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113TH CONGRESS
2D SESSION

H. R. 5616

To promote and enhance urban agricultural production and agricultural research in urban areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2014

Ms. KAPTUR (for herself, Ms. FUDGE, Ms. MOORE, Ms. NORTON, Ms. MATSUI, Ms. PINGREE of Maine, Mr. RYAN of Ohio, Mr. MCGOVERN, Mr. CONYERS, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Agriculture

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A BILL

To promote and enhance urban agricultural production and agricultural research in urban areas, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Urban Agriculture Production Act''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Urban agriculture outreach program.
Sec. 4. Covering urban farmers and ranchers under Office of Advocacy and Outreach.

Sec. 5. Urban agriculture research initiative.
Sec. 6. Amending agriculture programs.
Sec. 7. Improving agricultural reporting.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Dramatic economic, demographic, and land use changes have created pockets of arable land suitable for agricultural production in and around urban areas of the United States.

(2) Advances in agricultural practices make production possible in and around urban areas that were previously cordoned off from agricultural production.

(3) There is a disconnect between daily urban life and food production that urban agriculture can help address.

(4) According to the Economic Research Service of the Department of Agriculture, direct sales of agricultural products have grown to $1,200,000,000 with 89 percent of all sales coming from farms in urban metropolitan and adjacent areas.

(5) It is imperative to ensure that urban agricultural production remains a viable option to help meet the food production needs of the future.

SEC. 3. URBAN AGRICULTURE OUTREACH PROGRAM.

(a) GRANTS AUTHORIZED.—The Secretary of Agriculture shall establish an urban agriculture outreach pro-

gram under which the Secretary shall award grants to eligible entities to support outreach activities for any of the following:

(1) Infrastructure, including distribution systems to support new or expanded agricultural production in and around urban areas (as defined in section 226B(a) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a))).

(2) Land acquisition and land conversion to support new or expanded agricultural production in and around urban areas, including in and around brownfields and other underutilized tracts of land.

(3) Education and training to enhance agricultural production in and around urban areas.

(4) Providing assistance to farmers or ranchers in urban areas with respect to the aggregation of the farmer's or rancher's products and supplies for purposes of transportation to market.

(5) Other activities that support urban agricultural production as determined by the Secretary.

(b) TERM OF GRANT.—

(1) IN GENERAL.—The term of a grant awarded under this section shall be not less than one year.

(2) RENEWALS.—A grant awarded under this section may be renewed at the discretion of the Secretary.

(c) PRIORITY.—In awarding grants under this section, the Secretary shall give a preference to eligible entities seeking a grant for outreach activities to be carried out in historically underserved communities (as defined by the Secretary).

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term ''eligible entity'' means—

(A) a community organization;

(B) a nonprofit organization;

(C) a municipality;

(D) a local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801));

(E) an institution of higher education (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)); or

(F) any other entity as determined by the Secretary of Agriculture.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2015 and each fiscal year thereafter.

SEC. 4. COVERING URBAN FARMERS AND RANCHERS UNDER OFFICE OF ADVOCACY AND OUTREACH.

Section 226B of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934) is amended—

(1) in subsection (a), by adding at the end the following new paragraphs:

"(4) URBAN AREA.—The term 'urban area' means an area within a Metropolitan Statistical Area (as defined by the Office of Management and Budget).

"(5) URBAN FARMER OR RANCHER.—The term 'urban farmer or rancher' means a farmer or rancher who owns or operates a farm or ranch in an urban area.";

(2) in subsection (b)(1)—

(A) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv), respectively; and

(B) by inserting after clause (i) the following new clause:

"(ii) urban farmers or ranchers;";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking ''and socially disadvantaged farmers or ranchers'' and inserting ''socially disadvantaged farmers or ranchers, and urban farmers or ranchers'';

(B) in paragraph (1), by striking ''or socially disadvantaged'' and inserting ''socially disadvantaged, or urban'';

(C) in paragraph (5), by striking ''and socially disadvantaged farmers or ranchers'' and inserting ''socially disadvantaged farmers or ranchers, and urban farmers or ranchers''; and

(D) in paragraph (6), by inserting ''directly'' after ''programs'';

(4) by redesignating subsection (f) as subsection (g); and

(5) by inserting after subsection (e) the following new subsection:

''(f) URBAN FARMERS AND RANCHERS GROUP.—

''(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Urban Farmers and Ranchers Group.

''(2) MEMBERSHIP.—

"(A) IN GENERAL.—The Urban Farmers and Ranchers Group shall be composed of—

"(i) seven employees of the Department of Agriculture, each of whom shall represent a distinct mission area of the Department; and

"(ii) such other officers or employees of the United States as the Secretary determines are necessary.

"(B) PAY.—Officers and employees of the United States shall not receive additional compensation for service as a member of the Group.

"(3) DUTIES.—The Urban Farmers and Ranchers Group shall—

"(A) carry out and administer the urban agriculture outreach program established under section 3 of the Urban Agriculture Production Act;

"(B) establish and administer an information clearinghouse on agricultural activities in urban areas, including best practices;

"(C) consult with public and private groups, including research institutions, on how to enhance agricultural production in urban areas; and

"(D) provide technical assistance to urban farmers and ranchers to assist such farmers and ranchers (including urban gardeners)—

"(i) in identifying appropriate land, space, or buildings for lease or purchase;

"(ii) in preparing loan applications, identifying appropriate funding sources, and by connecting such farmers and ranchers with loan officers and other appropriate personnel;

"(iii) in connecting to the network of farmers' markets throughout the United States;

"(iv) in diversifying the marketing plans of the farmers' or ranchers' products by encouraging the formation of community-supported agriculture groups and direct wholesale opportunities;

"(v) by providing for business development and management activities, including professional development activities;

"(vi) with understanding and navigating municipal laws, regulations, ordinances, and policies with respect to obtaining permits, zoning, and water access;

"(vii) with registering the farming business of such farmers or ranchers, satisfying any legal requirements applicable to such registration (including obtaining licenses and registrations), and organizing an appropriate business structure; and

"(viii) in establishing relationships with a wide range of field partners and in finding resources to assist such farmers or ranchers achieve efficient and viable production.".

SEC. 5. URBAN AGRICULTURE RESEARCH INITIATIVE.

(a) IN GENERAL.—The Secretary of Agriculture shall award grants, on a competitive basis, for scientific research on promoting and enhancing agricultural production in urban areas (as defined in section 226B(a) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a))), including, with respect to improving production efficiency, production, and profitability—

(1) marketing new innovations and technologies;

(2) methods to protect crops and agricultural products from pests and disease;

(3) methods to enhance food safety related to production; and

(4) other research areas the Secretary determines are appropriate.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and make publicly available on the Internet site of the Department of Agriculture, a report summarizing the research conducted under subsection (a).

(c) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section $20,000,000 for each of fiscal years 2015 through 2018.

SEC. 6. AMENDING AGRICULTURE PROGRAMS.

(a) EXPANSION OF THE FARMERS' MARKET PROMOTION PROGRAM.—

(1) PROMOTION PROGRAM ESTABLISHMENT.—Section 6(a) of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005(a)) is amended—

(A) by inserting ", loans, or loan guarantees" after "make grants";

(B) by inserting "or activities" after "projects"; and

(C) by striking ''development of local food business enterprises.'' and inserting the following: ''development of local food business enterprises, including—

''(1) projects for the construction of new farmers' markets;

''(2) projects for the improvement or rehabilitation of existing farmers' markets;

''(3) projects for the acquisition of equipment for farmers' markets and other infrastructure needs;

''(4) projects for the purchase, acquisition, and rehabilitation of land or property for use as a farmers' market;

''(5) activities carried out through agri-tourism initiatives;

''(6) marketing and advertising activities;

''(7) transportation and delivery activities;

''(8) education and outreach and activities to encourage farmers' markets participation in Federal and State food and nutrition assistance programs;

''(9) business development and management activities, including professional development activities;

''(10) projects for the establishment of satellite locations of existing farmers' markets designed to in-

crease sales in areas not easily accessible through traditional transportation; and

"(11) activities carried out through planning and feasibility initiatives for new or expanding farmers' markets.".

(2) PURPOSES.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) is amended—

(A) by striking subsection (b); and

(B) by redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively.

(3) ELIGIBILITY.—Subsection (b) of section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as so redesignated) is amended—

(A) in the matter preceding paragraph (1), by inserting ", loan, or loan guarantee" after "grant";

(B) by striking paragraph (1) and inserting the following new paragraph:

"(1) a State government agency;";

(C) in paragraph (2), by inserting "agency" after "government";

(D) by striking paragraphs (4) and (5);

(E) by inserting after paragraph (3) the following new paragraph:

''(4) an operator of a farmers' market;''; and

(F) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(4) PRIORITIES.—Subsection (d)(1) of section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), as redesignated by paragraph (2)(B), is amended by inserting ''or an urban area (as defined in section 226B(a) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a)))'' after ''regionally grown foods''.

(5) INTEREST RATE; APPLICATION; CONDITION.—Section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005), as amended by paragraph (2), is further amended—

(A) by redesignating subsections (f) and (g) as subsections (h) and (i), respectively; and

(B) by inserting after subsection (d) (as redesignated by paragraph (2)(B)) the following new subsections:

''(e) INTEREST RATE.—

''(1) IN GENERAL.—The interest rate on a loan under this section (other than a loan guarantee under this section) shall be as determined by the

Secretary, but not less than such rate as determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the maturities of such loan, as determined by the Secretary of the Treasury on the date the loan is made.

"(2) DURATION.—The interest rate for each loan under this section shall remain in effect for the term of the loan.

"(f) APPLICATION.—An eligible entity seeking a grant, loan, or loan guarantee under this section shall submit to the Secretary an application in such time and in such manner and containing such information as the Secretary may require, including documentation demonstrating the financial need of the entity.

"(g) CONDITION.—As a condition of receiving a grant, loan, or loan guarantee under this section, a recipient of such a grant, loan, or loan guarantee shall certify that the recipient will reserve, for the sale of locally produced food products (as determined by the Secretary) produced by farmers, ranchers, or aquaculture, mariculture, or fisheries operators, or by associations of farmers,

ranchers, or those operators, not less than 50 percent of the floor area of a farmers' market—

"(1) that is operated or facilitated by the recipient; and

"(2) with respect to which grant or loan funds will be used.".

(6) FUNDING.—Subsection (i) of section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3005) (as redesignated by paragraph (4)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking "and" at the end;

(ii) in subparagraph (D), by striking "each of fiscal years 2014 through 2018." and inserting "fiscal year 2014; and"; and

(iii) by adding at the end the following new subparagraph:

"(E) $50,000,000 for each of fiscal years 2015 through 2018.";

(B) by striking paragraph (4) and inserting the following new paragraph:

"(4) USE OF FUNDS.—

"(A) EBT.—Not less than 10 percent of the funds used to carry out this section in a fis-

cal year under paragraph (1) or (3) shall be used to support the use of electronic benefits transfers for Federal nutrition programs at farmers' markets.

"(B) GRANTS.—Not less than 70 percent of the funds made available to carry out this section in a fiscal year shall be used to make grants to eligible entities."; and

(C) in paragraph (5)—

(i) in the heading, by inserting "TECHNICAL ASSISTANCE AND" before "ADMINISTRATIVE EXPENSES"; and

(ii) by inserting "to provide technical assistance or" before "for administrative expenses".

(b) EXTENSION OF AND ADDITIONAL FUNDING FOR SENIORS FARMERS' MARKET NUTRITION PROGRAM.—

(1) EXTENSION OF PROGRAM.—Section 4402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(a)) is amended to read as follows:

"(a) ESTABLISHMENT.—The Secretary of Agriculture shall use funds available to the Commodity Credit Corporation to carry out and expand a seniors farmers' market nutrition program in the following amounts:

"(1) For fiscal year 2015, $25,000,000.

"(2) For fiscal year 2016, $50,000,000.

"(3) For fiscal year 2017, $75,000,000.

"(4) For each of fiscal years 2018 through 2020, $100,000,000.".

(2) PURPOSES.—Section 4402(b)(1) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007(b)(1)) is amended—

(A) by striking "unprepared" and inserting "minimally processed"; and

(B) by striking "and herbs" and inserting "herbs, and other locally produced farm products, as the Secretary considers appropriate,".

(3) ADMINISTRATIVE COSTS; UNEXPENDED FUNDS.—Section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007) is amended by adding at the end the following:

"(h) ADMINISTRATIVE COSTS.—Not more than 10 percent of the funds made available for a fiscal year under subsection (a) may be used to pay administrative costs incurred in carrying out this section.

"(i) UNEXPENDED FUNDS.—To the extent the funds made available under subsection (a) for a fiscal year are not expended in that fiscal year, the Secretary shall use

such funds in a subsequent fiscal year for the same purpose.

"(j) PRIORITIES.—In providing funds made available under this section, the Secretary shall give priority to farmers' markets that have an operational seniors farmers' market program and to seniors farmers' markets programs in historically underserved communities (as defined by the Secretary).".

(c) COMMUNITY FOOD PROJECTS.—Section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (B)—

(i) in clause (i)—

(I) by striking "(i)(I)" and inserting the following:

"(A)(i)";

(II) by striking "(II)" and inserting the following:

"(ii)"; and

(III) by striking "(III)" and inserting the following:

"(iii)"; and

(ii) in clause (ii)—

(I) by striking "(ii)(I)" and inserting the following:

"(B)(i)";

(II) by striking "(II)" and inserting the following:

"(ii)"; and

(III) by striking "(III)" and inserting the following:

"(iii)"; and

(B) by striking "that—" and all that follows through "(B) is" and inserting "that is—"; and

(2) in subsection (b)(2)(C), by striking "$9,000,000" and inserting "$10,000,000".

SEC. 7. IMPROVING AGRICULTURAL REPORTING.

(a) EVALUATION OF FARMERS' MARKETS IN CENSUS OF AGRICULTURE.—Section 2(a) of the Census of Agriculture Act of 1997 (7 U.S.C. 2204g(a)) is amended by adding at the end the following new paragraph:

"(3) INCLUSION OF FARMERS' MARKETS.—Effective beginning with the first census of agriculture conducted after the date of the enactment of the Urban Agriculture Production Act, the Secretary shall include as part of each census of agriculture—

"(A) an evaluation of the state of farmers' markets in the United States, including information regarding the size, location, operational capacity, and geographic dispersion of farmers' markets and types of food products sold (both in terms of product diversity and sales locations) through farmers' markets; and

"(B) an analysis of the economic impact of farmers' markets, including the success of Federal programs in promoting and supporting farmers' markets.".

(b) COORDINATED ANNUAL REPORT ON FARMERS' MARKETS.—Beginning on the date that is 90 days after the date of the enactment of this Act and each year thereafter, the Secretary of Agriculture shall submit to Congress and publish on the Internet site of the Department of Agriculture a report on the status of farmers' markets in the United States. Such report shall include with respect to farmers' markets in the United States for each year, the following information:

(1) The number of farmers' markets.

(2) The number of farmers' markets established during such year except that for the first year a report is submitted under this section, the report shall

include the number of farmers' markets for the five years immediately preceding the first reporting year.

(3) The economic value of an average farmers' market.

(4) The type of governmental assistance provided to farmers' markets.

(5) The products that are typically sold at farmers' markets.

(6) The number of farmers' markets that accept as a form of payment benefits distributed through—

(A) the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);

(B) the seniors farmers' market nutrition program established under section 4402 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 3007);

(C) the special supplemental nutrition program for women, infants, and children established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); and

(D) any other Federal or State nutrition assistance program as determined appropriate by the Secretary.

(7) The methods through which farmers' markets process the forms of payment described in paragraph (6).

(8) The average income of a farmers' market operator.

(9) The average profit of a farmers' market operator.

(10) The average expense of a farmers' market operator.

(11) Other occupations of operators of farmers' markets.

(12) The percentage of food at farmers' markets that is locally produced.

(13) Any other information related to farmers' markets in the United States that the Secretary determines is important to promote and enhance the use of farmers' markets.

(c) REPORT ON STATUS OF AGRICULTURAL PRODUCTION IN AND AROUND URBAN AREAS.—Not later than 90 days after the date of the enactment of this Act and not later than 90 days after the end of each fiscal year thereafter, the Secretary of Agriculture shall submit a report to Congress (and make such report publicly available electronically) on the status of agricultural production in urban areas (as defined in section 226B(a) of the Depart-

ment of Agriculture Reorganization Act of 1994 (7 U.S.C. 6934(a))). The report shall include—

(1) with respect to agricultural production in urban areas, information on—

(A) the percentage and economic value of such production;

(B) the most popular type of agricultural activity in which individuals are engaged in such production;

(C) the most recent best practices for such production;

(D) the type of agricultural products marketed and sold through such production; and

(E) the progress made toward strengthening local food systems in carrying out such production;

(2) an analysis of local government regulations, including zoning, that have supported or could support sustainable agricultural production in urban areas; and

(3) recommendations on how to further agricultural production in urban areas.

(d) PERFORMANCE GOALS.—The Secretary of Agriculture shall incorporate promoting and enhancing agricultural production in urban areas into the Department

of Agriculture performance goals established in the agency performance plan under section 1115 of title 31, United States Code, and updated in accordance with section 1116 of such title.

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