

Public Law 110-246  
110th Congress

An Act

To provide for the continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2012, and for other purposes. <<NOTE: June 18, 2008 - [H.R. 6124]>>

Be it enacted by the Senate and House of Representatives of the United States of America in Congress <<NOTE: Food, Conservation, and Energy Act of 2008. 7 USC 8701 note.>> assembled,  
SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.--This Act may be cited as the ``Food, Conservation, and Energy Act of 2008''.

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SEC. 6022. RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:  
``SEC. 379E. <<NOTE: 7 USC 2008s.>> RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM.

``(a) Definitions.--In this section:

meaning      `` (1) Indian tribe.--The term `Indian tribe' has the  
and            given the term in section 4 of the Indian Self-Determination  
Education Assistance Act (25 U.S.C. 450b).

means        `` (2) Microentrepreneur.--The term `microentrepreneur'  
an owner and operator, or prospective owner and operator, of a rural microenterprise who is unable to obtain sufficient training, technical assistance, or credit other than under this section, as determined by the Secretary.

organization      `` (3) Microenterprise development organization.--The term `microenterprise development organization' means an  
that--

development      `` (A) is--  
                  `` (i) a nonprofit entity;  
                  `` (ii) an Indian tribe, the tribal government of which certifies to the Secretary that--  
                  `` (I) no microenterprise  
                  organization serves the Indian tribe;  
                  and  
                  `` (II) no rural microentrepreneur

assistance program exists under the  
jurisdiction of the Indian tribe; or  
``(iii) a public institution of higher  
education;

[[Page 122 STAT. 1935]]

``(B) provides training and technical assistance to  
rural microentrepreneurs;

``(C) facilitates access to capital or another  
service described in subsection (b) for rural  
microenterprises; and

``(D) has a demonstrated record of delivering  
services to rural microentrepreneurs, or an effective  
plan to develop a program to deliver services to rural  
microentrepreneurs, as determined by the Secretary.

loan  
``(4) Microloan.--The term `microloan' means a business  
of not more than \$50,000 that is provided to a rural  
microenterprise.

``(5) Program.--The term `program' means the rural  
microentrepreneur assistance program established under  
subsection (b).

``(6) Rural microenterprise.--The term `rural  
microenterprise' means--

area;  
``(A) a sole proprietorship located in a rural

or

``(B) a business entity with not more than 10 full-  
time-equivalent employees located in a rural area.

``(b) Rural Microentrepreneur Assistance Program.--

grants  
``(1) Establishment.--The Secretary shall establish a rural  
microentrepreneur assistance program to provide loans and

to support microentrepreneurs in the development and ongoing  
success of rural microenterprises.

``(2) Purpose.--The purpose of the program is to provide  
microentrepreneurs with--

``(A) the skills necessary to establish new rural  
microenterprises; and

``(B) continuing technical and financial assistance  
related to the successful operation of rural  
microenterprises.

``(3) Loans.--

to  
``(A) In general.--The Secretary shall make loans  
microenterprise development organizations for the  
purpose of providing fixed interest rate microloans to  
microentrepreneurs for startup and growing rural  
microenterprises.

a  
``(B) Loan terms.--A loan made by the Secretary to  
microenterprise development organization under this  
paragraph shall--

``(i) be for a term not to exceed 20 years;  
and

``(ii) bear an annual interest rate of at least 1 percent.

``(C) Loan loss reserve fund.--The Secretary shall require each microenterprise development organization that receives a loan under this paragraph to--

``(i) establish a loan loss reserve fund; and

``(ii) maintain the reserve fund in an amount equal to at least 5 percent of the outstanding balance of such loans owed by the microenterprise development organization, until all obligations owed to the Secretary under this paragraph are repaid.

``(D) Deferral of interest and principal.--The Secretary may permit the deferral of payments on principal and interest due on a loan to a microenterprise development organization made under

this

paragraph for a 2-year period beginning on the date the loan is made.

``(4) Grants.--

[[Page 122 STAT. 1936]]

``(A) Grants to support rural microenterprise development.--

``(i) In general.--The Secretary shall make grants to microenterprise development organizations to--

``(I) provide training, operational support, business planning, and market development assistance, and other related services to rural microentrepreneurs; and

``(II) carry out such other

projects

and activities as the Secretary determines appropriate to further the purposes of the program.

``(ii) Selection.--In making grants under clause (i), the Secretary shall--

``(I) place an emphasis on microenterprise development organizations that serve microentrepreneurs that are located in rural areas that have suffered significant outward migration, as determined by the Secretary; and

``(II) ensure, to the maximum

extent

practicable, that grant recipients include microenterprise development organizations--

``(aa) of varying sizes;

and

``(bb) that serve racially and ethnically diverse populations.

`` (B) Grants to assist microentrepreneurs.--  
     `` (i) In general.--The Secretary shall make grants to microenterprise development organizations to provide marketing, management, and other technical assistance to microentrepreneurs that--  
         `` (I) received a loan from the microenterprise development organization  
         under paragraph (3); or  
         `` (II) are seeking a loan from the microenterprise development organization  
         under paragraph (3).  
     `` (ii) Maximum amount of grant.--A microenterprise development organization shall be eligible to receive an annual grant under this subparagraph in an amount equal to not more than 25 percent of the total outstanding balance of microloans made by the microenterprise development organization under paragraph (3), as of the date the grant is awarded.

`` (C) Administrative expenses.--Not more than 10 percent of a grant received by a microenterprise development organization for a fiscal year under this paragraph may be used to pay administrative expenses.

`` (c) Administration.--  
     `` (1) Cost share.--  
         `` (A) Federal share.--Subject to subparagraph (B), the Federal share of the cost of a project funded under this section shall not exceed 75 percent.  
         `` (B) Matching requirement.--As a condition of any grant made under this subparagraph, the Secretary shall require the microenterprise development organization to match not less than 15 percent of the total amount of the grant in the form of matching funds, indirect costs, or in-kind goods or services.

[[Page 122 STAT. 1937]]

`` (C) Form of non-federal share.--The non-Federal share of the cost of a project funded under this section may be provided--  
     `` (i) in cash (including through fees, grants (including community development block grants), and gifts); or  
     `` (ii) in the form of in-kind contributions.

`` (2) <<NOTE: Deadline.>> Oversight.--At a minimum, not later than December 1 of each fiscal year, a microenterprise development organization that receives a loan or grant under this section shall provide to the Secretary such information as the Secretary may require to ensure that assistance provided under this section is used for the purposes for which the loan

or grant was made.

``(d) Funding.--

``(1) Mandatory funding.--Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section, to remain available until expended--

``(A) \$4,000,000 for each of fiscal years 2009 through 2011; and

``(B) \$3,000,000 for fiscal year 2012.

``(2) Discretionary funding.--In addition to amounts made available under paragraph (1), there are authorized to be appropriated to carry out this section \$40,000,000 for each of fiscal years 2009 through 2012.''.

SEC. 6023. GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 6022) is amended by adding at the end the following:

``SEC. 379F. <<NOTE: 7 USC 2000t.>> GRANTS FOR EXPANSION OF EMPLOYMENT OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES IN RURAL AREAS.

``(a) Definitions.--In this section:

``(1) Individual with a disability.--The term 'individual with a disability' means an individual with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

``(2) Individuals with disabilities.--The term 'individuals with disabilities' means more than 1 individual with a disability.

``(b) Grants.--The Secretary shall make grants to nonprofit organizations, or to a consortium of nonprofit organizations, to expand and enhance employment opportunities for individuals with disabilities in rural areas.

``(c) Eligibility.--To be eligible to receive a grant under this section, a nonprofit organization or consortium of nonprofit organizations shall have--

``(1) a significant focus on serving the needs of individuals with disabilities;

``(2) demonstrated knowledge and expertise in--

``(A) employment of individuals with disabilities; and

``(B) advising private entities on accessibility issues involving individuals with disabilities;

``(3) expertise in removing barriers to employment for individuals with disabilities, including access to transportation, assistive technology, and other accommodations; and

``(4) existing relationships with national organizations focused primarily on the needs of rural areas.

``(d) Uses.--A grant received under this section may be used only to expand or enhance--

``(1) employment opportunities for individuals with disabilities in rural areas by developing national technical assistance and education resources to assist small businesses

in

a rural area to recruit, hire, accommodate, and employ individuals with disabilities; and

``(2) self-employment and entrepreneurship opportunities for

individuals with disabilities in a rural area.

``(e) Authorization of Appropriations.--There is authorized to be appropriated to carry out this section \$2,000,000 for each of fiscal years 2008 through 2012.''.  
''.