

119TH CONGRESS  
2D SESSION

# S. 4152

To amend the Agricultural Marketing Act of 1946 to establish a mandatory price reporting program for fertilizer, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

MARCH 19, 2026

Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. GRASSLEY, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Agricultural Marketing Act of 1946 to establish a mandatory price reporting program for fertilizer, 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 “Fertilizer Trans-  
5 parency Act of 2026”.

6 **SEC. 2. FERTILIZER MANDATORY REPORTING.**

7 Subtitle A of the Agricultural Marketing Act of 1946  
8 (7 U.S.C. 1621 et seq.) is amended by adding at the end  
9 the following:

1 **“SEC. 210B. FERTILIZER MANDATORY REPORTING.**

2 “(a) DEFINITIONS.—In this section:

3 “(1) AFFILIATE.—The term ‘affiliate’ means,  
4 with respect to a manufacturer or wholesaler (ex-  
5 cluding a cooperative), a person that directly or indi-  
6 rectly owns, controls, or holds, with voting power,  
7 not less than 5 percent of the outstanding voting se-  
8 curities of the manufacturer or wholesaler (excluding  
9 a cooperative).

10 “(2) COOPERATIVE.—

11 “(A) IN GENERAL.—The term ‘cooperative’  
12 means—

13 “(i) an association of agricultural pro-  
14 ducers acting pursuant to—

15 “(I) the Act entitled ‘An Act to  
16 authorize association of producers of  
17 agricultural products’ (commonly  
18 known as the ‘Capper-Volstead Act’)  
19 (7 U.S.C. 291 et seq.);

20 “(II) the Agricultural Adjust-  
21 ment Act (7 U.S.C. 601 et seq.), reen-  
22 acted with amendments by the Agri-  
23 cultural Marketing Agreement Act of  
24 1937; or

25 “(III) the Act of July 2, 1926  
26 (commonly known as the ‘Cooperative

1 Marketing Act') (7 U.S.C. 451 et  
2 seq.);

3 “(ii) a farmers’ cooperative organiza-  
4 tion described in subsection (b)(1) of sec-  
5 tion 521 of the Internal Revenue Code of  
6 1986 and exempt from taxation under sub-  
7 section (a) of that section; and

8 “(iii) an association of agricultural  
9 producers otherwise operating on a cooper-  
10 ative basis for the benefit of its members.

11 “(B) INCLUSIONS.—The term ‘cooperative’  
12 includes any entity not less than 25 percent of  
13 which is owned by a cooperative, as defined in  
14 subparagraph (A).

15 “(3) MARKETED.—The term ‘marketed’ means  
16 the sale or other disposition in commerce of—

17 “(A) nitrogen, phosphorous, or potassium  
18 for use as fertilizer; or

19 “(B) a fertilizer product.

20 “(4) RETAILER.—The term ‘retailer’ means a  
21 person or entity that primarily sells fertilizer prod-  
22 ucts at retail.

23 “(5) SECRETARY.—The term ‘Secretary’ means  
24 the Secretary of Agriculture.

1           “(6) WHOLESALER.—The term ‘wholesaler’  
 2           means any person or entity, not including a coopera-  
 3           tive, engaged in the business of buying and selling  
 4           fertilizer or fertilizer products for resale or distribu-  
 5           tion.

6           “(b) ESTABLISHMENT.—The Secretary shall estab-  
 7           lish a program of fertilizer and fertilizer product price in-  
 8           formation reporting that will—

9           “(1) provide timely, accurate, and reliable mar-  
 10          ket information that can be readily understood by  
 11          farmers and market participants;

12          “(2) facilitate more informed marketing deci-  
 13          sions; and

14          “(3) promote competition in the fertilizer and  
 15          fertilizer products industry.

16          “(c) GENERAL REPORTING PROVISIONS APPLICABLE  
 17          TO MANUFACTURERS, WHOLESALERS, AND THE SEC-  
 18          RETARY.—Whenever the prices or quantities of fertilizer  
 19          or fertilizer products are required to be reported or pub-  
 20          lished under this section, the prices or quantities shall be  
 21          categorized so as to clearly delineate—

22          “(1) the prices or quantities, as applicable, of  
 23          the fertilizer or fertilizer product marketed in the  
 24          United States by a domestic manufacturer or whole-

1       saler or an affiliate of a domestic manufacturer or  
2       wholesaler; and

3           “(2) the prices or quantities, as applicable, of  
4       the fertilizer or fertilizer product marketed in the  
5       United States by a foreign manufacturer or whole-  
6       saler or an affiliate of a foreign manufacturer or  
7       wholesaler.

8       “(d) WEEKLY REPORTING.—

9           “(1) NITROGEN, PHOSPHOROUS, AND POTAS-  
10      SIUM.—The corporate officers or officially des-  
11      ignated representatives of each manufacturer or  
12      wholesaler of nitrogen, phosphorous, or potassium  
13      for use as fertilizer shall report to the Secretary at  
14      least weekly—

15           “(A) the prices, as marketed, for nitrogen,  
16           phosphorous, or potassium, as applicable; and

17           “(B) the quantities of nitrogen, phos-  
18           phorous, or potassium, as applicable, manufac-  
19           tured and marketed, as applicable.

20           “(2) FERTILIZER PRODUCTS.—The corporate  
21      officers or officially designated representatives of  
22      each manufacturer or wholesaler of a fertilizer prod-  
23      uct shall report to the Secretary at least weekly—

24           “(A) the prices for the fertilizer product;  
25           and

1 “(B) the quantity of the fertilizer product  
2 manufactured or marketed, as applicable.

3 “(3) MANDATORY REPORTING EXEMPTION FOR  
4 COOPERATIVES AND NON-MANUFACTURER RETAIL-  
5 ERS; VOLUNTARY REPORTING.—The Secretary  
6 shall—

7 “(A) exempt all cooperatives and retailers  
8 (except for retailers that are also manufactur-  
9 ers) from any mandatory price reporting under  
10 this section; and

11 “(B) provide a mechanism for cooperatives  
12 and retailers to voluntarily and confidentially  
13 report the prices and quantities described in  
14 subparagraphs (A) and (B) of paragraphs (1)  
15 and (2)—

16 “(i) directly to the Secretary; or

17 “(ii) through the program established  
18 under subsection (e).

19 “(4) PUBLICATION.—The Secretary shall make  
20 the information reported to the Secretary under this  
21 subsection available to the public—

22 “(A) not less frequently than weekly; and

23 “(B) in a manner that ensures the infor-  
24 mation is published—

25 “(i) on a national basis; and

1                   “(ii) on a regional or statewide basis,  
 2                   as the Secretary determines to be appro-  
 3                   priate.

4                   “(5) COMPETITIVE EFFECTS ANALYSIS.—The  
 5                   Secretary may conduct a competitive effects analysis  
 6                   of the information reported to the Secretary under  
 7                   this subsection.

8                   “(e) FERTILIZER RETAIL SURVEY.—

9                   “(1) IN GENERAL.—The Secretary shall estab-  
 10                  lish a program within Market News of the Agricul-  
 11                  tural Marketing Service—

12                   “(A) to conduct not less frequently than  
 13                   weekly surveys of retail fertilizer prices;

14                   “(B) to obtain commercially available esti-  
 15                   mates of the retail prices described in subpara-  
 16                   graph (A); and

17                   “(C) to provide State or regional estimates  
 18                   or benchmarks and formulas to allow estimation  
 19                   of local prices.

20                   “(2) MAINTENANCE OF EXISTING ACTIVI-  
 21                   TIES.—The program established under paragraph  
 22                   (1) shall supplement, and not supplant, existing  
 23                   input price collection activities of the Secretary.

24                   “(f) SUMMARY OF DATA.—

1           “(1) IN GENERAL.—The Secretary shall, di-  
 2           rectly or through 1 or more cooperative agreements  
 3           with 1 or more affiliated agricultural research pro-  
 4           grams, not less frequently than weekly summarize  
 5           and make available on a dashboard or other resource  
 6           easily accessible to farmers and market partici-  
 7           pants—

8                   “(A) the information reported to the Sec-  
 9                   retary under subsection (d); and

10                   “(B) the retail survey prices and commer-  
 11                   cially available estimates obtained under sub-  
 12                   section (e).

13           “(2) PROTECTION OF CONFIDENTIALITY.—In  
 14           carrying out paragraph (1), the Secretary shall ag-  
 15           gregate the information and data in a manner that  
 16           prevents confidential business information and the  
 17           identity of persons, including parties to a contract,  
 18           from being disclosed publicly.

19           “(3) DISCLOSURE BY FEDERAL GOVERNMENT  
 20           EMPLOYEES.—

21                   “(A) IN GENERAL.—Subject to subpara-  
 22                   graph (B), no officer, employee, or agent of the  
 23                   United States shall, without the consent of the  
 24                   manufacturer, wholesaler, or other person con-  
 25                   cerned, divulge or make known in any manner



1 any facts or information regarding the business  
2 of the manufacturer, wholesaler, or other per-  
3 son that was acquired through reporting re-  
4 quired under subsection (d).

5 “(B) EXCEPTION.—Information obtained  
6 by the Secretary under subsection (d) may be  
7 disclosed—

8 “(i) to agents or employees of the De-  
9 partment of Agriculture in the course of  
10 their official duties under this subtitle;

11 “(ii) as directed by the Secretary or  
12 the Attorney General, for enforcement pur-  
13 poses; or

14 “(iii) by a court of competent jurisdic-  
15 tion.

16 “(C) DISCLOSURE UNDER FREEDOM OF  
17 INFORMATION ACT.—Notwithstanding any other  
18 provision of law, no facts or information ob-  
19 tained under this subtitle shall be disclosed in  
20 accordance with section 552 of title 5, United  
21 States Code.

22 “(g) REVIEW.—Not less frequently than once every  
23 2 years, the Secretary shall review the information re-  
24 quired to be reported to the Secretary by manufacturers  
25 and wholesalers under this section.

1       “(h) OUTDATED INFORMATION.—If the Secretary de-  
 2 termines under a review under subsection (g) that infor-  
 3 mation required to be reported under this section no  
 4 longer accurately reflects the methods by which nitrogen,  
 5 phosphorous, and potassium for use as fertilizer or fer-  
 6 tilizer products are valued and priced by manufacturers  
 7 and wholesalers, the Secretary shall, after public notice  
 8 and an opportunity for comment, promulgate regulations  
 9 to specify additional information that shall be reported  
 10 under this section.

11       “(i) APPLICATION OF ANTITRUST LAWS.—

12               “(1) IN GENERAL.—Nothing in this section  
 13 modifies, impairs, or supersedes the operation of any  
 14 of the antitrust laws.

15               “(2) DEFINITION OF ANTITRUST LAWS.—In  
 16 this subsection, the term ‘antitrust laws’—

17                       “(A) has the meaning given the term in  
 18 subsection (a) of the first section of the Clayton  
 19 Act (15 U.S.C. 12); and

20                       “(B) includes section 5 of the Federal  
 21 Trade Commission Act (15 U.S.C. 45) to the  
 22 extent that such section applies to unfair meth-  
 23 ods of competition.”.

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