

118TH CONGRESS  
1ST SESSION

# S. 2591

To amend the Department of Agriculture Reorganization Act of 1994 to improve the Office of Urban Agriculture and Innovative Production, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. FETTERMAN (for himself, Mr. BROWN, Mr. WYDEN, Mr. MARKEY, Mr. VAN HOLLEN, Mr. CASEY, and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Department of Agriculture Reorganization Act of 1994 to improve the Office of Urban Agriculture and Innovative Production, 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 “Supporting Urban and  
5 Innovative Farming Act of 2023”.

1 **SEC. 2. OFFICE OF URBAN AGRICULTURE AND INNOVATIVE**  
2 **PRODUCTION.**

3 Section 222 of the Department of Agriculture Reor-  
4 ganization Act of 1994 (7 U.S.C. 6923) is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (3)(C), by inserting  
7 “controlled-environment agriculture, such as”  
8 before “indoor”;

9 (B) in paragraph (4)—

10 (i) in subparagraph (F), by striking  
11 “and” at the end;

12 (ii) in subparagraph (G), by striking  
13 the period at the end and inserting a semi-  
14 colon; and

15 (iii) by adding at the end the fol-  
16 lowing:

17 “(H) leveraging the Department and  
18 State, Tribal, and local agencies to provide  
19 technical assistance for business incorporation,  
20 navigating local zoning, and managing farm  
21 tract numbers for smaller, noncontiguous par-  
22 cels to growers implementing activities de-  
23 scribed in paragraph (3);

24 “(I) leveraging the Department and State,  
25 Tribal, and local agencies to promote conserva-  
26 tion techniques unique to urban agriculture and

1 innovative production, including techniques that  
 2 address stormwater runoff and the impacted  
 3 nature of urban land and the subsurface of the  
 4 land; and

5 “(J) assisting urban, innovative, and con-  
 6 trolled-environment agriculture producers to  
 7 navigate Federal, State, Tribal, and local poli-  
 8 cies and regulations that impact business or op-  
 9 erations.”; and

10 (C) by adding at the end the following:

11 “(5) COOPERATIVE AGREEMENTS.—

12 “(A) IN GENERAL.—The Director may  
 13 enter into cooperative agreements with eligible  
 14 entities described in subparagraph (B) to sup-  
 15 port the implementation of responsibilities de-  
 16 scribed in paragraph (4).

17 “(B) ELIGIBLE ENTITIES.—An eligible en-  
 18 tity referred to in subparagraph (A) is—

19 “(i) a nonprofit organization;

20 “(ii) an agricultural cooperative;

21 “(iii) an Indian Tribe; or

22 “(iv) a producer network or associa-  
 23 tion.

24 “(C) PRIORITY.—In establishing coopera-  
 25 tive agreements under subparagraph (A), the

1 Director shall give priority to cooperative agree-  
2 ments with eligible entities that—

3 “(i) serve geographic areas with high  
4 concentrations of urban or suburban  
5 farms;

6 “(ii) have established relationships  
7 with, or a history of serving, socially dis-  
8 advantaged populations;

9 “(iii) have experience working with in-  
10 dividuals with limited English proficiency;  
11 or

12 “(iv) demonstrate experience pro-  
13 viding urban agriculture technical assist-  
14 ance in their geographic region.”;

15 (2) in subsection (b)—

16 (A) in paragraph (5)(B), by striking  
17 “2023” and inserting “2028”; and

18 (B) in paragraph (7)(A), by striking “the  
19 date that” and all that follows through “para-  
20 graph (2)(B)” and inserting “September 30,  
21 2028”;

22 (3) by striking subsection (c) and inserting the  
23 following:

24 “(c) GRANTS.—

25 “(1) AUTHORIZATION.—

1           “(A) IN GENERAL.—The Director shall  
2           award competitive grants to support the devel-  
3           opment of urban and innovative agricultural  
4           production that improves access to local foods  
5           in areas where access to fresh, healthy food is  
6           limited, including through community gardens,  
7           urban farms, rooftop farms, urban agroforestry,  
8           orchards, outdoor vertical production, green  
9           walls, indoor farms, controlled-environment ag-  
10          riculture, greenhouses, high-tech vertical tech-  
11          nology, hydroponics, aeroponics, and  
12          aquaponics.

13           “(B) MICROGRANTS.—An eligible entity  
14           may use funds from a grant under subpara-  
15           graph (A) to provide microgrants to urban and  
16           innovative producers to support the growth of  
17           the farm or farm business of the urban and in-  
18           novative producer.

19           “(2) ELIGIBLE ENTITIES.—An entity eligible to  
20           receive a grant under paragraph (1)(A) is any of the  
21           following:

22                   “(A) A nonprofit organization.

23                   “(B) A unit of local government.

24                   “(C) A Tribal government.

1           “(D) An agricultural cooperative or other  
2           agricultural business entity or a producer net-  
3           work or association, including a community-  
4           supported agriculture network or association.

5           “(E) Any school that serves any of grades  
6           kindergarten through grade 12.

7           “(3) PRIORITY.—In awarding grants under  
8           subparagraph (A) of paragraph (1), the Director  
9           shall give priority to applications from eligible enti-  
10          ties that plan to use the grant funds to provide  
11          microgrants in accordance with subparagraph (B) of  
12          that paragraph.”;

13          (4) in subsection (d)—

14                 (A) in the subsection heading, by striking  
15                 “PILOT PROJECTS” and inserting “PROJECTS”;

16                 (B) in paragraph (1)(C), in the matter  
17                 preceding clause (i), by striking “2023” and in-  
18                 serting “2028”; and

19                 (C) in paragraph (2)—

20                         (i) in subparagraph (A)—

21                                 (I) by striking “shall carry out  
22                                 pilot projects under which the Sec-  
23                                 retary”; and

24                                 (II) by inserting “and construct  
25                                 at-scale composting or anaerobic di-

- 1                   gestion food waste-to-energy projects”  
2                   after “food waste reduction plans”;  
3                   (ii) in subparagraph (B)—  
4                         (I) in the subparagraph heading,  
5                         by striking “PILOT”;  
6                         (II) in the matter preceding  
7                         clause (i), by inserting “Indian  
8                         Tribes,” after “counties,”;  
9                         (III) by redesignating clauses (vi)  
10                         through (viii) as clauses (vii) through  
11                         (ix), respectively; and  
12                         (IV) by inserting after clause (v)  
13                         the following:  
14                         “(vi) develop food waste-to-energy op-  
15                         erations;”;  
16                         (iii) by redesignating subparagraphs  
17                         (C) through (E) as subparagraphs (D)  
18                         through (F), respectively;  
19                         (iv) by inserting after subparagraph  
20                         (B) the following:  
21                         “(C) LIMITATION.—An entity that receives  
22                         assistance under this paragraph may not use  
23                         that assistance for an anaerobic digester that  
24                         uses manure as the majority of its undigested  
25                         biomass.”; and

1 (v) by striking “pilot” each place it  
2 appears; and

3 (5) by striking subsection (e) and inserting the  
4 following:

5 “(e) FUNDING.—Of the funds of the Commodity  
6 Credit Corporation, the Secretary shall use to carry out  
7 this section \$50,000,000 for each of fiscal years 2024  
8 through 2028, to remain available until expended.”.

9 **SEC. 3. AGRICULTURE AND FOOD RESEARCH INITIATIVE.**

10 Section 2(b)(2)(E) of the Competitive, Special, and  
11 Facilities Research Grants Act (7 U.S.C. 3157(b)(2)(E))  
12 is amended—

13 (1) in clause (iv), by striking “and” at the end;

14 (2) in clause (v), by striking the period at the  
15 end and inserting “; and”; and

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

17 “(vi) hydroponics, aquaponics,  
18 aeroponics, and other production tech-  
19 nologies used in controlled-environment ag-  
20 riculture production.”.

21 **SEC. 4. DATA COLLECTION ON URBAN, INDOOR, AND**  
22 **EMERGING AGRICULTURAL PRODUCTION.**

23 Section 1672E of the Food, Agriculture, Conserva-  
24 tion, and Trade Act of 1990 (7 U.S.C. 5925g) is amend-  
25 ed—

1           (1) by redesignating subsection (d) as sub-  
2           section (e);

3           (2) by inserting after subsection (c) the fol-  
4           lowing:

5           “(d) DATA COLLECTION ON URBAN, INDOOR, AND  
6           EMERGING AGRICULTURAL PRODUCTION.—

7           “(1) IN GENERAL.—Not later than 90 days  
8           after the date of the enactment of this subsection  
9           and biennially thereafter, the Secretary, acting  
10          through the Director of the National Agricultural  
11          Statistics Service, shall prepare and transmit to the  
12          Committee on Agriculture, Nutrition, and Forestry  
13          of the Senate and the Committee on Agriculture of  
14          the House of Representatives a report containing  
15          data on urban, indoor, and other emerging agricul-  
16          tural production, including data on—

17               “(A) community gardens and farms lo-  
18               cated in urban areas, suburbs, and urban clus-  
19               ters;

20               “(B) rooftop farms, outdoor vertical pro-  
21               duction, and green walls;

22               “(C) controlled environment agriculture,  
23               indoor farms, greenhouses, and high-tech  
24               vertical technology farms;

1           “(D) hydroponic, aeroponic, and aquaponic  
2 farm facilities;

3           “(E) other innovations in agricultural pro-  
4 duction, as determined by the Secretary;

5           “(F) the locations of the facilities de-  
6 scribed in subparagraphs (A) through (E); and

7           “(G) demographic information on the own-  
8 ers and operators of those facilities.

9           “(2) AUTHORIZATION OF APPROPRIATIONS.—

10          There is authorized to be appropriated to carry out  
11 this subsection \$14,000,000 for the period of fiscal  
12 years 2024 through 2028.”; and

13          (3) in subsection (e) (as so redesignated), by in-  
14 sserting “(other than subsection (d))” after “this sec-  
15 tion” each place it appears.

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