H. R. 7606

AN ACT

To establish the Office of the Special Investigator for Competition Matters within the Department of Agriculture.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the “Lower Food and Fuel Costs Act”.

3 (b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

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In this Act, the term "Secretary" means the Secretary of Agriculture.

TITLE I—MEAT AND POULTRY SPECIAL INVESTIGATOR

Sec. 101. Office of the Special Investigator for Competition Matters.

(a) In general.—The Department of Agriculture Reorganization Act of 1994 is amended by inserting after section 216 (7 U.S.C. 6916) the following:

"SEC. 217. Office of the Special Investigator for Competition Matters.

"(a) Establishment.—There is established in the Department an office, to be known as the ‘Office of the Special Investigator for Competition Matters’ (referred to in this section as the ‘Office’).

"(b) Special Investigator for Competition Matters.—The Office shall be headed by the Special Investigator for Competition Matters (referred to in this section as the ‘Special Investigator’), who shall be a senior career employee appointed by the Secretary.

"(c) Duties.—The Special Investigator shall—
“(1) use all available tools, including subpoenas, to investigate and prosecute violations of the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) by packers and live poultry dealers with respect to competition and trade practices in the food and agricultural sector;

“(2) serve as a Department liaison to, and act in consultation with, the Department of Justice and the Federal Trade Commission with respect to competition and trade practices in the food and agricultural sector;

“(3) act in consultation with the Department of Homeland Security with respect to national security and critical infrastructure security in the food and agricultural sector;

“(4) maintain a staff of attorneys and other professionals with appropriate expertise; and

“(5) in carrying out the requirements of this subsection, coordinate with the Office of the General Counsel and the Packers and Stockyards Division of the Agricultural Marketing Service.

“(d) PROSECUTORIAL AUTHORITY.—

“(1) In general.—Notwithstanding title 28, United States Code, the Special Investigator shall have the authority to bring any civil or administra-
tive action authorized under the Packers and Stock-
yards Act, 1921 (7 U.S.C. 181 et seq.) against a
packer.

“(2) EFFECT.—Nothing in this section alters
the authority of the Secretary to issue a subpoena
pursuant to the Packers and Stockyards Act, 1921
(7 U.S.C. 181 et seq.).

“(3) NOTIFICATION.—With respect to any of
the actions brought under this subsection in Federal
district court, the Special Investigator shall notify
the Attorney General.”.

(b) CONFORMING AMENDMENT.—Section 296(b) of
the Department of Agriculture Reorganization Act of
1994 (7 U.S.C. 7014(b)) is amended by adding at the end
the following:

“(11) The authority of the Secretary to carry
out section 217.”.

(e) TECHNICAL AMENDMENT.—Subtitle A of the De-
partment of Agriculture Reorganization Act of 1994 is
amended by redesignating the first section 225 (relating
to Food Access Liaison) (7 U.S.C. 6925) as section 224A.
TITLE II—CROP NUTRIENT USE
AND PRECISION AGRICULTURE PRACTICE ADOPTION ASSISTANCE

SEC. 201. CROP NUTRIENT USE AND PRECISION AGRICULTURE PRACTICE ADOPTION ASSISTANCE.

(a) Payments.—During the period beginning on the date of enactment of this section and ending on September 30, 2023, the Secretary shall make payments under this section to producers—

(1) to assist in reducing the costs associated with the utilization of crop nutrients; or

(2) to adopt precision agriculture practices to address the utilization of crop nutrients or water availability.

(b) Amount.—

(1) In general.—A payment to a producer under this section shall not exceed 100 percent of the costs of the activity for which the assistance is provided.

(2) Cost share.—If the Secretary determines that a producer is receiving other Federal funds for the activity for which the assistance is provided, a payment to the producer under this section shall be in an amount that does not, in combination with
such other funds, exceed 100 percent of the costs of such activity.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2022 and 2023.

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title shall be construed as a conservation or environmental program within the meaning of section 5(g) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(g)).

TITLE III—AGRICULTURE AND FOOD SUPPLY CHAIN RESILIENCE

Subtitle A—Agriculture and Food System Supply Chain Resilience and Crisis Response Task Force

SEC. 301. AGRICULTURE AND FOOD SYSTEM SUPPLY CHAIN RESILIENCE AND CRISIS RESPONSE TASK FORCE.

(a) IN GENERAL.—Subtitle B of title II of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6931 et seq.) is amended by adding at the end the following:
“SEC. 229. AGRICULTURE AND FOOD SYSTEM SUPPLY CHAIN RESILIENCE AND CRISIS RESPONSE TASK FORCE.

“(a) Establishment.—Not later than 60 days after the date of the enactment of this section, the Secretary shall establish within the Department an Agriculture and Food System Supply Chain Resilience and Crisis Response Task Force (in this section referred to as the ‘Task Force’).

“(b) Mission.—The mission of the Task Force shall be to—

“(1) help to promote the leadership of the United States with respect to the stability of the agriculture and food system supply chain;

“(2) encourage a government-wide approach through partnerships and collaboration with the private sector, labor organizations, the governments of countries that are allies or key international partners of the United States, States or political subdivisions thereof, and Tribal governments in order to—

“(A) promote the resilience of the agriculture and food system supply chain; and

“(B) identify, prepare for, and respond to shocks to the agriculture and food system supply chain;
“(3) monitor the resilience, diversity, security, and strength of the agriculture and food system supply chain;

“(4) support the availability of agriculture and food system supply chain goods for domestic manufacturers, domestic producers, and domestic enterprises in the United States and in countries that are allies or key international partners;

“(5) assist the Federal Government in preparing for and responding to shocks to the agriculture and food system supply chain;

“(6) support the creation of jobs with competitive wages in the United States agriculture and food system sector; and

“(7) coordinate executive branch actions necessary to carry out the functions described in paragraphs (1) through (6).

“(c) SPECIAL ADVISOR ON SUPPLY CHAIN RESILIENCE AND CRISIS RESPONSE.—The head of the Task Force shall be the Special Advisor on Supply Chain Resilience and Crisis Response (in this section, referred to as the ‘Special Advisor’) who shall be appointed by the Secretary.

“(d) AGRICULTURAL AND FOOD SYSTEM SUPPLY CHAIN EVALUATION AND REPORT.—
“(1) EVALUATION.—The Special Advisor, in consultation with the Secretary of Commerce and the Secretary of Transportation, shall conduct an evaluation of the stability and reliability of the agriculture and food system supply chain. The evaluation shall focus on the items listed in subsection (b).

“(2) REPORT TO CONGRESS.—Not later than 270 days after the date of the enactment of this section, the Special Advisor shall submit to the Committee on Agriculture, the Committee on Energy and Commerce, and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Commerce, Science, and Transportation of the Senate a report on the evaluation conducted under subsection (a) that includes the following:

“(A) An evaluation of—

“(i) the strengths of the agriculture and food system supply chain;

“(ii) the weaknesses of the agriculture and food system supply chain;

“(iii) current and potential future critical bottlenecks in the agriculture and food system supply chain, including trans-
portation bottlenecks in the distribution of agricultural inputs, processed and unprocessed food and food input products, and consumer-ready food products;

“(iv) workforce challenges and opportunities in the agriculture and food system supply chain; and

“(v) the overall stability and reliability of the agriculture and food system supply chain.

“(B) A discussion of existing Federal legal barriers, if any, that negatively impact the stability and reliability of the agriculture and food system supply chain.

“(C) Specific recommendations to improve the security, safety, and resilience of the agriculture and food system supply chain, including recommendations that address challenges identified under paragraph (1) and that also address—

“(i) long-term strategies;
“(ii) industry best practices;
“(iii) risk-mitigation actions to prevent future bottlenecks and vulnerabilities
at all levels of the agriculture and food system supply chain; and

“(iv) legislative and regulatory actions that would positively impact the security and resilience of the agriculture and food system supply chain.

“(e) TERMINATION.—The Task Force shall terminate on the earlier of—

“(1) the date on which the report required by subsection (d) is submitted; or

“(2) September 30, 2023.”.

(b) TECHNICAL AMENDMENT.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)), as amended by section 101, is further amended by adding at the end the following:

“(12) The authority of the Secretary to establish in the Department the Agriculture and Food System Supply Chain Resilience and Crisis Response Task Force in accordance with section 229.”.

Subtitle B—Addressing Fertilizer Shortages

SEC. 311. ADDRESSING FERTILIZER SHORTAGES.

(a) IN GENERAL.—The Secretary of Agriculture shall support and incentivize domestic activities through grants, loans, and other forms of assistance, to address fertilizer
shortages and deficiencies, diversify fertilizer sources, and
reduce dependency on foreign sources for fertilizer, includ-
ing by—

(1) increasing the availability of innovative fer-
tilizer and fertilizer alternatives, including nitrogen,
phosphate, potassium, biological products and tech-
nologies, and other nutrients that may assist in the
production of agricultural commodities;

(2) increasing materials or tools that reduce the
need for fertilizer or support the more efficient use
of fertilizer, including nitrogen, phosphate, potas-
sium, biological products and technologies, and other
nutrients that may assist in the production of agri-
cultural commodities;

(3) supporting materials and facilities and re-
search and development, that may support the pur-
poses of this section;

(4) supporting sustainable agriculture produc-
tion through the supporting production of—

(A) sustainable fertilizer produced in, or
used in a manner that, reduces the greenhouse
gas impact; or

(B) fertilizer produced through the use of
renewable energy sources, including
incentivizing greater precision in fertilizer use;
(5) supporting activities or other measures that may otherwise address competition-related challenges in the United States fertilizer market and obstacles to producers in obtaining affordable, responsibly manufactured fertilizer as referred to in the notice entitled “Access to Fertilizer: Competition and Supply Chain Concerns” published by the Department of Agriculture in the Federal Register on March 17, 2022 (87 Fed Reg. 15191 et seq.); and

(6) using the facilities and authorities of the Commodity Credit Corporation and the authorities under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k).

(b) PRIORITY APPLICANTS.—In selecting activities to support under this section, the Secretary shall give priority to applications for such support containing proposals that the Secretary determines will most quickly address fertilizer shortages in the near term and mid-term.

(c) STREAMLINED PROCESS.—In providing assistance pursuant to this section, the Secretary shall ensure that such assistance be provided through a streamlined and expedient process (as determined necessary by the Secretary) to quickly address fertilizer shortages.
(d) Administrative Funding.—Not more than 3 percent of the funding provided under this section may be used by the Secretary for administrative purposes.

(e) Authorization of Appropriations.—In addition to amounts otherwise available, there are authorized to be appropriated to carry out this section, $100,000,000, to remain available until expended.

Subtitle C—American Food Supply Chain Resiliency

SEC. 321. Supply Chain Regional Resource Centers.
The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

“Subtitle H—Food Supply Chain Resiliency

“SEC. 298. Supply Chain Regional Resource Centers.
“(a) In General.—The Secretary, acting through the Administrator of the Agricultural Marketing Service, shall enter into cooperative agreements with eligible entities to establish not fewer than 6 Supply Chain Regional Resource Centers to support small-sized and medium-sized producers of agricultural products and small-sized and medium-sized agricultural businesses through activities, which may include—
“(1) offering coordination, technical assistance, and capacity building support to small-sized and medium-sized producers of agricultural products and agricultural businesses;

“(2) supporting supply chain and value chain coordination—

“(A) in the region in which such producers or businesses are located; and

“(B) with the Department of Agriculture, other Federal, State, and Tribal agencies with relevant resources, regional commissions, and other Supply Chain Regional Resource Centers;

“(3) providing technical assistance to such producers and businesses;

“(4) providing grants or other financial assistance to such producers and businesses looking to expand production or a business or start production or a business in such region; and

“(5) carrying out such other activities as may be specified by the Secretary.

“(b) FOCUS ON TRIBAL SUPPLY CHAIN ISSUES.—At least one Supply Chain Regional Resource Center established pursuant to subsection (a) shall provide coordination, assistance, and capacity building support to address supply chain issues faced by Indian tribes and Tribal orga-
nizations (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)).

“(c) APPLICATION.—

“(1) IN GENERAL.—An eligible entity (including an entity representing a partnership) seeking to enter into a cooperative agreement under this section shall submit to the Secretary an application, at such time, in such manner, and containing such information as the Secretary may require, including how the Supply Chain Regional Resource Centers established by such entity will address food and agricultural supply chain issues faced by underserved communities.

“(2) REGIONAL DIVERSITY.—In selecting eligible entities to enter into a cooperative agreement under this section, the Secretary shall ensure the regional diversity of such entities.

“(d) TERM.—The term of a cooperative agreement entered into under this section shall be not less than 4 years.

“(e) COORDINATION.—A Supply Chain Regional Resource Center shall, as a condition on entering into a cooperative agreement under this section, agree to coordinate
with other Supply Chain Regional Resource Centers, when appropriate.

“(f) REPORT TO CONGRESS.—Beginning not later than 2 years after the date of the enactment of the Lower Food and Fuel Costs Act, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

“(1) with respect to the activities carried out by the Secretary under this section—

“(A) a description of such activities; and

“(B) the impact of such activities on supply chain issues faced by small-sized and medium-sized producers of agricultural products; and

“(2) with respect to the activities carried out by the Supply Chain Regional Resource Centers under this section—

“(A) a description of such activities;

“(B) the impact of such activities on supply chain issues faced by small-sized and medium-sized producers of agricultural products and agricultural businesses; and
“(C) any grants awarded by Supply Chain Regional Resource Centers to such producers and businesses.

“(g) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means—

“(A) a State government (or a political subdivision thereof), regional authority, or an Indian Tribe or Tribal organization;

“(B) a college or university (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) (including a land-grant college or university); or

“(C) a nonprofit organization, including a producer network or association, a food council, an economic development corporation, or another organization.

“(2) STATE.—The term ‘State’ has the meaning given such term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

“(h) FUNDING.—In addition to amounts otherwise available, there is authorized to be appropriated to carry
out this section $6,000,000 for each of fiscal years 2023 through 2026.

“(i) Rule of Construction.—Nothing in this section may be interpreted to undermine or narrow the authority of the Secretary to carry out activities described in subsection (a) under any other authority of the Secretary.”.

SEC. 322. AGRICULTURE INNOVATION CENTERS PROGRAM.

Section 6402(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1632b(a)) is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(4) applied research, technical assistance, support services, outreach, and other services to strengthen, maintain, and secure supply chains related to value-added agricultural commodities and products produced in the United States.”.
TITLE IV—BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION

SEC. 401. BIOFUEL INFRASTRUCTURE AND AGRICULTURE PRODUCT MARKET EXPANSION.

(a) Authorization of Appropriations.—In addition to amounts otherwise available, there is authorized to be appropriated to the Secretary $200,000,000 for the period of fiscal years 2022 and 2023, to remain available until expended, to carry out this section.

(b) Use of Funds.—The Secretary shall use the amounts made available pursuant to subsection (a) to provide grants, on a competitive basis, to eligible entities described in subsection (c)—

(1) to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location to ensure the environmentally safe availability of fuel containing ethanol blends at levels greater than 10 percent (as determined by the Secretary) or fuel containing biodiesel blends at levels greater than 5 percent (as determined by the Secretary); and
(2) to build and retrofit distribution systems for ethanol blends, traditional and pipeline biodiesel terminal operations (including rail lines), and home heating oil distribution centers or equivalent entities—

(A) to blend biodiesel; and

(B) to carry ethanol and biodiesel.

(c) Eligible Entities.—Entities eligible to receive a grant under this section are transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, mid-stream partners, and heating oil distribution facilities or equivalent entities.

(d) Federal Share.—The Federal share of the total cost of carrying out a project for which a grant is provided under this section shall be not more than 75 percent.

(e) Limitation.—The Secretary may not limit the amount of funding an eligible entity may receive under this section, except that such funding is subject to the availability of appropriations.
TITLE V—YEAR-ROUND FUEL CHOICE

SEC. 501. ETHANOL WAIVER.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) in subsection (f)(4)—

(A) by striking “(4) The Administrator, upon” and inserting the following:

“(4) WAIVER.—

“(A) IN GENERAL.—The Administrator, on”; and

(B) by adding at the end the following:

“(B) REID VAPOR PRESSURE.—A fuel or fuel additive that has been granted a waiver under subparagraph (A) prior to January 1, 2017, and meets all the conditions of that waiver other than any limitations of the waiver with respect to Reid Vapor Pressure, may be introduced into commerce if the fuel or fuel additive meets all other applicable Reid Vapor Pressure requirements.”; and

(2) in subsection (h)—

(A) in paragraph (4)—
(i) in the matter preceding subparagraph (A), by inserting “or more” after “10 percent”; and

(ii) in subparagraph (C), by striking “additional alcohol or”; and

(B) in paragraph (5)(A), by inserting “or more” after “10 percent”.

**TITLE VI—PRODUCING RESPONSIBLE ENERGY AND CONSERVATION INCENTIVES AND SOLUTIONS FOR THE ENVIRONMENT (PRECISE)**

**SEC. 601. CONSERVATION LOAN AND LOAN GUARANTEE PROGRAM.**

Section 304 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924) is amended—

(1) in subsection (b)(3), by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and inserting after subparagraph (E) the following:

“(F) the adoption of precision agriculture practices, and the acquisition of precision agriculture technology;”;

(2) in subsection (d)—

(A) in paragraph (2), by striking “and”;

...
(B) in paragraph (3), by striking the pe-
period and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(4) producers who use the loans to adopt pre-
cision agriculture practices or acquire precision agri-
culture technology, including adoption or acquisition
for the purpose of participating in the environmental
quality incentives program under subchapter A of
chapter 4 of subtitle D of title XII of the Food Se-
curity Act of 1985.’’;

(3) in subsection (e), by striking paragraph (2)
and inserting the following:

‘‘(2) 90 percent of the principal amount of the
loan in the case of—

‘‘(A) a producer that is a qualified socially
disadvantaged farmer or rancher or a beginning
farmer or rancher; or

‘‘(B) loans that are used for the purchase
of precision agriculture technology.’’; and

(4) in subsection (f)—

(A) by striking ‘‘The Secretary’’ and in-
serting the following:

‘‘(1) GEOGRAPHIC DIVERSITY.—The Sec-
retary’’; and

(B) by adding at the end the following:
“(2) COORDINATION WITH NRCS.—In making or guaranteeing loans under this section, the Secretary shall ensure that there is coordination between the Farm Service Agency and the Natural Resources Conservation Service.”.

SEC. 602. ASSISTANCE TO RURAL ENTITIES.

Section 310B(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(a)(2)) is amended—

(1) by striking “and” at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(3) by adding at the end the following:

“(E) expanding precision agriculture practices, including by financing equipment and farm-wide broadband connectivity, in order to promote best-practices, reduce costs, and improve the environment.”.

SEC. 603. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) DEFINITIONS.—Section 1240A(6)(B)(v) of the Food Security Act of 1985 (16 U.S.C. 3839aa–1(6)(B)(v)) is amended by inserting “(including the adop-
tion of precision agriculture practices and the acquisition of precision agriculture technology)’’ after ‘‘planning’’.

(b) Payments.—

(1) Other Payments.—Section 1240B(d)(6) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)(6)) is amended—

(A) by striking ‘‘A producer shall’’ and inserting the following:

‘‘(A) Payments Under this Subtitle.—
A producer shall’’; and

(B) by adding at the end the following:

‘‘(B) Conservation Loan and Loan Guarantee Program Payments.—

‘‘(i) In General.—A producer receiving payments for practices on eligible land under the program may also receive a loan or loan guarantee under section 304 of the Consolidated Farm and Rural Development Act to cover costs for the same practices on the same land.

‘‘(ii) Notice to Producer.—The Secretary shall inform a producer participating in the program in writing of the availability of a loan or loan guarantee under section 304 of the Consolidated
Farm and Rural Development Act as it relates to costs of implementing practices under this program.”.

(2) Increased payments for high-priority practices.—Section 1240B(d)(7) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)(7)) is amended, in the subsection heading, by inserting “STATE-DETERMINED” before “HIGH-PRIORITY”.

(3) Increased payments for precision agriculture.—Section 1240B(d) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(d)) is amended by adding at the end the following:

“(8) Increased payments for precision agriculture.—Notwithstanding paragraph (2), the Secretary may increase the amount that would otherwise be provided for a practice under this subsection to not more than 90 percent of the costs associated with adopting precision agriculture practices and acquiring precision agriculture technology.”.

(c) Conservation incentive contracts.—Section 1240B(j)(2)(A)(i) of the Food Security Act of 1985 (16 U.S.C. 3839aa–2(j)(3)(A)(i)) is amended by inserting “(which may include the adoption of precision agriculture practices and the acquisition of precision agriculture technology)” after “incentive practices”.

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SEC. 604. CONSERVATION STEWARDSHIP PROGRAM.

(a) SUPPLEMENTAL PAYMENTS FOR RESOURCE-CONSERVING CROP ROTATIONS AND ADVANCED GRAZING MANAGEMENT.—Section 1240L(d) of the Food Security Act of 1985 (16 U.S.C. 3839aa–24(d)) is amended—

(1) in the subsection heading, by striking “AND ADVANCED GRAZING MANAGEMENT” and inserting “, ADVANCED GRAZING MANAGEMENT, AND PRECISION AGRICULTURE”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “; or” and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) precision agriculture.”; and

(3) in paragraph (3), by striking “or advanced grazing management” and inserting “, advanced grazing management, or precision agriculture”.

SEC. 605. DELIVERY OF TECHNICAL ASSISTANCE.

Section 1242(f) of the Food Security Act of 1985 (16 U.S.C. 3842(f)) is amended by adding at the end the following:

“(6) SOIL HEALTH PLANNING.—The Secretary shall emphasize the use of third-party providers in providing technical assistance for soil health plan-
ning, including planning related to the use of cover crops, precision conservation management, comprehensive nutrient management planning, and other innovative plans.”.

**TITLE VII—BUTCHER BLOCK ACT**

**SEC. 701. ASSISTANCE FOR NEW AND EXPANDED LIVE-STOCK OR POULTRY PROCESSORS.**

(a) **IN GENERAL.**—The Secretary may make or guarantee a loan for the purpose of—

(1) increasing capacity of livestock and poultry processing, facilitating economic opportunity for livestock and poultry producers through processing activities, and diversifying processing ownership;

(2) increasing the customer base or revenue returns of livestock and poultry producers through investment in processing capacity;

(3) improving, developing, or financing livestock and poultry processing capacity or employment including through the financing of working capital; or

(4) promoting the interstate trade and local sales of processed livestock and poultry by financing improvements to meet relevant Federal, State, and local regulatory standards.

(b) **ELIGIBILITY; GENERAL LIMITATIONS.**—
(1) Eligible Recipient.—An entity shall be eligible for a loan or guarantee under this section if the entity is—

   (A) a public, private, or cooperative organization organized on a for-profit or nonprofit basis;

   (B) an Indian tribe on a Federal or State reservation, or any other federally recognized Indian tribal group; or

   (C) an individual.

(2) Facility Location.—

   (A) In General.—Except as provided in subparagraph (B), a facility constructed, expanded, modified, refurbished, or re-equipped with proceeds from a loan made or guaranteed under this section shall be in a rural area.

   (B) Exception.—A facility constructed, expanded, modified, refurbished, or re-equipped with proceeds from a loan made or guaranteed under this section may be in a non-rural area if—

       (i) the primary use of the loan involved is for the facility, and the facility will increase the customer base or revenue returns of livestock and poultry producers
that are located within 300 miles of the fa-
cility;

(ii) the loan involved will be used to
increase the capacity in livestock and poul-
try processing in a region; and

(iii) the principal amount of the loan
involved does not exceed $50,000,000.

(C) Rural area defined.—In this para-
graph, the term “rural area” has the meaning
given the term in section 343(a)(13) of the
Consolidated Farm and Rural Development Act
(7 U.S.C. 1991(a)(13)).

(3) Limitations.—

(A) Limitation on amount of loan in-
volved.—A loan of more than $50,000,000
may not be made or guaranteed under this sec-
tion.

(B) Limitation on eligibility.—A loan
may not be made or guaranteed under this sec-
tion to an entity that is owned in partnership
or in whole by—

(i) a foreign entity; or

(ii) an entity that currently processes
over 5 percent of the daily harvest of any
species.
(c) **Special Rules Applicable With Respect to Cooperatives.**—

(1) **Limitation on Amount of Loan Involved.**—

(A) **In General.**—Notwithstanding subsection (b)(3), a loan of not more than $100,000,000 may be made or guaranteed for a cooperative organization under this section.

(B) **Conditions Applicable If Loan Involved Is for More Than $50,000,000.**—A loan of more than $50,000,000 may not be made or guaranteed for a cooperative organization under this section unless the loan is used to carry out a project that significantly increases the livestock and poultry processing in a region, where insufficient processing capacity exists, as determined by the Secretary.

(2) **Intangible Assets.**—

(A) **In General.**—In determining whether a cooperative organization is eligible for a loan or guarantee under this section, the Secretary may consider the market value of a properly appraised brand name, patent, or trademark of the cooperative.
(B) ACCOUNTS RECEIVABLE.—In the sole discretion of the Secretary, if the Secretary determines that the action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government, the Secretary may take accounts receivable as security for the obligations entered into in connection with a loan made or guaranteed under this section, and a borrower may use accounts receivable as collateral to secure such a loan.

(3) PURCHASE OF COOPERATIVE STOCK.—

(A) IN GENERAL.—The Secretary may make or guarantee a loan in accordance with this section to an individual farmer or rancher for the purpose of purchasing capital stock of a farmer or rancher cooperative undertaking an eligible project under this section.

(B) PROCESSING CONTRACTS DURING INITIAL PERIOD.—A cooperative described in subparagraph (A) with respect to which a farmer or rancher receives a guarantee to purchase stock under subparagraph (A) may contract for services to fulfill any eligible purpose under this section, during the 5-year period beginning on the date the cooperative commences operations,
in order to provide adequate time for the planning and construction of the processing facility of the cooperative.

(C) Financial information.—A farmer or rancher from whom the Secretary requires financial information as a condition of making or guaranteeing a loan under subparagraph (A) shall provide the information in the manner generally required by commercial agricultural lenders in the geographical area in which the farmer or rancher is located.

(d) Conditions Applicable With Respect to Using Loan Involved for Refinancing.—A borrower may use 25 percent of a loan made or guaranteed under this section to refinance a loan made for a purpose described in subsection (a) if—

(1) the borrower is current and performing with respect to the loan to be refinanced;

(2) the borrower has not defaulted on any payment required to be made with respect to the loan to be refinanced;

(3) none of the collateral for the loan to be refinanced has been converted; and

(4) there is adequate security or full collateral for the loan to be refinanced.
(e) Loan Appraisal.—The Secretary may require that any appraisal made in connection with a loan made or guaranteed under this section be conducted by a specialized appraiser that uses standards that are similar to standards used for similar purposes in the private sector, as determined by the Secretary.

(f) Preference.—In making or guaranteeing a loan under this section, the Secretary shall give a preference to applicants that have experience in livestock and poultry processing and can quickly scale-up to increase overall processing capacity in the region involved.

(g) Authorization of Appropriations.—In addition to amounts otherwise available, there is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2023 through 2025.

SEC. 702. NEW AND EXPANDING LIVESTOCK OR POULTRY PROCESSING GRANTS.

(a) In General.—The Secretary may make grants to—

(1) expand, diversify, and increase capacity in livestock or poultry processing activities;

(2) improve compliance with livestock and poultry processing statutes (including the regulations issued thereunder), such as the Federal Meat In-
spection Act (21 U.S.C. 661) and the Poultry Products Inspection Act (21 U.S.C. 454);

(3) identify and reduce barriers to entry for new livestock and poultry processors; or

(4) update, expand, or otherwise improve existing facilities.

(b) ELIGIBLE GRANTEES.—An entity shall be eligible for a grant under this section if the entity is—

(1) a governmental entity;

(2) a public, private, or cooperative organization organized on a for-profit or nonprofit basis; or

(3) an Indian tribe on a Federal or State reservation or any other federally recognized Indian tribal group.

(c) USE OF FUNDS.—An entity to which a grant is made under this section may use the grant funds to establish or support new or expanded livestock or poultry processing activity, or other activity which will increase the customer base or revenue returns of livestock and poultry producers, by undertaking a project, that—

(1) identifies and analyzes business opportunities, including feasibility studies as required for creditworthiness;
(2) identifies, trains, and provides technical assistance to existing or prospective rural entrepreneurs and managers or processing facilities;

(3) provides technical assistance to gain compliance with Federal, State, or local regulations;

(4) conducts regional, community, and local economic development planning and coordination, and leadership development; or

(5) establishes a center for training, technology, and trade that will provide training to livestock or poultry processing employees.

(d) Preference.—In awarding grants under this section, the Secretary shall give a preference to applicants that have experience in livestock and poultry processing and can quickly scale-up to increase overall processing capacity in the region involved.

(e) Authorization of Appropriations.—In addition to amounts otherwise available, there is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2023 through 2025.

TITLE VIII—LOWER FOOD AND FUEL COSTS

SUPPLEMENTAL APPROPRIATIONS ACT, 2022

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the
fiscal year ending September 30, 2022, and for other purposes, namely:

AGRICULTURAL PROGRAMS
PROCESSING, RESEARCH, AND MARKETING

OFFICE OF THE SECRETARY
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Office of the Secretary”, $200,000,000, to remain available until expended, to carry out title IV of the Lower Food and Fuel Costs Act: Provided, That the Secretary may use up to 5 percent of amounts made available under this heading in this title for administrative costs, including salaries and expenses, research, data collection, and other associated costs, for carrying out such title IV: Provided further, That amounts made available for administrative costs pursuant to the preceding proviso may be transferred to “Rural Development Programs—Rural Development—Salaries and Expenses” for the purposes specified in such proviso.

GENERAL PROVISIONS—THIS TITLE

SEC. 801. In addition to amounts otherwise available, there is appropriated to the Department of Agriculture, $500,000,000, to remain available until expended, to carry out title II of the Lower Food and Fuel Costs Act, of which up to 5 percent may be used by the Secretary to provide technical assistance under such title II.
SEC. 802. Each amount appropriated or made available by this title is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 803. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2022.

SEC. 804. Each amount provided by this title is designated by the Congress as being for an emergency requirement pursuant to section 4001(a)(1) and section 4001(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

SEC. 805. (a) STATUTORY PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARDS.—The budgetary effects of this title shall not be entered on any PAYGO scorecard maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress).

(c) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Re-
port 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this title shall be estimated for purposes of section 251 of such Act and as appropriations for discretionary accounts for purposes of the allocation to the Committee on Appropriations pursuant to section 302(a) of the Congressional Budget Act of 1974.

This title may be cited as the “Lower Food and Fuel Costs Supplemental Appropriations Act, 2022”.

Passed the House of Representatives June 16, 2022.

Attest:

Clerk.
AN ACT

To establish the Office of the Special Investigator for Competition Matters within the Department of Agriculture.