

115TH CONGRESS
2D SESSION

H. R. 5188

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2018

Mr. WALZ introduced the following bill; which was referred to the Committee
on Agriculture

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. COMMON PROVISIONS AND PROGRAM COORDI-**
9 **NATION.**

10 “(a) COMMON PROVISIONS.—

11 “(1) STREAMLINING AND COORDINATION.—To
12 the maximum extent feasible, the Secretary shall
13 provide for streamlined and coordinated procedures
14 for the conservation stewardship program and the
15 environmental quality incentives program, including
16 applications, contracting, conservation planning, con-
17 servation practices, and related administrative proce-
18 dures.

19 “(2) SOIL HEALTH.—To the maximum extent
20 feasible, the Secretary shall manage the conservation
21 stewardship program and the environmental quality
22 incentives program to enhance soil health and build
23 soil carbon.

24 “(3) WILDLIFE HABITAT.—To the maximum
25 extent feasible, the Secretary shall allocate at least
26 10 percent of funding for the conservation steward-

1 ship program and environmental quality incentives
2 program to support conservation activities benefit-
3 ting wildlife habitat.

4 “(4) ORGANIC SYSTEMS.—

5 “(A) IN GENERAL.—The Secretary shall
6 provide for a funding allocation for both the
7 conservation stewardship program and the envi-
8 ronmental quality incentives program to sup-
9 port organic production and transition to or-
10 ganic production.

11 “(B) CONSIDERATIONS.—In determining
12 the funding allocation described in paragraph
13 (A), the Secretary shall take into consideration
14 each State’s certified organic acres and
15 transitioning organic acres and the State trend
16 line for each.

17 “(5) BALANCE.—To the maximum extent fea-
18 sible, the Secretary shall provide balanced treatment
19 for crop and livestock production systems in the allo-
20 cation of contracts for the conservation stewardship
21 program and the environmental quality incentives
22 program.

23 “(6) ACTIVE ENGAGEMENT.—The Secretary
24 shall promulgate regulations that require partici-
25 pants in the conservation stewardship program and

1 the environmental quality incentives program to be
2 actively engaged in farming or ranching.

3 “(b) PROGRAM COORDINATION.—The Secretary shall
4 coordinate management of the conservation stewardship
5 program and environmental quality incentives program in
6 a manner to facilitate the opportunity for a participant
7 enrolled in the environmental quality incentives program
8 but not yet qualified to enroll in the conservation steward-
9 ship program to subsequently enroll in the conservation
10 stewardship program once they have met the stewardship
11 threshold for at least two priority resource concerns.

12 **“SEC. 1239. DEFINITIONS.**

13 “For purposes of the conservation stewardship pro-
14 gram subchapter B of chapter 2 and the environmental
15 quality incentives program under chapter 4:

16 “(1) AGRICULTURAL OPERATION.—The term
17 ‘agricultural operation’ means all eligible land,
18 whether or not it is contiguous, that is—

19 “(A) under the effective control of a pro-
20 ducer at the time the producer enters into a
21 contract under the program; and

22 “(B) operated with equipment, labor, man-
23 agement, and production or cultivation prac-
24 tices that are substantially separate from other

1 agricultural operations, as determined by the
2 Secretary.

3 “(2) COMPREHENSIVE CONSERVATION PLAN.—

4 The term ‘comprehensive conservation plan’ means a
5 plan that—

6 “(A) identifies resources of concern, inven-
7 tories resources, and establishes benchmark
8 data and stewardship objectives;

9 “(B) formulates and evaluates alternative
10 approaches to meeting stewardship objectives
11 for all resources of concern;

12 “(C) selects among the alternatives and de-
13 tails the particular conservation systems, prac-
14 tices, activities, and management measures to
15 be implemented, maintained, or improved that
16 will enable the producer to meet stewardship
17 objectives for all resources of concern;

18 “(D) contains a schedule for the planning,
19 installing, maintaining, improving, and man-
20 aging the selected conservation systems, prac-
21 tices, activities, and management measures; and

22 “(E) contains a description and schedule
23 for on-farm activities to assess and evaluate the
24 conservation systems, practices, activities, and

1 management measures described in the com-
2 prehensive conservation plan.

3 “(3) CONSERVATION ACTIVITIES.—

4 “(A) IN GENERAL.—The term ‘conserva-
5 tion activities’ means conservation practices, en-
6 hancements, bundles, and plans.

7 “(B) INCLUSIONS.—The term ‘conserva-
8 tion activities’ includes—

9 “(i) structural measures, vegetative
10 measures, and land management measures,
11 as determined by the Secretary;

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

14 “(iii) development of a comprehensive
15 conservation plan.

16 “(4) ELIGIBLE LAND.—

17 “(A) IN GENERAL.—The term ‘eligible
18 land’ means—

19 “(i) private or tribal land on which
20 agricultural commodities, livestock, or for-
21 est-related products are produced; and

22 “(ii) lands associated with the land
23 described in clause (i) on which priority re-
24 source concerns could be addressed
25 through a contract under the program.

1 “(B) INCLUSIONS.—The term ‘eligible
2 land’ includes—

3 “(i) cropland;

4 “(ii) grassland;

5 “(iii) rangeland;

6 “(iv) pasture land;

7 “(v) nonindustrial private forest land;

8 and

9 “(vi) other land in agricultural areas
10 (including cropped woodland, marshes, and
11 agricultural land used or capable of being
12 used for the production of livestock), on
13 which resource concerns related to agricul-
14 tural production could be addressed
15 through a contract under the program, as
16 determined by the Secretary.

17 “(5) PRIORITY RESOURCE CONCERN.—The
18 term ‘priority resource concern’ means a natural re-
19 source concern or problem, as determined by the
20 Secretary, that—

21 “(A) is identified at the national, State, or
22 local level as a priority for a particular area of
23 a State;

24 “(B) represents a significant concern in a
25 State or region; and

1 “(C) is likely to be addressed successfully
2 through the implementation of conservation ac-
3 tivities under this program.

4 “(6) STEWARDSHIP THRESHOLD.—The term
5 ‘stewardship threshold’ means the level of manage-
6 ment required, as determined by the Secretary, to
7 conserve and improve the quality and condition of a
8 priority resource concern using—

9 “(A) the resource management system
10 quality criteria;

11 “(B) predictive tools;

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

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

17 **SEC. 3. CSP DEFINITIONS.**

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

20 **“SEC. 1238D. DEFINITIONS.**

21 “In this subchapter:

22 “(1) CONSERVATION STEWARDSHIP PLAN.—
23 The term ‘conservation stewardship plan’ means a
24 plan that—

1 “(A) identifies and inventories priority re-
2 source concerns;

3 “(B) establishes benchmark data and con-
4 servation objectives;

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

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

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

15 **SEC. 4. CONSERVATION STEWARDSHIP PROGRAM.**

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

18 (1) in subsection (a), by striking “2018” and
19 inserting “2023”; and

20 (2) in subsection (b)(2), by striking “the Agri-
21 cultural Act of 2014” and inserting “the SOIL
22 Stewardship 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 amending paragraph
2 (1) to read as follows:

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 two or more applica-
18 tions, the Secretary shall rank applications
19 based on the extent to which the actual and an-
20 ticipated conservation natural resource and en-
21 vironmental benefits from the contract are pro-
22 vided at the least cost relative to other similarly
23 beneficial contract offers.”; and

24 (2) in subsection (d)—

1 (A) in paragraph (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 (B) by amending paragraph (6) to read as
14 follows:

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

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

21 “(B) agrees to adopt new or improved con-
22 servation activities across the entire agricultural
23 operation, demonstrating continual improve-
24 ment, as determined by the Secretary; and

1 “(C) agrees, by the end of the contract pe-
2 riod—

3 “(i) to plan, install, maintain, and ac-
4 tively manage such conservation activities
5 that allow the producer to meet or exceed
6 the stewardship threshold of at least 2 ad-
7 ditional priority resource concerns; or

8 “(ii) to adopt or improve such con-
9 servation activities as the Secretary deter-
10 mines to be necessary to achieve higher
11 levels of performance with respect to at
12 least 2 existing priority resource concerns
13 specified by the Secretary in the initial
14 contract.”.

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

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

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

20 (2) in subsection (c)(2)—

21 (A) by striking “\$18” and inserting
22 “\$23”; and

23 (B) by inserting “, including supplemental
24 payments under subsection (e), payments for
25 cover crop activities under subsection (d), and

1 payments for comprehensive conservation plan-
2 ning under subsection (f)” after “financial as-
3 sistance”;

4 (3) in subsection (d)—

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

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

10 (C) by inserting after paragraph (2) the
11 following:

12 “(3) PAYMENTS FOR COVER CROP ACTIVI-
13 TIES.—Any annual payment provided by the Sec-
14 retary under this subchapter that is for a cover crop
15 activity, as determined by the Secretary, shall be in
16 an amount that is at least 125 percent of the
17 amount that would have been paid under paragraph
18 (2).

19 “(4) MINIMUM PAYMENT.—A payment to a pro-
20 ducer under this subsection shall not be less than
21 \$1,500 per year.”; and

22 (D) in paragraph (5), as redesignated by
23 subparagraph (B), by amending subparagraph
24 (A) to read as follows:

1 “(A) calculate and provide payments for
2 existing activities, additional activities, and sup-
3 plemental payments, as described under sub-
4 section (e);”;

5 (4) by amending subsection (e) to read as fol-
6 lows:

7 “(e) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
8 CONSERVING CROP ROTATIONS, AND MANAGED INTEN-
9 SIVE ROTATIONAL GRAZING.—

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

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

16 “(B) managed intensive rotational grazing.

17 “(2) ELIGIBILITY.—To be eligible to receive a
18 payment described in paragraph (1), a producer
19 shall agree to adopt, manage, and maintain or im-
20 prove, maintain, and manage, resource-conserving
21 crop rotations, or managed intensive rotational graz-
22 ing for the term of the contract.

23 “(3) MINIMUM PAYMENT.—Supplemental pay-
24 ments shall not be less than \$20 per acre.

25 “(4) DEFINITIONS.—In this subsection:

1 “(A) MANAGED INTENSIVE ROTATIONAL
2 GRAZING.—The term ‘managed intensive rota-
3 tional grazing’ means a grazing system in which
4 animals are regularly and systematically moved
5 to fresh pasture in such a way as to—

6 “(i) maximize the quantity and qual-
7 ity of forage growth;

8 “(ii) improve manure distribution and
9 nutrient cycling;

10 “(iii) increase carbon sequestration
11 from greater forage harvest;

12 “(iv) improve the quality and quantity
13 of cover for wildlife;

14 “(v) provide permanent cover to pro-
15 tect the soil from erosion; and

16 “(vi) improve water quality.

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

20 “(i) includes at least 1 resource-con-
21 serving crop (as defined by the Secretary);

22 “(ii) reduces erosion;

23 “(iii) improves soil fertility and tilt;

24 “(iv) interrupts pest cycles;

25 “(v) builds soil carbon; and

1 “(vi) in applicable areas, reduces de-
2 pletion of soil moisture or otherwise re-
3 duces the need for irrigation.”;

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.—In the case of a producer who develops and
11 implements a comprehensive conservation plan to address
12 all priority resource concerns in a manner that meets or
13 exceeds the stewardship thresholds, a payment for plan-
14 ning shall be between \$1,000 and \$3,000 per year. The
15 payment shall be set on a sliding scale, determined by the
16 following factors:

17 “(1) The number of resource concerns ad-
18 dressed in the comprehensive conservation plan.

19 “(2) The number of eligible land use types in-
20 cluded in the operation.”;

21 (7) in subsection (g), as redesignated by para-
22 graph (5)—

23 (A) by inserting “, including joint oper-
24 ations,” after “legal entity”;

1 (B) by striking “in the aggregate” and in-
2 serting “when combined with payments for
3 management practices under the environmental
4 quality incentives program”; and

5 (C) by striking “2018” and inserting
6 “2023”;

7 (8) by amending subsection (i), as redesignated
8 by paragraph (5), to read as follows:

9 “(i) ORGANIC CERTIFICATION.—

10 “(1) COORDINATION.—The Secretary shall es-
11 tablish a coordinated, user-friendly, and transparent
12 means by which producers may initiate or maintain
13 organic certification under the Organic Foods Pro-
14 duction Act of 1990 (7 U.S.C. 6501 et seq.) while
15 participating in a contract under the program.

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

19 (9) in subsection (j), as redesignated by para-
20 graph (5)—

21 (A) by redesignating paragraphs (1) and
22 (2) as paragraphs (2) and (3), respectively;

23 (B) by inserting before paragraph (2), as
24 redesignated by subparagraph (A), the fol-
25 lowing:

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

3 (C) in paragraph (2), as redesignated by
4 subparagraph (A), by striking “subsection (f)”
5 and inserting “subsection (g)”.

6 **SEC. 7. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.**

7 Section 1240(4) of the Food Security Act of 1985
8 (16 U.S.C. 3839aa(4)) is amended by striking “livestock,
9 pest or irrigation management” and inserting “crops and
10 livestock, pest management, or irrigation management”.

11 **SEC. 8. EQIP DEFINITIONS.**

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

14 **“SEC. 1240A. DEFINITIONS.**

15 “In this chapter:

16 “(1) PAYMENT.—The term ‘payment’ means fi-
17 nancial assistance provided to the producer for per-
18 forming practices under this chapter, including com-
19 pensation for—

20 “(A) incurred costs associated with plan-
21 ning, design, materials, equipment, installation,
22 labor, management, maintenance, or training;

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

24 “(C) expected conservation benefit.

1 “(2) MANAGEMENT PRACTICE.—The term
2 ‘practice’ means one or more conservation activities
3 that are consistent with the purposes of the program
4 under this chapter as determined by the Secretary,
5 including—

6 “(A) improvements to eligible land of the
7 producer, including—

8 “(i) land management practices;

9 “(ii) vegetative practices;

10 “(iii) forest management; and

11 “(iv) other practices that the Sec-
12 retary determines would further the pur-
13 poses of the program; and

14 “(B) the development of plans appropriate
15 for the eligible land of the producer, includ-
16 ing—

17 “(i) comprehensive nutrient manage-
18 ment planning;

19 “(ii) comprehensive conservation plan-
20 ning; and

21 “(iii) other plans that the Secretary
22 determines would further the purposes of
23 the program under this chapter.

24 “(3) DEVELOPMENT PRACTICE.—The term ‘de-
25 velopment practice’ means the construction or instal-

1 lation of structures, facilities, equipment, or other
2 related activities that are consistent with the pur-
3 poses of the program under this chapter, as deter-
4 mined by the Secretary.

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

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

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

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

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

15 (3) in subsection (d)—

16 (A) in paragraph (2), by amending sub-
17 paragraph (A) to read as follows:

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

23 “(ii) for development practices, except as
24 provided in subsection (h)(3), 50 percent of the
25 costs associated with planning, design, mate-

1 rials, installation, management, maintenance, or
2 training;” and

3 (B) in paragraph (4)—

4 (i) by amending subparagraph (A) to
5 read as follows:

6 “(A)(i) for practices that are not develop-
7 ment practices, to not more than 90 percent of
8 the costs associated with planning, design, ma-
9 terials, equipment, installation, labor, manage-
10 ment, maintenance, or training; or

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

16 (ii) in subparagraph (B)(i), by strik-
17 ing “may be provided” and inserting “shall
18 be provided”; and

19 (4) in subsection (h)—

20 (A) in paragraph (1), by striking “water
21 conservation or irrigation practice” and insert-
22 ing “water-conserving irrigation practice”; and

23 (B) by amending paragraph (2) to read as
24 follows:

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

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

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

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

20 (5) in subsection (i)—

21 (A) by amending paragraph (2) to read as
22 follows:

23 “(2) ELIGIBILITY REQUIREMENTS.—As a condi-
24 tion for receiving payments under this subsection, a
25 producer shall agree to develop and implement con-

1 servation practices for certified organic production
2 that are consistent with the regulations promulgated
3 under the Organic Foods Production Act of 1990 (7
4 U.S.C. 6501 et seq.) and the purposes of this chap-
5 ter.”; and

6 (B) by striking paragraph (3) and redesignig-
7 nating paragraphs (4) and (5) as paragraphs
8 (3) and (4), respectively.

9 **SEC. 10. LIMITATION ON PAYMENTS.**

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

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

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

21 “(b) **MANAGEMENT PAYMENTS.**—A person or legal
22 entity may not receive, directly or indirectly, payments
23 under the management component of this chapter and
24 chapter 2 that, in aggregate, exceed \$200,000 for all con-
25 tracts entered into under the management component of

1 this chapter and chapter 2 by the person or entity during
2 the period of fiscal years 2019 through 2023, regardless
3 of the number of contracts entered into under this chapter
4 by the person or entity.”.

5 **SEC. 11. COMMODITY CREDIT CORPORATION.**

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

8 (1) in subsection (a)(5), by striking “prac-
9 ticable—” and inserting “practicable,
10 \$1,750,000,000 for each fiscal year through fiscal
11 year 2023, including not less than \$500,000,000
12 each fiscal year for management activities that assist
13 producers protecting sources of drinking water.”

14 (2) in subsection (h)—

15 (A) in paragraph (1)—

16 (i) in the matter preceding subpara-
17 graph (A), by striking “2009 through
18 2018” and inserting “2019 through
19 2023”;

20 (ii) in subparagraph (A), by striking
21 “5 percent” and inserting “15 percent”;
22 and

23 (iii) in subparagraph (B), by striking
24 “5 percent” and inserting “15 percent”;

1 (B) by redesignating paragraphs (2), (3),
2 and (4), as paragraphs (4), (5), and (6), re-
3 spectively;

4 (C) after paragraph (1), by inserting the
5 following:

6 “(2) WILDLIFE.—Of the funds made available
7 for each of fiscal years 2019 through 2023 to carry
8 out the environmental quality incentives program
9 and the acres made available for each of such fiscal
10 years to carry out the conservation stewardship pro-
11 gram, the Secretary shall use at least 10 percent for
12 conservation activities that support the restoration,
13 development, protection, and improvement of wildlife
14 habitat on eligible land, including—

15 “(A) upland wildlife habitat;

16 “(B) wetland wildlife habitat;

17 “(C) habitat for threatened and endan-
18 gered species;

19 “(D) fish habitat;

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

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

24 “(3) ORGANIC.—Of the funds made available
25 for each of fiscal years 2019 through 2023 to carry

1 out the environmental quality incentives program
2 and the acres made available for each of such fiscal
3 years to carry out the conservation stewardship pro-
4 gram, the Secretary shall allocate funding to the
5 States to support organic production and the transi-
6 tion to organic production, to be determined by each
7 State’s—

8 “(A) certified and transitioning organic op-
9 erations;

10 “(B) organic acreage; and

11 “(C) 2016 organic and transitioning par-
12 ticipation within the environmental quality in-
13 centives program.”;

14 (D) in paragraph (4) (as redesignated by
15 subparagraph (B)), by striking “paragraph (1)”
16 and inserting “paragraphs (1), (2), and (3)”;
17 and

18 (E) in paragraph (5) (as redesignated by
19 subparagraph (B)), by striking “paragraph (1)”
20 and inserting “paragraphs (1), (2), and (3)”.

○