Amendment offered by Mr. Thompson

Brief Summary

This amendment strikes all of the underlying committee print and replaces it with the two bipartisan bills that have passed out of this Committee – WHIP+ authorization and Rural Broadband.
AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY Mr. Thompson

Strike subtitles A through E and insert the following:

Subtitle A—Disaster Indemnity Program

SEC. 10001. IN GENERAL.
(a) IN GENERAL.—Except as otherwise provided in this section, with respect to the coverage period, the Secretary shall carry out—

(1) a disaster indemnity program in the same manner as the WIIIP+ program is carried out under subpart O of part 760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section);

(2) an on-farm storage loss program in the same manner as the program carried out under subpart P of part 760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section); and

(3) a milk loss program in the same manner as the program carried out under subpart Q of part
760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section).

(b) COVERED LOSSES.—In carrying out the programs under this section, the Secretary shall make payments to producers in accordance with subsection (c) for qualified losses of covered crops, including milk, that occurred during the coverage period.

(c) PAYMENTS.—

(1) IN GENERAL.—Payments to producers for qualified losses of covered crops, including milk, under the programs under this section shall be administered, except as provided in paragraph (2), in the same manner as payments under the relevant programs in subsection (a).

(2) EXCEPTIONS.—

(A) DIRECT PAYMENTS REQUIRED.—The Secretary shall make payments under the programs under paragraphs (1), (2), and (3) of subsection (a) as direct payments to producers or processors, at the election of the processor.

(B) SPECIAL RULE FOR UNHARVESTED ACRES.—The Secretary shall make payments under this section with respect to qualified losses of unharvested acres of a covered crop in the same manner as payments are made with
respect to eligible crop losses under the non-
insured crop assistance program under section
196 of the Federal Agriculture Improvement

(C) PAYMENT LIMITATIONS.—

(i) IN GENERAL.—Except as provided
in clauses (ii), (iii), (iv), and (v), the Sec-
retary shall impose payment limitations
consistent with section 760.1507 of title 7,
Code of Federal Regulations (as in effect
on the date of the enactment of this sec-

(ii) EXCEPTION FOR SPECIALTY
CROPS OR HIGH VALUE CROPS.—In the
case of specialty crops or high value crops,
as determined by the Secretary, the Sec-
retary shall impose payment limitations
consistent with section 760.1507(a)(2) of
title 7, Code of Federal Regulations (as in
effect on January 1, 2019).

(iii) TAX YEAR BASIS.—In applying
the payment limitations under this sub-
paragraph, the Secretary shall determine a
person or legal entity's average adjusted
gross income and average adjusted gross
farm income based on the 2017, 2018, and 2019 tax years.

(iv) **ANNUAL RENEWAL.**—With respect to the payment limitations described under this subparagraph, the Secretary shall apply separate payment limits for each of the years under the covered period.

(v) **ENTITY RULES.**—With respect to payments to a corporation, limited liability company, limited partnership, trust, or estate under this section, the Secretary shall—

(I) determine average adjusted gross income and average adjusted gross farm income in accordance with clause (iii); and

(II) apply rules in the same manner as subsections (d) and (e) of section 9.7 of title 7, Code of Federal Regulations.

(D) **NET INDEMNITIES.**—In calculating payments under the programs under paragraphs (1), (2), and (3) of subsection (a), the Secretary shall net out crop insurance indem-
nities, less any insurance premiums paid by the producer.

(E) PAYMENTS TO SUGAR AND DAIRY PROCESSORS.—

(i) IN GENERAL.—At the election of a processor eligible for a loan under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) or a cooperative processor of dairy, in lieu of payments to producers provided under a program described in subsection (a), the Secretary shall make payments to a processor to be paid to producer members, as determined by such processors under the same terms and conditions as payments made to processors pursuant to section 791(e) of title VII of division B of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94).

(ii) NON-ELECTION.—Notwithstanding section 760.1503(j) of title 7 of the Code of Federal Regulations, in the event that a processor described in clause (i) does not elect to receive payments under such clause, the Secretary shall
make direct payments to producers under

a program described in subsection (a).

(F) BLOCK GRANTS.—The Secretary may

provide payments in the form of block grants to

States and processors described in subpara-

graph (E).

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—In addition to amounts oth-

erwise available, there are appropriated to the Sec-

retary for fiscal year 2022, out of any money in the

Treasury not otherwise appropriated, to remain

available until the last day of the coverage period,

$8,500,000,000, to carry out this section.

(2) ADMINISTRATION.—The Secretary may use

not more than 1 percent of the funds appropriated

pursuant to paragraph (1) to carry out the fol-

lowing:

(A) Streamlining the application process.

(B) Utilizing information technology to en-

able the electronic transfer of data used in such

application process between the Risk Manage-

ment Agency and the Farm Service Agency.

(C) Activities that with respect to county

office employees, reduce the workload of such

employees in carrying out this section.
(D) To the maximum extent practicable, providing the necessary information to, and assisting crop insurance agents with, providing application information on behalf of insured producers.

(e) EXEMPTION.—Notwithstanding the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282; 31 U.S.C. 6101 note), the requirements of parts 25 and 170 of title 2, Code of Federal Regulations (or successor regulations), shall not apply with respect to assistance received under this section.

(f) DEFINITIONS.—In this section:

(1) COVERAGE PERIOD.—In this section, the term "coverage period" means, with respect to a covered crop, including milk, and a qualifying disaster event described in paragraph (6)(A)(i), calendar years 2020 and 2021.

(2) COVERED CROP.—The term "covered crop" means a crop, tree, bush, or vine described in section 760.1503 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section), including wine grapes, which shall include all insured acreage (regardless of whether such acreage is the initial acreage or not).
(3) MILK LOSS PROGRAM.—The term “milk loss program” means the milk loss program under subpart Q of part 760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section).

(4) ON-FARM STORAGE LOSS PROGRAM.—The term “on-farm storage loss program” means the on-farm storage loss program under subpart P of part 760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section).

(5) STATE.—In this section, the term “State” has the meaning given the term in section 1111(20) of the Agricultural Act of 2014.

(6) QUALIFIED LOSS.—The term “qualified loss”—

(A) with respect to a covered crop not described in subparagraph (B), the loss of such crop during the coverage period—

(i) due to a qualifying disaster event described in the definition of “qualifying disaster event” in section 760.1802 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section);
(ii) due to high winds, derechos, excessive heat, or freeze (including a polar vortex);

(iii) due to a drought in—

(I) a county the Secretary designated for drought; or

(II) a county contiguous to a county described in subclause (I); or

(iv) due to other disruptions (including power outages or curtailments) that are associated with the effects of a qualified disaster event under this section; and

(B) with respect to smoke tainted wine grapes, the loss (including a quality loss) of such crop during the coverage period due to wildfire, as determined by the Secretary.

(7) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(8) WHIP+ PROGRAM.—The term "WHIP+ program" means the WHIP+ program under subpart O of part 760 of title 7, Code of Federal Regulations (as in effect on the date of the enactment of this section).
Subtitle B—Broadband Internet Connections for Rural America

SEC. 11001. INNOVATIVE BROADBAND ADVANCEMENT PROGRAM.

Section 603(e) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb-2(e)) is amended to read as follows:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary out of any money in the Treasury not otherwise appropriated $300,000,000 for each of fiscal years 2022 through 2029, to remain available until expended, to carry out projects in States and territories selected by the Secretary to be diverse on the basis of geography, topography, and demographics.

"(2) LIMITATION.—Not more than $25,000,000 of the amounts made available by paragraph (1) for each fiscal year may be provided for a single project."

SEC. 11002. RURAL BROADBAND PROGRAM LOANS AND GRANTS.

(a) IN GENERAL.—Section 601 of the Rural Electrification Act of 1936 (7 U.S.C. 950bb) is amended—

(1) in the section heading, by striking "ACCESS TO BROADBAND TELECOMMUNICATIONS"
SERVICES IN RURAL AREAS" and inserting "RE-
CONNECT RURAL BROADBAND PROGRAM";

(2) by striking subsection (a) and inserting the
following:

“(a) ESTABLISHMENT; PURPOSE.—The Secretary
shall establish a program, which shall be known as the
‘ReConnect Rural Broadband Program’, to provide grants,
loans, and loan guarantees to finance the costs of the con-
struction, improvement, and acquisition of facilities and
equipment for broadband service in rural areas.”;

(3) in subsection (c)(2), by striking subpara-
graphs (A) and (B) and inserting the following:

“(A) IN GENERAL.—In making grants,
making loans, and guaranteeing loans under
paragraph (1), the Secretary shall give the
highest priority to applications for projects to
provide broadband service to unserved rural
communities that do not have any residential
broadband service of at least—

“(i) a 10–Mbps downstream trans-
mission capacity; and

“(ii) a 1–Mbps upstream transmission
capacity.

“(B) OTHER.—After giving priority to the
applications described in clauses (i) and (ii) of
paragraph (A), the Secretary shall then give priority to applications for projects to provide broadband service to rural communities—

"(i) with a population of less than 10,000 permanent residents; or

"(ii) with a high percentage of low income families or persons (as defined in section 501(b) of the Housing Act of 1949).

"(C) ADDITIONAL CONSIDERATIONS.—In making grants, making loans, and guaranteeing loans under this subsection, the Secretary shall consider whether an application was developed with the participation of community stakeholders, and will receive a substantial portion of the funding for the project from community stakeholders or other non-Federal sources."

(4) in subsection (e)(3)—

(A) in subparagraph (B)—

(i) by striking "and" at the end of clause (i);

(ii) by striking the period at the end of clause (ii) and inserting "; and"; and

(iii) by adding at the end the following:
“(iii) shall be subject to a grant agreement of not less than ten years.”;

(B) in subparagraph (D)(i)—

(i) in subclause (I), by striking “(2)(A)(i)” and inserting “(2)(A)” and

(ii) in subclause (II), by striking “any of subclauses (I) through (IV) of paragraph (2)(B)(i)” and inserting “clause (i) or (ii) of paragraph (2)(B)” and

(C) by striking subparagraph (E) and inserting the following:

“(E) APPLICATIONS.—

“(i) GRANT-ONLY APPLICATIONS.—
The Secretary shall establish an application process that permits an application for a grant-only award.

“(ii) COMBINED APPLICATIONS.—The Secretary shall establish an application process that permits—

“(I) a single application for a grant and a loan under title I or II, or this title, that is associated with the grant; and

“(II) provides a single decision to award the grant and the loan.”;
(5) in subsection (d)(2)—

(A) in subparagraph (A)—

(i) by striking "subparagraphs (B)
and (C)" and inserting "subparagraph
(B)"

(ii) by striking "is submitted—" and
all that follows through "(i) not less" and
inserting "is submitted not less"; and

(iii) by striking "(e); and" and all
that follows and inserting "(e).";

(B) in subparagraph (B), by striking

"Subparagraph (A)(i) shall" and inserting
"Subparagraph (A) shall"; and

(C) by striking subparagraph (C);

(6) in subsection (d), by striking paragraph (5);

(7) by striking subsection (j) and inserting the
following:

"(j) APPROPRIATION.—In addition to amounts other-
wise available, there is appropriated to the Secretary out
of any money in the Treasury not otherwise appropriated
to the Secretary $4,500,000,000 for each of fiscal years
2022 through 2029, to carry out this section, to remain
available for 5 fiscal years after the fiscal year for which
appropriated."; and
(8) in subsection (k), by striking "2023" and inserting "2029".

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall promulgate rules to carry out the amendments made by subsection (a) of this section, and complete the biennial review process required by section 601(c)(2) of the Rural Electrification Act of 1936.

c) SUNSET.—The authorities provided by section 779 of the Consolidated Appropriations Act, 2018 (Public Law 115–141) shall have no force or effect after June 30, 2022.

(d) TRANSITION RULES.—

(1) AVAILABILITY OF FUNDS FOR ADMINISTRATIVE COSTS.—Not more than 1 percent of the unobligated balances of amounts made available as of June 1, 2021, to carry out the pilot program described in section 779 of the Consolidated Appropriations Act, 2018 (Public Law 115–141) may be used for the costs of transitioning from the pilot program to the program under section 601 of the Rural Electrification Act of 1936, as amended by this Act.

(2) CONSOLIDATION OF FUNDS.—
(A) IN GENERAL.—The unobligated balances of all amounts made available on or before June 30, 2022, to carry out the pilot program described in section 779 of the Consolidated Appropriations Act, 2018 (Public Law 115–141) that are in excess of the amount described in subparagraph (B) of this paragraph are hereby transferred to and merged with amounts made available to carry out the program authorized under section 601 of the Rural Electrification Act of 1936.

(B) UNFUNDED APPROVALS.—The amount described in this subparagraph is the amount required to fully fund each project approved as of June 30, 2022, under the pilot program described in such section 779 for which amounts were not obligated or partially obligated as of such date.

SEC. 11003. COMMUNITY CONNECT GRANTS.

Section 604(g) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb-3(g)) is amended to read as follows: "(g) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $150,000,000, for each of fiscal years 2022
through 2029, to carry out this section, to remain available for 2 fiscal years after the fiscal year for which appropriated.”.

SEC. 11004. DISTANCE LEARNING AND TELEMEDICINE LOANS AND GRANTS.

Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended to read as follows:

“SEC. 2335A. APPROPRIATION.

“In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2029, to carry out this chapter, to remain available for 2 fiscal years after the fiscal year for which appropriated.”.

SEC. 11005. EXPANSION OF MIDDLE MILE INFRASTRUCTURE INTO RURAL AREAS.

Section 602(g) of the Rural Electrification Act of 1936 (7 U.S.C. 950bb-1(g)) is amended to read as follows:

“(g) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, $300,000,000, for each of fiscal years 2022 through 2029, to carry out this section, to remain avail-
able for 2 fiscal years after the fiscal year for which appro-
riated.”.

SEC. 11006. BROADBAND CONNECTORS PROGRAM.
(a) IN GENERAL.—The Secretary of Agriculture shall
establish a system for the dissemination of information
and technical assistance on the broadband programs of the
Department of Agriculture, which shall be for the use of
entities eligible, such as Indian tribes and tribal organiza-
tions, to receive funds under title II or VI of the Rural
Electrification Act of 1936 (7 U.S.C. 901 et seq.) or chap-
ter 1 of subtitle D of title XXIII of the Food, Agriculture,
Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa
et seq.).
(b) APPROPRIATION.—In addition to amounts other-
wise available, there is appropriated to the Secretary out
of any money in the Treasury not otherwise appropriated,
$25,000,000, for each of fiscal years 2022 through 2029,
to carry out this section, to remain available through fiscal
year 2029.

SEC. 11007. COMMUNITY BROADBAND MAPPING.
Section 701 of the Rural Electrification Act of 1936
(7 U.S.C. 950cc) is amended by redesignating subsection
(e) as subsection (f) and inserting after subsection (d) the
following:
“(e) COMMUNITY BROADBAND MAPPING PROGRAM.—

“(1) IN GENERAL.—The Secretary may make grants to eligible entities for the purpose of collecting broadband service data to assist the Secretary in—

“(A) establishing the availability of broadband service or middle mile infrastructure in a rural area;

“(B) determining the eligibility of a community for assistance under any broadband program administered by the Secretary; or

“(C) undertaking a service area assessment under this section.

“(2) APPLICATION.—To apply for a grant under this section, an entity shall submit an application therefor which identifies—

“(A) the data collection area;

“(B) the purpose of the data collection;

“(C) the types of broadband service data to be collected;

“(D) the survey and data collection methods to be utilized; and

“(E) any other information the Secretary determines necessary to promote the integrity
of broadband service data collected under this section.

"(3) LIMITATION ON GRANT AMOUNT.—The amount of a grant made under this subsection shall not exceed $50,000.

"(4) BROADBAND SERVICE DATA USAGE.—The Secretary shall ensure that any broadband service data collected under this section is—

"(A) measured or assessed in accordance with such standards as the Secretary may establish;

"(B) accurate and verifiable in accordance with such standards as the Secretary may establish;

"(C) included in any broadband maps or data sets maintained by the Secretary; and

"(D) made available to the Chair of the Federal Communications Commission and the Administrator of the National Telecommunications and Information Administration for inclusion in any broadband maps or data sets either may maintain.

"(5) DEFINITIONS.—In this subsection:
"(A) BROADBAND SERVICE.—The term 'broadband service' has the meaning given the term in section 601.

"(B) BROADBAND SERVICE DATA.—

"(i) IN GENERAL.—The term 'broadband service data' means information related to—

"(I) the location and type of broadband service;

"(II) the location and type of broadband infrastructure;

"(III) the advertised, maximum, and average speed of broadband service;

"(IV) the average price of the most subscribed tier of broadband service;

"(V) the speed tiers of broadband service available in the area; or

"(VI) any additional metric the Secretary deems appropriate.

"(ii) FURTHER DEFINITION.—The Secretary shall further define the term 'broadband service data' to ensure that data is measured and collected in a man-
ner consistent with the reporting require-
ments under this section, and any
broadband coordination or data- sharing
obligations.

"(C) ELIGIBLE ENTITY.—The term ‘eligi-
ble entity’ means—

"(i) a unit of local government in a
rural area;

"(ii) a tribal government or unit of
tribal government;

"(iii) an economic development or
other community organization;

"(iv) an eligible entity under title I or
II that serves persons in rural areas;

"(v) an internet service provider that
has not more than 100,000 subscribers; or

"(vi) any other entity eligible under a
title VI program that is not an internet
service provider.

"(D) MIDDLE MILE INFRASTRUCTURE.—
The term ‘middle mile infrastructure’ has the
meaning given the term in section 602.

"(E) RURAL AREA.—The term ‘rural area’
has the meaning given the term in section 601.
“(6) LIMITATION ON AMOUNT MADE AVAILABLE FOR GRANTS.—The Secretary may not expend more than 1 percent of the amounts made available under subsection (f) for each of fiscal years 2022 through 2029 to carry out this subsection.”.

SEC. 11008. LIMITATIONS ON RESERVATION OF FUNDS.

Section 701(f) of the Rural Electrification Act of 1936 (7 U.S.C. 950ee(f)), as so redesignated by section 11007 of this Act, is amended to read as follows:

“(f) LIMITATIONS ON RESERVATION OF FUNDS.—Not less than 3 but not more than 7 percent of the amounts appropriated to carry out title VI shall be set aside to be used—

“(1) for administrative costs to carry out programs under title VI;

“(2) for technical assistance and pre-development planning activities to support the most rural communities;

“(3) to conduct oversight under title VI;

“(4) to implement accountability measures and related activities authorized under title VI; and

“(5) to carry out this section.”.