION ACTIVITY.—

23 “(A) IN GENERAL.—The term ‘conserva-
24 tion activity’ means a conservation practice, en-
25 hancement, bundle, or plan.

1 “(B) INCLUSIONS.—The term ‘conserva-
2 tion activity’ includes—

3 “(i) structural measures, vegetative
4 measures, and land management measures,
5 as determined by the Secretary;

6 “(ii) planning needed to address a pri-
7 ority resource concern; and

8 “(iii) development of a comprehensive
9 conservation plan.

10 “(4) ELIGIBLE LAND.—

11 “(A) IN GENERAL.—The term ‘eligible
12 land’ means—

13 “(i) private or Tribal land on which
14 agricultural commodities, livestock, or for-
15 est-related products are produced; and

16 “(ii) land associated with the land de-
17 scribed in clause (i) on which priority re-
18 source concerns could be addressed
19 through a contract under the applicable
20 program.

21 “(B) INCLUSIONS.—The term ‘eligible
22 land’ includes—

23 “(i) cropland;

24 “(ii) grassland;

25 “(iii) rangeland;

1 “(iv) pasture land;

2 “(v) nonindustrial private forest land;

3 and

4 “(vi) other land in agricultural areas
 5 (including cropped woodland, marshes, and
 6 agricultural land used or capable of being
 7 used for the production of livestock), on
 8 which priority resource concerns relating to
 9 agricultural production could be addressed
 10 through a contract under the program, as
 11 determined by the Secretary.

12 “(5) PRIORITY RESOURCE CONCERN.—The
 13 term ‘priority resource concern’ means a natural re-
 14 source concern or problem, as determined by the
 15 Secretary, that—

16 “(A) is identified at the national, State, or
 17 local level as a priority for a particular area of
 18 a State;

19 “(B) represents a significant concern in a
 20 State or region; and

21 “(C) is likely to be addressed successfully
 22 through the implementation of conservation ac-
 23 tivities under the applicable program.

24 “(6) STEWARDSHIP THRESHOLD.—The term
 25 ‘stewardship threshold’ means the level of manage-

ment required, as determined by the Secretary, to
 conserve and improve the quality and condition of a
 priority resource concern using—

“(A) the resource management system
 quality criteria;

“(B) predictive tools;

“(C) data from past and current program
 enrollments; and

“(D) other similar means to measure con-
 servation and improvement of the priority re-
 source concern.

**“SEC. 1238A. COMMON PROVISIONS AND PROGRAM CO-
 ORDINATION.**

“(a) COMMON PROVISIONS.—

“(1) STREAMLINING AND COORDINATION.—To
 the maximum extent feasible, the Secretary shall
 provide for streamlined and coordinated procedures
 for the conservation stewardship program estab-
 lished under subchapter B and the environmental
 quality incentives program established under chapter
 4 (referred to in this section as the ‘programs’), in-
 cluding applications, contracting, conservation plan-
 ning, conservation practices, and related administra-
 tive procedures.

1 “(2) SOIL HEALTH.—To the maximum extent
2 feasible, the Secretary shall manage the programs to
3 enhance soil health and build soil carbon.

4 “(3) WILDLIFE HABITAT.—To the maximum
5 extent feasible, the Secretary shall allocate not less
6 than 10 percent of funding for the programs to sup-
7 port conservation activities benefitting wildlife habi-
8 tat.

9 “(4) ORGANIC SYSTEMS.—

10 “(A) IN GENERAL.—The Secretary shall
11 provide for a funding allocation for each of the
12 programs to support organic production and
13 transition to organic production.

14 “(B) CONSIDERATIONS.—In determining
15 the funding allocation under subparagraph (A),
16 the Secretary shall take into consideration cer-
17 tified organic acres and transitioning organic
18 acres of each State and the State trend line for
19 certified organic acres and transitioning organic
20 acres.

21 “(5) BALANCE.—To the maximum extent fea-
22 sible, the Secretary shall provide balanced treatment
23 for crop and livestock production systems in the allo-
24 cation of contracts for the programs.

1 “(6) ACTIVE ENGAGEMENT.—The Secretary
 2 shall promulgate regulations that require partici-
 3 pants in the programs to be actively engaged in
 4 farming or ranching.

5 “(b) PROGRAM COORDINATION.—The Secretary shall
 6 coordinate management of the programs in a manner to
 7 facilitate the opportunity for a participant enrolled in the
 8 environmental quality incentives program under chapter
 9 4 but not yet qualified to enroll in the conservation stew-
 10 ardship program under subchapter B to subsequently en-
 11 roll in the conservation stewardship program once the par-
 12 ticipant has met the stewardship threshold for not fewer
 13 than 2 priority resource concerns.”.

14 **SEC. 3. CONSERVATION STEWARDSHIP PROGRAM DEFINI-**
 15 **TIONS.**

16 Section 1238D of the Food Security Act of 1985 (16
 17 U.S.C. 3838d) is amended to read as follows:

18 **“SEC. 1238D. DEFINITIONS.**

19 “In this subchapter:

20 “(1) CONSERVATION STEWARDSHIP PLAN.—

21 The term ‘conservation stewardship plan’ means a
 22 plan that—

23 “(A) identifies and inventories priority re-
 24 source concerns;

1 “(B) establishes benchmark data and con-
 2 servation objectives;

3 “(C) describes conservation activities to be
 4 implemented, managed, or improved; and

5 “(D) includes a schedule and evaluation
 6 plan for the planning and installation of new
 7 conservation activities and the active manage-
 8 ment of new and existing conservation activi-
 9 ties.

10 “(2) PROGRAM.—The term ‘program’ means
 11 the conservation stewardship program established by
 12 this subchapter.”.

13 **SEC. 4. CONSERVATION STEWARDSHIP PROGRAM.**

14 Section 1238E of the Food Security Act of 1985 (16
 15 U.S.C. 3838e) is amended—

16 (1) in subsection (a), in the matter preceding
 17 paragraph (1), by striking “2018” and inserting
 18 “2023”; and

19 (2) in subsection (b)(2), in the matter pre-
 20 ceding subparagraph (A), by striking “the Agricul-
 21 tural Act of 2014” and inserting “the SOIL Stew-
 22 ardship Act”.

23 **SEC. 5. STEWARDSHIP CONTRACTS.**

24 Section 1238F of the Food Security Act of 1985 (16
 25 U.S.C. 3838f) is amended—

1 (1) in subsection (b), by striking paragraph (1)
2 and inserting the following:

3 “(1) RANKING OF APPLICATIONS.—

4 “(A) IN GENERAL.—In evaluating contract
5 offers submitted under subsection (a), the Sec-
6 retary shall rank applications based on—

7 “(i) the level of natural resource and
8 environmental benefits resulting from ex-
9 isting conservation treatment on all appli-
10 cable priority resource concerns at the time
11 of application; and

12 “(ii) the degree to which the proposed
13 conservation activities effectively increase
14 natural resource and environmental bene-
15 fits.

16 “(B) TIE BREAKER.—In the event of a tie
17 in ranking scores between 2 or more applica-
18 tions under subparagraph (A), the Secretary
19 shall rank applications based on the extent to
20 which the actual and anticipated conservation
21 natural resource and environmental benefits
22 from the contract are provided at the least cost
23 relative to other similarly beneficial contract of-
24 fers.”;

1 (2) in subsection (d)(4), by adding at the end
2 the following:

3 “(C) NEW ACREAGE.—If, after entering
4 into a contract, a producer adds new acreage to
5 the agricultural operation, the producer may
6 elect to add the acreage to the stewardship con-
7 tract during the term of the current steward-
8 ship contract, if the Secretary determines the
9 additional acreage and conservation treatment
10 of those acres increases the natural resource
11 and environmental benefits of the contract.”;
12 and

13 (3) by striking subsection (e) and inserting the
14 following:

15 “(e) CONTRACT RENEWAL.—At the end of each 5-
16 year contract period, the Secretary may allow the producer
17 to renew the contract for additional 5-year periods if the
18 producer—

19 “(1) demonstrates compliance with the terms of
20 the previous contract;

21 “(2) agrees to adopt new or improved conserva-
22 tion activities across the entire agricultural oper-
23 ation, demonstrating continual improvement, as de-
24 termined by the Secretary; and

25 “(3) agrees, by the end of the contract period—

1 “(A) to plan, install, maintain, and actively
 2 manage such conservation activities as will
 3 allow the producer to meet or exceed the stew-
 4 ardship threshold of not fewer than 2 additional
 5 priority resource concerns; or

6 “(B) to adopt or improve such conserva-
 7 tion activities as the Secretary determines to be
 8 necessary to achieve higher levels of perform-
 9 ance with respect to not fewer than 2 existing
 10 priority resource concerns specified by the Sec-
 11 retary in the initial contract.”.

12 **SEC. 6. DUTIES OF THE SECRETARY.**

13 Section 1238G of the Food Security Act of 1985 (16
 14 U.S.C. 3838g) is amended—

15 (1) in subsection (a)(2), by striking “not less
 16 than 5”;

17 (2) in subsection (c)(2)—

18 (A) by striking “\$18” and inserting
 19 “\$23”; and

20 (B) by inserting “including supplemental
 21 payments under subsection (e), payments for
 22 cover crop activities under subsection (d), and
 23 payments for comprehensive conservation plan-
 24 ning under subsection (f),” after “financial as-
 25 sistance,”;

1 (3) in subsection (d)—

2 (A) in paragraph (2), in the matter pre-
 3 ceding subparagraph (A), by striking “, to the
 4 maximum extent practicable,”;

5 (B) by redesignating paragraphs (3) and
 6 (4) as paragraphs (5) and (6), respectively;

7 (C) by inserting after paragraph (2) the
 8 following:

9 “(3) PAYMENTS FOR COVER CROP ACTIVI-
 10 TIES.—Any annual payment provided by the Sec-
 11 retary under this subchapter that is for a cover crop
 12 activity, as determined by the Secretary, shall be in
 13 an amount that is not less than 125 percent of the
 14 amount that would have been paid under paragraph
 15 (2).

16 “(4) MINIMUM PAYMENT.—A payment to a pro-
 17 ducer under this subsection shall not be less than
 18 \$1,500 per year.”; and

19 (D) in paragraph (6) (as so redesignated),
 20 by striking subparagraph (A) and inserting the
 21 following:

22 “(A) calculate and provide payments for
 23 existing activities, additional activities, and sup-
 24 plemental payments, as described under sub-
 25 section (e); and”;

1 (4) by striking subsection (e) and inserting the
2 following:

3 “(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
4 CONSERVING CROP ROTATIONS AND MANAGED INTEN-
5 SIVE ROTATIONAL GRAZING.—

6 “(1) DEFINITIONS.—In this subsection:

7 “(A) MANAGED INTENSIVE ROTATIONAL
8 GRAZING.—The term ‘managed intensive rota-
9 tional grazing’ means a grazing system in which
10 animals are regularly and systematically moved
11 to fresh pasture in such a way as—

12 “(i) to maximize the quantity and
13 quality of forage growth;

14 “(ii) to improve manure distribution
15 and nutrient cycling;

16 “(iii) to increase carbon sequestration
17 from greater forage harvest;

18 “(iv) to improve the quality and quan-
19 tity of cover for wildlife;

20 “(v) to provide permanent cover to
21 protect the soil from erosion; and

22 “(vi) to improve water quality.

23 “(B) RESOURCE-CONSERVING CROP ROTA-
24 TION.—The term ‘resource-conserving crop ro-
25 tation’ means a crop rotation that—

1 “(i) includes not fewer than 1 re-
 2 source-conserving crop (as defined by the
 3 Secretary);

4 “(ii) reduces erosion;

5 “(iii) improves soil fertility and tilt;

6 “(iv) interrupts pest cycles;

7 “(v) builds soil carbon; and

8 “(vi) in applicable areas, reduces de-
 9 pletion of soil moisture or otherwise re-
 10 duces the need for irrigation.

11 “(2) AVAILABILITY OF PAYMENTS.—The Sec-
 12 retary shall provide additional payments to pro-
 13 ducers that, in participating in the program, agree
 14 to adopt, manage, and maintain, or improve, man-
 15 age, and maintain—

16 “(A) resource-conserving crop rotations; or

17 “(B) managed intensive rotational grazing.

18 “(3) ELIGIBILITY.—To be eligible to receive a
 19 payment under paragraph (2), a producer shall
 20 agree to adopt, manage, and maintain or improve,
 21 maintain, and manage, resource-conserving crop ro-
 22 tations, or managed intensive rotational grazing for
 23 the term of the contract.

1 “(4) MINIMUM PAYMENT.—Supplemental pay-
 2 ments under this subsection shall not be less than
 3 \$20 per acre.”;

4 (5) by redesignating subsections (f), (g), (h),
 5 and (i) as subsections (g), (h), (i), and (j), respec-
 6 tively;

7 (6) by inserting after subsection (e) the fol-
 8 lowing:

9 “(f) PAYMENT FOR COMPREHENSIVE CONSERVATION
 10 PLANNING.—

11 “(1) IN GENERAL.—In the case of a producer
 12 who develops and implements a comprehensive con-
 13 servation plan to address all priority resource con-
 14 cerns in a manner that meets or exceeds the stew-
 15 ardship thresholds, a payment for planning shall be
 16 not less than \$1,000 and not more than \$3,000 per
 17 year.

18 “(2) PAYMENT.—A payment under paragraph
 19 (1) shall be set on a sliding scale, determined by the
 20 following factors:

21 “(A) The number of resource concerns ad-
 22 dressed in the comprehensive conservation plan.

23 “(B) The number of eligible land use types
 24 included in the operation.”;

25 (7) in subsection (g) (as so redesignated)—

1 (A) by inserting “, including joint oper-
 2 ations,” after “legal entity” the first place it
 3 appears;

4 (B) by striking “in the aggregate” and in-
 5 serting “when combined with payments for
 6 management practices under the environmental
 7 quality incentives program established under
 8 chapter 4”; and

9 (C) by striking “2018” and inserting
 10 “2023”;

11 (8) by striking subsection (i) (as so redesign-
 12 nated) and inserting the following:

13 “(i) ORGANIC CERTIFICATION.—

14 “(1) COORDINATION.—The Secretary shall es-
 15 tablish a coordinated, user-friendly, and transparent
 16 means by which producers may initiate or maintain
 17 organic certification under the Organic Foods Pro-
 18 duction Act of 1900 (7 U.S.C. 6501 et seq.) while
 19 participating in a contract under the program.

20 “(2) TRANSITION.—The Secretary shall estab-
 21 lish suites of organic transition conservation activi-
 22 ties to be available through the program.”; and

23 (9) in subsection (j) (as so redesignated)—

24 (A) by redesignating paragraphs (1) and
 25 (2) as paragraphs (2) and (3), respectively;

1 (B) by inserting before paragraph (2) (as
2 so redesignated) the following:

3 “(1) require participants in the program to be
4 actively engaged in farming or ranching;”; and

5 (C) in paragraph (2) (as so redesignated),
6 by striking “subsection (f)” and inserting “sub-
7 section (g)”.

8 **SEC. 7. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**
9 **PURPOSES.**

10 Section 1240(4) of the Food Security Act of 1985
11 (16 U.S.C. 3839aa(4)) is amended by striking “livestock,
12 pest or irrigation management” and inserting “crops and
13 livestock, pest management, or irrigation management”.

14 **SEC. 8. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM**
15 **DEFINITIONS.**

16 Section 1240A of the Food Security Act of 1985 (16
17 U.S.C. 3839aa–1) is amended to read as follows:

18 **“SEC. 1240A. DEFINITIONS.**

19 “In this chapter:

20 “(1) **DEVELOPMENT PRACTICE.**—The term ‘de-
21 velopment practice’ means the construction or instal-
22 lation of a structure, facility, or equipment, or an-
23 other related activity that is consistent with the pur-
24 poses of the program, as determined by the Sec-
25 retary.

1 “(2) PAYMENT.—The term ‘payment’ means fi-
 2 nancial assistance provided to a producer for per-
 3 forming practices, including compensation for—

4 “(A) incurred costs associated with plan-
 5 ning, design, materials, equipment, installation,
 6 labor, management, maintenance, or training;

7 “(B) income forgone by the producer; and

8 “(C) expected conservation benefit.

9 “(3) PRACTICE.—The term ‘practice’ means 1
 10 or more conservation activities that are consistent
 11 with the purposes of the program, as determined by
 12 the Secretary, including—

13 “(A) improvements to eligible land of the
 14 producer, including—

15 “(i) land management practices;

16 “(ii) vegetative practices;

17 “(iii) forest management; and

18 “(iv) other practices that the Sec-
 19 retary determines would further the pur-
 20 poses of the program; and

21 “(B) the development of plans appropriate
 22 for the eligible land of the producer, includ-
 23 ing—

24 “(i) comprehensive nutrient manage-
 25 ment planning;

1 “(ii) comprehensive conservation plan-
2 ning; and

3 “(iii) other plans that the Secretary
4 determines would further the purposes of
5 the program.

6 “(4) PROGRAM.—The term ‘program’ means
7 the environmental quality incentives program estab-
8 lished by this chapter.”.

9 **SEC. 9. ESTABLISHMENT AND ADMINISTRATION.**

10 Section 1240B of the Food Security Act of 1985 (16
11 U.S.C. 3839aa–2) is amended—

12 (1) in subsection (a), by striking “2019” and
13 inserting “2023”;

14 (2) in subsection (b)(2), by striking “10 years”
15 and inserting “5 years”;

16 (3) in subsection (d)—

17 (A) in paragraph (2), by striking subpara-
18 graph (A) and inserting the following:

19 “(A)(i) for practices that are not develop-
20 ment practices, 75 percent of the costs associ-
21 ated with planning, design, materials, equip-
22 ment, installation, labor, management, mainte-
23 nance, or training; or

24 “(ii) for development practices, except as
25 provided in subsection (h)(3), 50 percent of the

costs associated with planning, design, materials, installation, management, maintenance, or training;” and

(B) in paragraph (4)—

(i) in subparagraph (A), by striking clause (i) and inserting the following:

“(i)(I) for practices that are not development practices, to not more than 90 percent of the costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; or

“(II) for development practices, to not more than 75 percent of the costs associated with the planning, design, materials, equipment, installation, labor management, maintenance, or training;” and

(ii) in subparagraph (B)(i), by striking “may be provided” and inserting “shall be provided”;

(4) in subsection (h)—

(A) in paragraph (1), by striking “water conservation or irrigation practice” and inserting “water-conserving irrigation practice”; and

1 (B) by striking paragraph (2) and insert-
2 ing the following:

3 “(2) PRIORITY.—In providing payments to a
4 producer for a development practice that is a water
5 conservation or irrigation practice, the Secretary
6 shall give priority to applications in which—

7 “(A) consistent with the law of the State
8 in which the eligible land of the producer is lo-
9 cated, the producer agrees to reduce water use
10 in the operations of the producer; or

11 “(B) the producer agrees not to use any
12 associated water savings to bring new land,
13 other than incidental land needed for efficient
14 operations, under irrigated production, unless
15 the producer is participating in a watershed-
16 wide project that will effectively conserve water,
17 as determined by the Secretary.

18 “(3) PAYMENT RATE.—Applications given pri-
19 ority under paragraph (2) shall be subject to the
20 payment rate described in subsection (d)(2)(A)(i).”;
21 and

22 (5) in subsection (i)—

23 (A) by striking paragraph (2) and insert-
24 ing the following:

1 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
 2 tion for receiving payments under this subsection, a
 3 producer shall agree to develop and implement con-
 4 servation practices for certified organic production
 5 that are consistent with the regulations promulgated
 6 under the Organic Foods Production Act of 1990 (7
 7 U.S.C. 6501 et seq.) and the purposes of this chap-
 8 ter.”;

9 (B) by striking paragraph (3); and

10 (C) by redesignating paragraphs (4) and
 11 (5) as paragraphs (3) and (4), respectively.

12 **SEC. 10. LIMITATION ON PAYMENTS.**

13 Section 1240G of the Food Security Act of 1985 (16
 14 U.S.C. 3839aa–7) is amended to read as follows:

15 **“SEC. 1240G. LIMITATION ON PAYMENTS.**

16 “(a) TOTAL PAYMENTS.—A person or legal entity
 17 may not receive, directly or indirectly, payments under
 18 this chapter and chapter 2 that, in the aggregate, exceed
 19 \$450,000 for all contracts entered into under this chapter
 20 and chapter 2 by the person or legal entity during the
 21 period of fiscal years 2019 through 2023, regardless of
 22 the number of contracts entered into under this chapter
 23 by the person or legal entity.

24 “(b) MANAGEMENT PAYMENTS.—A person or legal
 25 entity may not receive, directly or indirectly, payments

1 under the management component of this chapter and
 2 chapter 2 that, in aggregate, exceed \$200,000 for all con-
 3 tracts entered into under the management component of
 4 this chapter and chapter 2 by the person or legal entity
 5 during the period of fiscal years 2019 through 2023, re-
 6 gardless of the number of contracts entered into under
 7 this chapter by the person or legal entity.”.

8 **SEC. 11. COMMODITY CREDIT CORPORATION.**

9 Section 1241 of the Food Security Act of 1985 (16
 10 U.S.C. 3841) is amended—

11 (1) in subsection (a)(5), by striking “prac-
 12 ticable—” and all that follows through the period at
 13 the end of subparagraph (E) and inserting “prac-
 14 ticable, \$1,750,000,000 for each fiscal year through
 15 fiscal year 2023, including not less than
 16 \$500,000,000 for each fiscal year for management
 17 activities that assist producers in protecting sources
 18 of drinking water.”;

19 (2) in subsection (h)—

20 (A) in paragraph (1)—

21 (i) in the matter preceding subpara-
 22 graph (A), by striking “2009 through
 23 2018” and inserting “2019 through
 24 2023”;

1 (ii) in subparagraph (A), by striking
2 “5 percent” and inserting “15 percent”;
3 and

4 (iii) in subparagraph (B), by striking
5 “5 percent” and inserting “15 percent”;
6 (B) by redesignating paragraphs (2), (3),
7 and (4), as paragraphs (4), (5), and (6), re-
8 spectively;

9 (C) by inserting after paragraph (1) the
10 following:

11 “(2) WILDLIFE.—Of the funds made available
12 for each of fiscal years 2019 through 2023 to carry
13 out the environmental quality incentives program
14 and the acres made available for each of those fiscal
15 years to carry out the conservation stewardship pro-
16 gram, the Secretary shall use not less than 10 per-
17 cent for conservation activities that support the res-
18 toration, development, protection, and improvement
19 of wildlife habitat on eligible land, including—

20 “(A) upland wildlife habitat;

21 “(B) wetland wildlife habitat;

22 “(C) habitat for threatened and endan-
23 gered species;

24 “(D) fish habitat;

1 “(E) wildlife habitat on pivot corners and
2 other irregular areas of a field; and

3 “(F) other types of wildlife habitat, as de-
4 termined by the Secretary.

5 “(3) ORGANIC.—Of the funds made available
6 for each of fiscal years 2019 through 2023 to carry
7 out the environmental quality incentives program
8 and the acres made available for each of those fiscal
9 years to carry out the conservation stewardship pro-
10 gram, the Secretary shall allocate funding to the
11 States to support organic production and the transi-
12 tion to organic production, to be determined by each
13 State’s—

14 “(A) certified and transitioning organic op-
15 erations;

16 “(B) organic acreage; and

17 “(C) 2016 organic and transitioning par-
18 ticipation in the environmental quality incen-
19 tives program.”;

20 (D) in paragraph (4) (as so redesignated),
21 by striking “paragraph (1)” and inserting
22 “paragraphs (1), (2), and (3)”; and

23 (E) in paragraph (5) (as so redesignated),
24 by striking “paragraph (1)” and inserting
25 “paragraphs (1), (2), and (3)”; and

1 (3) in subsection (i)(2), by striking “pursuant
2 to section 1240G(b)” and inserting “by the Sec-
3 retary”.

○