

**AMENDMENT TO RULES COMMITTEE PRINT 119-**

**22**

**OFFERED BY MR. SORENSEN OF ILLINOIS**

At the end of title V, add the following:

1 **SEC. \_\_\_\_ . FERTILIZER FOR AMERICAN FARMERS.**

2 (a) DEFINITIONS.—In this section:

3 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
4 ty” means an entity eligible for a grant or loan  
5 under this section in accordance with subsection (c).

6 (2) SECRETARY.—The term “Secretary” means  
7 the Secretary of Agriculture, acting through the  
8 Under Secretary for Rural Development.

9 (3) STATE.—The term “State” means—

10 (A) the 50 States; and

11 (B) the District of Columbia.

12 (4) UNITED STATES.—The term “United  
13 States” means—

14 (A) the States;

15 (B) the territories of the United States;

16 and

17 (C) the territory of Indian Tribes.

18 (b) GRANTS AND LOANS.—The Secretary shall pro-  
19 vide grants and direct or guaranteed loans to assist eligi-

1 ble entities in increasing or expanding the manufacturing,  
2 processing, and storage of fertilizer and nutrient alter-  
3 natives in the United States.

4 (c) ELIGIBLE ENTITIES.—

5 (1) IN GENERAL.—To be eligible for a grant or  
6 loan under this section, an entity shall be—

7 (A) an independently owned and oper-  
8 ated—

9 (i) for-profit business or corporation;

10 (ii) nonprofit organization;

11 (iii) producer-owned cooperative or  
12 corporation; or

13 (iv) certified benefit corporation;

14 (B) an Indian Tribe or Tribal organiza-  
15 tion; or

16 (C) a State or local government.

17 (2) REQUIREMENTS.—To be eligible for a grant  
18 or loan under this section, an entity described in  
19 paragraph (1) shall—

20 (A) be physically located within the United  
21 States;

22 (B) comply with all Federal, State, Tribal,  
23 and local regulations governing fertilizer and  
24 nutrient manufacturing, processing, storage,  
25 distribution, and waste management; and

1 (C) certify to the Secretary that the entity  
2 does not hold a market share (in manufac-  
3 turing, processing, or distribution) greater than  
4 or equal to the entity that holds the fourth-larg-  
5 est share of that market for nitrogen, phos-  
6 phate, potash, or any combination of thereof.

7 (d) PRIORITIES.—In awarding grants and loans  
8 under this section, the Secretary shall give priority to eligi-  
9 ble entities that will use the grant or loan for a proposal  
10 for a project—

11 (1) that will improve on fertilizer production  
12 methods and efficient use technologies to promote  
13 innovation in fertilizers, nutrient alternatives, and  
14 biostimulants;

15 (2) the additional fertilizer or nutrient alter-  
16 native manufacturing, processing, or storage capac-  
17 ity created by which will be dedicated to United  
18 States agricultural commodity production; or

19 (3) that demonstrates the project will improve  
20 competition, increase options, and reduce prices or  
21 volatility of fertilizer products or nutrient alter-  
22 natives important for farmers.

23 (e) ELIGIBLE ACTIVITIES.—An eligible entity that re-  
24 ceives a grant or loan under this section may use the grant  
25 or loan for—

- 1 (1) building a new facility, buying an existing  
2 facility, or purchasing land for a facility;
- 3 (2) covering predevelopment costs, such as engi-  
4 neering and other professional fees;
- 5 (3) providing working capital to expand capac-  
6 ity or increase outputs;
- 7 (4) modernizing or expanding an existing facil-  
8 ity, including making updates to existing buildings  
9 or constructing new buildings on site;
- 10 (5) purchasing or modernizing processing and  
11 manufacturing equipment;
- 12 (6) developing, customizing, and installing  
13 equipment, devices, and technology to improve proc-  
14 essing functions, worker conditions, or safety;
- 15 (7) installing or updating equipment that re-  
16 duces emissions, increases fertilizer use efficiency, or  
17 improves air and water quality;
- 18 (8) ensuring legal compliance with packaging  
19 and labeling requirements, such as sealing, boxing,  
20 labeling, and conveying;
- 21 (9) confirming legal compliance with occupa-  
22 tional and safety regulations;
- 23 (10) engaging in workforce recruitment, train-  
24 ing, apprenticeships, and retention to ensure expan-  
25 sion projects are adequately staffed;

1           (11) increasing domestic storage of fertilizer or  
2           nutrient alternatives; and

3           (12) such other activities as the Secretary de-  
4           termines to be appropriate.

5           (f) GRANT AMOUNT.—

6           (1) IN GENERAL.—The amount of a grant  
7           under this section shall not exceed \$100,000,000.

8           (2) MATCHING FUNDS.—An eligible entity that  
9           receives a grant under this section shall provide non-  
10          Federal matching funds in an amount that is equal  
11          to the amount of the grant.

12          (g) LOAN TERMS AND CONDITIONS.—Except as oth-  
13          erwise provided in this section, the terms and conditions  
14          of a loan under this section shall be the same as the terms  
15          and conditions of a business and industry direct or guar-  
16          anteed loan under section 310B(g) of the Consolidated  
17          Farm and Rural Development Act (7 U.S.C. 1932(g)).

18          (h) DURATION.—

19          (1) IN GENERAL.—The Secretary may provide a  
20          grant or loan under this section for a project that  
21          is not longer than 5 years.

22          (2) EXTENSION.—The Secretary may extend  
23          the period described in paragraph (1) if the Sec-  
24          retary determines an extension is appropriate.

1 (i) COMBINATION AND NONSUPPLANTATION OF  
2 OTHER FUNDS.—

3 (1) IN GENERAL.—The Secretary shall use the  
4 amounts made available to carry out this section to  
5 supplement, and not supplant, funds provided under  
6 other Federal, State, or local laws.

7 (2) COORDINATION.—The Secretary shall co-  
8 ordinate with other Federal agencies, such as the  
9 Department of Energy, and State, regional, or local  
10 agencies to allow applicants under this section to  
11 package proposals to be considered under relevant  
12 authorities jointly.

13 (j) CONDITION.—As a condition on receipt of a grant  
14 or loan under this section, the grant or loan recipient shall  
15 repay the grant or loan in full if any company or facility  
16 developed through the project using the grant or loan, or  
17 most or all of the assets of such company or facility, is  
18 sold, is transferred, or otherwise changes ownership, dur-  
19 ing the 10-year period beginning on the completion of the  
20 project, to an entity that holds a market share (in manu-  
21 facturing, processing, or distribution) greater than or  
22 equal to the entity that holds the fourth-largest share of  
23 that market for nitrogen, phosphate, potash, or any com-  
24 bination of thereof.

1           (k) FUNDING.—In addition to other available funds,  
2 the Secretary may use the authority under section 5 of  
3 the Commodity Credit Corporation Charter Act (15  
4 U.S.C. 714c) to transfer such sums of the funds of the  
5 Commodity Credit Corporation from available borrowing  
6 authority as the Secretary determines to be appropriate  
7 to carry out this section.

