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(Original Signature of Member)

117TH CONGRESS
2D SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. THOMPSON of Pennsylvania introduced the following bill; which was referred to the Committee on _____

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,*

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

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

7 (b) TABLE OF CONTENTS.—The table of contents for
8 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.

1 **SEC. 2. NUTRIENT MANAGEMENT AND PRECISION AGRI-**
2 **CULTURE.**

3 (a) CONSERVATION LOAN AND LOAN GUARANTEE
4 PROGRAM.—Section 304 of the Consolidated Farm and
5 Rural Development Act (7 U.S.C. 1924) is amended—

6 (1) in subsection (b)(3), by redesignating sub-
7 paragraphs (F) and (G) as subparagraphs (G) and
8 (H), respectively, and inserting after subparagraph
9 (E) the following:

10 “(F) the adoption of precision agriculture
11 or nutrient management practices, and the ac-
12 quisition of precision agriculture or nutrient
13 management equipment and technology;”;

14 (2) in subsection (d)—

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

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

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

19 “(4) producers who use the loans to adopt pre-
20 cision agriculture or nutrient management practices
21 or acquire precision agriculture or nutrient manage-

1 ment equipment and technology, including adoption
2 or acquisition for the purpose of participating in the
3 environmental quality incentives program under sub-
4 chapter A of chapter 4 of subtitle D of title XII of
5 the Food Security Act of 1985.”;

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

8 “(2) 90 percent of the principal amount of the
9 loan in the case of—

10 “(A) a producer that is a qualified socially
11 disadvantaged farmer or rancher or a beginning
12 farmer or rancher; or

13 “(B) loans that are used for the purchase
14 of precision agriculture or nutrient management
15 equipment and technology.”; and

16 (4) in subsection (f)—

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

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

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

22 “(2) COORDINATION WITH NRCS.—In making
23 or guaranteeing loans under this section, the Sec-
24 retary shall ensure that there is coordination be-

1 tween the Farm Service Agency and the Natural Re-
2 sources Conservation Service.”.

3 (b) ASSISTANCE TO RURAL ENTITIES.—Section
4 310B(a)(2) of the Consolidated Farm and Rural Develop-
5 ment Act (7 U.S.C. 1932(a)(2)) is amended—

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

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

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

11 “(E) expanding precision agriculture and
12 nutrient management practices, including by fi-
13 nancing equipment and farm-wide broadband
14 connectivity, in order to promote best-practices,
15 reduce costs, and improve the environment.”.

16 (c) ENVIRONMENTAL QUALITY INCENTIVES PRO-
17 GRAM.—

18 (1) DEFINITIONS.—Section 1240A(6)(B)(v) of
19 the Food Security Act of 1985 (16 U.S.C. 3839aa-
20 1(6)(B)(v)) is amended by inserting “(including the
21 adoption of precision agriculture or nutrient man-
22 agement practices and the acquisition of precision
23 agriculture or nutrient management equipment and
24 technology)” after “planning”.

25 (2) PAYMENTS.—

1 (A) OTHER PAYMENTS.—Section
2 1240B(d)(6) of the Food Security Act of 1985
3 (16 U.S.C. 3839aa–2(d)(6)) is amended—

4 (i) by striking “A producer shall” and
5 inserting the following:

6 “(A) PAYMENTS UNDER THIS SUBTITLE.—
7 A producer shall”; and

8 (ii) by adding at the end the fol-
9 lowing:

10 “(B) CONSERVATION LOAN AND LOAN
11 GUARANTEE PROGRAM PAYMENTS.—

12 “(i) IN GENERAL.—A producer receiv-
13 ing payments for practices on eligible land
14 under the program may also receive a loan
15 or loan guarantee under section 304 of the
16 Consolidated Farm and Rural Develop-
17 ment Act to cover costs for the same prac-
18 tices on the same land.

19 “(ii) NOTICE TO PRODUCER.—The
20 Secretary shall inform a producer partici-
21 pating in the program in writing of the
22 availability of a loan or loan guarantee
23 under section 304 of the Consolidated
24 Farm and Rural Development Act as it re-

1 lates to costs of implementing practices
2 under this program.”.

3 (B) INCREASED PAYMENTS FOR HIGH-PRI-
4 ORITY PRACTICES.—Section 1240B(d)(7) of the
5 Food Security Act of 1985 (16 U.S.C. 3839aa-
6 2(d)(7)) is amended, in the subsection heading,
7 by inserting “STATE-DETERMINED” before
8 “HIGH-PRIORITY”.

9 (C) INCREASED PAYMENTS FOR PRECISION
10 AGRICULTURE AND NUTRIENT MANAGEMENT.—
11 Section 1240B(d) of the Food Security Act of
12 1985 (16 U.S.C. 3839aa-2(d)) is amended by
13 adding at the end the following:

14 “(8) INCREASED PAYMENTS FOR PRECISION AG-
15 RICULTURE AND NUTRIENT MANAGEMENT.—Not-
16 withstanding paragraph (2), the Secretary may in-
17 crease the amount that would otherwise be provided
18 for a practice under this subsection to not more than
19 90 percent of the costs associated with adopting pre-
20 cision agriculture or nutrient management practices
21 and acquiring precision agriculture or nutrient man-
22 agement equipment and technology.”.

23 (3) CONSERVATION INCENTIVE CONTRACTS.—
24 Section 1240B(j)(2)(A)(i) of the Food Security Act
25 of 1985 (16 U.S.C. 3839aa-2(j)(3)(A)(i)) is amend-

1 ed by inserting “(which may include the adoption of
2 precision agriculture or nutrient management prac-
3 tices and the acquisition of precision agriculture or
4 nutrient management equipment and technology)”
5 after “incentive practices”.

6 (d) CONSERVATION STEWARDSHIP PROGRAM.—

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

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

15 (2) SUPPLEMENTAL PAYMENTS FOR RESOURCE-
16 CONSERVING CROP ROTATIONS AND ADVANCED
17 GRAZING MANAGEMENT.—Section 1240L(d) of the
18 Food Security Act of 1985 (16 U.S.C. 3839aa–
19 24(d)) is amended—

20 (A) in the subsection heading, by striking
21 “AND ADVANCED GRAZING MANAGEMENT” and
22 inserting “, ADVANCED GRAZING MANAGE-
23 MENT, PRECISION AGRICULTURE, AND NUTRI-
24 ENT MANAGEMENT”;

25 (B) in paragraph (2)—

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

3 (ii) in subparagraph (B), by striking
4 the period at the end and inserting a semi-
5 colon; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(C) precision agriculture; or

9 “(D) nutrient management.”; and

10 (C) in paragraph (3), by striking “or ad-
11 vanced grazing management” and inserting “,
12 advanced grazing management, precision agri-
13 culture, or nutrient management”.

14 (e) DELIVERY OF TECHNICAL ASSISTANCE.—Section
15 1242(f) of the Food Security Act of 1985 (16 U.S.C.
16 3842(f)) is amended by adding at the end the following:

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

1 **SEC. 3. NULLIFICATION OF CHANGES TO NEPA REGULA-**
2 **TIONS.**

3 The final rule issued by the Council on Environ-
4 mental Quality titled “National Environmental Policy Act
5 Implementing Regulations Revisions” and published April
6 20, 2022 (87 Fed. Reg. 23453) shall have no force or ef-
7 fect.

8 **SEC. 4. EVALUATION OF PHOSPHATE AND POTASH AS CRIT-**
9 **ICAL MINERALS.**

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

18 (b) RECOMMENDATIONS.—Not later than 90 days
19 after the date of enactment of this section, the Secretary
20 of the Interior shall evaluate current policies related to
21 permitting and leasing of projects to develop the minerals
22 described in subsection (a) and issue recommendations to
23 the Committee on Natural Resources of the House of Rep-
24 resentatives and the Committee on Energy and Natural
25 Resources of the Senate to support domestic production
26 of such commodities.

1 **SEC. 5. PERIOD OF USE FOLLOWING CANCELLATION OF A**
2 **PESTICIDE.**

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

6 “(a) EXISTING STOCKS AND FURTHER USE AND IN-
7 FORMATION.—

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

15 “(2) INFORMATION.—If at any time after the
16 registration of a pesticide the registrant has addi-
17 tional factual information regarding unreasonable
18 adverse effects on the environment of the pesticide,
19 the registrant shall submit such information to the
20 Administrator.”.

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

23 (1) glyphosate has been used safely in United
24 States agriculture for decades;

25 (2) glyphosate is one of the most studied herbi-
26 cides in the world and tens of thousands of studies

1 have been conducted that lead to a scientifically-
2 sound consensus that glyphosate is not a carcinogen;

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

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

12 (5) the amicus curiae brief submitted by the
13 Solicitor General to the Supreme Court of the
14 United States on May 10, 2022, related to 997 F.3d
15 941 (9th Cir. 2021) is fatally flawed in its legal rea-
16 soning and is in direct conflict with the statutory
17 language as well as Congressional intent.

18 (c) REGULATIONS.—Not later than 60 days after the
19 date of enactment of this Act, the Administrator of the
20 Environmental Protection Agency shall promulgate final
21 regulations making a determination specifying that any
22 label of a pesticide product that contains glyphosate that
23 is registered under section 3 of the Federal Insecticide,
24 Fungicide, and Rodenticide Act (7 U.S.C. 136a) shall not
25 contain a cancer warning.

1 **SEC. 6. REINSTATEMENT OF RULE DEFINING WATERS OF**
2 **THE UNITED STATES.**

3 The final rule entitled “The Navigable Waters Pro-
4 tection Rule: Definition of ‘Waters of the United States’ ”
5 and published in the Federal Register by the Environ-
6 mental Protection Agency on Apr. 21, 2020 (85 Fed. Reg.
7 22250 et seq.) shall take effect on the date of the enact-
8 ment of this Act.

9 **SEC. 7. ECONOMIC ANALYSIS OF PACKERS AND STOCK-**
10 **YARDS REGULATIONS.**

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

14 (1) conduct an economic analysis analyzing the
15 costs and benefits of the implementation of such
16 rule, including the costs and benefits for producers
17 and consumers, accounting for current industry
18 practices and market conditions; and

19 (2) make the analysis and a summary of such
20 analysis publicly available on the website of the De-
21 partment of Agriculture and by publication in the
22 Federal Register.

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

1 (1) transparency in poultry grower contracting
2 and tournaments;

3 (2) unfair practices and undue preferences
4 under such Act; and

5 (3) the scope of violations under such Act with
6 respect to a showing of harm or likely harm to com-
7 petition.

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

10 The Administrator of the Environmental Protection
11 Agency shall issue an approval of the use of
12 phosphogypsum in government road projects that is iden-
13 tical to the approval issued in the notice titled “Approval
14 of the Request for Other Use of Phosphogypsum by the
15 Fertilizer Institute” published by the Environmental Pro-
16 tection Agency in the Federal Register on October 20,
17 2020 (85 Fed. Reg. 66550).

18 **SEC. 9. EMISSIONS DISCLOSURES UNDER THE SECURITIES**
19 **LAWS.**

20 The Securities and Exchange Commission may only
21 require information relating to the emissions of an issuer,
22 including the upstream or downstream emissions from the
23 value chain of the issuer, to be included in a report to
24 the Commission if such issuer determines there is a sub-
25 stantial likelihood that a reasonable shareholder would

1 consider such information important with respect to mak-
2 ing an investment decision.

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

4 (a) REQUESTS RELATED TO MAXIMUM RATES.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of the enactment of this Act, the Secretary
7 of Agriculture shall—

8 (A) publish in the Federal Register criteria
9 that the Secretary shall consider in granting re-
10 quests submitted by establishments for oper-
11 ation at rates in excess of the maximum rates
12 specified in sections 310.1 and 381.69 of title
13 9, Code of Federal Regulations (or successor
14 regulations); and

15 (B) begin accepting and reviewing such re-
16 quests from such establishments.

17 (2) RESPONSE.—Not later than 90 days after
18 the date on which a request from an establishment
19 is submitted, the Secretary shall respond to such re-
20 quest—

21 (A) approving such request if the request
22 meets the criteria established pursuant to para-
23 graph (1); or

24 (B) denying such request and explaining in
25 detail the rationale for such denial.

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

6 (b) CONTINUATION OF OPERATIONS AT CERTAIN ES-
7 TABLISHMENTS.—

8 (1) SWINE ESTABLISHMENTS.—In the case of
9 an establishment to which the maximum rates in
10 section 310.1(b)(3) of title 9, Code of Federal Regu-
11 lations did not apply pursuant to section 310.26(c)
12 of title 9, Code of Federal Regulations, as in effect
13 on March 30, 2021, such rates shall continue to not
14 apply so long as the establishment—

15 (A) maintains effective process control;

16 and

17 (B) prevents contamination of carcasses
18 and parts by enteric pathogens and visible fecal
19 material, ingesta, and milk.

20 (2) POULTRY ESTABLISHMENTS.—In the case
21 of an establishment to which the maximum rates in
22 section 381.69 of title 9, Code of Federal Regula-
23 tions do not apply pursuant to section 381.3 (b) of
24 title 9, Code of Federal Regulations, such rates shall

1 continue to not apply so long as the establishment
2 maintains effective process control.

3 (c) DEFINITIONS.—In this section:

4 (1) ESTABLISHMENT.—The term “establish-
5 ment” means—

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

11 (B) an official establishment (as defined in
12 section 381.1 of title 9, Code of Federal Regu-
13 lations that is subject to inspection under the
14 Poultry Products Inspection Act (21 U.S.C.
15 451 et seq.).

16 (2) PROCESS CONTROL.—The term “process
17 control” means operating conditions necessary for
18 the production of safe, wholesome food as described
19 in subchapter A of chapter III of title 9, Code of
20 Federal Regulations (or successor regulations).