

116TH CONGRESS  
2D SESSION

# S. 3785

To authorize the Secretary of Agriculture to provide food and agriculture emergency aid to States, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MAY 20, 2020

Ms. BALDWIN (for herself, Ms. COLLINS, and Mr. KING) 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 authorize the Secretary of Agriculture to provide food and agriculture emergency aid to States, 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 “Farming Support to  
5 States Act of 2020”.

6 **SEC. 2. FOOD AND AGRICULTURE EMERGENCY AID TO**  
7 **STATES.**

8 (a) DEFINITIONS.—In this section:

9 (1) ELIGIBLE ENTITY.—

1 (A) IN GENERAL.—The term “eligible enti-  
2 ty” means—

3 (i) a Governor or chief executive offi-  
4 cer of a State, on behalf of the State;

5 (ii) a State department of agriculture  
6 or other State entity;

7 (iii) a nonprofit entity with the capac-  
8 ity to provide consultation, expertise, and  
9 financial, procurement, or grant distribu-  
10 tion capacity necessary to meet the stated  
11 mission of the entity with respect to aid  
12 provided under the Program;

13 (iv) an institution of higher education;

14 (v) a land-grant college or university  
15 or local office of the Cooperative Extension  
16 System;

17 (vi) an Indian Tribe or an organiza-  
18 tion representing Indian Tribes; and

19 (vii) an entity described in clauses (i)  
20 through (vi), in partnership with one or  
21 more partners described in subparagraph  
22 (B).

23 (B) PARTNERS.—An entity described in  
24 clauses (i) through (vi) of subparagraph (A)  
25 may establish a partnership with one or more

1 partners prior to the submission of a request  
2 under subsection (d)(2), or, in consultation with  
3 the Secretary, add one or more partners to a  
4 partnership after that submission, which may  
5 include—

6 (i) an association, including a pro-  
7 ducer association, trade association, or en-  
8 tity representing a group of farmers or ag-  
9 riculture and food businesses that rep-  
10 resents the interests of stakeholders who  
11 contribute to the rural economy, agricul-  
12 tural and food sectors, and the further  
13 processing, distribution, and retailing of  
14 food;

15 (ii) an entity that distributes food to  
16 address food insecurity or administers  
17 feeding programs, food delivery, or other  
18 activities to improve food access and food  
19 security;

20 (iii) a generic program to promote  
21 and provide research and information for  
22 farmers and consumers on agricultural  
23 products (commonly known as a “checkoff  
24 program”);

1 (iv) a private entity, including an ag-  
 2 ricultural cooperative, corporation, busi-  
 3 ness, or sole proprietor;

4 (v) an economic development entity;

5 (vi) a foundation;

6 (vii) a unit of government within a  
 7 State;

8 (viii) any other public-serving entity;

9 and

10 (ix) any other entity described in  
 11 clauses (i) through (vi) of subparagraph  
 12 (A).

13 (2) PROGRAM.—The term “Program” means  
 14 the Food and Agriculture Emergency Response and  
 15 Resiliency Program established under subsection (b).

16 (3) SECRETARY.—The term “Secretary” means  
 17 the Secretary of Agriculture, acting through the Ad-  
 18 ministrator of the Agricultural Marketing Service.

19 (4) STATE.—The term “State” means—

20 (A) each of the several States of the  
 21 United States;

22 (B) the District of Columbia;

23 (C) the Commonwealth of Puerto Rico;

24 (D) Guam;

25 (E) American Samoa;

- 1 (F) the Commonwealth of the Northern  
2 Mariana Islands;  
3 (G) the Federated States of Micronesia;  
4 (H) the Republic of the Marshall Islands;  
5 (I) the Republic of Palau; and  
6 (J) the United States Virgin Islands.

7 (b) ESTABLISHMENT.—The Secretary shall establish  
8 a program, to be known as the “Food and Agriculture  
9 Emergency Response and Resiliency Program”, under  
10 which the Secretary shall make available to eligible entities  
11 aid to carry out activities to respond to urgent and emerg-  
12 ing issues in the agriculture economy and food supply  
13 chain impacted by the Coronavirus Disease 2019 (referred  
14 to in this section as “COVID–19”) and related food sys-  
15 tem threats.

16 (c) ALLOCATION.—

17 (1) IN GENERAL.—The Secretary shall allocate  
18 the total amount made available for aid under the  
19 Program in accordance with the following:

20 (A) Twenty-five percent shall be allocated  
21 equally among the States.

22 (B) Twenty-five percent shall be allocated  
23 equally among States for which the agriculture  
24 sector represented not less than  $\frac{1}{4}$  of a percent,

1 and less than 1 percent, of the gross domestic  
2 product of the State in fiscal year 2017.

3 (C) Fifty percent shall be allocated equally  
4 among States for which the agriculture sector  
5 represented not less than 1 percent of the gross  
6 domestic product of the State in fiscal year  
7 2017.

8 (2) RECIPIENTS.—For purposes of paragraph  
9 (1), an allocation to an eligible entity (other than a  
10 State) that is located in a State shall count towards  
11 the allocation for that State.

12 (d) REQUESTS FOR AID.—

13 (1) IN GENERAL.—To provide aid to an eligible  
14 entity under the Program, the Secretary shall enter  
15 into a cooperative agreement or other legal instru-  
16 ment with the eligible entity.

17 (2) REQUESTS.—An eligible entity seeking to  
18 enter into an cooperative agreement or other legal  
19 instrument under paragraph (1) shall submit to the  
20 Secretary a request for aid under that Program that  
21 contains such information as the Secretary may re-  
22 quire for the purpose of complying with this Act.

23 (3) NOTIFICATION.—Not later than 10 days  
24 after the date on which the Secretary receives a re-

1        request under paragraph (2), the Secretary shall pro-  
2        vide to the eligible entity a written notification—

3                (A) acknowledging the receipt of the re-  
4        quest; and

5                (B) describing—

6                        (i) the requirements to be imposed on  
7        the eligible entity under the Program for  
8        public reporting on the use of aid received  
9        under the Program;

10                      (ii) the criteria to be used to ensure  
11        that activities supported using aid under  
12        the Program are permissible under this  
13        Act;

14                      (iii) any additional information nec-  
15        essary for the Secretary to make a deter-  
16        mination on the request;

17                      (iv) the expected dates for a deter-  
18        mination on the request and the distribu-  
19        tion of aid to the eligible entity; and

20                      (v) a point of contact in the Agricul-  
21        tural Marketing Service.

22                (4) PRIORITIES.—Subject to subsection (c), in  
23        entering into cooperative agreements and other legal  
24        instruments under paragraph (1), the Secretary  
25        shall give priority to requests—

1 (A) submitted by—

2 (i) the Governor of a State;

3 (ii) a State department of agriculture;

4 or

5 (iii) an eligible entity that submits a

6 request for aid that has the demonstrated

7 support of other eligible entities; or

8 (B) under which aid would be used for ac-

9 tivities—

10 (i) that contribute to the resiliency,

11 diversity, and distributed production of ag-

12 ricultural products across local, regional,

13 and national-scale food systems;

14 (ii) that serve businesses and other

15 food system entities that have a limited ca-

16 pacity to fund, develop, or deploy COVID–

17 19 response actions;

18 (iii) that serve businesses and other

19 food system entities of which the financial

20 and business solvency is at risk;

21 (iv) that stabilize rural, farming, and

22 food-related sectors with actions that

23 build—

24 (I) resiliency and long-term via-

25 bility of rural economies; and

1 (II) the competitiveness of entre-  
 2 preneurs and small- and medium-sized  
 3 entities;

4 (v) that serve agricultural producers  
 5 and processors that—

6 (I) have faced economic insta-  
 7 bility related to, or exacerbated by,  
 8 COVID–19;

9 (II) are underserved by available  
 10 aid from the Department of Agri-  
 11 culture for commodity assistance pro-  
 12 grams; or

13 (III) are producers or processors  
 14 of noncommodity products, forest  
 15 products, or specialty crops; or

16 (vi) that—

17 (I) restore and strengthen the re-  
 18 siliency of entities that are a core part  
 19 of local and regional economies and  
 20 identity; and

21 (II) strengthen and enhance the  
 22 quality of rural life.

23 (e) DISTRIBUTION.—

24 (1) INITIAL DISTRIBUTION.—

1           (A) IN GENERAL.—The Secretary shall  
2           provide 1 initial distribution of aid under the  
3           Program of \$2,000,000 to 1 eligible entity in  
4           each State that submits to the Secretary a re-  
5           quest under subsection (d)(2) not later than 30  
6           days after the date of enactment of this Act.

7           (B) REQUESTS.—A request submitted by  
8           an eligible entity for an initial distribution  
9           under subparagraph (A) shall—

10           (i) include a brief summary of the ca-  
11           pacity of the eligible entity to administer  
12           the aid and the general expenditures  
13           planned for the aid; and

14           (ii) be considered to be a complete re-  
15           quest on receipt by the Secretary of the re-  
16           quest in writing, including the brief sum-  
17           mary described in clause (i).

18           (C) AVAILABILITY.—Not later than 14  
19           days after the date on which the Secretary re-  
20           ceives a complete request described in subpara-  
21           graph (B)(ii) that the Secretary approves, the  
22           Secretary shall make the aid available to the el-  
23           igible entity.

24           (D) USES.—An initial distribution of aid  
25           under subparagraph (A) shall be used to ad-

1 dress urgent matters, as determined by the eli-  
2 gible entity, such as—

- 3 (i) supply chain issues;
- 4 (ii) responding to farmer stress;
- 5 (iii) assisting with livestock depopula-  
6 tion and indemnification;
- 7 (iv) securing needed food for food as-  
8 sistance programs; and
- 9 (v) other eligible uses under the Pro-  
10 gram.

11 (E) PUBLICATION.—Not later than 3 days  
12 after the date on which aid is provided to an eli-  
13 gible entity under an initial distribution under  
14 subparagraph (A), the Secretary shall make  
15 publicly available any correspondence submitted  
16 by the eligible entity as part of the request for  
17 the aid.

18 (F) REPORTS.—Not later than 90 days  
19 after the date on which an eligible entity re-  
20 ceives aid under an initial distribution under  
21 subparagraph (A), the eligible entity shall sub-  
22 mit a report described in subsection (f)(8).

23 (2) OTHER REQUESTS MADE DURING INITIAL  
24 DISTRIBUTION PERIOD.—During the period that ini-  
25 tial distributions of aid are requested and distrib-

1       uted under paragraph (1), an eligible entity may  
2       submit a request for aid under subsection (d)(2) (in-  
3       cluding a request for more than \$2,000,000), which  
4       shall be subject to the requirements of this section  
5       (other than paragraph (1)).

6           (3) SUBSEQUENT DISTRIBUTIONS.—Aid avail-  
7       able under the Program that is not distributed  
8       under paragraph (1) or (2) shall be available to eli-  
9       gible entities that submit requests under subsection  
10      (d)(2) during subsequent periods determined by the  
11      Secretary, which shall occur not less frequently than  
12      once every 45 days until the date on which aid avail-  
13      able under the Program is fully expended.

14      (f) REQUIREMENTS RELATING TO ELIGIBLE ENTI-  
15      TIES.—

16           (1) NON-FEDERAL CONTRIBUTIONS.—The Sec-  
17      retary shall not require an eligible entity to con-  
18      tribute non-Federal funds to carry out a cooperative  
19      agreement or other legal instrument under the Pro-  
20      gram.

21           (2) USE CONSISTENT WITH TERMS OF COOPER-  
22      ATIVE AGREEMENT.—An eligible entity shall use aid  
23      received under the Program for the purposes and in  
24      the manner provided in the cooperative agreement or

1 other legal instrument under which the aid is pro-  
2 vided.

3 (3) REQUIREMENT.—

4 (A) IN GENERAL.—In the case of assist-  
5 ance or amounts provided using aid under the  
6 Program by an eligible entity to a specific per-  
7 son, the assistance or amounts shall not be  
8 made available to a foreign person making di-  
9 rect investment (as those terms are defined in  
10 section 801.2 of title 15, Code of Federal Regu-  
11 lations (or successor regulations)) in the United  
12 States.

13 (B) EXCEPTION.—Subparagraph (A) shall  
14 not apply to public, widely available assistance,  
15 such as best practice guidelines or other non-  
16 proprietary, nonexclusive aid.

17 (4) SUBAGREEMENTS.—Nothing in this section  
18 prevents an eligible entity from using aid received  
19 under the Program to enter into a subagreement  
20 with—

21 (A) another eligible entity; or

22 (B) a political subdivision of a State that  
23 has legal responsibilities relating to preserving  
24 the integrity and function of the food supply,

1 including activities relating to agricultural pro-  
2 duction, marketing, and distribution of food.

3 (5) NO STATE LEGISLATIVE APPROVAL RE-  
4 QUIRED.—The Governor or chief executive officer of  
5 a State, or other State entity, shall be permitted to  
6 allocate a distribution of aid under the Program  
7 without the approval or review of the allocation or  
8 distribution of aid by the legislature of the State.

9 (6) AVAILABILITY.—Aid received by an eligible  
10 entity under the Program shall remain available  
11 until expended by the eligible entity.

12 (7) ADMINISTRATION.—An eligible entity re-  
13 ceiving aid under the Program may use not more  
14 than 8 percent of the aid for a fiscal year for admin-  
15 istrative expenses.

16 (8) REPORTING REQUIREMENT.—

17 (A) IN GENERAL.—Not later than 90 days  
18 after the date of completion of an activity con-  
19 ducted using aid provided under the Program,  
20 the eligible entity using the aid shall submit to  
21 the Secretary a report that describes the pur-  
22 poses and results of the activity.

23 (B) PUBLICATION.—Not later than 14  
24 days after each report is received by the Sec-

1           retary under subparagraph (A), the report shall  
2           be made publicly available.

3           (g) USE OF FUNDS.—An eligible entity shall use aid  
4 received under the Program for emergency response ca-  
5 pacity and activities to respond to specific needs relating  
6 to COVID–19 and related food system threats in the fol-  
7 lowing categories:

8           (1) RETAIL FOOD AVAILABILITY, CONSUMER  
9           FOOD ACCESS, FOOD SUPPLY CHAIN STABILITY, AND  
10          PRESERVING FOOD SAFETY.—

11           (A) Forecasting and managing food and  
12          farm supply chain disruptions to ensure a sta-  
13          ble food supply.

14           (B) Minimizing food retail disruptions for  
15          consumers.

16           (C) Preventing or minimizing food waste  
17          by taking steps to further process, distribute, or  
18          otherwise make available food for donation or  
19          provision to individuals in need.

20           (D) Compensating farmers for donated  
21          food through mechanisms designed to minimize  
22          market distortions.

23           (E) Procurement and provision of food  
24          products to individuals in need, including by ad-

1 dressing distribution and access challenges for  
2 communities and individuals.

3 (F) Ensuring continuity in food safety pro-  
4 tectations.

5 (G) Responding to labor issues from  
6 COVID-19 and related food system threats to  
7 minimize supply chain disruption and maximize  
8 proactive prevention and response activities re-  
9 lating to COVID-19 and related food system  
10 threats to protect worker health and safety.

11 (2) HEALTH AND RESPONSE NEEDS RELATED  
12 TO THE STABILITY OF THE FOOD SYSTEM AND  
13 RURAL ECONOMIES.—

14 (A) Incentivizing and facilitating the use of  
15 prevention, response, testing, and treatment by  
16 farm workers and food processing workers re-  
17 lating to COVID-19 and related food system  
18 threats.

19 (B) Supporting the essential work of vet-  
20 erinarians and other food safety and animal  
21 health workers, first responders, and other  
22 rural professionals with occupational disease ex-  
23 posure risks.

24 (C) Supporting farmers and workers who  
25 face elevated risks of contracting COVID-19

1 due to their essential work to keep the food sys-  
 2 tem operational and reliable.

3 (D) Reducing the risk of zoonotic transfer  
 4 of COVID–19 to livestock and wildlife and re-  
 5 lated disease risks, including disease risks relat-  
 6 ing to culling and carcass disposal.

7 (3) PREPARING FOR AND RESPONDING TO  
 8 NEAR-TERM IMPACTS OF COVID–19.—

9 (A) Developing food safety, worker protec-  
 10 tion, and sanitation protocols for food proc-  
 11 essing plants and other entities requiring assist-  
 12 ance to minimize the technical, logistical, and  
 13 financial costs of bringing plants online and re-  
 14 establishing continuity of operations.

15 (B) Providing technical, financial, and con-  
 16 tracting assistance and direct support to enti-  
 17 ties to implement the protocols described in  
 18 subparagraph (A), including, at the discretion  
 19 of the eligible entity—

20 (i) by providing amounts to carry out  
 21 those protocols at no cost to the entities;  
 22 and

23 (ii) for the cost of goods or services  
 24 necessary to achieve the purposes described  
 25 in that subparagraph.

(C) Implementing responses that address disruptions relating to, or exacerbated by, COVID-19 that—

(i) restore resiliency to the food system;

(ii) improve preparedness for future disruptions; and

(iii) reduce the impacts to the food supply chain and rural economy from supply chain disruptions.

(4) STABILIZING FARMS AND THE AGRICULTURE ECONOMY.—

(A) Stabilizing farm financials—

(i) to prevent the rapid liquidation of livestock herds or closure of farms; and

(ii) to address changes to planting decisions for the current and upcoming growing seasons that reflect current market distortions rather than longer-term predicted demand.

(B) Providing tools to address the behavioral and mental health of individuals who are engaged in farming, ranching, and other occupations relating to agriculture (within the meaning of section 7522(e)(1) of the Food,

1 Conservation, and Energy Act of 2008 (7  
2 U.S.C. 5936(e)(1))).

3 (C) Facilitating and incentivizing partici-  
4 pation in personalized and workshop-based farm  
5 business plan counseling that promotes farm  
6 and agribusiness decisions that increase the  
7 economic resiliency, near-term financial sta-  
8 bility, and ongoing operation of farms and rural  
9 businesses.

10 (D) Facilitating and incentivizing partici-  
11 pation in personalized and workshop-based farm  
12 transition plan counseling that promotes—

13 (i) ongoing agricultural uses of the  
14 farmland in transition; and

15 (ii) the long-term utilization and im-  
16 provement of farm assets, including work-  
17 ing forests, orchards, perennial and  
18 multiyear crops, established conservation  
19 practices, flood reduction, and watershed  
20 restoration.

21 (E) Assisting with the costs of activities  
22 that increase the economic diversification, resil-  
23 iency, ecosystem services, and watershed res-  
24 toration for farms on which the primary labor  
25 is provided by the farm owner, renter, or an in-

1           dividual who is working to transition into the  
 2           role as primary laborer, manager, and owner of  
 3           the farm, such as through an apprenticeship.

4           (F) Providing retirement security options  
 5           for farmers who commit to helping a new oper-  
 6           ator transition onto their farm, specifically for  
 7           farms on which—

8                   (i) the primary labor is provided by  
 9                   the farm owner, renter, or an individual  
 10                  who is working to transition into the role  
 11                  as primary laborer, manager, and owner of  
 12                  the farm, such as through an apprentice-  
 13                  ship; and

14                  (ii) the farmland ownership transition  
 15                  is economically feasible for a beginning  
 16                  farmer.

17           (G) Addressing urgent or essential needs  
 18           of rural communities that support the long-term  
 19           resiliency of the local economy and local quality  
 20           of life.

21           (5) STATE COLLABORATION.—Collaborating  
 22           and coordinating with other States or eligible enti-  
 23           ties in other States—

1 (A) to address risks relating to COVID–19  
2 to public health, the health of workers in the  
3 food supply chain, and the health of livestock;

4 (B) to address regional and national sup-  
5 ply chain issues;

6 (C) to minimize food supply chain disrup-  
7 tions to consumers via retailers, food banks,  
8 and other distribution methods;

9 (D) to stabilize agricultural markets;

10 (E) to improve market transparency; and

11 (F) for any of the purposes described in  
12 paragraphs (1) through (4).

13 (h) DUTIES OF THE SECRETARY.—

14 (1) EXPEDITED PROVISION.—

15 (A) IN GENERAL.—The Secretary shall  
16 carry out the Program in such manner as to  
17 distribute aid to eligible entities under the Pro-  
18 gram as expeditiously as practicable.

19 (B) PROCEDURE.—

20 (i) IN GENERAL.—Notwithstanding  
21 any other provision of law, regulation, or  
22 guidance relating to the implementation of  
23 a grant program, the Secretary shall im-  
24 plement the Program by publishing a no-  
25 tice in the Federal Register.

1 (ii) PAPERWORK REDUCTION.—The  
2 administration of the Program shall be  
3 made without regard to chapter 35 of title  
4 44, United States Code (commonly known  
5 as the “Paperwork Reduction Act”).

6 (2) GUIDANCE; REPORTING REQUIREMENTS.—  
7 Not later than 14 days after the date of enactment  
8 of this Act, the Secretary shall issue guidance to eli-  
9 gible entities on carrying out the Program, includ-  
10 ing—

11 (A) clear guidance on use of aid received  
12 by eligible entities under the Program;

13 (B) direction on accounting and informa-  
14 tion eligible entities should track for reporting  
15 described in subparagraph (C); and

16 (C) preliminary guidance on reporting re-  
17 quirements, which shall be finalized and made  
18 publicly available not later than 45 days after  
19 the date of enactment of this Act.

20 (3) COORDINATION OF ASSISTANCE.—The Sec-  
21 retary, in coordination with the Administrator of the  
22 Economic Research Service and the Director of the  
23 National Institute of Food and Agriculture, and in  
24 collaboration with other entities that the Secretary  
25 determines to be relevant to the purposes of the Pro-

1        gram, shall provide technical assistance (and, in the  
2        case of subparagraph (D), financial assistance) to  
3        and coordination among eligible entities and other  
4        recipients of aid under the Program, including—

5                (A) the provision of regular, and not less  
6                frequently than semi-monthly, public updates  
7                with information and technical assistance rel-  
8                evant to evolving needs in the food supply chain  
9                and rural economy, including—

10                        (i) economic data that are useful to  
11                        stakeholders, including tracking and anal-  
12                        yses of supply chain and agricultural mar-  
13                        ket trends and abnormalities;

14                        (ii) information on how aid under the  
15                        Program is being used by eligible entities  
16                        and other recipients of the aid for the pur-  
17                        pose of sharing best practices and effective  
18                        models for the use of the aid to address  
19                        issues in the food supply chain and rural  
20                        economy; and

21                        (iii) the most current and best avail-  
22                        able information relating to COVID-19,  
23                        presented in a manner relevant and appli-  
24                        cable to farm and food businesses and de-

1                   veloped in response to the requests of those  
2                   businesses, as appropriate;

3                   (B) the ongoing collection of information  
4                   on farm-related indicators of economic resil-  
5                   iency and stressors, including—

6                   (i) analyses of trends in food product  
7                   demand, food supply chain resiliency, and  
8                   processing continuity of operations;

9                   (ii) analyses of strength, robustness,  
10                  and impacts of efforts to modify standard  
11                  operating procedures among entities in the  
12                  farm and food supply chains to minimize  
13                  supply chain disruptions and business clo-  
14                  sures during and related to COVID–19 re-  
15                  sponse; and

16                  (iii) data collection and analyses of  
17                  the economic impacts of COVID–19 on  
18                  farmers and farmer-serving businesses;

19                  (C) the development of technical assistance  
20                  to address the impacts of COVID–19, including  
21                  through actions informed by the data and anal-  
22                  yses developed under subparagraphs (A) and  
23                  (B), by responding to requests for assistance,  
24                  and proactively addressing emerging trends, for

the purpose of minimizing the impact of farm  
and food supply chain disruptions on—

(i) consumer supplies of food; and

(ii) the solvency of farm businesses,  
farm-related businesses, and rural busi-  
nesses critical to rural communities;

(D) the provision of technical assistance  
and financial assistance to implement the best  
practices and effective models described in sub-  
paragraph (A)(ii); and

(E) carrying out other activities, as identi-  
fied by the Secretary, in consultation with  
stakeholders, as priorities for—

(i) reducing the impact of COVID–19;

(ii) protecting the safety of agricul-  
tural workers or producers; and

(iii) strengthening the economic sta-  
bility, viability, and resiliency of farm and  
food businesses.

(4) COORDINATION OF FEDERAL AGENCIES.—

The Secretary of Agriculture shall—

(A) monitor urgent and emerging issues in  
the agriculture economy and food supply chain  
relating to COVID–19; and

1           (B) coordinate with other Federal agencies  
2           the activities of which may be affected by or  
3           may affect the issues described in subparagraph  
4           (A) for the purpose of expeditiously addressing  
5           those issues.

6       (i) FUNDING.—

7           (1) IN GENERAL.—There is appropriated to the  
8       Secretary of Agriculture, out of amounts in the  
9       Treasury not otherwise appropriated,  
10      \$1,000,000,000 to carry out the Program, to remain  
11      available until expended.

12          (2) ADMINISTRATION.—The Secretary of Agri-  
13      culture may use not more than 3 percent of the  
14      amounts made available to carry out the Program  
15      for a fiscal year for administrative expenses, which  
16      shall be prioritized for carrying out paragraphs (3)  
17      and (4) of subsection (h).

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