II

118TH CONGRESS
1ST SESSION

S. 231

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

FEBRUARY 2, 2023

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

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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.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Conservation Program Improvement Act of 2023".

SEC. 2. IMPROVING THE EMERGENCY CONSERVATION PROGRAM.

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

(1) in subsection (b)—

(A) in the subsection heading, by inserting "AND OTHER EMERGENCY CONSERVATION MEASURES" after "FENCING"; and

(B) in paragraph (1)—

(i) by inserting "or other emergency measures to replace or restore farmland or conservation structures requiring an immediate response (as determined by the Secretary)," after "replacement of fencing,"; and

(ii) by striking "option of receiving" and all that follows through the period at the end and inserting the following: "option of receiving, before the agricultural producer carries out the repair, replacement, or restoration—

"(A) with respect to a payment to the agricultural producer for a replacement, 75 percent of the cost of the replacement, as determined by the Secretary based on the fair market value of the cost of the replacement using the estimated cost of the applicable practice published in the Field Office Technical Guide of each State by the Natural Resources Conservation Service; and

"(B) with respect to a payment to the agricultural producer for a repair or restoration, 50 percent of the cost of the repair or restoration, as determined by the Secretary based on the fair market value of the cost of the repair or restoration using the estimated cost of the applicable practice published in the Field Office Technical Guide of each State by the Natural Resources Conservation Service."; and

(2) by adding at the end the following:

"(c) WILDFIRE DETERMINATION.—A wildfire that causes damage eligible for a payment under subsection (a) includes—

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

"(2) a wildfire that is caused by the Federal Government.".

SEC. 3. IMPROVING THE EMERGENCY FOREST RESTORATION PROGRAM.

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

(1) in subsection (a)(2), by striking “wildfires,” and inserting “wildfires (including a wildfire that is not caused naturally if the damage is caused by the spread of the wildfire due to natural causes and a wildfire that is caused by the Federal Government),”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by inserting after subsection (d) the following:

“(e) ADVANCE PAYMENTS.—

“(1) IN GENERAL.—The Secretary shall give an owner of nonindustrial private forest land the option of receiving, before the owner carries out emergency measures under this section, not more than 75 percent of the cost of the emergency measures, as determined by the Secretary based on the fair market value of the cost of the emergency measures using the estimated cost of the applicable practice published in the Field Office Technical Guide of each State by the Natural Resources Conservation Service.

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

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