

117TH CONGRESS
2D SESSION

S. 4971

To require the Secretary of Agriculture to establish an innovative agricultural technology pilot program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 28, 2022

Mrs. BLACKBURN (for herself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To require the Secretary of Agriculture to establish an innovative agricultural technology pilot program, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Innovative Agricultural Technology Act of 2022”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definition of Secretary.

TITLE I—INNOVATIVE AGRICULTURAL TECHNOLOGY PILOT
PROGRAM

- Sec. 101. Purpose.
- Sec. 102. Definitions.
- Sec. 103. Establishment.
- Sec. 104. Applications.
- Sec. 105. Testing of innovative agricultural technologies.
- Sec. 106. Administration.
- Sec. 107. Reports.

TITLE II—DISTRIBUTED LEDGER TECHNOLOGY APPLICATIONS
IN AGRICULTURE

- Sec. 201. Distributed ledger technology educational program.
- Sec. 202. Study of distributed ledger technology applications in agriculture.

1 SEC. 2. DEFINITION OF SECRETARY.

2 In this Act, the term “Secretary” means the Sec-
3 retary of Agriculture.

**4 TITLE I—INNOVATIVE AGRICUL-
5 TURAL TECHNOLOGY PILOT
6 PROGRAM**

7 SEC. 101. PURPOSE.

8 The purpose of this title is to establish a pilot pro-
9 gram to enable an eligible entity to obtain limited access
10 to the market to test innovative agricultural technologies
11 without obtaining a license or other authorization that
12 may otherwise be required for those innovative agricul-
13 tural technologies.

14 SEC. 102. DEFINITIONS.

15 In this title:

16 (1) CONSUMER.—The term “consumer” means
17 an entity that purchases from an eligible entity a

1 product or service relating to an innovative agricul-
2 tural technology under the pilot program.

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

5 (A) an individual who is a United States
6 citizen residing in the United States; and

7 (B) a United States corporation or other
8 organized entity—

9 (i) headquartered in the United
10 States;

11 (ii) operating in the United States;
12 and

13 (iii) with a physical presence, other
14 than that of a registered office or agent or
15 virtual mailbox, in the United States.

16 (3) INNOVATIVE AGRICULTURAL TECH-
17 NOLOGY.—The term “innovative agricultural tech-
18 nology” means a technological innovation relating to
19 agriculture in—

20 (A) Global Positioning System-based or
21 geospatial mapping;

22 (B) satellite or aerial imagery;

23 (C) yield monitoring;

24 (D) soil mapping;

1 (E) sensors for gathering data on crop,
 2 soil, or livestock conditions;

3 (F) internet of things and telematics tech-
 4 nologies;

5 (G) data management software and ad-
 6 vanced analytics;

7 (H) network connectivity products and so-
 8 lutions;

9 (I) Global Positioning System guidance or
 10 auto-steer systems;

11 (J) supply chain platform technologies;

12 (K) distributed ledger technology applica-
 13 tions for tracing or sourcing agricultural prod-
 14 ucts;

15 (L) financial technology products or serv-
 16 ices specifically for agricultural producer credit
 17 and loan opportunities;

18 (M) variable rate technology for applying
 19 inputs, such as section control;

20 (N) nonfungible digital assets; and

21 (O) any other technology, as determined by
 22 the Secretary.

23 (4) PILOT PROGRAM.—The term “pilot pro-
 24 gram” means the Innovative Agricultural Tech-

1 nology Pilot Program established under section
2 103(a).

3 **SEC. 103. ESTABLISHMENT.**

4 (a) IN GENERAL.—The Secretary shall establish a
5 pilot program, to be known as the “Innovative Agricul-
6 tural Technology Pilot Program”.

7 (b) CONSULTATION.—

8 (1) IN GENERAL.—In carrying out the pilot
9 program, the Secretary shall consult with the Sec-
10 retary of Labor, the Secretary of Transportation,
11 the Administrator of the Environmental Protection
12 Agency, the Federal Communications Commission,
13 and applicable State agencies.

14 (2) FEDERAL COMMUNICATIONS COMMISSION.—
15 The Federal Communications Commission shall ad-
16 vise the Secretary regarding any products or services
17 relating to innovative agricultural technologies that
18 would need approval, including preliminary approval,
19 of the Federal Communications Commission to be
20 tested under the pilot program.

21 **SEC. 104. APPLICATIONS.**

22 (a) IN GENERAL.—An eligible entity shall apply to
23 participate in the pilot program by submitting to the Sec-
24 retary an application at such time and in such manner
25 as the Secretary may require.

1 (b) INCLUSIONS.—An application submitted under
2 subsection (a) shall include—

3 (1) contact information for the eligible entity;

4 (2) any provisions of law (including regulations)
5 that the eligible entity seeks to make inapplicable
6 with respect to the innovative agricultural technology
7 to be tested because that innovative agricultural
8 technology was not considered when the provision of
9 law was enacted or promulgated;

10 (3) a description of the innovative agricultural
11 technology to be tested, including—

12 (A) the means by which the innovative ag-
13 ricultural technology would benefit consumers;

14 (B) the means by which the innovative ag-
15 ricultural technology would aim to reduce costs
16 to consumers;

17 (C) the means by which the innovative ag-
18 ricultural technology is different from other
19 technologies in operation; and

20 (D) if the innovative agricultural tech-
21 nology involves the use of software, hardware,
22 or other technology developed for the purpose of
23 implementing or operating the innovative agri-
24 cultural technology, a detailed description of the

1 operation and general content of the software,
2 hardware, or other technology;

3 (4) a description of the proposed plan of the eli-
4 gible entity for testing the innovative agricultural
5 technology, including estimated time periods for
6 market entry and market exit;

7 (5) the means by which the eligible entity will
8 wind down the testing and protect consumers if the
9 testing fails to comply with the terms of the pilot
10 program;

11 (6) sufficient information to demonstrate that
12 the eligible entity has—

13 (A) an adequate understanding of the in-
14 novative agricultural technology; and

15 (B) a sufficient plant to test, monitor, and
16 assess the innovative agricultural technology
17 while ensuring consumers are protected from
18 harm;

19 (7) a description of the potential risk to con-
20 sumers during testing of the innovative agricultural
21 technology and the methods that will be used to pro-
22 tect consumers and resolve complaints during the
23 period of testing; and

24 (8) a description of the availability to the eligi-
25 ble entity of the necessary personnel and adequate

1 financial and technical expertise to carry out testing
2 of the innovative agricultural technology.

3 (c) ADDITIONAL INFORMATION.—The Secretary may
4 request the submission of such additional information by
5 the eligible entity as the Secretary determines to be rea-
6 sonably necessary to evaluate an application submitted
7 under subsection (a).

8 (d) APPLICATION FEE.—The Secretary shall collect
9 from an eligible entity that submits an application under
10 subsection (a) a \$500 fee for each application submitted.

11 (e) CONSULTATION.—

12 (1) PRIOR TO SUBMISSION.—An eligible entity
13 may contact and consult with staff of the Depart-
14 ment of Agriculture before submitting an application
15 under subsection (a).

16 (2) AGENCIES.—The Secretary may consult
17 with applicable agencies before approving or denying
18 an application submitted under subsection (a).

19 (f) APPROVAL OR DENIAL.—

20 (1) DEADLINE.—Not later than 90 days after
21 the date on which the Secretary receives an applica-
22 tion submitted under subsection (a), the Secretary
23 shall notify the applicable eligible entity whether the
24 application is approved or denied.

1 (2) REQUIREMENTS.—The Secretary shall not
2 approve an application submitted under subsection
3 (a) unless the Secretary determines, in the sole dis-
4 cretion of the Secretary, that the applicable eligible
5 entity has demonstrated that—

6 (A) the eligible entity—

7 (i) has an adequate understanding of
8 the applicable innovative agricultural tech-
9 nology;

10 (ii) is financially responsible; and

11 (iii) has an adequate plan to test,
12 monitor, and assess the innovative agricul-
13 tural technology; and

14 (B) the health, safety, privacy, and secu-
15 rity of consumers will be adequately protected
16 in the testing of the applicable innovative agri-
17 cultural technology.

18 (3) CONSIDERATION.—In reviewing an applica-
19 tion submitted under subsection (a), the Secretary
20 shall consider whether a competitor to the applicable
21 eligible entity is, or has been, a successful partici-
22 pant in the pilot program.

1 **SEC. 105. TESTING OF INNOVATIVE AGRICULTURAL TECH-**
2 **NOLOGIES.**

3 (a) IN GENERAL.—On approval of an application
4 under section 104—

5 (1) the applicable eligible entity shall become a
6 participant in the pilot program;

7 (2) the Secretary shall certify the provisions of
8 law (including regulations) to which the eligible enti-
9 ty and the applicable innovative agricultural tech-
10 nology would ordinarily be subject but to which the
11 eligible entity and the applicable innovative agricul-
12 tural technology is not subject during the participa-
13 tion of the eligible entity in the pilot program; and

14 (3) during the participation of the eligible enti-
15 ty in the pilot program, the eligible entity and the
16 applicable innovative agricultural technology shall
17 not be subject to the provisions of law (including
18 regulations) certified by the Secretary under para-
19 graph (2).

20 (b) DURATION.—Except as provided in subsections
21 (g) and (h)(2), the period of participation in the pilot pro-
22 gram shall be 4 years beginning on the date on which the
23 applicable application is approved under section 104.

24 (c) REQUIREMENTS OF CONSUMERS.—

25 (1) AGREEMENTS.—To participate in testing of
26 an innovative agricultural technology under the pilot

1 program, a consumer shall enter into an agreement
2 with the Secretary.

3 (2) RESIDENCY.—A consumer participating in
4 testing of an innovative agricultural technology
5 under the pilot program shall be a United States cit-
6 izen residing in the United States.

7 (3) LIMITATION.—Not more than 25,000 con-
8 sumers may enter into an agreement to test each in-
9 novative agricultural technology under the pilot pro-
10 gram.

11 (d) DISCLOSURES TO CONSUMERS.—

12 (1) IN GENERAL.—An eligible entity shall pro-
13 vide to a consumer participating in testing of any
14 product or service relating to an innovative agricul-
15 tural technology under the pilot program the fol-
16 lowing information:

17 (A) The name and contact information of
18 the eligible entity.

19 (B) A disclosure that—

20 (i) the Secretary has authorized the
21 product or service to be made available to
22 consumers for a temporary period;

23 (ii) the product or service may not be
24 required to comply with all statutory and
25 regulatory requirements;

1 (iii) the Secretary does not endorse,
2 warrant, or recommend to consumers the
3 product or service; and

4 (iv) the product or service—

5 (I) is undergoing testing under
6 the pilot program;

7 (II) may be discontinued at the
8 end of the testing period;

9 (III) may not function as in-
10 tended; and

11 (IV) may entail financial risk.

12 (C) The expected end date of the period of
13 testing of the product or service.

14 (D) The contact information, including a
15 telephone number, website, and appropriate
16 email address of the Department of Agriculture,
17 which the consumer may use to file a complaint
18 relating to the product or service.

19 (E) Such additional information as the
20 Secretary may require.

21 (2) MANNER AND TIMING OF DISCLOSURE.—

22 The information described in paragraph (1) shall be
23 provided—

24 (A) in writing;

1 (B) in such format as the Secretary may
2 require; and

3 (C) before the consumer purchases, re-
4 ceives, or uses any product or service under the
5 pilot program.

6 (e) LOANS.—An eligible entity participating in the
7 pilot program may provide a loan to a consumer in an
8 amount that is not more than \$75,000.

9 (f) LIABILITY IN CASE OF BODILY HARM.—If a con-
10 sumer experiences bodily harm caused by a product or
11 service during testing under the pilot program, notwith-
12 standing subsection (a)(3), the Secretary may impose li-
13 ability under any provision of law to which the applicable
14 eligible entity and the applicable innovative agricultural
15 technology are made not subject under that subsection.

16 (g) SUSPENSION OR TERMINATION OF PARTICIPA-
17 TION.—The Secretary may suspend or terminate the par-
18 ticipation of an eligible entity in the pilot program, at any
19 time, if the Secretary determines that—

20 (1) the eligible entity made a material error,
21 false statement, misrepresentation, or material omis-
22 sion in the application submitted under section
23 104(a);

24 (2) the applicable innovative agricultural tech-
25 nology is endangering consumers; or

1 (3) the eligible entity has violated the condi-
2 tions of participation in the pilot program.

3 (h) EXPIRATION OR EXTENSION OF TESTING.—

4 (1) IN GENERAL.—Not later than 1 month be-
5 fore the expiration of the period of participation of
6 an eligible entity in the pilot program described in
7 subsection (b), the eligible entity shall—

8 (A) notify the Secretary that the eligible
9 entity will exit the market with respect to the
10 applicable innovative agricultural technology at
11 the expiration of the period of participation;

12 (B) seek an extension in accordance with
13 paragraph (2); or

14 (C) notify the Secretary that the eligible
15 entity is seeking a license or other required au-
16 thorization to remain in the market with re-
17 spect to the applicable innovative agricultural
18 technology.

19 (2) EXTENSIONS.—

20 (A) IN GENERAL.—An eligible entity par-
21 ticipating in the pilot program may submit to
22 the Secretary a request for not more than 1 ex-
23 tension of participation of not longer than 2
24 years to conduct additional testing or pursue a
25 license or other required authorization to re-

1 main in the market with respect to the applica-
2 ble innovative agricultural technology.

3 (B) INCLUSIONS.—A request submitted
4 under subparagraph (A) shall include a detailed
5 description of the results of testing under the
6 initial testing period, including—

7 (i) a description of how the applicable
8 innovative agricultural technology—

9 (I) added value to consumers;

10 (II) was economically viable for
11 consumers;

12 (III) brought new and reasonably
13 priced technology to consumers;

14 (IV) did not pose an unreason-
15 able risk of harm to consumers; and

16 (V) provided consumers protec-
17 tion;

18 (ii) a description of statutory and reg-
19 ulatory issues that continue to limit the
20 applicable innovative agricultural tech-
21 nology from being used, issued, sold, solici-
22 ted, distributed, or advertised in the mar-
23 ket;

24 (iii) a description of how the applica-
25 ble innovative agricultural technology is

1 functioning in the market and the manner
2 in which the applicable innovative agricul-
3 tural technology is offered or provided;

4 (iv) a log of consumer complaints re-
5 lating to testing of the applicable innova-
6 tive agricultural technology and a descrip-
7 tion of the process for addressing those
8 consumer complaints; and

9 (v) such other information as the Sec-
10 retary may require.

11 (C) APPLICATION FEE.—The Secretary
12 shall collect from an eligible entity that submits
13 a request under subparagraph (A) a \$250 fee
14 for each request submitted.

15 (D) APPROVAL OR DENIAL.—The Sec-
16 retary, in the sole discretion of the Secretary,
17 shall approve or deny a request submitted
18 under subparagraph (A).

19 (3) CONTINUING OBLIGATIONS.—If testing
20 under the pilot program includes products or serv-
21 ices that require an eligible entity to fulfill obliga-
22 tions to a consumer after the expiration of the pe-
23 riod of testing under the pilot program, such as
24 servicing of a loan, that expiration shall not relieve
25 the eligible entity of those obligations.

1 **SEC. 106. ADMINISTRATION.**

2 (a) RECORDKEEPING.—An eligible entity partici-
3 pating in the pilot program shall—

4 (1) retain records, documents, and data pro-
5 duced in the ordinary course of business regarding
6 an innovative agricultural technology tested under
7 the pilot program; and

8 (2) make, maintain, and preserve books and
9 records in accordance with regulations promulgated
10 by the Secretary to carry out this paragraph.

11 (b) CONFIDENTIALITY.—

12 (1) DEFINITION OF RECORDS.—In this sub-
13 section, the term “records” means application mate-
14 rials, documents, and other records submitted to or
15 obtained by the Secretary in administering the pilot
16 program.

17 (2) PRIVACY.—Records shall not be public
18 records or open to inspection by the public.

19 (3) PROPRIETARY RECORDS.—Records, other
20 than application materials, shall be considered to be
21 proprietary and contain trade secrets.

22 (4) LEGAL ACTION.—Notwithstanding para-
23 graphs (2) and (3), the Secretary may use records
24 in furtherance of regulatory or legal action brought
25 as part of the official duties of the Secretary.

1 (5) LIABILITY.—The Secretary or a person act-
 2 ing under the authority of the Secretary who re-
 3 ceives or views records shall not be liable for the in-
 4 formation or data received or viewed.

5 (6) EFFECT.—Nothing in this subsection pre-
 6 vents the disclosure of information that is admissible
 7 as evidence in a civil or criminal proceeding brought
 8 by a Federal agency to enforce or prosecute a civil
 9 or criminal violation of law.

10 **SEC. 107. REPORTS.**

11 (a) REPORTS TO THE SECRETARY.—

12 (1) IN GENERAL.—Every 180 days, an eligible
 13 entity participating in the pilot program shall submit
 14 to the Secretary a report in such form as the Sec-
 15 retary may require that contains the following infor-
 16 mation:

17 (A) The period of time that the eligible en-
 18 tity has been marketing the applicable innova-
 19 tive agricultural technology to consumers.

20 (B) The successes, or failures, of the appli-
 21 cable innovative agricultural technology.

22 (C) The challenges, and potential future
 23 challenges, of the applicable innovative agricul-
 24 tural technology.

1 (D) The number of consumers who have
2 received any product or service relating to the
3 applicable innovative agricultural technology.

4 (E) The means by which the eligible entity
5 has worked to ensure the health, safety, secu-
6 rity, and privacy of consumers have been pro-
7 tected.

8 (F) Any other information the Secretary
9 may require.

10 (2) FAILURE OF COMPLIANCE.—If an innova-
11 tive agricultural technology tested under the pilot
12 program fails to comply with any requirements of
13 the pilot program before the expiration of the testing
14 period, the applicable eligible entity shall—

15 (A) notify the Secretary of that failure;
16 and

17 (B) submit to the Secretary a report de-
18 scribing actions taken to ensure consumers have
19 not been harmed as a result of that failure.

20 (b) REPORTS TO CONGRESS.—Not later than 1 year
21 after the date of enactment of this Act, and each year
22 thereafter, the Secretary shall submit to the Committee
23 on Agriculture, Nutrition, and Forestry of the Senate and
24 the Committee on Agriculture of the House of Representa-
25 tives a report describing—

1 (1) the pilot program, including recommenda-
2 tions relating to the pilot program; and

3 (2) any provisions of law (including regulations)
4 that hinder innovation in agriculture.

5 **TITLE II—DISTRIBUTED LEDGER**
6 **TECHNOLOGY APPLICATIONS**
7 **IN AGRICULTURE**

8 **SEC. 201. DISTRIBUTED LEDGER TECHNOLOGY EDU-**
9 **CATIONAL PROGRAM.**

10 (a) IN GENERAL.—Not later than January 1, 2024,
11 the Secretary shall establish an online program that teach-
12 es agricultural producers—

13 (1) the benefits of implementing distributed
14 ledger technology in agricultural production, dis-
15 tribution, and sales;

16 (2) the different distributed ledger technology
17 programs that exist for agricultural producers; and

18 (3) the requirements to begin using a distrib-
19 uted ledger technology program for agricultural pro-
20 ducers.

21 (b) CONSULTATION.—In developing the program
22 under this section, the Secretary shall consult with distrib-
23 uted ledger technology experts in the agricultural industry.

1 (c) OUTREACH.—The Secretary shall publicize, and
 2 encourage agricultural producers to participate in, the
 3 program under this section.

4 (d) TERMINATION.—This section shall cease to have
 5 effect on July 1, 2030.

6 **SEC. 202. STUDY OF DISTRIBUTED LEDGER TECHNOLOGY**

7 **APPLICATIONS IN AGRICULTURE.**

8 (a) IN GENERAL.—The Secretary, in coordination
 9 with such other relevant Federal agencies as the Secretary
 10 determines to be appropriate, shall conduct a study to
 11 identify potential applications for distributed ledger tech-
 12 nology in agricultural operations.

13 (b) INCLUSIONS.—The study conducted under sub-
 14 section (a) shall include an examination of—

15 (1) how distributed ledger technology can be
 16 used to trace the origin of a product;

17 (2) the potential use of distributed ledger tech-
 18 nology to monitor farm conditions;

19 (3) the potential use of distributed ledger tech-
 20 nology for maintenance records of production and
 21 transportation equipment;

22 (4) implementing the use of distributed ledger
 23 technology for data verification and certification;

24 (5) the potential use of distributed ledger tech-
 25 nology for tracking and ordering supplies;

1 (6) the potential use of distributed ledger tech-
2 nology as a tool for asset exchange, including pay-
3 ments for sales and storage of products and equip-
4 ment; and

5 (7) such other matters as the Secretary deter-
6 mines to be appropriate.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, the Secretary, in coordination
9 with the other relevant Federal agencies described in sub-
10 section (a), shall submit a report containing the findings
11 and recommendations of the study conducted under that
12 subsection to—

13 (1) the Committee on Agriculture, Nutrition,
14 and Forestry of the Senate;

15 (2) the Committee on Commerce, Science, and
16 Transportation of the Senate;

17 (3) the Committee on Agriculture of the House
18 of Representatives; and

19 (4) the Committee on Energy and Commerce of
20 the House of Representatives.

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