

117TH CONGRESS  
1ST SESSION

# H. R. 4456

To provide for agricultural economic injury disaster loans, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mrs. HAYES (for herself and Mr. DELGADO) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To provide for agricultural economic injury disaster loans,  
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 “Helping America’s  
5       Farmers Act”.

6       **SEC. 2. AGRICULTURAL ECONOMIC INJURY DISASTER**  
7               **LOAN.**

8       (a) DEFINITIONS.—In this section:

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

3 (A) a producer—

4 (i) of horticulture, nursery crops, flo-  
5 riculture, non-specialty crops, wool, live-  
6 stock, dairy, aquaculture, or specialty  
7 crops; or

8 (ii) engaged in the production of food  
9 and fiber; or

10 (B) a farmer or rancher.

11 (2) LARGE ELIGIBLE ENTITY.—The term  
12 “large eligible entity” means an eligible entity with  
13 an adjusted gross income of greater than \$500,000.

14 (3) SECRETARY.—The term “Secretary” means  
15 the Secretary of Agriculture, acting through the Ad-  
16 ministrator of the Farm Service Agency.

17 (4) SMALL ELIGIBLE ENTITY.—The term  
18 “small eligible entity” means an eligible entity with  
19 an adjusted gross income of less than or equal to  
20 \$500,000.

21 (b) AGRICULTURAL ECONOMIC INJURY DISASTER  
22 LOAN PROGRAM.—

23 (1) IN GENERAL.—The Secretary shall carry  
24 out a program to make loans under this subsection

1 to small eligible entities for the purposes described  
2 in paragraph (3).

3 (2) TERMS OF LOANS.—

4 (A) AMOUNT OF LOAN.—In carrying out  
5 this subsection, the Secretary shall make loans  
6 to small eligible entities in an amount less than  
7 or equal to \$2,000,000.

8 (B) INTEREST RATE.—A loan under sub-  
9 paragraph (A) shall have an interest rate equal  
10 to zero percent.

11 (C) REPAYMENT.—The Secretary shall es-  
12 tablish the repayment terms with respect to  
13 each loan to a small eligible entity under this  
14 subsection, except that such repayment may  
15 not—

16 (i) begin before the date that is 1 year  
17 after the date on which such loan is made  
18 to such small eligible entity; and

19 (ii) be for a period of less than 10  
20 years or a period of greater than 15 years;  
21 and

22 (D) WAIVER OF CERTAIN REQUIRE-  
23 MENTS.—With respect to a loan made under  
24 this subsection in response to an economic dis-  
25 aster, the Secretary shall waive—

1 (i) any rules related the personal  
2 guarantee on advances and loans of not  
3 more than \$200,000 for all applicants;

4 (ii) any requirement that the small el-  
5 igible entity exhaust other loan options be-  
6 fore applying for a loan under this sub-  
7 section; and

8 (iii) any requirement that an appli-  
9 cant needs to be in business for the 1-year  
10 period before the disaster, except that no  
11 waiver may be made for a business that  
12 was not in operation on January 31, 2020.

13 (E) PRIORITY.—In making loans under  
14 this subsection the Secretary shall give priority  
15 to—

16 (i) small eligible entities located in  
17 States most impacted by an economic dis-  
18 aster, as determined by the Secretary;

19 (ii) minority, veteran, and women  
20 farmers and ranchers; and

21 (iii) such other small eligible entities  
22 as the Secretary determines appropriate.

23 (3) USE OF FUNDS.—A small eligible entity  
24 that receives a loan under this subsection shall use  
25 the loan funds to—

1 (A) provide paid sick leave to employees  
2 unable to work due to the direct effect of an  
3 economic disaster;

4 (B) maintain payroll to retain employees  
5 during business disruptions or substantial slow-  
6 downs;

7 (C) meet increased costs to obtain mate-  
8 rials unavailable from the applicant's original  
9 source due to interrupted supply chains;

10 (D) make rent or mortgage payments;

11 (E) purchase personal protective equip-  
12 ment; and

13 (F) repay obligations that cannot be met  
14 due to revenue losses.

15 (4) FORGIVENESS.—A small eligible entity shall  
16 be eligible for forgiveness of indebtedness on a loan  
17 under this subsection in an amount determined by  
18 the Secretary based on the losses of the small eligi-  
19 ble entity—

20 (A) due to commodity price decreases dur-  
21 ing an economic disaster; or

22 (B) revenue loss due to an economic dis-  
23 aster, including from—

1 (i) canceled purchasing contracts or  
2 agreements with schools, institutions, food  
3 hubs, and restaurants;

4 (ii) loss of recurring deliveries of farm  
5 products to schools, institutions, food hubs,  
6 and restaurants; or

7 (iii) any other unexpected source dur-  
8 ing such economic disaster.

9 (c) LOAN GUARANTEES.—The Secretary may guar-  
10 antee a loan made by lenders approved by the Farm Serv-  
11 ice Agency to large eligible entities if—

12 (1) such loan—

13 (A) is for the purposes described in sub-  
14 section (b)(3);

15 (B) is in an amount greater than  
16 \$2,000,000;

17 (C) has an interest rate equal to or less  
18 than 1 percent; and

19 (D) has a repayment term that—

20 (i) begins after the date that is 1 year  
21 after the date on which such loan is made  
22 an eligible entity; and

23 (ii) is for a period of not less than 15  
24 years and not greater than 20 years; and

1           (2) the lender making such loan offers forgive-  
2           ness of indebtedness on such loan under such terms  
3           as the Secretary determines are commensurate with  
4           the loan forgiveness under subsection (b)(4).

5           (d) APPROVAL AND ABILITY TO REPAY FOR SMALL  
6 DOLLAR LOANS.—With respect to a loan made under sub-  
7 section (b) in response to an economic disaster, the Sec-  
8 retary may—

9           (1) approve an applicant based solely on the  
10          credit score of the applicant and shall not require an  
11          applicant to submit a tax return or a tax return  
12          transcript for such approval; or

13          (2) use alternative appropriate methods to de-  
14          termine an applicant's ability to repay.

15          (e) EMERGENCY GRANT.—

16          (1) IN GENERAL.—An eligible entity that ap-  
17          plies for a loan under subsection (b) or a loan guar-  
18          antee under subsection (c) in response to an eco-  
19          nomic disaster may request that the Secretary pro-  
20          vide an advance that is, subject to paragraph (3), in  
21          the amount requested by such applicant to such ap-  
22          plicant within 3 days after the Secretary receives an  
23          application from such applicant.

24          (2) VERIFICATION.—Before disbursing amounts  
25          under this subsection, the Secretary shall verify that

1 the applicant is an eligible entity by accepting a self-  
2 certification from the applicant under penalty of per-  
3 jury pursuant to section 1746 of title 28 United  
4 States Code.

5 (3) AMOUNT.—The amount of an advance pro-  
6 vided under this subsection shall be not less than  
7 \$20,000.

8 (4) USE OF FUNDS.—An advance provided  
9 under this subsection may be used to address any al-  
10 lowable purpose for a loan made under subsection  
11 (b) or a loan guarantee made under subsection (c).

12 (5) REPAYMENT.—An applicant shall not be re-  
13 quired to repay any amounts of an advance provided  
14 under this subsection, even if subsequently denied a  
15 loan under subsection (b) or a loan guarantee under  
16 subsection (c).

17 (f) OTHER BENEFITS.—Receipt of a grant, loan, or  
18 loan guarantee under this section shall not be construed  
19 as to prohibit receipt of any Federal grant, loan, or other  
20 aid.

21 (g) TAXABILITY.—For purposes of the Internal Rev-  
22 enue Code of 1986—

23 (1) any amount which would be includible in  
24 gross income of the eligible entity by reason of for-



1 givenness described in this paragraph shall be ex-  
2 cluded from gross income; and

3 (2) any amount received under this section shall  
4 be excluded from gross income.

5 (h) FUNDING.—There is hereby appropriated, out of  
6 any amounts in the Treasury not otherwise appro-  
7 priated—

8 (1) \$6,000,000,000, to remain available until  
9 September 30, 2021, to make loans to small eligible  
10 entities under this section;

11 (2) \$6,000,000,000, to remain available until  
12 September 30, 2021, to make loan guarantees to  
13 large eligible entities under this section;

14 (3) \$4,000,000,000, to remain available until  
15 September 30, 2021, to make grants under sub-  
16 section (e) to small eligible entities; and

17 (4) \$4,000,000,000, to remain available until  
18 September 30, 2021, to make grants under sub-  
19 section (e) to large eligible entities.

20 **SEC. 3. TRAINING FOR LOAN SERVICERS.**

21 There is hereby appropriated, out of any amounts in  
22 the Treasury not otherwise appropriated, \$300,000,000,  
23 to the Secretary of Agriculture to carry out a training pro-  
24 gram to provide Farm Service Agency staff with appro-

- 1 private training relating to economic injury loan processing
- 2 and servicing under section 2.

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