

118TH CONGRESS
1ST SESSION

H. R. 5051

To amend the Farm Security and Rural Investment Act of 2002 to improve the Rural Energy for America Program, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2023

Ms. SPANBERGER (for herself and Mr. VALADAO) introduced the following bill;
which was referred to the Committee on Agriculture

A BILL

To amend the Farm Security and Rural Investment Act of 2002 to improve the Rural Energy for America Program, 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 “Rural Energy for
5 America Program Modernization Act of 2023” or the
6 “REAP Modernization Act of 2023”.

7 **SEC. 2. RURAL ENERGY FOR AMERICA PROGRAM.**

8 (a) IN GENERAL.—Section 9007 of the Farm Secu-
9 rity and Rural Investment Act of 2002 (7 U.S.C. 8107)
10 is amended—

1 (1) in subsection (a)—

2 (A) by redesignating paragraphs (1) and
3 (2) as subparagraphs (A) and (B), respectively,
4 and indenting appropriately;

5 (B) in the matter preceding subparagraph
6 (A) (as so redesignated), by striking “The Sec-
7 retary” and inserting the following:

8 “(1) IN GENERAL.—The Secretary”;

9 (C) in paragraph (1) (as so designated), in
10 the matter preceding subparagraph (A) (as so
11 redesignated), by inserting “(referred to in this
12 section as the ‘Program’)” after “Program”;
13 and

14 (D) by adding at the end the following:

15 “(2) CLIMATE BENEFITS.—In carrying out the
16 Program, the Secretary shall promote the reduction
17 of greenhouse gas emissions as a result of carrying
18 out projects funded by grants and other financial as-
19 sistance under the Program.”;

20 (2) in subsection (b)—

21 (A) in paragraph (2)—

22 (i) in subparagraph (D), by striking
23 “and” at the end;

24 (ii) by redesignating subparagraph
25 (E) as subparagraph (G); and

1 (iii) by inserting after subparagraph

2 (D) the following:

3 “(E) a producer cooperative;

4 “(F) a nongovernmental organization;

5 and”;

6 (B) in paragraph (3)—

7 (i) in subparagraph (E), by striking

8 “and” at the end;

9 (ii) in subparagraph (F), by striking

10 the period at the end and inserting “;

11 and”;

12 (iii) by adding at the end the fol-

13 lowing:

14 “(G) the potential of the proposed program

15 to reduce greenhouse gas emissions and provide

16 other climate benefits.”; and

17 (C) in paragraph (4)—

18 (i) in subparagraph (B), by redesignig-

19 nating clauses (i) and (ii) as subclauses (I)

20 and (II), respectively, and indenting appro-

21 priately;

22 (ii) by redesignating subparagraphs

23 (A) and (B) as clauses (i) and (ii), respec-

24 tively, and indenting appropriately;

1 (iii) in the matter preceding clause (i)
2 (as so redesignated), by striking “A recipi-
3 ent” and inserting the following:

4 “(A) IN GENERAL.—A recipient”; and

5 (iv) by adding at the end the fol-
6 lowing:

7 “(B) GRANT OPTIONS.—A grant awarded
8 under paragraph (1) may be used to carry out
9 1 or more of the activities described in subpara-
10 graph (A).”;

11 (3) in subsection (c)—

12 (A) in paragraph (1)(A), by adding after
13 and below the end the following:

14 “The Secretary may, on a limited case-by-case
15 basis, provide financial assistance described in
16 this subparagraph to agricultural producer co-
17 operatives and rural electric cooperatives that
18 do not otherwise qualify for the assistance.”;

19 (B) in paragraph (2)—

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

22 (ii) by redesignating subparagraph
23 (G) as subparagraph (H); and

24 (iii) by inserting after subparagraph
25 (F) the following:

1 “(G) the potential of the renewable energy
2 system to reduce greenhouse gas emissions and
3 result in other climate benefits; and”;

4 (C) in paragraph (3)(A), by striking “25
5 percent” and inserting “50 percent”;

6 (4) by redesignating subsections (d), (e), and
7 (f) as subsections (e), (f), and (i), respectively;

8 (5) by inserting after subsection (c) the fol-
9 lowing:

10 “(d) STREAMLINED APPLICATION PROCESS.—The
11 Secretary shall develop a streamlined application process,
12 including within each tier described in subsection (c)(4),
13 under which an entity may apply for a grant under sub-
14 section (b), financial assistance under subsection (c), or
15 a bundled application for a project with components eligi-
16 ble under clauses (i) and (ii) of subsection (c)(1)(A).”;

17 (6) in subsection (e) (as so redesignated)—

18 (A) in the subsection heading, by striking
19 “OUTREACH” and inserting “OUTREACH,
20 TECHNICAL ASSISTANCE, AND EDUCATION”;

21 (B) by striking “that adequate” and in-
22 serting the following: “that—

23 “(1) adequate”;

1 (C) in paragraph (1) (as so designated), by
2 striking the period at the end and inserting a
3 semicolon; and

4 (D) by adding at the end the following:

5 “(2) technical assistance is provided to entities
6 seeking to apply for a grant or financial assistance
7 under the Program; and

8 “(3) outreach, technical assistance, and edu-
9 cation is provided to recipients of grants and other
10 financial assistance under the Program relating to
11 integrating renewable energy projects on land shared
12 with crops or livestock.”;

13 (7) in subsection (f) (as so redesignated), in
14 paragraph (1), by striking “\$20,000” and inserting
15 “\$50,000”;

16 (8) by inserting after subsection (f) (as so re-
17 designated) the following:

18 “(g) STUDY.—

19 “(1) DEFINITION OF DUAL-USE ENERGY SYS-
20 TEM.—In this subsection, the term ‘dual-use energy
21 system’ means a system under which renewable en-
22 ergy production and agricultural production, includ-
23 ing crop or animal production, occur together on the
24 same piece of land.

1 “(2) STUDY.—The Secretary shall carry out a
2 study on dual-use energy systems.

3 “(3) REPORT.—Not later than 2 years after the
4 date of enactment of the REAP Modernization Act
5 of 2023, the Secretary shall submit to Congress, and
6 make publicly available online, a report on the re-
7 sults of the study carried out under paragraph (2),
8 which shall include a recommendation as to whether
9 the scope of grants and other financial assistance
10 under the Program should be expanded to cover
11 projects that generate more energy without signifi-
12 cantly impacting farm operations or leading to the
13 conversion of existing farm land.

14 “(h) ENERGY GENERATED.—In the case of a project
15 funded by a grant or other financial assistance provided
16 under the Program that takes place on a property on
17 which a residence is closely associated with and shares an
18 energy metering device with an agricultural operation or
19 rural small business to be served by the project, there shall
20 not be any requirement imposed relating to the quantity
21 of energy generated by the project that must be used by
22 the agricultural operation or rural small business.”; and

23 (9) in subsection (i) (as so redesignated), by
24 adding at the end the following:

1 “(4) OUTREACH, TECHNICAL ASSISTANCE, AND
2 EDUCATION.—Of the funds made available to carry
3 out this section for a fiscal year, the Secretary shall
4 use not more than 8 percent to carry out subsection
5 (e).

6 “(5) RESERVE FUND.—

7 “(A) IN GENERAL.—There is established a
8 reserve fund (referred to in this paragraph as
9 the ‘reserve fund’), into which, each fiscal year,
10 not less than 15 percent of the funds made
11 available under paragraphs (1) and (3) to carry
12 out this section for that fiscal year shall be
13 transferred.

14 “(B) USE OF RESERVE FUND.—After all
15 other funds for the Program are obligated for
16 a fiscal year, the Secretary may use amounts in
17 the reserve fund to provide grants and other fi-
18 nancial assistance under the Program for
19 projects using underutilized renewable energy
20 technologies.

21 “(C) UNUSED FUNDS.—If there are re-
22 maining funds in the reserve fund at the end of
23 a fiscal year, the Secretary shall use those re-
24 maining funds to provide grants and other fi-
25 nancial assistance under the Program without

1 regard to whether the grants or financial assist-
2 ance relate to underutilized renewable energy
3 technologies.”.

4 (b) CONFORMING AMENDMENTS.—Section 9007 of
5 the Farm Security and Rural Investment Act of 2002 (7
6 U.S.C. 8107) is amended by striking “subsection (f)” each
7 place it appears and inserting “subsection (i)”.

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