

118TH CONGRESS  
1ST SESSION

# S. 2704

To amend the Food Security Act of 1985 to establish an exception to certain payment limitations in the case of person or legal entity that derives income from agriculture, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 27, 2023

Mr. PADILLA (for himself and Mr. TILLIS) 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 Food Security Act of 1985 to establish an exception to certain payment limitations in the case of person or legal entity that derives income from agriculture, 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 “Fair Access to Agri-  
5 culture Disaster Programs Act of 2023”.

1 **SEC. 2. EXCEPTION FOR INCOME DERIVED FROM AGRI-**  
2 **CULTURE.**

3 Section 1001D(b) of the Food Security Act of 1985  
4 (7 U.S.C. 1308–3a(b)) is amended—

5 (1) in paragraph (1), by striking “paragraph  
6 (3)” and inserting “paragraphs (3) and (4)”; and

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

8 “(4) EXCEPTION.—

9 “(A) IN GENERAL.—In the case of a pay-  
10 ment or benefit described in subparagraph (B),  
11 the limitation established by paragraph (1)  
12 shall not apply to a person or legal entity dur-  
13 ing a crop, fiscal, or program year, as appro-  
14 priate, if not less than 75 percent of the aver-  
15 age adjusted gross income of the person or legal  
16 entity derives from farming, ranching, or  
17 silviculture activities, including agritourism, di-  
18 rect-to-consumer marketing of agricultural  
19 products, the sale of agricultural equipment  
20 owned by such person or entity, and other agri-  
21 culture-related activities, as determined by the  
22 Secretary.

23 “(B) PAYMENT OR BENEFIT DE-  
24 SCRIBED.—A payment or benefit referred to in  
25 subparagraph (A) is—

1           “(i) a payment or benefit under sub-  
2           title E of title I of the Agricultural Act of  
3           2014 (7 U.S.C. 9081); or

4           “(ii) a payment or benefit under sec-  
5           tion 196 of the Federal Agriculture Im-  
6           provement and Reform Act of 1996 (7  
7           U.S.C. 7333).”.

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