To establish the Increasing Land, Capital, and Market Access Program within the Farm Service Agency Office of Outreach and Education.

IN THE HOUSE OF REPRESENTATIVES

Ms. BUDZINSKI introduced the following bill; which was referred to the Committee on __________________________

A BILL

To establish the Increasing Land, Capital, and Market Access Program within the Farm Service Agency Office of Outreach and Education.

1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Increasing Land Access, Security, and Opportunities Act”.

4 SEC. 2. INCREASING LAND, CAPITAL, AND MARKET ACCESS PROGRAM.

(a) DEFINITIONS.—In this section:
(1) COVERED PROJECT.—The term “covered project” means a project described in subsection (e).

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term “eligible entity” means—

(i) a State, local, or territorial government;

(ii) Indian Tribes and Tribal organizations, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);

(iii) a Native community development financial institution certified by the Secretary of the Treasury;

(iv) a community development financial institution (as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702)) certified by the Secretary of the Treasury, acting through the Community Development Financial Institutions Fund;

(v) an organization described in paragraph (2) or (3) of section 501(c) of the Internal Revenue Code of 1986 and ex-
empt from tax under section 501(a) of such Code;

(vi) a foundation;

(vii) a cooperative entity;

(viii) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

(ix) any other appropriate partner, as determined by the Secretary.

(B) EXCLUSION.—The term “eligible entity” does not include a corporation foreign-based or foreign-owned.

(3) ELIGIBLE LAND.—

(A) IN GENERAL.—The term “eligible land” means—

(i) agricultural land;

(ii) private land;

(iii) urban land;

(iv) public land, including Federal, State, and municipally-owned or managed land;

(v) lands held in common that are controlled and managed by groups of individuals;
(vi) lands held in trust;

(vii) multiple parcels of land described in any of clauses (i) through (v) that are noncontiguous; and

(viii) public or private shoreline or intertidal zone areas, which may be wholly or partially underwater.

(B) EXCLUSION.—The term “eligible land” does not include parcels of land described in subparagraph (A) that are fully forested.

(4) INTENDED BENEFICIARIES.—The term “intended beneficiaries” means—

(A) historically underserved farmers, ranchers, and forest owners;

(B) farmers, ranchers, and forest owners operating in high-poverty areas; and

(C) young and beginning farmers.

(5) PROGRAM.—The term “program” means the Increasing Land, Capital, and Market Access Program established under subsection (b).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) ESTABLISHMENT.—The Secretary shall establish a competitive program to be known as the “Increasing Land, Capital, and Market Access Program” within the
Farm Service Agency to make grants, enter into cooperative agreements, or provide other capital support to eligible entities to carry out covered projects in accordance with subsection (e).

(c) PURPOSE.—The purpose of the program is—

(1) to strengthen land, capital, and market access for the intended beneficiaries, with the majority of funds directly reaching the intended beneficiaries; and

(2) support projects designed to—

(A) increase land access;

(B) prevent land loss;

(C) establish innovative ways to connect available land to intended beneficiaries;

(D) transition farmland from existing landowners to the next generation;

(E) restore lands into the hands of those who have been underserved;

(F) support farm establishment and long-term viability; and

(G) provide appropriate technical assistance related to land, capital, or market access.

(d) SELECTION.—

(1) APPLICATION REQUIREMENTS.—To be eligible to receive a grant or other capital support or
enter into a cooperative agreement under this sec-

tion, an eligible entity shall submit to the Secretary

an application at such time, in such manner, and

containing such information as the Secretary may

require, including—

(A) information demonstrating that the

covered project the eligible entity seeks to carry

out is designed to—

(i) serve the intended beneficiaries;

(ii) meet the program purpose;

(B) a description of how project activities

will support overall farm viability;

(C) a description of how project activities

will support farmer behavioral and mental

health;

(D) a plan for notification and consultation

with local Tribal governments for future sale of

land, if applicable;

(E) an analysis of anticipated benefits to

the community and the agricultural economy

within the project area; and

(F) a plan for evaluation, data manage-

ment, communication, and reporting of project

findings and results.

(2) EVALUATION OF APPLICATIONS.—
(A) EVALUATION PROCESS.—The Secretary shall develop a process for evaluating proposals and distributing funds in collaboration with a stakeholder committee, which the Secretary shall establish and convene not later than 6 months after the date of the enactment of this Act.

(B) CONSIDERATION.—In developing the process under subparagraph (A), the Secretary shall consider perspectives from diverse stakeholders, diverse geographic distribution, and diverse farming models, practices, and purposes.

(3) PRIORITY.—In carrying out this section, the Secretary shall give priority to covered projects that—

(A) provide direct financial assistance to intended beneficiaries;

(B) involve a substantial and effective collaborative network or partnership of public or private entities;

(C) increase access to municipal, State, and federally-owned or managed land;

(D) include a right of first refusal for Tribal citizens or governments when land becomes available on or near Tribal communities;
(E) involve mechanisms, such as a deed restriction or conservation easement, that restrict the resale value of eligible land to protect the land for agricultural use;

(F) support the transition of agricultural land from existing producers to the next generation;

(G) include assistance to non-English speaking intended beneficiaries in their own language;

(H) include activities under subsection (e) designed to support farmworkers; and

(I) support best-practices, as determined by the Secretary, for long-term adoption of consistent, science-based, site-specific practices designed to achieve conservation objectives.

(e) COVERED PROJECTS.—

(1) REQUIRED USE OF FUNDS.—An eligible entity that carries out a covered project shall provide direct assistance to intended beneficiaries in order to facilitate access to land, capital, and markets, which may include payments to—

(A) acquire real property (including air rights, water rights, and other interests therein), including closing costs;
(B) subsidize interest rates and mortgage principal amounts for intended beneficiaries;

(C) provide down payment assistance to decrease farm mortgages;

(D) secure clear title on heirs’ property farmland;

(E) conduct surveys and assessments of eligible land;

(F) improve or remediate land, water, and soil;

(G) construct or repair infrastructure;

(H) support land use planning;

(I) acquire legal or financial planning assistance;

(J) carry out Tribal consultation;

(K) support acquisition of a Department of Agriculture farm number; and

(L) any other activities as determined by the Secretary.

(2) Permissible activities.—An eligible entity that receives a grant under this section may use the grant funds—

(A) for activities associated with increasing access to markets and capital;
(B) to provide direct assistance to intended beneficiaries in assessing, purchasing, acquiring, or retaining, eligible land;

(C) for activities designed to support farm establishment and long-term viability;

(D) to establish a revolving loan fund or other innovative financial mechanism designed for the purpose of increasing land, capital, and market access for intended beneficiaries beyond the initial project timeline; and

(E) to provide technical assistance that meets the specific needs of, and is accessible to, the intended beneficiaries, and is related to increasing land, capital, or market access including—

   (i) providing services to non-English speaking producers in their own language;

   (ii) developing and carrying out strategies to identify unique needs and gaps in access, knowledge, and services; and

   (iii) specialized consultation, training, coaching, capacity building, and mentoring focused on—

   (I) accessing and purchasing eligible land;
(II) understanding Department of Agriculture programs;

(III) succession planning;

(IV) market planning and risk analysis;

(V) cooperative development;

(VI) legal and tax issues;

(VII) developing business plans and feasibility studies;

(VIII) financial planning and recordkeeping;

(IX) enterprise, business, and labor management; and

(X) any other activities as determined by the Secretary.

(3) SUBCONTRACT.—An eligible entity may subcontract with an organization to carry out an activity under paragraph (1) or (2) if the services of such subcontractor are necessary to carry out such activity.

(4) FUNDING MECHANISM.—

(A) ELIGIBLE ENTITIES.—The Secretary shall make funding available under this section to eligible entities through—

(i) grants;
(ii) cooperative agreements;

(iii) loan capital to finance activities under subsection (e)(2)(D); or

(iv) other means, as determined by the Secretary.

(B) INTENDED BENEFICIARIES.—In carrying out covered projects, eligible entities shall provide direct assistance to intended beneficiaries through—

(i) grants;

(ii) loans (both long-term and interim); or

(iii) other direct payments or assistance, as determined by the Secretary.

(5) REPAYMENT OF GRANT FUNDS IN CASE OF NONCOMPLIANCE.—An eligible entity that receives funding pursuant to this Act that violates the terms or conditions of such funding shall reimburse the Secretary of Agriculture for such funds.

(f) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each fiscal years 2024 through 2028.
(2) ADMINISTRATION.—Of the amounts made available and authorized by this section, the Secretary shall allocate necessary funding for implementation of this section and administration of the Land, Capital, and Market Access Program.

(3) DISTRIBUTION OF FUNDS.—

(A) LIMITATION.—Project funds shall be allocated for eligible activities by eligible entities within 5 years of dispersal unless otherwise indicated by the Secretary.

(B) EXCLUSION.—Funds distributed under the program shall not be subject to section 200.311 of title 2, Code of Federal Regulations, in cases where eligible entities use such funds to increase secure land access opportunities for the intended beneficiaries after the 5-year period described in subparagraph (B).

(C) MAXIMUM AWARD.—The maximum award for any eligible entity per fiscal year shall be not more than 15 percent of funds made available for such fiscal year.