

118TH CONGRESS
1ST SESSION

S. 2340

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

IN THE SENATE OF THE UNITED STATES

JULY 18, 2023

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

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 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 “Increasing Land Ac-
5 cess, Security, and Opportunities Act”.

6 **SEC. 2. INCREASING LAND, CAPITAL, AND MARKET ACCESS**
7 **PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) COVERED PROJECT.—The term “covered
10 project” means a project described in subsection (e).

1 (2) ELIGIBLE ENTITY.—

2 (A) IN GENERAL.—The term “eligible enti-
3 ty” means—

4 (i) a State, local, or territorial govern-
5 ment;

6 (ii) an Indian Tribe or Tribal organi-
7 zation (as those terms are defined in sec-
8 tion 4 of the Indian Self-Determination
9 and Education Assistance Act (25 U.S.C.
10 5304));

11 (iii) a Native community development
12 financial institution certified by the Sec-
13 retary of the Treasury;

14 (iv) a community development finan-
15 cial institution (as defined in section 103
16 of the Community Development Banking
17 and Financial Institutions Act of 1994 (12
18 U.S.C. 4702)) certified by the Secretary of
19 the Treasury, acting through the Director
20 of the Community Development Financial
21 Institutions Fund established under section
22 104(a) of that Act (12 U.S.C. 4703(a));

23 (v) an organization described in para-
24 graph (2) or (3) of section 501(c) of the
25 Internal Revenue Code of 1986 and ex-

1 empt from tax under section 501(a) of
2 such Code;

3 (vi) a foundation;

4 (vii) a cooperative entity;

5 (viii) an institution of higher edu-
6 cation (as defined in section 101 of the
7 Higher Education Act of 1965 (20 U.S.C.
8 1001)); and

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

11 (B) EXCLUSION.—The term “eligible enti-
12 ty” does not include a corporation foreign-based
13 or foreign-owned.

14 (3) ELIGIBLE LAND.—

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

17 (i) agricultural land;

18 (ii) private land;

19 (iii) urban land;

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

23 (v) lands held in common that are
24 controlled and managed by groups of indi-
25 viduals;

1 (vi) lands held in trust;

2 (vii) multiple parcels of land described
3 in any of clauses (i) through (vi) that are
4 noncontiguous; and

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

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

11 (4) INTENDED BENEFICIARIES.—The term “in-
12 tended beneficiaries” means—

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

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

17 (C) young and beginning farmers.

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

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

23 (b) ESTABLISHMENT.—The Secretary shall establish
24 within the Farm Service Agency a competitive program,
25 to be known as the “Increasing Land, Capital, and Market

1 Access Program”, to make grants to, enter into coopera-
2 tive agreements with, or provide other capital support to
3 eligible entities to carry out covered projects in accordance
4 with subsection (e).

5 (e) PURPOSE.—The purpose of the program is—

6 (1) to strengthen land, capital, and market ac-
7 cess for the intended beneficiaries, with the majority
8 of funds directly reaching the intended beneficiaries;
9 and

10 (2) to support projects to—

11 (A) increase land access;

12 (B) prevent land loss;

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

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

17 (E) restore land into the hands of those
18 who have been underserved;

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

21 (G) provide appropriate technical assist-
22 ance related to land, capital, or market access.

23 (d) SELECTION.—

24 (1) APPLICATION REQUIREMENTS.—To be eligi-
25 ble to receive assistance under the program, an eligi-

1 ble entity shall submit to the Secretary an applica-
2 tion at such time, in such manner, and containing
3 such information as the Secretary may require, in-
4 cluding—

5 (A) information demonstrating that the
6 covered project the eligible entity seeks to carry
7 out is designed—

8 (i) to serve the intended beneficiaries;

9 and

10 (ii) to meet the program purpose;

11 (B) a description of how project activities
12 will support overall farm viability;

13 (C) a description of how project activities
14 will support farmer behavioral and mental
15 health;

16 (D) a plan for notification and consultation
17 with local Tribal governments for the future
18 sale of land, if applicable;

19 (E) an analysis of anticipated benefits to
20 the community and the agricultural economy
21 within the project area; and

22 (F) a plan for evaluation, data manage-
23 ment, communication, and reporting of project
24 findings and results.

1 (2) EVALUATION AND SELECTION OF APPLICA-
2 TIONS.—

3 (A) EVALUATION PROCESS.—The Sec-
4 retary shall develop a process for evaluating
5 and selecting applications submitted under
6 paragraph (1) in collaboration with the stake-
7 holder committee established under subpara-
8 graph (B).

9 (B) STAKEHOLDER COMMITTEE.—

10 (i) IN GENERAL.—Not later than 180
11 days after the date of enactment of this
12 Act, the Secretary shall establish and con-
13 vene a stakeholder committee to provide
14 input on the distribution of funds and the
15 evaluation and selection of applications
16 submitted under paragraph (1).

17 (ii) CONSIDERATION.—The Secretary
18 shall ensure that the stakeholder com-
19 mittee includes perspectives from a diverse
20 range of stakeholders, including diverse
21 representation of geographic distribution
22 and farming models, practices, and pur-
23 poses.

24 (C) PRIORITY.—In selecting applications
25 submitted under paragraph (1), the Secretary

1 shall give priority to applications for covered
2 projects that—

3 (i) provide direct financial assistance
4 to intended beneficiaries;

5 (ii) involve a substantial and effective
6 collaborative network or partnership of
7 public or private entities;

8 (iii) increase access to municipal,
9 State, and federally-owned or managed
10 land;

11 (iv) include a right of first refusal for
12 Tribal citizens or governments when land
13 becomes available on or near Tribal com-
14 munities;

15 (v) involve mechanisms, such as a
16 deed restriction or conservation easement,
17 that restrict the resale value of eligible
18 land to protect the land for agricultural
19 use;

20 (vi) support the transition of agricul-
21 tural land from existing producers to the
22 next generation;

23 (vii) include assistance to non-English
24 speaking intended beneficiaries in their
25 own language;

1 (viii) include activities under sub-
2 section (e) designed to support farm-
3 workers; or

4 (ix) support best practices, as deter-
5 mined by the Secretary, for long-term
6 adoption of consistent, science-based, site-
7 specific practices designed to achieve con-
8 servation objectives.

9 (e) COVERED PROJECTS.—

10 (1) REQUIRED USE OF FUNDS.—An eligible en-
11 tity that receives assistance under the program shall
12 provide direct assistance to intended beneficiaries in
13 order to facilitate access to land, capital, and mar-
14 kets, which may include payments—

15 (A) to acquire real property (including air
16 rights, water rights, and other interests there-
17 in), including closing costs;

18 (B) to subsidize interest rates and mort-
19 gage principal amounts for intended bene-
20 ficiaries;

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

23 (D) to secure clear title on heirs' property
24 farmland;

1 (E) to conduct surveys and assessments of
2 eligible land;

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

5 (G) to construct or repair infrastructure;

6 (H) to support land use planning;

7 (I) to acquire legal or financial planning
8 assistance;

9 (J) to carry out Tribal consultation;

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

12 (L) for any other activities, as determined
13 by the Secretary.

14 (2) PERMISSIBLE ACTIVITIES.—An eligible enti-
15 ty that receives assistance under the program may
16 use the funds—

17 (A) for activities associated with increasing
18 access to markets and capital;

19 (B) to provide direct assistance to intended
20 beneficiaries in assessing, purchasing, acquir-
21 ing, or retaining eligible land;

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

24 (D) to establish a revolving loan fund or
25 other innovative financial mechanism designed

1 for the purpose of increasing land, capital, and
2 market access for intended beneficiaries beyond
3 the initial project timeline; and

4 (E) to provide technical assistance that
5 meets the specific needs of, and is accessible to,
6 the intended beneficiaries, and is related to in-
7 creasing land, capital, or market access, includ-
8 ing—

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

11 (ii) developing and carrying out strat-
12 egies to identify unique needs and gaps in
13 access, knowledge, and services; and

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

17 (I) accessing and purchasing eli-
18 gible land;

19 (II) understanding Department
20 of Agriculture programs;

21 (III) succession planning;

22 (IV) market planning and risk
23 analysis;

24 (V) cooperative development;

25 (VI) legal and tax issues;

1 (VII) developing business plans
2 and feasibility studies;

3 (VIII) financial planning and rec-
4 ordkeeping;

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

7 (X) any other activities as deter-
8 mined by the Secretary.

9 (3) SUBCONTRACT.—An eligible entity may
10 subcontract with an organization to carry out an ac-
11 tivity under paragraph (1) or (2) if the services of
12 the subcontractor are necessary to carry out the ac-
13 tivity.

14 (4) FUNDING MECHANISM.—

15 (A) ELIGIBLE ENTITIES.—The Secretary
16 shall make funding available under the program
17 to eligible entities in the form of—

18 (i) grants;

19 (ii) cooperative agreements;

20 (iii) capitalization loans, in the case of
21 an activity described in paragraph (2)(D);

22 or

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

1 (B) INTENDED BENEFICIARIES.—In car-
2 rying out covered projects under the program,
3 an eligible entity shall provide direct assistance
4 to intended beneficiaries in the form of—

5 (i) grants;

6 (ii) loans (both long-term and in-
7 terim); or

8 (iii) other direct payments or assist-
9 ance, as determined by the Secretary.

10 (5) REPAYMENT OF FUNDS IN CASE OF NON-
11 COMPLIANCE.—An eligible entity that violates the
12 terms or conditions of assistance provided under the
13 program shall reimburse the Secretary for that as-
14 sistance.

15 (f) FUNDING.—

16 (1) AUTHORIZATION OF APPROPRIATIONS.—
17 There is authorized to be appropriated to carry out
18 the program \$100,000,000 for each of fiscal years
19 2024 through 2028.

20 (2) ADMINISTRATION.—Of the amounts made
21 available to carry out the program, the Secretary
22 may use an appropriate amount for the costs of im-
23 plementing and administering the program.

24 (3) DISTRIBUTION OF FUNDS.—

1 (A) LIMITATION.—An eligible entity that
2 receives assistance under the program shall ob-
3 ligate the amounts for a covered project by not
4 later than 5 years after the date on which the
5 funds are made available to the eligible entity,
6 unless the Secretary determines otherwise.

7 (B) EXCLUSION.—In the case of a covered
8 project to increase or secure land access oppor-
9 tunities for intended beneficiaries for a period
10 longer than the 5-year period described in sub-
11 paragraph (A), section 200.311 of title 2, Code
12 of Federal Regulations (or a successor regula-
13 tion) shall not apply.

14 (C) MAXIMUM AWARD.—The Secretary
15 may not provide more than 15 percent of the
16 amounts made available to carry out the pro-
17 gram for each fiscal year to any single eligible
18 entity.

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