

117TH CONGRESS
1ST SESSION

S. 300

To address the history of discrimination against Black farmers and ranchers, to require reforms within the Department of Agriculture to prevent future discrimination, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. BOOKER (for himself, Ms. WARREN, Mrs. GILLIBRAND, Ms. SMITH, Mr. WARNOCK, and Mr. LEAHY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To address the history of discrimination against Black farmers and ranchers, to require reforms within the Department of Agriculture to prevent future discrimination, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Justice for Black Farmers Act of 2021”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.

TITLE I—DEPARTMENT OF AGRICULTURE CIVIL RIGHTS REFORMS

- Sec. 101. Definitions.
- Sec. 102. Independent Civil Rights Oversight Board.
- Sec. 103. Equity Commission.
- Sec. 104. Office of the Assistant Secretary for Civil Rights reforms.
- Sec. 105. Data collection and reporting.

TITLE II—BLACK FARMER LAND GRANTS

- Sec. 201. Definitions.
- Sec. 202. Establishment of the Under Secretary of Agriculture for Equitable Land Access and the Equitable Land Access Service.
- Sec. 203. Provision of land grants.
- Sec. 204. Identification of land.
- Sec. 205. Restrictions on conveyed land.
- Sec. 206. Eligibility for assistance.
- Sec. 207. Completion of farmer training program and succession planning.
- Sec. 208. Grants for qualified entities.
- Sec. 209. Farm Conservation Corps.
- Sec. 210. Annual report to Congress.

TITLE III—FUNDING FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES

- Sec. 301. Funding for historically Black colleges and universities.
- Sec. 302. USDA/1890 National Scholars Program.

TITLE IV—LAND RETENTION AND CREDIT ASSISTANCE

- Sec. 401. Protections for land ownership.
- Sec. 402. Access to credit for socially disadvantaged farmers and ranchers.
- Sec. 403. Additional credit assistance.
- Sec. 404. Foreclosure moratorium.

TITLE V—AGRICULTURAL SYSTEM REFORMS

Subtitle A—Amendments to Packers and Stockyards Act, 1921

- Sec. 501. Definitions.
- Sec. 502. Unlawful practices.
- Sec. 503. Spot market purchases of livestock by packers.
- Sec. 504. Investigation of live poultry dealers.
- Sec. 505. Award of attorney fees.
- Sec. 506. Technical amendments.

Subtitle B—Local Agriculture Market Program

- Sec. 511. Local Agriculture Market Program.

Subtitle C—Conservation and Renewable Energy Programs

- Sec. 521. Conservation technical assistance.
- Sec. 522. Conservation Stewardship Program.

Sec. 523. Rural Energy for America Program.

Sec. 524. Conservation and renewable energy programs priority.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) SECRETARY.—The term “Secretary” means
4 the Secretary of Agriculture.

5 (2) SOCIALLY DISADVANTAGED FARMER OR
6 RANCHER.—The term “socially disadvantaged farm-
7 er or rancher” means a farmer or rancher who is a
8 member of a socially disadvantaged group.

9 (3) SOCIALLY DISADVANTAGED GROUP.—The
10 term “socially disadvantaged group” means a group
11 whose members have been subjected to racial or eth-
12 nic prejudice because of their identity as members of
13 a group without regard to their individual qualities.

14 **TITLE I—DEPARTMENT OF AGRICULTURE CIVIL RIGHTS RE-**
15 **FORMS**
16 **FORMS**

17 **SEC. 101. DEFINITIONS.**

18 In this title:

19 (1) ASSISTANT SECRETARY.—The term “Assist-
20 ant Secretary” means the Assistant Secretary of Ag-
21 riculture for Civil Rights.

22 (2) BOARD.—The term “Board” means the De-
23 partment of Agriculture Civil Rights Oversight
24 Board established by section 102(a).

1 (3) COMMISSION.—The term “Commission”
 2 means the Equity Commission established by section
 3 103(a)(1).

4 (4) OFFICE.—The term “Office” means the Of-
 5 fice of the Assistant Secretary.

6 **SEC. 102. INDEPENDENT CIVIL RIGHTS OVERSIGHT BOARD.**

7 (a) IN GENERAL.—There is established in the De-
 8 partment of Agriculture an independent board, to be
 9 known as the “Department of Agriculture Civil Rights
 10 Oversight Board”—

11 (1) to oversee the Office; and

12 (2) to protect the rights of individuals who seek
 13 to file, or do file, a discrimination complaint with the
 14 Office.

15 (b) DUTIES.—The Board shall—

16 (1)(A) conduct a de novo review with fact find-
 17 ing power, including notice and opportunity for a
 18 hearing, of any appeal of a decision made by the Of-
 19 fice, including any appeal of a dismissal of a com-
 20 plaint; and

21 (B) issue a written decision within 180 days of
 22 receipt of an appeal or dismissal described in sub-
 23 paragraph (A);

24 (2) investigate reports of discrimination within
 25 the Department of Agriculture, make findings of

1 fact and conclusions of law in accordance with the
2 findings, and recommend to the Secretary appropriate
3 actions relative to specific findings;

4 (3) recommend improvements to Department of
5 Agriculture policies and procedures to address pat-
6 terns and practices of discrimination and to prevent
7 further discrimination;

8 (4) conduct regular reviews to assess the com-
9 pliance of the Office with civil rights, fair employ-
10 ment, and pay equity laws and policies applicable to
11 the Office;

12 (5) provide oversight over Farm Service Agency
13 county committees;

14 (6)(A) assess the progress made by the pro-
15 grams and policies established under this Act and
16 the amendments made by this Act; and

17 (B) submit recommendations for improvements
18 to those programs or policies to the Secretary; and

19 (7)(A) prepare an annual report on the status
20 of socially disadvantaged farmers and ranchers and
21 the treatment of socially disadvantaged farmers and
22 ranchers by the Department of Agriculture;

23 (B) make each report prepared under subpara-
24 graph (A) publicly available; and

1 (C) submit each report prepared under sub-
2 paragraph (A) to the Attorney General.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for each of fiscal years
5 2021 through 2030 such sums as are necessary to carry
6 out this section.

7 **SEC. 103. EQUITY COMMISSION.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established in the
10 Department of Agriculture the Equity Commission,
11 the purposes of which are—

12 (A) to study historical and continuing dis-
13 crimination by the Department of Agriculture
14 against Black farmers and ranchers that is fos-
15 tered or perpetuated by the laws, policies, or
16 practices of the Department of Agriculture; and

17 (B) to recommend actions to end the sys-
18 tematic disparities in treatment of Black farm-
19 ers and ranchers, particularly by the Depart-
20 ment of Agriculture.

21 (2) MEMBERSHIP.—

22 (A) COMPOSITION.—The Commission shall
23 be composed of 9 members, to be appointed by
24 the Secretary, of whom—

1 (i) 3 shall be Black farmers or ranch-
 2 ers with not less than 10 years of experi-
 3 ence in farming or ranching;

4 (ii) 3 shall be employees or board
 5 members of nonprofit organizations that
 6 have not less than 7 years of experience
 7 providing meaningful agricultural, business
 8 assistance, legal assistance, or advocacy
 9 services to Black farmers or ranchers; and

10 (iii) 3 shall be faculty or staff from
 11 1890 Institutions (as defined in section 2
 12 of the Agricultural Research, Extension,
 13 and Education Reform Act of 1998 (7
 14 U.S.C. 7601)) or the University of the Dis-
 15 trict of Columbia.

16 (B) DATE.—The appointments of the
 17 members of the Commission shall be made not
 18 later than 90 days after the date of enactment
 19 of this Act.

20 (3) PERIOD OF APPOINTMENT; VACANCIES.—

21 (A) IN GENERAL.—A member of the Com-
 22 mission shall be appointed for the life of the
 23 Commission.

24 (B) VACANCIES.—A vacancy in the Com-
 25 mission—

1 (i) shall not affect the powers of the
2 Commission; and

3 (ii) shall be filled in the same manner
4 as the original appointment.

5 (4) MEETINGS.—

6 (A) INITIAL MEETING.—Not later than 30
7 days after the date on which all members of the
8 Commission have been appointed, the Commis-
9 sion shall hold the first meeting of the Commis-
10 sion.

11 (B) FREQUENCY.—The Commission shall
12 meet at the call of the Chairperson.

13 (C) QUORUM.—A majority of the members
14 of the Commission shall constitute a quorum,
15 but a lesser number of members may hold hear-
16 ings.

17 (5) CHAIRPERSON AND VICE CHAIRPERSON.—
18 The Commission shall select a Chairperson and Vice
19 Chairperson from among the members of the Com-
20 mission.

21 (b) DUTIES OF THE COMMISSION.—

22 (1) STUDY.—The Commission shall study dis-
23 crimination against Black farmers and ranchers by
24 the Department of Agriculture, including by con-
25 ducting investigations of—

1 (A) the prevalence of discrimination
2 against Black farmers and ranchers in Depart-
3 ment of Agriculture agencies and programs, in-
4 cluding Farm Service Agency county commit-
5 tees; and

6 (B) the status of claimants who filed for
7 relief under the settlement agreement and con-
8 sent decree in *Pigford v. Glickman*, 185 F.R.D.
9 82 (D.D.C. 1999) or the settlement agreement
10 in *In re Black Farmers Discrimination Litiga-*
11 *tion*, Misc. No. 08–mc–0511 (PLF), with a par-
12 ticular focus on the status of claimants who did
13 not receive payments.

14 (2) RECOMMENDATIONS.—The Commission
15 shall develop recommendations for—

16 (A) ending the systematic disparities in
17 treatment of Black farmers and ranchers, par-
18 ticularly by the Department of Agriculture;

19 (B) improving the structure of Farm Serv-
20 ice Agency county committees to better serve
21 socially disadvantaged farmers and ranchers,
22 including, if necessary, recommending the elimi-
23 nation and replacement of those committees;
24 and

1 (C) addressing any mishandling of pay-
2 ments identified through studying the matters
3 under paragraph (1)(B).

4 (3) OUTREACH.—In studying the matters under
5 paragraph (1) and developing recommendations
6 under paragraph (2), the Commission shall—

7 (A) consult with the Socially Disadvan-
8 taged Farmers and Ranchers Policy Research
9 Center; and

10 (B) hold town hall meetings with socially
11 disadvantaged farmers and ranchers, research-
12 ers, and civil rights advocates.

13 (4) REPORT.—Not later than 2 years after the
14 date of enactment of this Act, the Commission shall
15 make publicly available a detailed report that de-
16 scribes—

17 (A) the findings of the study under para-
18 graph (1); and

19 (B) the recommendations developed under
20 paragraph (2).

21 (c) POWERS OF COMMISSION.—

22 (1) HEARINGS.—The Commission shall hold
23 open, televised, and public hearings, during which
24 the Commission may sit and act at such times and
25 places, take such testimony, and receive such evi-

1 dence as the Commission considers advisable to
2 carry out this section.

3 (2) INFORMATION FROM FEDERAL AGENCIES.—

4 (A) IN GENERAL.—The Commission may
5 secure directly from a Federal department or
6 agency such information as the Commission
7 considers necessary to carry out this section.

8 (B) FURNISHING INFORMATION.—On re-
9 quest of the Chairperson of the Commission,
10 the head of the department or agency shall fur-
11 nish the information to the Commission.

12 (3) POSTAL SERVICES.—The Commission may
13 use the United States mails in the same manner and
14 under the same conditions as other departments and
15 agencies of the Federal Government.

16 (4) GIFTS.—The Commission may accept, use,
17 and dispose of gifts or donations of services or prop-
18 erty.

19 (d) COMMISSION PERSONNEL MATTERS.—

20 (1) COMPENSATION OF MEMBERS.—A member
21 of the Commission who is not an officer or employee
22 of the Federal Government shall be compensated at
23 a rate equal to the daily equivalent of the annual
24 rate of basic pay prescribed for level IV of the Exec-
25 utive Schedule under section 5315 of title 5, United

1 States Code, for each day (including travel time)
2 during which the member is engaged in the perform-
3 ance of the duties of the Commission.

4 (2) TRAVEL EXPENSES.—A member of the
5 Commission shall be allowed travel expenses, includ-
6 ing per diem in lieu of subsistence, at rates author-
7 ized for employees of agencies under subchapter I of
8 chapter 57 of title 5, United States Code, while
9 away from their homes or regular places of business
10 in the performance of services for the Commission.

11 (3) STAFF.—

12 (A) IN GENERAL.—The Chairperson of the
13 Commission may, without regard to the civil
14 service laws (including regulations), appoint
15 and terminate an executive director and such
16 other additional personnel as may be necessary
17 to enable the Commission to perform its duties,
18 except that the employment of an executive di-
19 rector shall be subject to confirmation by the
20 Commission.

21 (B) COMPENSATION.—The Chairperson of
22 the Commission may fix the compensation of
23 the executive director and other personnel with-
24 out regard to chapter 51 and subchapter III of
25 chapter 53 of title 5, United States Code, relat-

1 ing to classification of positions and General
2 Schedule pay rates, except that the rate of pay
3 for the executive director and other personnel
4 may not exceed the rate payable for level V of
5 the Executive Schedule under section 5316 of
6 that title.

7 (4) DETAIL OF GOVERNMENT EMPLOYEES.—A
8 Federal Government employee may be detailed to
9 the Commission without reimbursement, and such
10 detail shall be without interruption or loss of civil
11 service status or privilege.

12 (5) PROCUREMENT OF TEMPORARY AND INTER-
13 MITTENT SERVICES.—The Chairperson of the Com-
14 mission may procure temporary and intermittent
15 services under section 3109(b) of title 5, United
16 States Code, at rates for individuals that do not ex-
17 ceed the daily equivalent of the annual rate of basic
18 pay prescribed for level V of the Executive Schedule
19 under section 5316 of that title.

20 (e) TERMINATION OF COMMISSION.—The Commis-
21 sion shall terminate on the date that is 30 days after the
22 date on which the Commission makes publicly available
23 the report under subsection (b)(4).

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There
25 are authorized to be appropriated for each of fiscal years

1 2021 through 2030 such sums as are necessary to carry
2 out this section.

3 **SEC. 104. OFFICE OF THE ASSISTANT SECRETARY FOR**
4 **CIVIL RIGHTS REFORMS.**

5 (a) OMBUDSMAN.—The Secretary shall establish in
6 the Department of Agriculture a position of Civil Rights
7 Ombudsman—

8 (1) to assist individuals in navigating Office
9 programs; and

10 (2) to provide recommendations to the Sec-
11 retary for grants provided under subsection (g).

12 (b) DEADLINE FOR DECISIONS.—Not later than 180
13 days after the date on which the Office receives a civil
14 rights complaint, the Assistant Secretary shall make a
15 final decision of the Assistant Secretary regarding the
16 merit of the complaint and the appropriate disposition of
17 the matter.

18 (c) APPEALS TO BOARD.—

19 (1) IN GENERAL.—A person that receives an
20 adverse decision or dismissal by the Office on a civil
21 rights complaint filed by the person may appeal the
22 decision or dismissal to the Board for a final deci-
23 sion.

24 (2) DEADLINE.—An appeal under paragraph
25 (1) shall be filed not later than 1 year after the date

1 of the adverse decision or dismissal described in that
2 paragraph.

3 (3) EFFECT OF BOARD DECISION.—A decision
4 of the Board on an appeal filed under paragraph
5 (1), or a dismissal of such an appeal for lack of ju-
6 risdiction, shall constitute exhaustion of administra-
7 tive remedies and be reviewable in Federal court.

8 (d) MORATORIUM ON FORECLOSURES.—The Sec-
9 retary shall not take any action on a foreclosure pro-
10 ceeding against any farmer or rancher during any period
11 that a civil rights complaint filed by the farmer or rancher
12 with the Office is outstanding, including an appeal to the
13 Board under subsection (c)(1).

14 (e) REPORTS.—The Assistant Secretary shall—

15 (1) publish on the website of the Office and
16 submit to the Board a report of each civil rights
17 complaint filed with the Office and the results of
18 each such complaint; and

19 (2) include in each report described in para-
20 graph (1) a description of the race, ethnicity, gen-
21 der, and geographic region of the complainant.

22 (f) PROHIBITION ON INTERFERENCE BY THE OFFICE
23 OF THE GENERAL COUNSEL.—The Office of General
24 Counsel of the Department of Agriculture shall not have
25 any involvement with the investigation, adjudication, or

1 resolution of any civil rights complaint brought against the
2 Secretary.

3 (g) GRANTS.—

4 (1) IN GENERAL.—The Secretary, based on rec-
5 ommendations from the Civil Rights Ombudsman,
6 shall provide grants to community-based organiza-
7 tions and advocates with a history of working with
8 socially disadvantaged farmers and ranchers to pro-
9 vide technical assistance to farmers and ranchers
10 seeking to file a civil rights complaint with the Of-
11 fice.

12 (2) FUNDING.—There is authorized to be ap-
13 propriated, and there is appropriated, out of
14 amounts in the Treasury not otherwise appropriated,
15 \$50,000,000 for each of fiscal years 2021 through
16 2030 to carry out this subsection.

17 (h) DIRECT REPORTING TO THE SECRETARY OF AG-
18 RICULTURE.—Section 218(c) of the Department of Agri-
19 culture Reorganization Act of 1994 (7 U.S.C. 6918(c)) is
20 amended—

21 (1) in the subsection heading, by striking “DU-
22 TIES OF”;

23 (2) by redesignating paragraphs (1) through
24 (3) as subparagraphs (A) through (C), respectively,
25 and indenting appropriately;

1 (3) in the matter preceding subparagraph (A)
 2 (as so redesignated), by striking “The Secretary”
 3 and inserting the following:

4 “(1) DUTIES.—The Secretary”; and

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

6 “(2) DIRECT REPORTING TO THE SEC-
 7 RETARY.—If the Secretary establishes the position
 8 of Assistant Secretary for Civil Rights under sub-
 9 section (a)(3), the Assistant Secretary for Civil
 10 Rights shall report directly to the Secretary.”.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
 12 tion to amounts made available under subsection (g)(2),
 13 there are authorized to be appropriated for each of fiscal
 14 years 2021 through 2030 such sums as are necessary to
 15 carry out this section and the amendments made by this
 16 section.

17 **SEC. 105. DATA COLLECTION AND REPORTING.**

18 (a) IN GENERAL.—The Secretary shall make publicly
 19 available annual reports describing data on the recipients
 20 of Department of Agriculture assistance, including assist-
 21 ance from farm subsidy programs, and the amounts of the
 22 assistance, delineated by the race, ethnicity, and gender
 23 of the recipients.

24 (b) ERS RESEARCH OF SOCIALLY DISADVANTAGED
 25 FARMERS AND RANCHERS.—The Secretary, acting

1 through the Administrator of the Economic Research
2 Service, shall conduct research on the status of socially
3 disadvantaged farmers and ranchers, including—

4 (1) the share of land ownership of those socially
5 disadvantaged farmers and ranchers as compared to
6 all farmers and ranchers, delineated by the race,
7 ethnicity, and gender of the landowners;

8 (2) the share of the amount of assistance those
9 socially disadvantaged farmers and ranchers receive
10 from the Department of Agriculture as compared to
11 all farmers and ranchers, delineated by the race,
12 ethnicity, and gender of the recipients;

13 (3) the share, status, and receipt of Farm Cred-
14 it System loans by socially disadvantaged farmers
15 and ranchers as compared to all farmers and ranch-
16 ers, delineated by the race, ethnicity, and gender of
17 the recipients; and

18 (4) an assessment of the reasons for disparities
19 in land ownership, assistance from the Department
20 of Agriculture, and Farm Credit System loans for
21 socially disadvantaged farmers and ranchers com-
22 pared to all farmers and ranchers.

23 (c) ERS RESEARCH OF FARMWORKERS.—The Sec-
24 retary, acting through the Administrator of the Economic

1 Research Service, shall conduct research on the demo-
2 graphics and status of farmworkers, including—

3 (1) the races, ethnicities, ages, localities, wages
4 and benefits, and working conditions of farm-
5 workers;

6 (2) the economic contributions of farmworkers
7 to the United States economy; and

8 (3) satisfaction of farmworkers with their em-
9 ployment.

10 (d) CENSUS OF AGRICULTURE.—The Secretary, act-
11 ing through the Administrator of the National Agricul-
12 tural Statistics Service, shall—

13 (1) investigate historical changes in reporting
14 methodology and misreporting of Black farmers and
15 ranchers in the census of agriculture;

16 (2) develop procedures to ensure that census of
17 agriculture surveys accurately capture the status of
18 socially disadvantaged farmers and ranchers engaged
19 in urban agriculture; and

20 (3) conduct, concurrently with each census of
21 agriculture, a review to assess—

22 (A) the outreach and methodologies used
23 in conducting the census of agriculture; and

1 (B) how such outreach and methodologies
2 have affected the counting of socially disadvan-
3 taged farmers and ranchers.

4 (e) CORPORATE OWNERSHIP OF FARMLAND.—The
5 Secretary shall annually conduct, and annually make pub-
6 licly available reports describing, in-depth research and
7 analysis of corporate (domestic and foreign) land invest-
8 ment and ownership in the United States, with specific
9 attention given to the impact of corporate land investment
10 and ownership on—

11 (1) land consolidation trends in the United
12 States;

13 (2) challenges and opportunities for new and
14 beginning farmers and ranchers accessing land for
15 farming or ranching;

16 (3) challenges and opportunities for members of
17 socially disadvantaged groups accessing land for
18 farming or ranching; and

19 (4) crop selection and production trends.

20 (f) FUNDING.—There is authorized to be appro-
21 priated, and there is appropriated, out of amounts in the
22 Treasury not otherwise appropriated, \$10,000,000 for
23 each of fiscal years 2021 through 2030 to carry out this
24 section.

1 **TITLE II—BLACK FARMER LAND**
2 **GRANTS**

3 **SEC. 201. DEFINITIONS.**

4 In this title:

5 (1) **ANIMAL FEEDING OPERATION.**—The term
6 “animal feeding operation” means a lot or facility at
7 which—

8 (A) for not less than a total of 45 days in
9 any 12-month period, animals (other than
10 aquatic animals) are—

11 (i) stabled or confined; and

12 (ii) fed or maintained; and

13 (B) crops, vegetation, forage growth, or
14 postharvest residues are not sustained in the
15 normal growing season over any portion of the
16 lot or facility.

17 (2) **ELIGIBLE BLACK INDIVIDUAL.**—The term
18 “eligible Black individual” means a person who—

19 (A) was born in the United States;

20 (B) is at least 21 years of age;

21 (C) has previously identified as Black or
22 African American; and

23 (D) has at least 1 parent of African ances-
24 try.

1 (3) FARMER TRAINING.—The term “farmer
2 training” means a program that—

3 (A) provides eligible Black individuals and
4 other enrollees with the basic skills to operate
5 a farm or ranch profitably with a primary focus
6 on regenerating the soil, ecosystem, and local
7 community;

8 (B) provides a course of study that is
9 equivalent to not less than 30 academic credit
10 hours of study, which may be provided as direct
11 in-field instruction;

12 (C) is approved by the Undersecretary of
13 the Equitable Land Access Service as an au-
14 thorized program to meet the farmer training
15 program requirement under section 207(a) for
16 recipients of land grants under section
17 203(a)(2);

18 (D) focuses training on low-capital-inten-
19 sive techniques and technologies; and

20 (E) includes a robust study of local and re-
21 gional food systems and the market opportuni-
22 ties those systems present.

23 (4) QUALIFIED ENTITY.—The term “qualified
24 entity” means—

25 (A) an organization—

1 (i)(I) described in section 501(c)(3) of
2 the Internal Revenue Code of 1986 and ex-
3 empt from taxation under 501(a) of that
4 Code; or

5 (II) that has a fiscal sponsor that is
6 an organization described in subclause (I);

7 (ii) that has not less than 3 years of
8 experience providing meaningful agricul-
9 tural, business assistance, legal assistance,
10 or advocacy services to Black farmers or
11 ranchers; and

12 (iii) at least 50 percent of the mem-
13 bers of the board of directors of which are
14 Black; and

15 (B) an 1890 Institution (as defined in sec-
16 tion 2 of the Agricultural Research, Extension,
17 and Education Reform Act of 1998 (7 U.S.C.
18 7601)), including the University of the District
19 of Columbia.

20 (5) SECRETARY.—The term “Secretary” means
21 the Secretary, acting through the Under Secretary
22 of Agriculture for Equitable Land Access.

1 **SEC. 202. ESTABLISHMENT OF THE UNDER SECRETARY OF**
 2 **AGRICULTURE FOR EQUITABLE LAND AC-**
 3 **CESS AND THE EQUITABLE LAND ACCESS**
 4 **SERVICE.**

5 (a) ESTABLISHMENT.—The Department of Agri-
 6 culture Reorganization Act of 1994 (7 U.S.C. 6901 et
 7 seq.) is amended by adding at the end the following:

8 **“Subtitle L—Equitable Land Access**

9 **“SEC. 297. UNDER SECRETARY OF AGRICULTURE FOR EQUI-**
 10 **TABLE LAND ACCESS.**

11 “(a) IN GENERAL.—The Secretary shall establish in
 12 the Department the position of Under Secretary of Agri-
 13 culture for Equitable Land Access.

14 “(b) CONFIRMATION REQUIRED.—The Under Sec-
 15 retary of Agriculture for Equitable Land Access shall be
 16 appointed by the President, by and with the advice and
 17 consent of the Senate.

18 “(c) FUNCTIONS.—The Secretary shall delegate to
 19 the Under Secretary of Agriculture for Equitable Land
 20 Access the functions of the Department carried out
 21 through the Equitable Land Access Service.

22 **“SEC. 297A. EQUITABLE LAND ACCESS SERVICE.**

23 “(a) ESTABLISHMENT.—There is established in the
 24 Department the Equitable Land Access Service.

1 “(b) UNDER SECRETARY.—The Equitable Land Ac-
2 cess Service shall be headed by the Under Secretary of
3 Agriculture for Equitable Land Access.

4 “(c) FUNCTIONS.—The Secretary shall carry out
5 through the Equitable Land Access Service title II of the
6 Justice for Black Farmers Act of 2021.”.

7 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

8 (1) Subtitle A of the Department of Agriculture
9 Reorganization Act of 1994 is amended by redesign-
10 nating section 225 (7 U.S.C. 6925) as section 224A.

11 (2) Section 296(b) of the Department of Agri-
12 culture Reorganization Act of 1994 (7 U.S.C.
13 7014(b)) is amended by adding at the end the fol-
14 lowing:

15 “(11) The authority of the Secretary to carry
16 out the amendments made to this Act by the Justice
17 for Black Farmers Act of 2021.”.

18 (3) Section 5314 of title 5, United States Code,
19 is amended by inserting after the item relating to
20 the Under Secretary of Agriculture for Marketing
21 and Regulatory Programs the following:

22 “Under Secretary of Agriculture for Equitable
23 Land Access.”.

24 **SEC. 203. PROVISION OF LAND GRANTS.**

25 (a) IN GENERAL.—The Secretary shall—

1 (1) purchase from willing sellers, at a price not
2 greater than fair market value, available agricultural
3 land in the United States; and

4 (2) subject to section 205, convey grants of that
5 land to eligible Black individuals at no cost to the
6 eligible Black individuals.

7 (b) REQUIREMENT.—To the maximum extent prac-
8 ticable, if sufficient applications are submitted by eligible
9 Black individuals, the Secretary shall convey not less than
10 20,000 land grants to eligible Black individuals under sub-
11 section (a)(2) for each of fiscal years 2021 through 2030.

12 (c) MAXIMUM ACREAGE.—A land grant to an eligible
13 Black individual under subsection (a)(2) shall be not more
14 than 160 acres.

15 (d) APPLICATIONS.—

16 (1) IN GENERAL.—An eligible Black individual
17 seeking a land grant under subsection (a)(2) shall
18 submit to the Secretary an application at such time,
19 in such manner, and containing such information as
20 the Secretary may require, including a legal descrip-
21 tion of the land identified under section 204 of
22 which the eligible Black individual is seeking the
23 grant.

24 (2) QUALIFIED ENTITIES.—

1 (A) IN GENERAL.—A qualified entity that
2 receives a grant under section 208 may submit
3 to the Secretary an application under para-
4 graph (1) on behalf of 1 or more eligible Black
5 individuals seeking a land grant under sub-
6 section (a)(2).

7 (B) APPLICATIONS TO SUBDIVIDE AND
8 CONVEY.—If applicable, an application sub-
9 mitted under subparagraph (A) shall include a
10 proposal for how the land will be subdivided
11 and conveyed separately to eligible Black indi-
12 viduals as described in section 204(b).

13 (e) PRIORITY.—The Secretary shall give priority to
14 applications submitted under subsection (c) for land
15 grants to—

16 (1) eligible Black individuals who are currently
17 farmers or ranchers;

18 (2) eligible Black individuals with a family his-
19 tory of land dispossession;

20 (3) eligible Black individuals with experience in
21 agriculture, including experience obtained through
22 participation in the Farm Conservation Corps estab-
23 lished under section 209; and

24 (4) eligible Black individuals who are veterans.

1 (f) FUNDING.—There is authorized to be appro-
2 priated, and there is appropriated, out of amounts in the
3 Treasury not otherwise appropriated, \$8,000,000,000 for
4 each of fiscal years 2021 through 2030 to carry out this
5 section.

6 **SEC. 204. IDENTIFICATION OF LAND.**

7 (a) IN GENERAL.—The Secretary shall refer an eligi-
8 ble Black individual seeking a land grant under section
9 203 to a qualified entity that receives a grant under sec-
10 tion 208 to assist the eligible Black individual in identi-
11 fying available agricultural land in the United States that
12 is suitable for purchase by the Secretary and conveyance
13 to the eligible Black individual under section 203.

14 (b) SUBDIVISIONS.—In carrying out subsection (a),
15 a qualified entity may assist eligible Black individuals in
16 identifying land described in that subsection that is suit-
17 able to be subdivided and conveyed separately to multiple
18 eligible Black individuals under section 203.

19 **SEC. 205. RESTRICTIONS ON CONVEYED LAND.**

20 (a) IN GENERAL.—Before conveying a land grant
21 under section 203(a)(2), the Secretary shall attach to the
22 land an easement requiring that the land be—

23 (1) restricted in perpetuity for agricultural use,
24 but with an allowance for constructing or improving

1 and maintaining 1 primary residence and housing
2 for farmworkers on the land; and

3 (2) subject in perpetuity to the conservation re-
4 quirements that—

5 (A) an animal feeding operation may not
6 be operated on the land, with the exception that
7 an animal feeding operation with fewer than
8 299 animal units may be operated during times
9 of the year that outdoor access is not possible
10 due to weather conditions; and

11 (B) the land shall be subject to applicable
12 highly erodible land and wetland conservation
13 requirements in effect on the date of enactment
14 of this Act under subtitles B and C of title XII
15 of the Food Security Act of 1985 (16 U.S.C.
16 3811 et seq.).

17 (b) RIGHT OF REENTRY.—

18 (1) IN GENERAL.—A deed conveying a land
19 grant under section 203(a)(2) shall include a right
20 of reentry for the Secretary if the Secretary—

21 (A) determines, after giving notice and a
22 reasonable opportunity for a hearing, that a re-
23 quirement described in subsection (a) of an
24 easement attached to that land has been vio-
25 lated; and

1 (B) determines that the violation has not
2 been remedied within 60 days after the date of
3 the determination under subparagraph (A).

4 (2) EXPIRATION.—The right of reentry de-
5 scribed in paragraph (1) shall expire on the date
6 that is 5 years after the date of conveyance.

7 (c) RIGHT OF FIRST REFUSAL.—

8 (1) IN GENERAL.—Beginning on the day after
9 the expiration date described in subsection (b)(2)—

10 (A) the recipient of the land grant may sell
11 the land; but

12 (B) the Secretary shall have a right of first
13 refusal to purchase the land at the appraised
14 value of the land.

15 (2) DELEGATION.—The Secretary may, on a
16 case-by-case basis, delegate the right of first refusal
17 under paragraph (1)(B) to a qualified entity that re-
18 quests the delegation.

19 (d) REQUIREMENT.—If the Secretary purchases land
20 under subsection (c)(1)(B), the Secretary shall convey the
21 land to another eligible Black individual under section
22 203(a)(2).

23 **SEC. 206. ELIGIBILITY FOR ASSISTANCE.**

24 (a) FARM OPERATING LOANS.—

1 (1) ELIGIBLE BLACK INDIVIDUALS.—Beginning
2 on the date of conveyance of a land grant under sec-
3 tion 203(a)(2), the eligible Black individual that re-
4 ceives the land grant shall be eligible for a direct op-
5 erating loan under subtitle B of the Consolidated
6 Farm and Rural Development Act (7 U.S.C. 1941
7 et seq.), notwithstanding any borrower eligibility re-
8 quirements under subparagraph (B) or (D) of sec-
9 tion 311(a)(1) of that Act (7 U.S.C. 1941(a)(1)) for
10 such a loan.

11 (2) SOCIALLY DISADVANTAGED FARMERS AND
12 RANCHERS.—During the 5-year period beginning on
13 the date of enactment of this Act, any socially dis-
14 advantaged farmer or rancher shall be eligible for a
15 direct operating loan under subtitle B of the Con-
16 solidated Farm and Rural Development Act (7
17 U.S.C. 1941 et seq.), notwithstanding any borrower
18 eligibility requirements under subparagraph (B) or
19 (D) of section 311(a)(1) of that Act (7 U.S.C.
20 1941(a)(1)) for such a loan.

21 (3) INTEREST AND DEFERMENT.—In the case
22 of an operating loan under paragraph (1) or (2)—

23 (A) the interest rate shall be zero percent
24 for the first 7 years of the term of the loan; and

1 (B) the Secretary of Agriculture shall defer
2 payments for the first 24 months.

3 (b) SINGLE FAMILY HOME MORTGAGES.—Beginning
4 on the date of conveyance of a land grant under section
5 203(a)(2), the eligible Black individual that receives the
6 land grant shall be eligible for a direct loan under section
7 502 of the Housing Act of 1949 (42 U.S.C. 1472), not-
8 withstanding any borrower eligibility requirements for
9 such a loan, for the construction or improvement of a sin-
10 gle family home on the conveyed land.

11 (c) FUNDING.—There are authorized to be appro-
12 priated such sums as are necessary to carry out this sec-
13 tion for each of fiscal years 2021 through 2030.

14 **SEC. 207. COMPLETION OF FARMER TRAINING PROGRAM**
15 **AND SUCCESSION PLANNING.**

16 (a) REQUIRED TRAINING.—As a condition on the re-
17 ceipt of a land grant under section 203(a)(2), any recipi-
18 ent who does not have at least 2 years of prior experience
19 in agriculture shall be required to complete, at no cost,
20 a farmer training program established pursuant to section
21 208(a)(4).

22 (b) OPTIONAL TRAINING.—Any eligible Black indi-
23 vidual who has at least 2 years of prior experience in agri-
24 culture, and any socially disadvantaged farmer or rancher,

1 may complete, at no cost, a farmer training program es-
2 tablished pursuant to section 208(a)(4).

3 (c) SUCCESSION PLANNING.—As a condition on the
4 receipt of a land grant under section 203(a)(2), each re-
5 cipient shall collaborate with a qualified entity to develop
6 a succession plan.

7 **SEC. 208. GRANTS FOR QUALIFIED ENTITIES.**

8 (a) IN GENERAL.—The Secretary shall establish a
9 program to provide grants to qualified entities to use as
10 operating amounts—

11 (1) to support eligible Black individuals in iden-
12 tifying land under section 204, including developing
13 proposals for how land may be subdivided as de-
14 scribed in subsection (b) of that section;

15 (2) to support eligible Black individuals in ac-
16 quiring that land through a land grant under section
17 203(a)(2), including by submitting applications on
18 behalf of eligible Black individuals under section
19 203(d)(2);

20 (3) to support eligible Black individuals in
21 starting up farm operations on that land;

22 (4) to provide eligible Black individuals and so-
23 cially disadvantaged farmers and ranchers with
24 farmer training; and

1 (5) to provide other assistance, including legal
2 advocacy, succession planning, and support for the
3 development of farmer cooperatives, to eligible Black
4 individuals and other Black farmers and ranchers.

5 (b) FUNDING.—There is authorized to be appro-
6 priated, and there is appropriated, out of amounts in the
7 Treasury not otherwise appropriated, \$1,000,000,000 for
8 each of fiscal years 2021 through 2030 to carry out this
9 section.

10 **SEC. 209. FARM CONSERVATION CORPS.**

11 (a) IN GENERAL.—The Secretary shall establish a ci-
12 vilian conservation corps, to be known as the “Farm Con-
13 servation Corps” to provide young adults ages 18 to 29
14 from socially disadvantaged groups with the academic, vo-
15 cational, and social skills necessary to pursue long-term,
16 productive careers in farming and ranching.

17 (b) REQUIREMENT.—To the maximum extent prac-
18 ticable, the Secretary shall enroll not fewer than 20,000
19 young adults in the Farm Conservation Corps pursuant
20 to subsection (a) in each of fiscal years 2021 through
21 2030.

22 (c) FARMWORKER SERVICES.—Members of the Farm
23 Conservation Corps shall serve as on-farm apprentices, at
24 no cost, to—

1 (1) socially disadvantaged farmers and ranch-
2 ers, the annual gross farm income of whom is less
3 than \$250,000;

4 (2) beginning farmers and ranchers, the annual
5 gross farm income of whom is less than \$250,000;
6 and

7 (3) farmers and ranchers operating certified or-
8 ganic farms (as defined in section 2103 of the Or-
9 ganic Foods Production Act of 1990 (7 U.S.C.
10 6502)), the annual gross farm income of whom is
11 less than \$250,000.

12 (d) DURATION OF PARTICIPATION.—An individual
13 shall serve in the Farm Conservation Corps for not more
14 than 2 years.

15 (e) HOUSING AND CARE.—The Secretary shall pro-
16 vide to each member of the Farm Conservation Corps, for
17 the duration of the participation—

18 (1) housing, subsistence, clothing, medical at-
19 tention (including hospitalization), and transpor-
20 tation; or

21 (2) a cash allowance sufficient for the applica-
22 ble locality to cover costs described in paragraph (1).

23 (f) COMPENSATION.—Members of the Farm Con-
24 servation Corps shall be paid for their services as a farm-
25 worker at a rate consistent with the minimum wage appli-

1 cable to a nonimmigrant described in section
2 101(a)(15)(H)(ii) of the Immigration and Nationality Act
3 (8 U.S.C. 1101(a)(15)(H)(ii)) for services as a farm-
4 worker in the applicable locality.

5 (g) FUNDING.—There is authorized to be appro-
6 priated, and there is appropriated, out of amounts in the
7 Treasury not otherwise appropriated, \$1,000,000,000 for
8 each of fiscal years 2021 through 2030 to carry out this
9 section.

10 **SEC. 210. ANNUAL REPORT TO CONGRESS.**

11 The Secretary shall submit to Congress and make
12 publicly available annual reports describing data on land
13 grants under this title, including—

- 14 (1) the number of land grants;
- 15 (2) the recipients of land grants;
- 16 (3) the total number of acres of land granted;
- 17 (4) the number of acres of land granted by
18 county; and
- 19 (5) the types of new farming or ranching oper-
20 ations established on the granted land.

1 **TITLE III—FUNDING FOR HIS-**
 2 **TORICALLY BLACK COLLEGES**
 3 **AND UNIVERSITIES**

4 **SEC. 301. FUNDING FOR HISTORICALLY BLACK COLLEGES**
 5 **AND UNIVERSITIES.**

6 (a) IN GENERAL.—There is authorized to be appro-
 7 priated, and there is appropriated, out of amounts in the
 8 Treasury not otherwise appropriated, \$500,000,000 for
 9 fiscal year 2021 and each of the succeeding 9 fiscal years
 10 for the Secretary of Education to provide funding to part
 11 B institutions (as defined in section 322 of the Higher
 12 Education Act of 1965 (20 U.S.C. 1061)).

13 (b) USE OF FUNDING.—The funding provided by
 14 subsection (a) shall be used by part B institutions de-
 15 scribed in that subsection—

16 (1)(A) to commence new courses of study and
 17 expand existing courses of study focused on careers
 18 in agriculture, agriculture-related fields, or other re-
 19 lated disciplines; and

20 (B) to recruit students for those courses of
 21 study; and

22 (2) to commence research to further the study
 23 of—

24 (A) regenerative agricultural practices; and

1 (B) market opportunities for socially dis-
 2 advantaged farmers and ranchers.

3 **SEC. 302. USDA/1890 NATIONAL SCHOLARS PROGRAM.**

4 The National Agricultural Research, Extension, and
 5 Teaching Policy Act of 1977 is amended by inserting after
 6 section 1446 (7 U.S.C. 3222a) the following:

7 **“SEC. 1446A. USDA/1890 NATIONAL SCHOLARS PROGRAM.**

8 “(a) DEFINITION OF PROGRAM.—In this section, the
 9 term ‘program’ means the USDA/1890 National Scholars
 10 Program established by the Secretary.

11 “(b) AUTHORIZATION.—The Secretary shall continue
 12 to carry out the program.

13 “(c) FUNDING.—There is authorized to be appro-
 14 priated, and there is appropriated, out of amounts in the
 15 Treasury not otherwise appropriated, \$20,000,000 for
 16 each fiscal year to carry out the program.”.

17 **TITLE IV—LAND RETENTION**
 18 **AND CREDIT ASSISTANCE**

19 **SEC. 401. PROTECTIONS FOR LAND OWNERSHIP.**

20 (a) RELENDING PROGRAM TO RESOLVE OWNERSHIP
 21 AND SUCCESSION ON FARMLAND.—Section 310I(g) of the
 22 Consolidated Farm and Rural Development Act (7 U.S.C.
 23 1936c(g)) is amended by striking “through 2023” and in-
 24 serting “and 2020 and \$50,000,000 for each of fiscal
 25 years 2021 through 2023”.

1 (b) REPORTS ON LAND ACCESS AND FARMLAND
 2 OWNERSHIP DATA COLLECTION.—Section 12607(c) of
 3 the Agriculture Improvement Act of 2018 (7 U.S.C.
 4 2204i(c)) is amended by striking “through 2023” and in-
 5 serting “and 2020 and \$10,000,000 for each of fiscal
 6 years 2021 through 2023”.

7 (c) FAMILY FARMER INCOME.—Section 101(18)(A)
 8 of title 11, United States Code, is amended, in the matter
 9 preceding clause (i), by striking “50 percent” and insert-
 10 ing “30 percent”.

11 **SEC. 402. ACCESS TO CREDIT FOR SOCIALLY DISADVAN-**
 12 **TAGED FARMERS AND RANCHERS.**

13 (a) NATIONAL SOCIALLY DISADVANTAGED FARMER
 14 AND RANCHER BANK.—

15 (1) DEFINITIONS.—In this subsection—

16 (A) the term “Bank” means the National
 17 Socially Disadvantaged Farmer and Rancher
 18 Bank established under paragraph (2);

19 (B) the term “community development fi-
 20 nancial institution” has the meaning given the
 21 term in section 103 of the Community Develop-
 22 ment Banking and Financial Institutions Act of
 23 1994 (12 U.S.C. 4702); and

24 (C) the term “eligible entity” means—

1 (i) a credit union, mutual savings
2 bank, or mutual savings and loan associa-
3 tion—

4 (I) that—

5 (aa) is operated on a cooper-
6 ative, not-for-profit basis; and

7 (bb) provides financial serv-
8 ices or facilities for the benefit
9 of—

10 (AA) the members of
11 the entity; or

12 (BB) voting stock-
13 holders who are the ultimate
14 recipients of those financial
15 services or facilities; and

16 (II) not less than 60 percent of
17 the members or voting stockholders of
18 which are socially disadvantaged
19 farmers or ranchers; or

20 (ii) a not-for-profit community devel-
21 opment financial institution, if not less
22 than 75 percent of the total dollar value of
23 the loans made by the institution consist of
24 loans made to socially disadvantaged farm-
25 ers or ranchers.

1 (2) ESTABLISHMENT OF BANK.—

2 (A) IN GENERAL.—Congress hereby cre-
3 ates and charters a bank to be known as the
4 National Socially Disadvantaged Farmer and
5 Rancher Bank, the sole mission of which shall
6 be to provide financing and other assistance in
7 accordance with the requirements of this sub-
8 section.

9 (B) BOARD OF DIRECTORS.—

10 (i) IN GENERAL.—The Bank shall be
11 governed by a Board of Directors—

12 (I) which shall consist of 13
13 members; and

14 (II) each member of which shall
15 be appointed by the President, by and
16 with the advice and consent of the
17 Senate.

18 (ii) TERM.—Each member of the
19 Board of Directors of the Bank shall serve
20 for a term of 3 years.

21 (3) LENDING AUTHORITY.—

22 (A) IN GENERAL.—The Bank may make
23 loans and loan guarantees to eligible entities.

24 (B) TERMS.—With respect to a loan made
25 by the Bank to an eligible entity—

1 (i) the term of the loan shall be 30
2 years;

3 (ii) the interest rate with respect to
4 the loan shall be the interest rate on 30-
5 year Treasury bonds, as of the date on
6 which the loan is made; and

7 (iii) before the end of the term de-
8 scribed in clause (i), the eligible entity—

9 (I) shall not be required to make
10 any principal payments with respect
11 to the loan; and

12 (II) shall make interest payments
13 with respect to the loan.

14 (C) CONDITION OF FINANCING FOR CER-
15 TAIN ELIGIBLE ENTITIES.—With respect to a
16 loan or loan guarantee made under this para-
17 graph to an eligible entity described in para-
18 graph (1)(C)(ii), the Bank, as a condition of
19 the financing, shall require the eligible entity to
20 ensure that, for the full term of the loan or loan
21 guarantee made by the Bank, not less than 75
22 percent of the total dollar value of the loans
23 made by the eligible entity consist of loans
24 made to socially disadvantaged farmers or
25 ranchers.

1 (4) GRANT PROGRAM.—

2 (A) IN GENERAL.—The Bank shall estab-
3 lish a program through which the Bank may
4 make a grant to assist—

5 (i) an entity in becoming an eligible
6 entity; or

7 (ii) an eligible entity with the com-
8 mencement or expansion of operations of
9 the eligible entity, including with respect to
10 outreach, education, and training activities.

11 (B) GRANT AMOUNT.—The amount of a
12 grant made under the program established
13 under subparagraph (A) shall be not more than
14 \$3,000,000.

15 (C) FIRST AWARD.—The first grant made
16 by the Bank under the program established
17 under subparagraph (A) shall be to an entity,
18 not less than 60 percent of the members or
19 stockholders of which are Black farmers or
20 ranchers.

21 (5) TECHNICAL ASSISTANCE.—The Bank shall
22 establish a program to provide technical assistance
23 to eligible entities, including assistance in obtain-
24 ing—

1 (A) approval from the National Credit
2 Union Administration Board under section 104
3 of the Federal Credit Union Act (12 U.S.C.
4 1754); and

5 (B) certification from the Community De-
6 velopment Financial Institutions Fund estab-
7 lished under section 104(a) of the Community
8 Development Banking and Financial Institu-
9 tions Act of 1994 (12 U.S.C. 4701 et seq.).

10 (6) FUNDING.—

11 (A) IN GENERAL.—There are appropriated
12 to the Bank, out of any amounts in the Treas-
13 ury not otherwise appropriated, \$1,000,000,000
14 to carry out this subsection—

15 (i) which shall remain available until
16 expended; and

17 (ii) of which—

18 (I) not less than \$50,000,000
19 shall be used to make grants under
20 the program established under para-
21 graph (4); and

22 (II) not less than \$50,000,000
23 shall be used to provide technical as-
24 sistance under paragraph (5).

25 (B) EMERGENCY DESIGNATION.—

1 (i) IN GENERAL.—The amounts pro-
 2 vided under this paragraph are designated
 3 as an emergency requirement pursuant to
 4 section 4(g) of the Statutory Pay-As-You-
 5 Go Act of 2010 (2 U.S.C. 933(g)).

6 (ii) DESIGNATION IN SENATE.—In the
 7 Senate, this subsection is designated as an
 8 emergency requirement pursuant to section
 9 4112(a) of H. Con. Res. 71 (115th Con-
 10 gress), the concurrent resolution on the
 11 budget for fiscal year 2018.

12 (b) CFPB AUTHORITY TO INVESTIGATE CLAIMS OF
 13 DISCRIMINATION BY FARM CREDIT SYSTEM INSTITU-
 14 TIONS.—Section 5.31 of the Farm Credit Act of 1971 (12
 15 U.S.C. 2267) is amended—

16 (1) in the first sentence, by striking “The
 17 Farm” and inserting the following:

18 “(a) IN GENERAL.—Except as provided in subsection
 19 (b), the Farm”; and

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

21 “(b) BUREAU OF CONSUMER FINANCIAL PROTEC-
 22 TION.—The Bureau of Consumer Financial Protection
 23 shall have enforcement authority over institutions and in-
 24 stitution-affiliated parties with respect to claims of dis-
 25 crimination.”.

1 (c) ESTABLISHMENT OF FUNDING GOALS.—The Sec-
2 retary shall establish goals for the funding of programs
3 to address racial disparities in the recipients of assistance
4 provided by the Department of Agriculture, including the
5 programs under section 2501 of the Food, Agriculture,
6 Conservation, and Trade Act of 1990 (7 U.S.C. 2279),
7 to ensure that those programs directly support socially dis-
8 advantaged farmers and ranchers.

9 (d) PUBLIC AWARENESS CAMPAIGNS.—

10 (1) IN GENERAL.—The Secretary shall—

11 (A) conduct public awareness campaigns
12 for socially disadvantaged farmers and ranchers
13 relating to programs available for socially dis-
14 advantaged farmers and ranchers through the
15 Department of Agriculture; and

16 (B) use 50 percent of the amount made
17 available under paragraph (2) to provide fund-
18 ing for community organizations with history of
19 working with socially disadvantaged farmers
20 and ranchers to conduct community-based out-
21 reach.

22 (2) AUTHORIZATION OF APPROPRIATIONS.—

23 There is authorized to be appropriated to carry out
24 this subsection \$50,000,000.

1 **SEC. 403. ADDITIONAL CREDIT ASSISTANCE.**

2 (a) REFINANCING OF DEBT WITH FARM LOANS.—

3 (1) PURPOSES OF FARM OWNERSHIP LOANS.—

4 Section 303(a)(1) of the Consolidated Farm and
5 Rural Development Act (7 U.S.C. 1923(a)(1)) is
6 amended by striking subparagraph (E) and inserting
7 the following:

8 “(E) refinancing indebtedness.”.

9 (2) PURPOSES OF OPERATING LOANS.—Section
10 312(a) of the Consolidated Farm and Rural Devel-
11 opment Act (7 U.S.C. 1942(a)) is amended by strik-
12 ing paragraph (9) and inserting the following:

13 “(9) refinancing the indebtedness of a borrower;
14 or”.

15 (b) REMOVAL OF ELIGIBILITY RESTRICTION BASED
16 ON PREVIOUS DEBT WRITE-DOWN OR OTHER LOSS.—
17 Section 373 of the Consolidated Farm and Rural Develop-
18 ment Act (7 U.S.C. 2008h) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), in the matter pre-
21 ceding subparagraph (A), by inserting “and
22 subsection (d)” after “paragraph (2)”; and

23 (B) in paragraph (2)(A)—

24 (i) by striking clause (i);

25 (ii) in clause (ii), by striking “chap-
26 ters 11, 12, or 13 of Title 11 of the” and

1 inserting “chapter 11, 12, or 13 of title
2 11,”; and

3 (iii) by redesignating clauses (ii) and
4 (iii) as clauses (i) and (ii), respectively;
5 and

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

7 “(d) PROHIBITION ON ELIGIBILITY RESTRICTION
8 BASED ON DEBT WRITE-DOWN OR OTHER LOSS.—The
9 Secretary shall not restrict the eligibility of a borrower for
10 a farm ownership or operating loan under subtitle A or
11 B based on a previous debt write-down or other loss to
12 the Secretary.”.

13 (c) AUTHORIZATION FOR LOANS.—Section 346(b)(1)
14 of the Consolidated Farm and Rural Development Act (7
15 U.S.C. 1994(b)(1)) is amended—

16 (1) in the matter preceding subparagraph (A),
17 by striking “\$10,000,000,000 for each of fiscal
18 years 2019 through 2023” and inserting
19 “\$20,000,000,000 for each of fiscal years 2021
20 through 2023”; and

21 (2) by striking subparagraphs (A) and (B) and
22 inserting the following:

23 “(A) \$10,000,000,000 shall be for farm
24 ownership loans under subtitle A; and

1 “(B) \$10,000,000,000 shall be for oper-
2 ating loans under subtitle B.”.

3 (d) LOAN FORGIVENESS FOR SETTLEMENTS APPLI-
4 CANTS IN PIGFORD I.—

5 (1) DEFINITION OF COVERED BORROWER.—In
6 this subsection, the term “covered borrower” means
7 a Black farmer or rancher that—

8 (A) submitted a claim under the settlement
9 agreement and consent decree in *Pigford v.*
10 *Glickman*, 185 F.R.D. 82 (D.D.C. 1999); and

11 (B) as of the date of enactment of this
12 Act, has indebtedness on a loan made or guar-
13 anteed by the Secretary.

14 (2) LOAN FORGIVENESS.—The Secretary
15 shall—

16 (A) forgive the indebtedness of a covered
17 borrower on a loan made by the Secretary; and

18 (B) require a lender of a loan guaranteed
19 by the Secretary for a covered borrower to for-
20 give the indebtedness of that covered borrower
21 on that loan.

22 (3) REIMBURSEMENT FOR PAYMENTS AND
23 OTHER FUNDS SEIZED.—The Secretary shall provide
24 to a covered borrower a payment equal to the
25 amount, if any, of payments of tax refunds, pay-

1 ments under the old-age, survivors, and disability in-
2 surance benefits program established under title II
3 of the Social Security Act (42 U.S.C. 401 et seq.),
4 and any other funds of the covered borrower that
5 were seized after the date of the settlement agree-
6 ment and consent decree described in paragraph
7 (1)(A) in partial or full satisfaction of debt that, if
8 the payments or other funds had not been seized,
9 would have been forgiven under this subsection.

10 (4) FARMER GRANTS.—The Secretary shall pro-
11 vide to a covered borrower a grant equal to 30 per-
12 cent of the amount of the debt forgiven with respect
13 to the covered borrower under this subsection.

14 (e) FARM SERVICE AGENCY LOAN ELIGIBILITY FOR
15 HEIRS WITH UNDIVIDED PROPERTY OWNERSHIP INTER-
16 ESTS.—Subtitle D of the Consolidated Farm and Rural
17 Development Act is amended by inserting after section
18 331F (7 U.S.C. 1981f) the following:

19 **“SEC. 331G. ELIGIBILITY OF TENANTS IN COMMON FOR**
20 **LOANS.**

21 “Notwithstanding any other provision of law, a ten-
22 ant in common shall be eligible for a direct or guaranteed
23 farm ownership loan under subtitle A, a direct or guaran-
24 teed operating loan under subtitle B, or a direct or guar-

1 anteed emergency loan under subtitle C if the tenant in
2 common submits to the Secretary an agreement—

3 “(1) entered into by each person that owns a
4 property interest in or to the applicable property;
5 and

6 “(2) that includes—

7 “(A) clear identification of—

8 “(i) the owners of the property, as of
9 the date on which the agreement is sub-
10 mitted; and

11 “(ii) the percentages of ownership of
12 each owner described in clause (i);

13 “(B) identification of the property and a
14 description of the proposed use of the property;

15 “(C) a process for payment of expenses
16 and application and disbursement of any pro-
17 ceeds or profits among the owners of the prop-
18 erty;

19 “(D) appointment of a lead responsible
20 person for farm management;

21 “(E) a dispute resolution process; and

22 “(F) a buy-out provision that allows an
23 heir of the property to sell the property interest
24 of the heir in and to the property.”.

1 **SEC. 404. FORECLOSURE MORATORIUM.**

2 Effective during the period beginning on the date of
 3 enactment of this Act and ending on the date that is 1
 4 year after the date on which the public health emergency
 5 declared by the Secretary of Health and Human Services
 6 under section 319 of the Public Health Service Act (42
 7 U.S.C. 247d) on January 31, 2020, with respect to
 8 COVID–19 (or any successor declaration) is lifted, there
 9 shall be a moratorium on the Department of Agriculture
 10 instituting or completing any foreclosure action on a loan
 11 secured by a first or subordinate lien on real property that
 12 includes a residence and farmland.

13 **TITLE V—AGRICULTURAL**
 14 **SYSTEM REFORMS**
 15 **Subtitle A—Amendments to**
 16 **Packers and Stockyards Act, 1921**

17 **SEC. 501. DEFINITIONS.**

18 Section 2(a) of the Packers and Stockyards Act,
 19 1921 (7 U.S.C. 182(a)) is amended—

20 (1) in paragraph (8), by striking “for slaugh-
 21 ter” and all that follows through “of such poultry”
 22 and inserting “under a poultry growing arrange-
 23 ment, regardless of whether the poultry is owned by
 24 that person or another person”;

25 (2) in paragraph (9), by striking “and cares for
 26 live poultry for delivery, in accord with another’s in-

1 instructions, for slaughter” and inserting “or cares for
2 live poultry in accordance with the instructions of
3 another person”;

4 (3) in each of paragraphs (1) through (9), by
5 striking the semicolon at the end and inserting a pe-
6 riod;

7 (4) in paragraph (10)—

8 (A) by striking “for the purpose of either
9 slaughtering it or selling it for slaughter by an-
10 other”; and

11 (B) by striking “; and” at the end and in-
12 serting a period; and

13 (5) by adding at the end the following:

14 “(15) FORMULA PRICE.—

15 “(A) IN GENERAL.—The term ‘formula
16 price’ means any price term that establishes a
17 base from which a purchase price is calculated
18 on the basis of a price that will not be deter-
19 mined or reported until a date that is after the
20 date on which the forward price is established.

21 “(B) EXCLUSION.—The term ‘formula
22 price’ does not include—

23 “(i) any price term that establishes a
24 base from which a purchase price is cal-

1 culated on the basis of a futures market
2 price; or

3 “(ii) any adjustment to the base for
4 quality, grade, or other factors relating to
5 the value of livestock or livestock products
6 that are readily verifiable market factors
7 and are outside the control of the packer.

8 “(16) FORWARD CONTRACT.—The term ‘for-
9 ward contract’ means an oral or written contract for
10 the purchase of livestock that provides for the deliv-
11 ery of the livestock to a packer at a date that is
12 more than 7 days after the date on which the con-
13 tract is entered into, without regard to whether the
14 contract is for—

15 “(A) a specified lot of livestock; or

16 “(B) a specified number of livestock over a
17 certain period of time.”.

18 **SEC. 502. UNLAWFUL PRACTICES.**

19 (a) IN GENERAL.—Section 202 of the Packers and
20 Stockyards Act, 1921 (7 U.S.C. 192) is amended—

21 (1) by redesignating subsections (a) through (f)
22 and (g) as paragraphs (1) through (6) and (10), re-
23 spectively, and indenting appropriately;

24 (2) by striking the section designation and all
25 that follows through “It shall be” in the matter pre-

1 ceding paragraph (1) (as so redesignated) and in-
2 serting the following:

3 **“SEC. 202. UNLAWFUL ACTS.**

4 “(a) IN GENERAL.—It shall be”;

5 (3) in subsection (a)—

6 (A) in the matter preceding paragraph (1)
7 (as so redesignated), by striking “to:” and in-
8 serting “to do any of the following:”;

9 (B) in each of paragraphs (1) through (6)
10 (as so redesignated), by striking “; or” each
11 place it appears and inserting a period;

12 (C) in paragraph (6) (as so redesign-
13 nated)—

14 (i) by striking “(1)” and inserting
15 “(A)”;

16 (ii) by striking “(2)” and inserting
17 “(B)”;

18 (iii) by striking “(3)” and inserting
19 “(C)”;

20 (D) by inserting after paragraph (6) the
21 following:

22 “(7) Use, in effectuating any sale of livestock,
23 a forward contract that—

24 “(A) does not contain a firm base price
25 that may be equated to a fixed dollar amount

1 on the date on which the forward contract is
2 entered into;

3 “(B) is not offered for bid in an open, pub-
4 lic manner under which—

5 “(i) buyers and sellers have the oppor-
6 tunity to participate in the bid;

7 “(ii) more than 1 blind bid is solie-
8 ited; and

9 “(iii) buyers and sellers may witness
10 bids that are made and accepted;

11 “(C) is based on a formula price; or

12 “(D) provides for the sale of livestock in a
13 quantity in excess of—

14 “(i) in the case of cattle, 40 cattle;

15 “(ii) in the case of swine, 30 swine;

16 and

17 “(iii) in the case of another type of
18 livestock, a comparable quantity of that
19 type of livestock, as determined by the Sec-
20 retary.

21 “(8) Own or feed livestock directly, through a
22 subsidiary, or through an arrangement that gives a
23 packer operational, managerial, or supervisory con-
24 trol over the livestock, or over the farming operation
25 that produces the livestock, to such an extent that

1 the producer of the livestock is not materially par-
2 ticipating in the management of the operation with
3 respect to the production of the livestock, except
4 that this paragraph shall not apply to—

5 “(A) an arrangement entered into not
6 more than 7 business days before slaughter of
7 the livestock by a packer, a person acting
8 through the packer, or a person that directly or
9 indirectly controls, or is controlled by or under
10 common control with, the packer;

11 “(B) a cooperative or entity owned by a co-
12 operative, if a majority of the ownership inter-
13 est in the cooperative is held by active coopera-
14 tive members that—

15 “(i) own, feed, or control the livestock;

16 and

17 “(ii) provide the livestock to the coop-
18 erative for slaughter;

19 “(C) a packer that is not required to re-
20 port to the Secretary on each reporting day (as
21 defined in section 212 of the Agricultural Mar-
22 keting Act of 1946 (7 U.S.C. 1635a)) informa-
23 tion on the price and quantity of livestock pur-
24 chased by the packer; or

1 “(D) a packer that owns only 1 livestock
2 processing plant.

3 “(9) Take any action that adversely affects or
4 is likely to adversely affect competition, regardless of
5 whether there is a business justification for the ac-
6 tion.”; and

7 (E) in paragraph (10) (as so redesign-
8 nated), by striking “subdivision (a), (b), (c),
9 (d), or (e)” and inserting “paragraphs (1)
10 through (9)”;

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

12 “(b) UNFAIR, DISCRIMINATORY, AND DECEPTIVE
13 PRACTICES AND DEVICES.—Acts by a packer, swine con-
14 tractor, or live poultry dealer that violate subsection (a)(1)
15 include the following:

16 “(1) Refusal to provide, on the request of a
17 livestock producer, swine production contract grow-
18 er, or poultry grower with which the packer, swine
19 contractor, or live poultry dealer has a marketing or
20 delivery contract, the relevant statistical information
21 and data used to determine the compensation paid
22 to the livestock producer, swine production contract
23 grower, or poultry grower, as applicable, under the
24 contract, including—

1 “(A) feed conversion rates by house, lot, or
2 pen;

3 “(B) feed analysis;

4 “(C) breeder history;

5 “(D) quality grade;

6 “(E) yield grade; and

7 “(F) delivery volume for any certified
8 branding program (such as programs for angus
9 beef or certified grassfed or Berkshire pork).

10 “(2) Conduct or action that limits or attempts
11 to limit by contract the legal rights and remedies of
12 a livestock producer, swine production contract
13 grower, or poultry grower, including the right—

14 “(A) to a trial by jury, unless the livestock
15 producer, swine production contract grower, or
16 poultry grower, as applicable, is voluntarily
17 bound by an arbitration provision in a contract;

18 “(B) to pursue all damages available under
19 applicable law; and

20 “(C) to seek an award of attorneys’ fees,
21 if available under applicable law.

22 “(3) Termination of a poultry growing arrange-
23 ment or swine production contract with no basis
24 other than an allegation that the poultry grower or

1 swine production contract grower failed to comply
2 with an applicable law, rule, or regulation.

3 “(4) A representation, omission, or practice
4 that is likely to mislead a livestock producer, swine
5 production contract grower, or poultry grower re-
6 garding a material condition or term in a contract
7 or business transaction.

8 “(c) UNDUE OR UNREASONABLE PREFERENCES, AD-
9 VANTAGES, PREJUDICES, AND DISADVANTAGES.—

10 “(1) IN GENERAL.—Acts by a packer, swine
11 contractor, or live poultry dealer that violate sub-
12 section (a)(2) include the following:

13 “(A) A retaliatory action (including coer-
14 cion or intimidation) or the threat of retaliatory
15 action—

16 “(i) in connection with the execution,
17 termination, extension, or renewal of a
18 contract or agreement with a livestock pro-
19 ducer, swine production contract grower,
20 or poultry grower aimed to discourage the
21 exercise of the rights of the livestock pro-
22 ducer, swine production contract grower,
23 or poultry grower under this Act or any
24 other law; and

1 “(ii) in response to lawful communica-
2 tion (including as described in paragraph
3 (2)), association, or assertion of rights by
4 a livestock producer, swine production con-
5 tract grower, or poultry grower.

6 “(B) Use of the tournament system for
7 poultry as described in paragraph (3).

8 “(2) LAWFUL COMMUNICATION DESCRIBED.—A
9 lawful communication referred to in paragraph
10 (1)(A)(ii) includes—

11 “(A) a communication with officials of a
12 Federal agency or Members of Congress;

13 “(B) any lawful disclosure that dem-
14 onstrates a reasonable belief of a violation of
15 this Act or any other law; and

16 “(C) any other communication that assists
17 in carrying out the purposes of this Act.

18 “(3) USE OF TOURNAMENT SYSTEM FOR POUL-
19 TRY.—

20 “(A) IN GENERAL.—Subject to subpara-
21 graph (B), a live poultry dealer shall be in vio-
22 lation of subsection (a)(2) if the live poultry
23 dealer determines the formula for calculating
24 the pay of a poultry grower in a tournament
25 group by comparing the performance of the

1 birds of other poultry growers in the group
2 using factors outside the control of the poultry
3 grower and within the control of the live poultry
4 dealer.

5 “(B) EXCEPTION.—Under subparagraph
6 (A), a live poultry dealer shall not be found in
7 violation of subsection (a)(2) if the live poultry
8 dealer demonstrates through clear and con-
9 vincing evidence that the inputs and services
10 described in subparagraph (C) that were used
11 in the comparative evaluation were substantially
12 the same in quality, quantity, and timing, as
13 applicable, for all poultry growers in the tour-
14 nament group.

15 “(C) INPUTS AND SERVICES DESCRIBED.—
16 The inputs and services referred to in subpara-
17 graph (B) include, with respect to poultry grow-
18 ers in the same tournament group—

19 “(i) the quantity, breed, sex, and age
20 of chicks delivered to each poultry grower;

21 “(ii) the breed and age of the breeder
22 flock from which chicks are drawn for each
23 poultry grower;

1 “(iii) the quality, type (such as starter
2 feed), and quantity of feed delivered to
3 each poultry grower;

4 “(iv) the quality of and access to
5 medications for the birds of each poultry
6 grower;

7 “(v) the number of birds in a flock de-
8 livered to each poultry grower;

9 “(vi) the timing of the pick-up of
10 birds for processing (including the age of
11 the birds and the number of days that the
12 birds are in the care of the poultry grower)
13 for each poultry grower;

14 “(vii) the death loss of birds during
15 pick-up, transport, and time spent at the
16 processing plant for each poultry grower;

17 “(viii) condemnations of parts of birds
18 due to actions in processing for each poul-
19 try grower;

20 “(ix) condemnations of whole birds
21 due to the fault of the poultry grower;

22 “(x) the death loss of birds due to the
23 fault of the poultry grower;

1 “(xi) the stated reasons for the cause
2 of the death losses and condemnations de-
3 scribed in clauses (vii) through (x);

4 “(xii) the type and classification of
5 each poultry grower; and

6 “(xiii) any other input or service that
7 may have an impact on feed conversion to
8 weight gain efficiency or the life span of
9 the birds of each poultry grower.

10 “(d) HARM TO COMPETITION NOT REQUIRED.—In
11 determining whether an act, device, or conduct is a viola-
12 tion under paragraph (1) or (2) of subsection (a), a find-
13 ing that the act, device, or conduct adversely affected or
14 is likely to adversely affect competition is not required.”.

15 (b) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 paragraph (8) of section 202(a) of the Packers and
18 Stockyards Act, 1921 (7 U.S.C. 192) (as designated
19 by subsection (a)(2)) shall take effect on the date of
20 enactment of this Act.

21 (2) TRANSITION RULES.—In the case of a pack-
22 er that, on the date of enactment of this Act, owns,
23 feeds, or controls livestock intended for slaughter in
24 violation of paragraph (8) of section 202(a) of the
25 Packers and Stockyards Act, 1921 (7 U.S.C. 192)

1 (as designated by subsection (a)(2)), that paragraph
2 shall take effect—

3 (A) in the case of a packer of swine, begin-
4 ning on the date that is 18 months after the
5 date of enactment of this Act; and

6 (B) in the case of a packer of any other
7 type of livestock, beginning not later than 180
8 days after the date of enactment of this Act, as
9 determined by the Secretary.

10 **SEC. 503. SPOT MARKET PURCHASES OF LIVESTOCK BY**
11 **PACKERS.**

12 The Packers and Stockyards Act, 1921, is amended
13 by inserting after section 202 (7 U.S.C. 192) the fol-
14 lowing:

15 **“SEC. 202A. SPOT MARKET PURCHASES OF LIVESTOCK BY**
16 **PACKERS.**

17 **“(a) DEFINITIONS.—**In this section:

18 **“(1) COVERED PACKER.—**

19 **“(A) IN GENERAL.—**The term ‘covered
20 packer’ means a packer that is required under
21 subtitle B of the Agricultural Marketing Act of
22 1946 (7 U.S.C. 1635 et seq.) to report to the
23 Secretary each reporting day information on the
24 price and quantity of livestock purchased by the
25 packer.

1 “(B) EXCLUSION.—The term ‘covered
2 packer’ does not include a packer that owns
3 only 1 livestock processing plant.

4 “(2) NONAFFILIATED PRODUCER.—The term
5 ‘nonaffiliated producer’ means a producer of live-
6 stock—

7 “(A) that sells livestock to a packer;

8 “(B) that has less than 1 percent equity
9 interest in the packer;

10 “(C) that has no officers, directors, em-
11 ployees, or owners that are officers, directors,
12 employees, or owners of the packer;

13 “(D) that has no fiduciary responsibility to
14 the packer; and

15 “(E) in which the packer has no equity in-
16 terest.

17 “(3) SPOT MARKET SALE.—

18 “(A) IN GENERAL.—The term ‘spot mar-
19 ket sale’ means a purchase and sale of livestock
20 by a packer from a producer—

21 “(i) under an agreement that specifies
22 a firm base price that may be equated with
23 a fixed dollar amount on the date the
24 agreement is entered into;

1 “(ii) under which the livestock are
2 slaughtered not more than 7 days after the
3 date on which the agreement is entered
4 into; and

5 “(iii) under circumstances in which a
6 reasonable competitive bidding opportunity
7 exists on the date on which the agreement
8 is entered into.

9 “(B) REASONABLE COMPETITIVE BIDDING
10 OPPORTUNITY.—For the purposes of subpara-
11 graph (A)(iii), a reasonable competitive bidding
12 opportunity shall be considered to exist if—

13 “(i) no written or oral agreement pre-
14 cludes the producer from soliciting or re-
15 ceiving bids from other packers; and

16 “(ii) no circumstance, custom, or
17 practice exists that—

18 “(I) establishes the existence of
19 an implied contract (as determined in
20 accordance with the Uniform Com-
21 mercial Code); and

22 “(II) precludes the producer from
23 soliciting or receiving bids from other
24 packers.

1 “(b) GENERAL RULE.—Of the quantity of livestock
2 that is slaughtered by a covered packer during each re-
3 porting day in each plant, the covered packer shall slaugh-
4 ter not less than the applicable percentage specified in
5 subsection (c) of the quantity through spot market sales
6 from nonaffiliated producers.

7 “(c) APPLICABLE PERCENTAGES.—

8 “(1) IN GENERAL.—Except as provided in para-
9 graph (2), the applicable percentage shall be 50 per-
10 cent.

11 “(2) EXCEPTIONS.—In the case of a covered
12 packer that reported to the Secretary in the 2018
13 annual report that more than 60 percent of the live-
14 stock of the covered packer were committed procure-
15 ment livestock, the applicable percentage shall be the
16 greater of—

17 “(A) the difference between the percentage
18 of committed procurement so reported and 100
19 percent; and

20 “(B)(i) during calendar year 2021, 20 per-
21 cent;

22 “(ii) during each of calendar years 2022
23 and 2023, 30 percent; and

24 “(iii) during calendar year 2024 and each
25 calendar year thereafter, 50 percent.

1 “(d) NONPREEMPTION.—This section does not pre-
2 empt any requirement of a State or political subdivision
3 of a State that requires a covered packer to purchase on
4 the spot market a greater percentage of the livestock pur-
5 chased by the covered packer than is required under this
6 section.”.

7 **SEC. 504. INVESTIGATION OF LIVE POULTRY DEALERS.**

8 (a) ADMINISTRATIVE ENFORCEMENT AUTHORITY
9 OVER LIVE POULTRY DEALERS.—Sections 203, 204, and
10 205 of the Packers and Stockyards Act, 1921 (7 U.S.C.
11 193, 194, 195) are amended by inserting “, live poultry
12 dealer,” after “packer” each place it appears.

13 (b) AUTHORITY TO REQUEST TEMPORARY INJUNC-
14 TION OR RESTRAINING ORDER.—Section 408(a) of the
15 Packers and Stockyards Act, 1921 (7 U.S.C. 228a(a)) is
16 amended by inserting “or poultry care” after “on account
17 of poultry”.

18 (c) VIOLATIONS BY LIVE POULTRY DEALERS.—Sec-
19 tion 411 of the Packers and Stockyards Act, 1921 (7
20 U.S.C. 228b–2) is amended—

21 (1) in subsection (a), in the first sentence, by
22 striking “any provision of section 207 or section 410
23 of”; and

1 (2) in subsection (b), in the first sentence, by
2 striking “any provisions of section 207 or section
3 410” and inserting “any provision”.

4 **SEC. 505. AWARD OF ATTORNEY FEES.**

5 Section 204 of the Packers and Stockyards Act, 1921
6 (7 U.S.C. 194) is amended by adding at the end the fol-
7 lowing:

8 “(i) ATTORNEY’S FEE.—The court shall award a rea-
9 sonable attorney’s fee as part of the costs to a prevailing
10 plaintiff in a civil action under this section.”.

11 **SEC. 506. TECHNICAL AMENDMENTS.**

12 (a) Section 203 of the Packers and Stockyards Act,
13 1921 (7 U.S.C. 193) is amended—

14 (1) in subsection (a), in the first sentence—

15 (A) by striking “he shall cause” and in-
16 serting “the Secretary shall cause”; and

17 (B) by striking “his charges” and inserting
18 “the charges”;

19 (2) in subsection (b), in the first sentence, by
20 striking “he shall make a report in writing in which
21 he shall state his findings” and inserting “the Sec-
22 retary shall make a report in writing in which the
23 Secretary shall state the findings of the Secretary”;
24 and

1 (3) in subsection (c), by striking “he” and in-
2 serting “the Secretary”.

3 (b) Section 204 of the Packers and Stockyards Act,
4 1921 (7 U.S.C. 194) is amended—

5 (1) in subsection (a), by striking “he has his”
6 and inserting “the packer, live poultry dealer, or
7 swine contractor has the”;

8 (2) in subsection (c), by striking “his officers,
9 directors, agents, and employees” and inserting “the
10 officers, directors, agents, and employees of the
11 packer, live poultry dealer, or swine packer”;

12 (3) in subsection (f), in the second sentence—

13 (A) by striking “his findings” and insert-
14 ing “the findings of the Secretary”; and

15 (B) by striking “he” and inserting “the
16 Secretary”; and

17 (4) in subsection (g), by striking “his officers,
18 directors, agents, and employees” and inserting “the
19 officers, directors, agents, and employees of the
20 packer, live poultry dealer, or swine packer”.

21 **Subtitle B—Local Agriculture**
22 **Market Program**

23 **SEC. 511. LOCAL AGRICULTURE MARKET PROGRAM.**

24 Section 210A(i)(1) of the Agricultural Marketing Act
25 of 1946 (7 U.S.C. 1627c(i)(1)) is amended by striking

1 “fiscal year 2019 and” and inserting “each of fiscal years
2 2019 and 2020, and \$500,000,000 for”.

3 **Subtitle C—Conservation and**
4 **Renewable Energy Programs**

5 **SEC. 521. CONSERVATION TECHNICAL ASSISTANCE.**

6 Section 6 of the Soil Conservation and Domestic Al-
7 lotment Act (16 U.S.C. 590f) is amended—

8 (1) by striking the section designation and
9 heading and all that follows through “There is” in
10 subsection (a) and inserting the following:

11 **“SEC. 6. FUNDING; CONSERVATION TECHNICAL ASSIST-**
12 **ANCE FUND.**

13 “(a) FUNDING.—

14 “(1) MANDATORY FUNDING.—Of the funds of
15 the Commodity Credit Corporation, the Secretary of
16 Agriculture shall use to carry out this Act
17 \$2,100,000,000 for each fiscal year.

18 “(2) AUTHORIZATION OF APPROPRIATIONS.—

19 There are”; and

20 (2) in the undesignated matter following para-
21 graph (2) (as so designated) of subsection (a), by
22 striking “Appropriations” and inserting the fol-
23 lowing:

24 “(3) AVAILABILITY OF APPROPRIATIONS FOR
25 NURSERY STOCK.—Appropriations”.

1 **SEC. 522. CONSERVATION STEWARDSHIP PROGRAM.**

2 (a) SUPPLEMENTAL PAYMENTS FOR CLIMATE STEW-
 3 ARDSHIP PRACTICES.—Section 1240L(d) of the Food Se-
 4 curity Act of 1985 (16 U.S.C. 3839aa–24(d)) is amend-
 5 ed—

6 (1) in the subsection heading, by striking “RO-
 7 TATIONS AND ADVANCED GRAZING MANAGEMENT”
 8 and inserting “ROTATIONS, ADVANCED GRAZING
 9 MANAGEMENT, AND CLIMATE STEWARDSHIP PRAC-
 10 TICES”;

11 (2) in paragraph (1)—

12 (A) by redesignating subparagraphs (B)
 13 and (C) as subparagraphs (C) and (D), respec-
 14 tively; and

15 (B) by inserting after subparagraph (A)
 16 the following:

17 “(B) CLIMATE STEWARDSHIP PRACTICE.—
 18 The term ‘climate stewardship practice’ means
 19 any of the following practices:

20 “(i) Alley cropping.

21 “(ii) Biochar incorporation.

22 “(iii) Conservation cover.

23 “(iv) Conservation crop rotation.

24 “(v) Contour buffer strips.

25 “(vi) Contour farming.

26 “(vii) Cover crops.

- 1 “(viii) Critical area planting.
- 2 “(ix) Cross wind trap strips.
- 3 “(x) Field borders.
- 4 “(xi) Filter strips.
- 5 “(xii) Forage and biomass planting,
6 including the use of native prairie seed
7 mixtures.
- 8 “(xiii) Forest stand improvements.
- 9 “(xiv) Grassed waterways.
- 10 “(xv) Hedgerow planting.
- 11 “(xvi) Herbaceous wind barriers.
- 12 “(xvii) Multistory cropping.
- 13 “(xviii) Nutrient management, includ-
14 ing nitrogen stewardship activities.
- 15 “(xix) Prescribed grazing.
- 16 “(xx) Range planting.
- 17 “(xxi) Residue and tillage manage-
18 ment with no till.
- 19 “(xxii) Residue and tillage manage-
20 ment with reduced till.
- 21 “(xxiii) Riparian forest buffers.
- 22 “(xxiv) Riparian herbaceous buffers.
- 23 “(xxv) Silvopasture establishment.
- 24 “(xxvi) Stripcropping.

1 “(xxvii) Tree and shrub establish-
 2 ment, including planting for a high rate of
 3 carbon sequestration.

4 “(xxviii) Upland wildlife habitat.

5 “(xxix) Vegetative barriers.

6 “(xxx) Wetland restoration.

7 “(xxxi) Windbreak renovation.

8 “(xxxii) Windbreaks and shelterbelts.

9 “(xxxiii) Woody residue treatment.

10 “(xxxiv) Any other vegetative or man-
 11 agement conservation activity that signifi-
 12 cantly—

13 “(I) reduces greenhouse gas
 14 emissions;

15 “(II) increases carbon sequestra-
 16 tion; or

17 “(III) enhances resilience to in-
 18 creased weather volatility.”;

19 (3) in paragraph (2)—

20 (A) in subparagraph (A), by striking “or”
 21 at the end;

22 (B) in subparagraph (B), by striking the
 23 period at the end and inserting “; or”; and

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

1 “(C) conservation activities relating to cli-
2 mate stewardship practices.”; and

3 (4) in paragraph (3), by striking “rotations or
4 advanced grazing management” and inserting “rota-
5 tions, advanced grazing management, or conserva-
6 tion activities relating to climate stewardship prac-
7 tices”.

8 (b) PAYMENT LIMITATIONS.—Section 1240L(f) of
9 the Food Security Act of 1985 (16 U.S.C. 3839aa–24(f))
10 is amended by striking “fiscal years 2019 through 2023”
11 and inserting “the period of fiscal years 2019 through
12 2023, the period of fiscal years 2024 through 2028, or
13 the period of fiscal years 2029 through 2033”.

14 (c) FUNDING.—Section 1241 of the Food Security
15 Act of 1985 (16 U.S.C. 3841) is amended—

16 (1) in subsection (a)—

17 (A) in the matter preceding paragraph (1),
18 by striking “2023” and inserting “2030”; and

19 (B) in paragraph (3)(B)—

20 (i) in clause (iii), by striking
21 “\$750,000,000” and inserting
22 “\$2,750,000,000”;

23 (ii) in clause (iv)—

24 (I) by striking “\$800,000,000”
25 and inserting “\$2,800,000,000”; and

1 (II) by striking “and” at the end;

2 (iii) in clause (v)—

3 (I) by striking “\$1,000,000,000”

4 and inserting “\$3,000,000,000”; and

5 (II) by striking the period at the

6 end and inserting “; and”; and

7 (iv) by adding at the end the fol-

8 lowing:

9 “(vi) \$3,000,000,000 for each of fiscal
10 years 2024 through 2030.”;

11 (2) in subsection (b), by striking “2023” and
12 inserting “2030”; and

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

14 “(k) FUNDING FOR CLIMATE STEWARDSHIP PRAC-
15 TICES.—Of the funds made available under subsection
16 (a)(3)(B), the Secretary shall set aside \$2,000,000,000 for
17 each of fiscal years 2021 through 2030 to be used exclu-
18 sively to enroll in the conservation stewardship program
19 contracts comprised predominantly of conservation activi-
20 ties relating to climate stewardship practices (as defined
21 in section 1240L(d)(1)) or bundles of practices comprised
22 predominantly of conservation activities relating to climate
23 stewardship practices (as so defined).”.

1 **SEC. 523. RURAL ENERGY FOR AMERICA PROGRAM.**

2 Section 9007 of the Farm Security and Rural Invest-
3 ment Act of 2002 (7 U.S.C. 8107) is amended—

4 (1) in subsection (c)(3)(A), by striking “25”
5 and inserting “40”; and

6 (2) in subsection (f)(1)—

7 (A) in subparagraph (D), by striking
8 “and” at the end;

9 (B) in subparagraph (E), by striking “for
10 fiscal” and all that follows through the period
11 at the end and inserting “for each of fiscal
12 years 2014 through 2020; and”; and

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

14 “(F) \$500,000,000 for fiscal year 2021
15 and each fiscal year thereafter.”.

16 **SEC. 524. CONSERVATION AND RENEWABLE ENERGY PRO-**
17 **GRAMS PRIORITY.**

18 Each socially disadvantaged farmer or rancher, in-
19 cluding each eligible Black individual that receives a land
20 grant under section 203(a)(2), shall be given priority—

21 (1) for conservation technical assistance under
22 the Soil Conservation and Domestic Allotment Act
23 (16 U.S.C. 590a et seq.);

24 (2) under the conservation stewardship program
25 under subchapter B of that chapter (16 U.S.C.
26 3839aa–21 et seq.); and

1 (3) under the Rural Energy for America Pro-
2 gram established under section 9007 of the Farm
3 Security and Rural Investment Act of 2002 (7
4 U.S.C. 8107).

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