

117TH CONGRESS
2D SESSION

S. 5007

To amend the Agricultural Credit Act of 1978 to remove barriers to agricultural producers in accessing funds to carry out emergency measures under the emergency conservation program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2022

Mrs. FISCHER (for herself and Mr. LUJÁN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Agricultural Credit Act of 1978 to remove barriers to agricultural producers in accessing funds to carry out emergency measures under the emergency conservation program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Conserva-
5 tion Program Improvement Act of 2022”.

1 **SEC. 2. IMPROVING THE EMERGENCY CONSERVATION PRO-**
2 **GRAM.**

3 Section 401 of the Agricultural Credit Act of 1978
4 (16 U.S.C. 2201) is amended—

5 (1) in subsection (b)—

6 (A) in the subsection heading, by inserting
7 “AND OTHER EMERGENCY CONSERVATION
8 MEASURES” after “FENCING”; and

9 (B) in paragraph (1)—

10 (i) by inserting “or other emergency
11 measures to replace or restore farmland or
12 conservation structures requiring an imme-
13 diate response (as determined by the Sec-
14 retary),” after “replacement of fencing,”;
15 and

16 (ii) by striking “option of receiving”
17 and all that follows through the period at
18 the end and inserting the following: “op-
19 tion of receiving, before the agricultural
20 producer carries out the repair, replace-
21 ment, or restoration—

22 “(A) with respect to a payment to the agri-
23 cultural producer for a replacement, 75 percent
24 of the cost of the replacement, as determined by
25 the Secretary based on the fair market value of
26 the cost of the replacement using the estimated

1 cost of the applicable practice published in the
2 Field Office Technical Guide of each State by
3 the Natural Resources Conservation Service;
4 and

5 “(B) with respect to a payment to the ag-
6 ricultural producer for a repair or restoration,
7 50 percent of the cost of the repair or restora-
8 tion, as determined by the Secretary based on
9 the fair market value of the cost of the repair
10 or restoration using the estimated cost of the
11 applicable practice published in the Field Office
12 Technical Guide of each State by the Natural
13 Resources Conservation Service.”; and

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

15 “(c) WILDFIRE DETERMINATION.—A wildfire that
16 causes damage eligible for a payment under subsection (a)
17 includes—

18 “(1) a wildfire that is not caused naturally if
19 the damage is caused by the spread of the wildfire
20 due to natural causes; and

21 “(2) a wildfire that is caused by the Federal
22 Government.”.

1 **SEC. 3. IMPROVING THE EMERGENCY FOREST RESTORA-**
2 **TION PROGRAM.**

3 Section 407 of the Agricultural Credit Act of 1978
4 (16 U.S.C. 2206) is amended—

5 (1) in subsection (a)(2), by striking “wildfires,”
6 and inserting “wildfires (including a wildfire that is
7 not caused naturally if the damage is caused by the
8 spread of the wildfire due to natural causes and a
9 wildfire that is caused by the Federal Govern-
10 ment),”;

11 (2) by redesignating subsection (e) as sub-
12 section (f); and

13 (3) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) ADVANCE PAYMENTS.—

16 “(1) IN GENERAL.—The Secretary shall give an
17 owner of nonindustrial private forest land the option
18 of receiving, before the owner carries out emergency
19 measures under this section, not more than 75 per-
20 cent of the cost of the emergency measures, as de-
21 termined by the Secretary based on the fair market
22 value of the cost of the emergency measures using
23 the estimated cost of the applicable practice pub-
24 lished in the Field Office Technical Guide of each
25 State by the Natural Resources Conservation Serv-
26 ice.

1 “(2) RETURN OF FUNDS.—If the funds pro-
2 vided under paragraph (1) are not expended by the
3 end of the 60-day period beginning on the date on
4 which the owner of nonindustrial private forest land
5 receives those funds, the funds shall be returned
6 within a reasonable timeframe, as determined by the
7 Secretary.”.

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