

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

A BILL

To promote and enhance urban agricultural production and agricultural research in urban areas, 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 “Urban Agriculture Production Act”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 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.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Dramatic economic, demographic, and land
4 use changes have created pockets of arable land suit-
5 able for agricultural production in and around urban
6 areas of the United States.

7 (2) Advances in agricultural practices make
8 production possible in and around urban areas that
9 were previously cordoned off from agricultural pro-
10 duction.

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

14 (4) According to the Economic Research Serv-
15 ice of the Department of Agriculture, direct sales of
16 agricultural products have grown to \$1,200,000,000
17 with 89 percent of all sales coming from farms in
18 urban metropolitan and adjacent areas.

19 (5) It is imperative to ensure that urban agri-
20 cultural production remains a viable option to help
21 meet the food production needs of the future.

22 **SEC. 3. URBAN AGRICULTURE OUTREACH PROGRAM.**

23 (a) GRANTS AUTHORIZED.—The Secretary of Agri-
24 culture shall establish an urban agriculture outreach pro-

1 gram under which the Secretary shall award grants to eli-
2 gible entities to support outreach activities for any of the
3 following:

4 (1) Infrastructure, including distribution sys-
5 tems to support new or expanded agricultural pro-
6 duction in and around urban areas (as defined in
7 section 226B(a) of the Department of Agriculture
8 Reorganization Act of 1994 (7 U.S.C. 6934(a))).

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

13 (3) Education and training to enhance agricul-
14 tural production in and around urban areas.

15 (4) Providing assistance to farmers or ranchers
16 in urban areas with respect to the aggregation of the
17 farmer's or rancher's products and supplies for pur-
18 poses of transportation to market.

19 (5) Other activities that support urban agricul-
20 tural production as determined by the Secretary.

21 (b) TERM OF GRANT.—

22 (1) IN GENERAL.—The term of a grant award-
23 ed under this section shall be not less than one year.

1 (2) RENEWALS.—A grant awarded under this
2 section may be renewed at the discretion of the Sec-
3 retary.

4 (c) PRIORITY.—In awarding grants under this sec-
5 tion, the Secretary shall give a preference to eligible enti-
6 ties seeking a grant for outreach activities to be carried
7 out in historically underserved communities (as defined by
8 the Secretary).

9 (d) DEFINITIONS.—In this section:

10 (1) ELIGIBLE ENTITY.—The term “eligible enti-
11 ty” means—

12 (A) a community organization;

13 (B) a nonprofit organization;

14 (C) a municipality;

15 (D) a local educational agency (as defined
16 in section 9101 of the Elementary and Sec-
17 ondary Education Act of 1965 (20 U.S.C.
18 7801));

19 (E) an institution of higher education (as
20 defined in section 9101 of the Elementary and
21 Secondary Education Act of 1965 (20 U.S.C.
22 7801)); or

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

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to carry out this section
3 \$50,000,000 for fiscal year 2015 and each fiscal year
4 thereafter.

5 **SEC. 4. COVERING URBAN FARMERS AND RANCHERS**
6 **UNDER OFFICE OF ADVOCACY AND OUT-**
7 **REACH.**

8 Section 226B of the Department of Agriculture Reor-
9 ganization Act of 1994 (7 U.S.C. 6934) is amended—

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

12 “(4) URBAN AREA.—The term ‘urban area’
13 means an area within a Metropolitan Statistical
14 Area (as defined by the Office of Management and
15 Budget).

16 “(5) URBAN FARMER OR RANCHER.—The term
17 ‘urban farmer or rancher’ means a farmer or ranch-
18 er who owns or operates a farm or ranch in an
19 urban area.”;

20 (2) in subsection (b)(1)—

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

23 (B) by inserting after clause (i) the fol-
24 lowing new clause:

25 “(ii) urban farmers or ranchers;”;

1 (3) in subsection (c)—

2 (A) in the matter preceding paragraph (1),
3 by striking “and socially disadvantaged farmers
4 or ranchers” and inserting “socially disadvan-
5 taged farmers or ranchers, and urban farmers
6 or ranchers”;

7 (B) in paragraph (1), by striking “or so-
8 cially disadvantaged” and inserting “socially
9 disadvantaged, or urban”;

10 (C) in paragraph (5), by striking “and so-
11 cially disadvantaged farmers or ranchers” and
12 inserting “socially disadvantaged farmers or
13 ranchers, and urban farmers or ranchers”; and

14 (D) in paragraph (6), by inserting “di-
15 rectly” after “programs”;

16 (4) by redesignating subsection (f) as sub-
17 section (g); and

18 (5) by inserting after subsection (e) the fol-
19 lowing new subsection:

20 “(f) URBAN FARMERS AND RANCHERS GROUP.—

21 “(1) ESTABLISHMENT.—The Secretary shall es-
22 tablish within the Office the Urban Farmers and
23 Ranchers Group.

24 “(2) MEMBERSHIP.—

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

3 “(i) seven employees of the Depart-
4 ment of Agriculture, each of whom shall
5 represent a distinct mission area of the
6 Department; and

7 “(ii) such other officers or employees
8 of the United States as the Secretary de-
9 termines are necessary.

10 “(B) PAY.—Officers and employees of the
11 United States shall not receive additional com-
12 pensation for service as a member of the Group.

13 “(3) DUTIES.—The Urban Farmers and
14 Ranchers Group shall—

15 “(A) carry out and administer the urban
16 agriculture outreach program established under
17 section 3 of the Urban Agriculture Production
18 Act;

19 “(B) establish and administer an informa-
20 tion clearinghouse on agricultural activities in
21 urban areas, including best practices;

22 “(C) consult with public and private
23 groups, including research institutions, on how
24 to enhance agricultural production in urban
25 areas; and

1 “(D) provide technical assistance to urban
2 farmers and ranchers to assist such farmers
3 and ranchers (including urban gardeners)—

4 “(i) in identifying appropriate land,
5 space, or buildings for lease or purchase;

6 “(ii) in preparing loan applications,
7 identifying appropriate funding sources,
8 and by connecting such farmers and ranch-
9 ers with loan officers and other appro-
10 priate personnel;

11 “(iii) in connecting to the network of
12 farmers’ markets throughout the United
13 States;

14 “(iv) in diversifying the marketing
15 plans of the farmers’ or ranchers’ products
16 by encouraging the formation of commu-
17 nity-supported agriculture groups and di-
18 rect wholesale opportunities;

19 “(v) by providing for business develop-
20 ment and management activities, including
21 professional development activities;

22 “(vi) with understanding and navi-
23 gating municipal laws, regulations, ordi-
24 nances, and policies with respect to obtain-
25 ing permits, zoning, and water access;

1 “(vii) with registering the farming
2 business of such farmers or ranchers, sat-
3 isfying any legal requirements applicable to
4 such registration (including obtaining li-
5 censes and registrations), and organizing
6 an appropriate business structure; and

7 “(viii) in establishing relationships
8 with a wide range of field partners and in
9 finding resources to assist such farmers or
10 ranchers achieve efficient and viable pro-
11 duction.”.

12 **SEC. 5. URBAN AGRICULTURE RESEARCH INITIATIVE.**

13 (a) IN GENERAL.—The Secretary of Agriculture shall
14 award grants, on a competitive basis, for scientific re-
15 search on promoting and enhancing agricultural produc-
16 tion in urban areas (as defined in section 226B(a) of the
17 Department of Agriculture Reorganization Act of 1994 (7
18 U.S.C. 6934(a))), including, with respect to improving
19 production efficiency, production, and profitability—

20 (1) marketing new innovations and tech-
21 nologies;

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

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

1 (4) other research areas the Secretary deter-
2 mines are appropriate.

3 (b) REPORT TO CONGRESS.—Not later than 180 days
4 after the date of the enactment of this Act, the Secretary
5 shall submit to the Committee on Agriculture of the House
6 of Representatives and the Committee on Agriculture, Nu-
7 trition, and Forestry of the Senate, and make publicly
8 available on the Internet site of the Department of Agri-
9 culture, a report summarizing the research conducted
10 under subsection (a).

11 (c) FUNDING.—Of the funds of the Commodity Cred-
12 it Corporation, the Secretary shall make available to carry
13 out this section \$20,000,000 for each of fiscal years 2015
14 through 2018.

15 **SEC. 6. AMENDING AGRICULTURE PROGRAMS.**

16 (a) EXPANSION OF THE FARMERS' MARKET PRO-
17 MOTION PROGRAM.—

18 (1) PROMOTION PROGRAM ESTABLISHMENT.—

19 Section 6(a) of the Farmer-to-Consumer Direct
20 Marketing Act of 1976 (7 U.S.C. 3005(a)) is
21 amended—

22 (A) by inserting “, loans, or loan guaran-
23 tees” after “make grants”;

24 (B) by inserting “or activities” after
25 “projects”; and

1 (C) by striking “development of local food
2 business enterprises.” and inserting the fol-
3 lowing: “development of local food business en-
4 terprises, including—

5 “(1) projects for the construction of new farm-
6 ers’ markets;

7 “(2) projects for the improvement or rehabilita-
8 tion of existing farmers’ markets;

9 “(3) projects for the acquisition of equipment
10 for farmers’ markets and other infrastructure needs;

11 “(4) projects for the purchase, acquisition, and
12 rehabilitation of land or property for use as a farm-
13 ers’ market;

14 “(5) activities carried out through agri-tourism
15 initiatives;

16 “(6) marketing and advertising activities;

17 “(7) transportation and delivery activities;

18 “(8) education and outreach and activities to
19 encourage farmers’ markets participation in Federal
20 and State food and nutrition assistance programs;

21 “(9) business development and management ac-
22 tivities, including professional development activities;

23 “(10) projects for the establishment of satellite
24 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);

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

3 “(4) an operator of a farmers’ market;”; and

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

6 (4) PRIORITIES.—Subsection (d)(1) of section 6
 7 of the Farmer-to-Consumer Direct Marketing Act of
 8 1976 (7 U.S.C. 3005), as redesignated by paragraph
 9 (2)(B), is amended by inserting “or an urban area
 10 (as defined in section 226B(a) of the Department of
 11 Agriculture Reorganization Act of 1994 (7 U.S.C.
 12 6934(a)))” after “regionally grown foods”.

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

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

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

22 “(e) INTEREST RATE.—

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

1 Secretary, but not less than such rate as determined
2 by the Secretary of the Treasury taking into consid-
3 eration the current average market yield on out-
4 standing marketable obligations of the United States
5 with remaining periods to maturity comparable to
6 the maturities of such loan, as determined by the
7 Secretary of the Treasury on the date the loan is
8 made.

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

12 “(f) APPLICATION.—An eligible entity seeking a
13 grant, loan, or loan guarantee under this section shall sub-
14 mit to the Secretary an application in such time and in
15 such manner and containing such information as the Sec-
16 retary may require, including documentation dem-
17 onstrating the financial need of the entity.

18 “(g) CONDITION.—As a condition of receiving a
19 grant, loan, or loan guarantee under this section, a recipi-
20 ent of such a grant, loan, or loan guarantee shall certify
21 that the recipient will reserve, for the sale of locally pro-
22 duced food products (as determined by the Secretary) pro-
23 duced by farmers, ranchers, or aquaculture, mariculture,
24 or fisheries operators, or by associations of farmers,

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

3 “(1) that is operated or facilitated by the recipi-
 4 ent; and

5 “(2) with respect to which grant or loan funds
 6 will be used.”.

7 (6) FUNDING.—Subsection (i) of section 6 of
 8 the Farmer-to-Consumer Direct Marketing Act of
 9 1976 (7 U.S.C. 3005) (as redesignated by para-
 10 graph (4)) is amended—

11 (A) in paragraph (1)—

12 (i) in subparagraph (C), by striking
 13 “and” at the end;

14 (ii) in subparagraph (D), by striking
 15 “each of fiscal years 2014 through 2018.”
 16 and inserting “fiscal year 2014; and”; and

17 (iii) by adding at the end the fol-
 18 lowing new subparagraph:

19 “(E) \$50,000,000 for each of fiscal years
 20 2015 through 2018.”;

21 (B) by striking paragraph (4) and insert-
 22 ing the following new paragraph:

23 “(4) USE OF FUNDS.—

24 “(A) EBT.—Not less than 10 percent of
 25 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 “(1) For fiscal year 2015, \$25,000,000.

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

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

4 “(4) For each of fiscal years 2018 through
5 2020, \$100,000,000.”.

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

9 (A) by striking “unprepared” and inserting
10 “minimally processed”; and

11 (B) by striking “and herbs” and inserting
12 “herbs, and other locally produced farm prod-
13 ucts, as the Secretary considers appropriate,”.

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

18 “(h) ADMINISTRATIVE COSTS.—Not more than 10
19 percent of the funds made available for a fiscal year under
20 subsection (a) may be used to pay administrative costs in-
21 curred in carrying out this section.

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

1 such funds in a subsequent fiscal year for the same pur-
 2 pose.

3 “(j) PRIORITIES.—In providing funds made available
 4 under this section, the Secretary shall give priority to
 5 farmers’ markets that have an operational seniors farm-
 6 ers’ market program and to seniors farmers’ markets pro-
 7 grams in historically underserved communities (as defined
 8 by the Secretary).”.

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

12 (1) in subsection (a)(1)—

13 (A) in subparagraph (B)—

14 (i) in clause (i)—

15 (I) by striking “(i)(I)” and in-
 16 serting the following:

17 “(A)(i”;

18 (II) by striking “(II)” and insert-
 19 ing the following:

20 “(ii”;

21 (III) by striking “(III)” and in-
 22 serting the following:

23 “(iii”;

24 (ii) in clause (ii)—

1 (I) by striking “(ii)(I)” and in-
 2 serting the following:

3 “(B)(i)”;

4 (II) by striking “(II)” and insert-
 5 ing the following:

6 “(ii)”;

7 (III) by striking “(III)” and in-
 8 serting the following:

9 “(iii)”;

10 (B) by striking “that—” and all that fol-
 11 lows through “(B) is” and inserting “that is—
 12 ”; and

13 (2) in subsection (b)(2)(C), by striking
 14 “\$9,000,000” and inserting “\$10,000,000”.

15 **SEC. 7. IMPROVING AGRICULTURAL REPORTING.**

16 (a) EVALUATION OF FARMERS’ MARKETS IN CENSUS
 17 OF AGRICULTURE.—Section 2(a) of the Census of Agri-
 18 culture Act of 1997 (7 U.S.C. 2204g(a)) is amended by
 19 adding at the end the following new paragraph:

20 “(3) INCLUSION OF FARMERS’ MARKETS.—Ef-
 21 fective beginning with the first census of agriculture
 22 conducted after the date of the enactment of the
 23 Urban Agriculture Production Act, the Secretary
 24 shall include as part of each census of agriculture—

1 “(A) an evaluation of the state of farmers’
2 markets in the United States, including infor-
3 mation regarding the size, location, operational
4 capacity, and geographic dispersion of farmers’
5 markets and types of food products sold (both
6 in terms of product diversity and sales loca-
7 tions) through farmers’ markets; and

8 “(B) an analysis of the economic impact of
9 farmers’ markets, including the success of Fed-
10 eral programs in promoting and supporting
11 farmers’ markets.”.

12 (b) COORDINATED ANNUAL REPORT ON FARMERS’
13 MARKETS.—Beginning on the date that is 90 days after
14 the date of the enactment of this Act and each year there-
15 after, the Secretary of Agriculture shall submit to Con-
16 gress and publish on the Internet site of the Department
17 of Agriculture a report on the status of farmers’ markets
18 in the United States. Such report shall include with re-
19 spect to farmers’ markets in the United States for each
20 year, the following information:

21 (1) The number of farmers’ markets.

22 (2) The number of farmers’ markets established
23 during such year except that for the first year a re-
24 port is submitted under this section, the report shall

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

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

5 (4) The type of governmental assistance pro-
6 vided to farmers' markets.

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

9 (6) The number of farmers' markets that ac-
10 cept as a form of payment benefits distributed
11 through—

12 (A) the supplemental nutrition assistance
13 program established under the Food and Nutri-
14 tion Act of 2008 (7 U.S.C. 2011 et seq.);

15 (B) the seniors farmers' market nutrition
16 program established under section 4402 of the
17 Farm Security and Rural Investment Act of
18 2002 (7 U.S.C. 3007);

19 (C) the special supplemental nutrition pro-
20 gram for women, infants, and children estab-
21 lished under section 17 of the Child Nutrition
22 Act of 1966 (42 U.S.C. 1786); and

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

1 (7) The methods through which farmers' mar-
2 kets process the forms of payment described in para-
3 graph (6).

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

6 (9) The average profit of a farmers' market op-
7 erator.

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

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

12 (12) The percentage of food at farmers' mar-
13 kets that is locally produced.

14 (13) Any other information related to farmers'
15 markets in the United States that the Secretary de-
16 termines is important to promote and enhance the
17 use of farmers' markets.

18 (c) REPORT ON STATUS OF AGRICULTURAL PRODUC-
19 TION IN AND AROUND URBAN AREAS.—Not later than 90
20 days after the date of the enactment of this Act and not
21 later than 90 days after the end of each fiscal year there-
22 after, the Secretary of Agriculture shall submit a report
23 to Congress (and make such report publicly available elec-
24 tronically) on the status of agricultural production in
25 urban areas (as defined in section 226B(a) of the Depart-

1 ment of Agriculture Reorganization Act of 1994 (7 U.S.C.
2 6934(a))). The report shall include—

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

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

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

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

12 (D) the type of agricultural products mar-
13 keted and sold through such production; and

14 (E) the progress made toward strength-
15 ening local food systems in carrying out such
16 production;

17 (2) an analysis of local government regulations,
18 including zoning, that have supported or could sup-
19 port sustainable agricultural production in urban
20 areas; and

21 (3) recommendations on how to further agricul-
22 tural production in urban areas.

23 (d) PERFORMANCE GOALS.—The Secretary of Agri-
24 culture shall incorporate promoting and enhancing agri-
25 cultural production in urban areas into the Department

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

