

117TH CONGRESS
2D SESSION

H. R. 8069

To reduce farm input costs and barriers to domestic production, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2022

Mr. THOMPSON of Pennsylvania (for himself, Mr. BAIRD, Mr. CRAWFORD, Mr. RODNEY DAVIS of Illinois, Mr. MANN, Mr. ROUZER, Mr. AUSTIN SCOTT of Georgia, Mr. BOST, Mr. ELLZEY, Ms. FOXX, Mr. C. SCOTT FRANKLIN of Florida, Mr. GIBBS, Mr. JACKSON, Mr. KUSTOFF, Mrs. McCLAIN, Mr. MOORE of Utah, Mr. NEWHOUSE, Mr. ROSE, Mr. SMITH of Nebraska, Mr. WESTERMAN, Mr. WITTMAN, Mrs. FISCHBACH, Mr. BACON, Mrs. HARTZLER, Mr. KELLY of Mississippi, Mr. LAMALFA, Mr. LUCAS, Mr. ALLEN, Mr. JACOBS of New York, Mr. JOHNSON of South Dakota, Mrs. RODGERS of Washington, and Mr. PFLUGER) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committees on Natural Resources, Transportation and Infrastructure, Financial Services, and Energy and Commerce, 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

A BILL

To reduce farm input costs and barriers to domestic production, 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,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “Reducing Farm Input Costs and Barriers to Domestic
4 Production Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Nutrient management and precision agriculture.
- Sec. 3. Nullification of changes to NEPA regulations.
- Sec. 4. Evaluation of phosphate and potash as critical minerals.
- Sec. 5. Period of use following cancellation of a pesticide.
- Sec. 6. Reinstatement of rule defining waters of the United States.
- Sec. 7. Economic analysis of packers and stockyards regulations.
- Sec. 8. Approval of use of phosphogypsum in government road projects.
- Sec. 9. Emissions disclosures under the securities laws.
- Sec. 10. Meat and poultry processing efficiency.

7 **SEC. 2. NUTRIENT MANAGEMENT AND PRECISION AGRICULTURE.**

8
9 (a) **CONSERVATION LOAN AND LOAN GUARANTEE**
10 **PROGRAM.**—Section 304 of the Consolidated Farm and
11 Rural Development Act (7 U.S.C. 1924) is amended—

12 (1) in subsection (b)(3), by redesignating sub-
13 paragraphs (F) and (G) as subparagraphs (G) and
14 (H), respectively, and inserting after subparagraph
15 (E) the following:

16 “(F) the adoption of precision agriculture
17 or nutrient management practices, and the ac-
18 quisition of precision agriculture or nutrient
19 management equipment and technology;”;

20 (2) in subsection (d)—

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

1 (B) in paragraph (3), by striking the pe-
2 riod and inserting “; and”; and

3 (C) by adding at the end the following:

4 “(4) producers who use the loans to adopt pre-
5 cision agriculture or nutrient management practices
6 or acquire precision agriculture or nutrient manage-
7 ment equipment and technology, including adoption
8 or acquisition for the purpose of participating in the
9 environmental quality incentives program under sub-
10 chapter A of chapter 4 of subtitle D of title XII of
11 the Food Security Act of 1985.”;

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

14 “(2) 90 percent of the principal amount of the
15 loan in the case of—

16 “(A) a producer that is a qualified socially
17 disadvantaged farmer or rancher or a beginning
18 farmer or rancher; or

19 “(B) loans that are used for the purchase
20 of precision agriculture or nutrient management
21 equipment and technology.”; and

22 (4) in subsection (f)—

23 (A) by striking “The Secretary” and in-
24 serting the following:

1 “(1) GEOGRAPHIC DIVERSITY.—The Sec-
2 retary”; and

3 (B) by adding at the end the following:

4 “(2) COORDINATION WITH NRCS.—In making
5 or guaranteeing loans under this section, the Sec-
6 retary shall ensure that there is coordination be-
7 tween the Farm Service Agency and the Natural Re-
8 sources Conservation Service.”.

9 (b) ASSISTANCE TO RURAL ENTITIES.—Section
10 310B(a)(2) of the Consolidated Farm and Rural Develop-
11 ment Act (7 U.S.C. 1932(a)(2)) is amended—

12 (1) by striking “and” at the end of subpara-
13 graph (C);

14 (2) by striking the period at the end of sub-
15 paragraph (D) and inserting “; and”; and

16 (3) by adding at the end the following:

17 “(E) expanding precision agriculture and
18 nutrient management practices, including by fi-
19 nancing equipment and farm-wide broadband
20 connectivity, in order to promote best-practices,
21 reduce costs, and improve the environment.”.

22 (c) ENVIRONMENTAL QUALITY INCENTIVES PRO-
23 GRAM.—

24 (1) DEFINITIONS.—Section 1240A(6)(B)(v) of
25 the Food Security Act of 1985 (16 U.S.C. 3839aa-

1 1(6)(B)(v)) is amended by inserting “(including the
2 adoption of precision agriculture or nutrient man-
3 agement practices and the acquisition of precision
4 agriculture or nutrient management equipment and
5 technology)” after “planning”.

6 (2) PAYMENTS.—

7 (A) OTHER PAYMENTS.—Section
8 1240B(d)(6) of the Food Security Act of 1985
9 (16 U.S.C. 3839aa-2(d)(6)) is amended—

10 (i) by striking “A producer shall” and
11 inserting the following:

12 “(A) PAYMENTS UNDER THIS SUBTITLE.—

13 A producer shall”; and

14 (ii) by adding at the end the fol-
15 lowing:

16 “(B) CONSERVATION LOAN AND LOAN
17 GUARANTEE PROGRAM PAYMENTS.—

18 “(i) IN GENERAL.—A producer receiv-
19 ing payments for practices on eligible land
20 under the program may also receive a loan
21 or loan guarantee under section 304 of the
22 Consolidated Farm and Rural Develop-
23 ment Act to cover costs for the same prac-
24 tices on the same land.

1 “(ii) NOTICE TO PRODUCER.—The
2 Secretary shall inform a producer partici-
3 pating in the program in writing of the
4 availability of a loan or loan guarantee
5 under section 304 of the Consolidated
6 Farm and Rural Development Act as it re-
7 lates to costs of implementing practices
8 under this program.”.

9 (B) INCREASED PAYMENTS FOR HIGH-PRI-
10 ORITY PRACTICES.—Section 1240B(d)(7) of the
11 Food Security Act of 1985 (16 U.S.C. 3839aa-
12 2(d)(7)) is amended, in the subsection heading,
13 by inserting “STATE-DETERMINED” before
14 “HIGH-PRIORITY”.

15 (C) INCREASED PAYMENTS FOR PRECISION
16 AGRICULTURE AND NUTRIENT MANAGEMENT.—
17 Section 1240B(d) of the Food Security Act of
18 1985 (16 U.S.C. 3839aa-2(d)) is amended by
19 adding at the end the following:

20 “(8) INCREASED PAYMENTS FOR PRECISION AG-
21 RICULTURE AND NUTRIENT MANAGEMENT.—Not-
22 withstanding paragraph (2), the Secretary may in-
23 crease the amount that would otherwise be provided
24 for a practice under this subsection to not more than
25 90 percent of the costs associated with adopting pre-

1 cision agriculture or nutrient management practices
2 and acquiring precision agriculture or nutrient man-
3 agement equipment and technology.”.

4 (3) CONSERVATION INCENTIVE CONTRACTS.—
5 Section 1240B(j)(2)(A)(i) of the Food Security Act
6 of 1985 (16 U.S.C. 3839aa-2(j)(3)(A)(i)) is amend-
7 ed by inserting “(which may include the adoption of
8 precision agriculture or nutrient management prac-
9 tices and the acquisition of precision agriculture or
10 nutrient management equipment and technology)”
11 after “incentive practices”.

12 (d) CONSERVATION STEWARDSHIP PROGRAM.—

13 (1) CONSERVATION STEWARDSHIP PAY-
14 MENTS.—Section 1240L(c)(3) of the Food Security
15 Act of 1985 (16 U.S.C. 3839aa-24(c)(3)) is amend-
16 ed to read as follows:

17 “(3) EXCLUSIONS.—A payment to a producer
18 under this subsection shall not be provided for con-
19 servation activities for which there is no cost in-
20 curred or income forgone by the producer.”.

21 (2) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
22 CONSERVING CROP ROTATIONS AND ADVANCED
23 GRAZING MANAGEMENT.—Section 1240L(d) of the
24 Food Security Act of 1985 (16 U.S.C. 3839aa-
25 24(d)) is amended—

1 (A) in the subsection heading, by striking
2 “AND ADVANCED GRAZING MANAGEMENT” and
3 inserting “, ADVANCED GRAZING MANAGE-
4 MENT, PRECISION AGRICULTURE, AND NUTRI-
5 ENT MANAGEMENT”;

6 (B) in paragraph (2)—

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

9 (ii) in subparagraph (B), by striking
10 the period at the end and inserting a semi-
11 colon; and

12 (iii) by adding at the end the fol-
13 lowing:

14 “(C) precision agriculture; or

15 “(D) nutrient management.”; and

16 (C) in paragraph (3), by striking “or ad-
17 vanced grazing management” and inserting “,
18 advanced grazing management, precision agri-
19 culture, or nutrient management”.

20 (e) DELIVERY OF TECHNICAL ASSISTANCE.—Section
21 1242(f) of the Food Security Act of 1985 (16 U.S.C.
22 3842(f)) is amended by adding at the end the following:

23 “(6) SOIL HEALTH PLANNING.—The Secretary
24 shall emphasize the use of third-party providers in
25 providing technical assistance for soil health plan-

1 ning, including planning related to the use of cover
 2 crops, precision conservation management, com-
 3 prehensive nutrient management planning, and other
 4 innovative plans.”.

5 **SEC. 3. NULLIFICATION OF CHANGES TO NEPA REGULA-**
 6 **TIONS.**

7 The final rule issued by the Council on Environ-
 8 mental Quality titled “National Environmental Policy Act
 9 Implementing Regulations Revisions” and published April
 10 20, 2022 (87 Fed. Reg. 23453), shall have no force or
 11 effect.

12 **SEC. 4. EVALUATION OF PHOSPHATE AND POTASH AS CRIT-**
 13 **ICAL MINERALS.**

14 (a) **EVALUATION.**—Not later than 30 days after the
 15 date of enactment of this section, the Secretary of the In-
 16 terior shall evaluate potash, phosphates, and other min-
 17 erals necessary for the production of fertilizer and other
 18 agricultural products used to promote crop development
 19 for designation as critical minerals under section
 20 7002(c)(4) of the Energy Act of 2020 (30 U.S.C.
 21 1606(c)(4)).

22 (b) **RECOMMENDATIONS.**—Not later than 90 days
 23 after the date of enactment of this section, the Secretary
 24 of the Interior shall evaluate current policies related to
 25 permitting and leasing of projects to develop the minerals

1 described in subsection (a) and issue recommendations to
2 the Committee on Natural Resources of the House of Rep-
3 resentatives and the Committee on Energy and Natural
4 Resources of the Senate to support domestic production
5 of such commodities.

6 **SEC. 5. PERIOD OF USE FOLLOWING CANCELLATION OF A**
7 **PESTICIDE.**

8 (a) IN GENERAL.—Section 6(a) of the Federal Insec-
9 ticide, Fungicide, and Rodenticide Act (7 U.S.C. 136d(a))
10 is amended to read as follows:

11 “(a) EXISTING STOCKS AND FURTHER USE AND IN-
12 FORMATION.—

13 “(1) EXISTING STOCKS AND FURTHER USE.—
14 The Administrator shall permit the continued sale
15 and use of a pesticide whose registration is sus-
16 pended or canceled under this section, or section 3
17 or 4, or vacated through a court order for a period
18 of not less than 5 years after the date on which such
19 suspension, cancellation or vacatur occurs.

20 “(2) INFORMATION.—If at any time after the
21 registration of a pesticide the registrant has addi-
22 tional factual information regarding unreasonable
23 adverse effects on the environment of the pesticide,
24 the registrant shall submit such information to the
25 Administrator.”.

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) glyphosate has been used safely in United
4 States agriculture for decades;

5 (2) glyphosate is one of the most studied herbi-
6 cides in the world and tens of thousands of studies
7 have been conducted that lead to a scientifically
8 sound consensus that glyphosate is not a carcinogen;

9 (3) food security is national security and
10 glyphosate is a necessary tool in ensuring a safe and
11 secure food supply in the United States;

12 (4) the existing preemption of State law speci-
13 fied in section 24(b) of the Federal Insecticide, Fun-
14 gicide, and Rodenticide Act (7 U.S.C. 136v(b)) ex-
15 pressly preempts any additional warning label re-
16 quirement by any State for a glyphosate-related
17 product; and

18 (5) the amicus curiae brief submitted by the
19 Solicitor General to the Supreme Court of the
20 United States on May 10, 2022, related to 997 F.3d
21 941 (9th Cir. 2021) is fatally flawed in its legal rea-
22 soning and is in direct conflict with the statutory
23 language as well as Congressional intent.

24 (c) REGULATIONS.—Not later than 60 days after the
25 date of enactment of this Act, the Administrator of the

1 Environmental Protection Agency shall promulgate final
2 regulations making a determination specifying that any
3 label of a pesticide product that contains glyphosate that
4 is registered under section 3 of the Federal Insecticide,
5 Fungicide, and Rodenticide Act (7 U.S.C. 136a) shall not
6 contain a cancer warning.

7 **SEC. 6. REINSTATEMENT OF RULE DEFINING WATERS OF**
8 **THE UNITED STATES.**

9 The final rule entitled “The Navigable Waters Pro-
10 tection Rule: Definition of ‘Waters of the United States’ ”
11 and published in the Federal Register by the Environ-
12 mental Protection Agency on April 21, 2020 (85 Fed. Reg.
13 22250 et seq.), shall take effect on the date of the enact-
14 ment of this Act.

15 **SEC. 7. ECONOMIC ANALYSIS OF PACKERS AND STOCK-**
16 **YARDS REGULATIONS.**

17 (a) IN GENERAL.—Not fewer than 90 days before
18 publishing any covered rule, the Secretary of Agriculture,
19 acting through the Office of the Chief Economist, shall—

20 (1) conduct an economic analysis analyzing the
21 costs and benefits of the implementation of such
22 rule, including the costs and benefits for producers
23 and consumers, accounting for current industry
24 practices and market conditions; and

1 (2) make the analysis and a summary of such
2 analysis publicly available on the website of the De-
3 partment of Agriculture and by publication in the
4 Federal Register.

5 (b) COVERED RULE.—In this section the term “cov-
6 ered rule” means a proposed rule issued under the Pack-
7 ers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), in-
8 cluding rules related to—

9 (1) transparency in poultry grower contracting
10 and tournaments;

11 (2) unfair practices and undue preferences
12 under such Act; and

13 (3) the scope of violations under such Act with
14 respect to a showing of harm or likely harm to com-
15 petition.

16 **SEC. 8. APPROVAL OF USE OF PHOSPHOGYPSUM IN GOV-**
17 **ERNMENT ROAD PROJECTS.**

18 The Administrator of the Environmental Protection
19 Agency shall issue an approval of the use of
20 phosphogypsum in government road projects that is iden-
21 tical to the approval issued in the notice titled “Approval
22 of the Request for Other Use of Phosphogypsum by the
23 Fertilizer Institute” published by the Environmental Pro-
24 tection Agency in the Federal Register on October 20,
25 2020 (85 Fed. Reg. 66550).

1 **SEC. 9. EMISSIONS DISCLOSURES UNDER THE SECURITIES**
2 **LAWS.**

3 The Securities and Exchange Commission may only
4 require information relating to the emissions of an issuer,
5 including the upstream or downstream emissions from the
6 value chain of the issuer, to be included in a report to
7 the Commission if such issuer determines there is a sub-
8 stantial likelihood that a reasonable shareholder would
9 consider such information important with respect to mak-
10 ing an investment decision.

11 **SEC. 10. MEAT AND POULTRY PROCESSING EFFICIENCY.**

12 (a) REQUESTS RELATED TO MAXIMUM RATES.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of Agriculture shall—

16 (A) publish in the Federal Register criteria
17 that the Secretary shall consider in granting re-
18 quests submitted by establishments for oper-
19 ation at rates in excess of the maximum rates
20 specified in sections 310.1 and 381.69 of title
21 9, Code of Federal Regulations (or successor
22 regulations); and

23 (B) begin accepting and reviewing such re-
24 quests from such establishments.

25 (2) RESPONSE.—Not later than 90 days after
26 the date on which a request from an establishment

1 is submitted, the Secretary shall respond to such re-
2 quest—

3 (A) approving such request if the request
4 meets the criteria established pursuant to para-
5 graph (1); or

6 (B) denying such request and explaining in
7 detail the rationale for such denial.

8 (3) DURATION OF APPROVED REQUESTS.—An
9 establishment may continue to operate pursuant to
10 any request approved under this subsection so long
11 as the establishment continues to meet the criteria
12 established pursuant to paragraph (1).

13 (b) CONTINUATION OF OPERATIONS AT CERTAIN ES-
14 TABLISHMENTS.—

15 (1) SWINE ESTABLISHMENTS.—In the case of
16 an establishment to which the maximum rates in
17 section 310.1(b)(3) of title 9, Code of Federal Regu-
18 lations did not apply pursuant to section 310.26(c)
19 of title 9, Code of Federal Regulations, as in effect
20 on March 30, 2021, such rates shall continue to not
21 apply so long as the establishment—

22 (A) maintains effective process control;
23 and

1 (B) prevents contamination of carcasses
2 and parts by enteric pathogens and visible fecal
3 material, ingesta, and milk.

4 (2) POULTRY ESTABLISHMENTS.—In the case
5 of an establishment to which the maximum rates in
6 section 381.69 of title 9, Code of Federal Regula-
7 tions do not apply pursuant to section 381.3(b) of
8 title 9, Code of Federal Regulations, such rates shall
9 continue to not apply so long as the establishment
10 maintains effective process control.

11 (c) DEFINITIONS.—In this section:

12 (1) ESTABLISHMENT.—The term “establish-
13 ment” means—

14 (A) an official establishment (as defined in
15 section 301.2 of title 9, Code of Federal Regu-
16 lations that is subject to inspection under the
17 Federal Meat Inspection Act (21 U.S.C. 601 et
18 seq.)); and

19 (B) an official establishment (as defined in
20 section 381.1 of title 9, Code of Federal Regu-
21 lations that is subject to inspection under the
22 Poultry Products Inspection Act (21 U.S.C.
23 451 et seq.)).

24 (2) PROCESS CONTROL.—The term “process
25 control” means operating conditions necessary for

1 the production of safe, wholesome food as described
2 in subchapter A of chapter III of title 9, Code of
3 Federal Regulations (or successor regulations).

○