

118TH CONGRESS  
1ST SESSION

# H. R. 3955

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 9, 2023

Ms. BUDZINSKI (for herself, Mr. NUNN of Iowa, Mr. COURTNEY, and Ms. SPANBERGER) introduced the following bill; which was referred to the Committee on Agriculture

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## 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:

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

3 (2) ELIGIBLE ENTITY.—

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

6 (i) a State, local, or territorial govern-  
7 ment;

8 (ii) Indian Tribes and Tribal organi-  
9 zations, as defined in section 4 of the In-  
10 dian Self-Determination and Education  
11 Assistance Act (25 U.S.C. 5304);

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

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

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 (v) 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; and

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

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

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

22 (b) ESTABLISHMENT.—The Secretary shall establish  
23 a competitive program to be known as the “Increasing  
24 Land, Capital, and Market Access Program” within the  
25 Farm Service Agency to make grants, enter into coopera-

1 tive agreements, or provide other capital support to eligi-  
2 ble entities to carry out covered projects in accordance  
3 with subsection (e).

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

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

9 (2) support projects designed to—

10 (A) increase land access;

11 (B) prevent land loss;

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

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

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

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

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

22 (d) SELECTION.—

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

1       tion, an eligible entity shall submit to the Secretary  
2       an application at such time, in such manner, and  
3       containing such information as the Secretary may  
4       require, including—

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

8                       (i) serve the intended beneficiaries;

9                       (ii) meet the program purpose;

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

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

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

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

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

24              (2) EVALUATION OF APPLICATIONS.—

1           (A) EVALUATION PROCESS.—The Sec-  
2           retary shall develop a process for evaluating  
3           proposals and distributing funds in collabora-  
4           tion with a stakeholder committee, which the  
5           Secretary shall establish and convene not later  
6           than 6 months after the date of the enactment  
7           of this Act.

8           (B) CONSIDERATION.—In developing the  
9           process under subparagraph (A), the Secretary  
10          shall consider perspectives from diverse stake-  
11          holders, diverse geographic distribution, and di-  
12          verse farming models, practices, and purposes.

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

16                (A) provide direct financial assistance to  
17                intended beneficiaries;

18                (B) involve a substantial and effective col-  
19                laborative network or partnership of public or  
20                private entities;

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

23                (D) include a right of first refusal for  
24                Tribal citizens or governments when land be-  
25                comes available on or near Tribal communities;

1 (E) involve mechanisms, such as a deed re-  
2 striction or conservation easement, that restrict  
3 the resale value of eligible land to protect the  
4 land for agricultural use;

5 (F) support the transition of agricultural  
6 land from existing producers to the next gen-  
7 eration;

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

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

13 (I) support best-practices, as determined  
14 by the Secretary, for long-term adoption of con-  
15 sistent, science-based, site-specific practices de-  
16 signed to achieve conservation objectives.

17 (e) COVERED PROJECTS.—

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

23 (A) acquire real property (including air  
24 rights, water rights, and other interests there-  
25 in), including closing costs;

1           (B) subsidize interest rates and mortgage  
2 principal amounts for intended beneficiaries;

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

5           (D) secure clear title on heirs' property  
6 farmland;

7           (E) conduct surveys and assessments of  
8 agricultural land;

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

11           (G) construct or repair infrastructure;

12           (H) support land use planning;

13           (I) acquire legal or financial planning as-  
14 sistance;

15           (J) carry out Tribal consultation;

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

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

20           (2) PERMISSIBLE ACTIVITIES.—An eligible enti-  
21 ty that receives a grant under this section may use  
22 the grant funds—

23           (A) for activities associated with increasing  
24 access to markets and capital;

1 (B) to provide direct assistance to intended  
2 beneficiaries in assessing, purchasing, acquir-  
3 ing, or retaining, eligible land;

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

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

11 (E) to provide technical assistance that  
12 meets the specific needs of, and is accessible to,  
13 the intended beneficiaries, and is related to in-  
14 creasing land, capital, or market access includ-  
15 ing—

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

18 (ii) developing and carrying out strat-  
19 egies to identify unique needs and gaps in  
20 access, knowledge, and services; and

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

24 (I) accessing and purchasing  
25 farmland;

- 1 (II) understanding Department  
2 of Agriculture programs;
- 3 (III) succession planning;
- 4 (IV) market planning and risk  
5 analysis;
- 6 (V) cooperative development;
- 7 (VI) legal and tax issues;
- 8 (VII) developing business plans  
9 and feasibility studies;
- 10 (VIII) financial planning and rec-  
11 ordkeeping;
- 12 (IX) enterprise, business, and  
13 labor management; and
- 14 (X) any other activities as deter-  
15 mined by the Secretary.

16 (3) SUBCONTRACT.—An eligible entity may  
17 subcontract with an organization to carry out an ac-  
18 tivity under paragraph (1) or (2) if the services of  
19 such subcontractor are necessary to carry out such  
20 activity.

21 (4) FUNDING MECHANISM.—

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

25 (i) grants;

- 1 (ii) cooperative agreements;  
2 (iii) loan capital to finance activities  
3 under subsection (e)(2)(D); or  
4 (iv) other means, as determined by  
5 the Secretary.

6 (B) INTENDED BENEFICIARIES.—In car-  
7 rying out covered projects, eligible entities shall  
8 provide direct assistance to intended bene-  
9 ficiaries through—

- 10 (i) grants;  
11 (ii) loans (both long-term and in-  
12 terim); or  
13 (iii) other direct payments or assist-  
14 ance, as determined by the Secretary.

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

20 (f) FUNDING.—

21 (1) AUTHORIZATION OF APPROPRIATIONS.—  
22 There is authorized to be appropriated to carry out  
23 this section \$100,000,000 for each fiscal years 2024  
24 through 2028.

1           (2) ADMINISTRATION.—Of the amounts made  
2 available and authorized by this section, the Sec-  
3 retary shall allocate necessary funding for implemen-  
4 tation of this section and administration of the  
5 Land, Capital, and Market Access Program.

6           (3) DISTRIBUTION OF FUNDS.—

7           (A) LIMITATION.—Project funds shall be  
8 allocated for eligible activities by eligible entities  
9 within 5 years of dispersal unless otherwise in-  
10 dicated by the Secretary.

11           (B) EXCLUSION.—Funds distributed under  
12 the program shall not be subject to section  
13 200.311 of title 2, Code of Federal Regulations,  
14 in cases where eligible entities use such funds  
15 to increase secure land access opportunities for  
16 the intended beneficiaries after the 5-year pe-  
17 riod described in subparagraph (B).

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

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