

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**22**

**OFFERED BY MR. COSTA OF CALIFORNIA**

Page 154, lines 2 and 3, strike “(1)” each place it appears.

Page 154, beginning on line 3, strike “is amended by striking subparagraph (D) and inserting the following:” and insert “is amended—”.

Page 154, after line 4, insert the following:

1           (1) in paragraph (1), by striking subparagraph  
2           (D) and inserting the following:

Page 154, line 6, strike the final period at the end and insert a semicolon.

Page 154, after line 6, insert the following:

3           (2) in paragraph (7), by inserting “or a sea-  
4           sonal wildlife habitat contract under section  
5           1271C(b)(3)” before the period at the end; and

6           (3) by adding at the end the following:

7           “(8) COVERED ACTIVITY.—The term ‘covered  
8           activity’ means a practice, activity, or related con-  
9           servation measure that supports the restoration, de-

1       velopment, protection, enhancement, and improve-  
2       ment of a seasonal wildlife habitat on covered land,  
3       including, in the case of a seasonal wetland habitat  
4       for waterfowl and migratory birds—

5               “(A) a practice to carry out postharvest  
6               flooding; and

7               “(B) a practice to maintain the hydrology  
8               of temporary and seasonal wetlands to maintain  
9               waterfowl and migratory bird habitat work on  
10              working cropland.

11             “(9) COVERED LAND.—The term ‘covered land’  
12             means any agricultural or nonindustrial private for-  
13             est land or associated land on which the Secretary  
14             determines a covered activity would help achieve con-  
15             servation benefits.

16             “(10) SEASONAL WILDLIFE HABITAT.—The  
17             term ‘seasonal wildlife habitat’ includes—

18               “(A) upland wildlife habitat;

19               “(B) wetland wildlife habitat;

20               “(C) habitat for threatened and endan-  
21               gered species;

22               “(D) habitat for species of conservation  
23               concern;

24               “(E) seasonal habitat for migratory birds;

25               “(F) fish habitat;

1                   “(G) habitat on pivot corners and other ir-  
2                   regular areas of a field;

3                   “(H) habitat on working farmed lands or  
4                   non-cropped areas on farmlands; and

5                   “(I) other types of wildlife habitat, as de-  
6                   termined by the Secretary.”.

Page 154, line 16, strike the period at the end and insert “, including a project that will assist producers with installing and maintaining covered activity on covered land pursuant to section 1271C(b)(3).”.

Redesignate subsections (b) and (c) of section 2803 as subsections (c) and (d), respectively.

Page 155, after line 13, insert the following:

7           (b) DUTIES OF PARTNERS.—Section 1271B(c)(1) of  
8 the Food Security Act of 1985 (16. U.S.C. 3871b(c)(1))  
9 is amended—

10           (1) in subparagraph (E)(ii), by striking “and”  
11           at the end;

12           (2) in subparagraph (F), by striking the period  
13           at the end and inserting “; and”; and

14           (3) by adding at the end the following:

15                   “(G) at the option of the eligible partner,  
16           enter into seasonal wildlife habitat contracts

1 with a producer in accordance with section  
2 1271C(b)(3).”.

Page 155, beginning on line 22, strike “striking the period at the end and inserting ‘; and’; and” and insert “inserting ‘and covered activity’ after ‘eligible activity’;”

Page 156, line 4, strike “.” and inserting “; and”.

Page 156, after line 4, insert the following:

3 “(7) with respect to seasonal wildlife habitat  
4 contracts under section 1271C(b)(3)—  
5 “(A) authorize an eligible partner to solicit  
6 proposals from producers and enter into such  
7 contracts with such producers; and  
8 “(B) in coordination with relevant stake-  
9 holders, develop a criteria for an eligible part-  
10 ner to use to evaluate such solicited proposals.”.

Page 156, line 19, strike “Section 1271C(d)(3)” and insert the following:

11 (a) DUTIES OF ELIGIBLE PARTNERS.—Section  
12 1271C(d)(3)

Page 157, after line 7, insert the following:

1 (b) IN GENERAL.—Section 1271C(a) of the Food Se-  
2 curity Act of 1985 (16 U.S.C. 3871c(a)) is amended to  
3 read as follows:

4 “(a) IN GENERAL.—A producer may receive financial  
5 or technical assistance to carry out a covered activity on  
6 covered land through a seasonal wildlife habitat contract  
7 entered into with an eligible partner under subsection  
8 (b)(3).”.

9 (c) PROGRAM CONTRACTS.—Section 1271C(b) of the  
10 Food Security Act of 1985 (16 U.S.C. 3871c(b)) is  
11 amended by adding at the end the following:

12 “(3) SEASONAL WILDLIFE HABITAT CON-  
13 TRACTS.—

14 “(A) IN GENERAL.—An eligible partner,  
15 under a partnership agreement, may solicit pro-  
16 posals from producers to provide payments to  
17 such producers to carry out a covered activity  
18 on covered land through a seasonal wildlife  
19 habitat contract.

20 “(B) DUTY OF PARTNERS.—For any pro-  
21 posal received under subparagraph (A), an eligi-  
22 ble partner shall—

23 “(i) evaluate such proposal using the  
24 criteria developed under section  
25 1271B(d)(6)(B); and

1                   “(ii) enter into contracts with the ap-  
2                   plicable producer if such proposal meets  
3                   habitat goals outlined in the applicable  
4                   partnership agreement.

5                   “(C) PROPOSAL REQUIREMENTS.—A pro-  
6                   posal submitted pursuant to this paragraph  
7                   shall identify—

8                   “(i) the payment amount necessary  
9                   for such proposal to implement covered ac-  
10                  tivities; and

11                  “(ii) the necessary duration of the  
12                  proposal to address seasonal habitat needs  
13                  of species.

14                  “(D) CONTRIBUTION.—Notwithstanding  
15                  section 1271B(c)(2)(A), and subject to sub-  
16                  section (c)(4), an eligible partner shall provide  
17                  for 100 percent of the costs of administering  
18                  this paragraph.

19                  “(E) CONTRACT PROVISIONS.—

20                  “(i) TERM.—A contract entered into  
21                  under this paragraph shall be for a term  
22                  that is—

23                                  “(I) mutually agreed upon by the  
24                                  producer and the eligible partner;

1                   “(II) appropriate to address the  
2                   life cycle needs of the species for  
3                   which the habitat is being provided;  
4                   and

5                   “(III) not less than 31 days.

6                   “(ii) RENEWAL.—An eligible partner  
7                   may provide a producer an opportunity to  
8                   renew an existing contract under this sec-  
9                   tion at the discretion of the eligible part-  
10                  ner.”.

11               (d) PAYMENTS.—Section 1271C(e) of the Food Secu-  
12               rity Act of 1985 (16 U.S.C. 3871c(e)) is amended—

13               (1) in paragraph (1), by inserting “and para-  
14               graph (4) of this subsection” after “section 1271D”;  
15               and

16               (2) by adding at the end the following:

17               “(4) PAYMENTS FOR SEASONAL WILDLIFE  
18               HABITAT CONTRACTS.—With respect to making pay-  
19               ments to a producer under a seasonal wildlife habi-  
20               tat contract entered into under subsection (b)(3),  
21               the Secretary shall make payments, through the eli-  
22               gible partner and such contract, for the full amount  
23               of carrying out the covered activity on covered land  
24               that is subject to such contract.”.

