

119TH CONGRESS
2^D SESSION

S. _____

To direct the Secretary of Agriculture to provide grants and direct or guaranteed loans to increase domestic fertilizer production for United States farmers.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice
and referred to the Committee on _____

A BILL

To direct the Secretary of Agriculture to provide grants and direct or guaranteed loans to increase domestic fertilizer production for United States farmers.

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 “Homegrown Fertilizer
5 Act”.

6 **SEC. 2. FERTILIZER FOR AMERICAN FARMERS.**

7 (a) DEFINITIONS.—In this section:

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

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

7 (3) STATE.—The term “State” means—

8 (A) the 50 States; and

9 (B) the District of Columbia.

10 (4) UNITED STATES.—The term “United
11 States” means—

12 (A) the States;

13 (B) the territories of the United States;

14 and

15 (C) the territory of Indian Tribes.

16 (b) GRANTS AND LOANS.—The Secretary shall pro-
17 vide grants and direct or guaranteed loans to assist eligi-
18 ble entities in increasing or expanding the manufacturing,
19 processing, and storage of fertilizer and nutrient alter-
20 natives in the United States.

21 (c) ELIGIBLE ENTITIES.—

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

24 (A) an independently owned and oper-
25 ated—

- 1 (i) for-profit business or corporation;
2 (ii) nonprofit organization;
3 (iii) producer-owned cooperative or
4 corporation; or
5 (iv) certified benefit corporation;
- 6 (B) an Indian Tribe or Tribal organiza-
7 tion; or
8 (C) a State or local government.

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

- 12 (A) be physically located within the United
13 States;
- 14 (B) comply with all Federal, State, Tribal,
15 and local regulations governing fertilizer and
16 nutrient manufacturing, processing, storage,
17 distribution, and waste management; and
- 18 (C) certify to the Secretary that the entity
19 does not hold a market share (in manufac-
20 turing, processing, or distribution) greater than
21 or equal to the entity that holds the fourth-larg-
22 est share of that market for nitrogen, phos-
23 phate, potash, or any combination of thereof.

24 (d) PRIORITIES.—In awarding grants and loans
25 under this section, the Secretary shall give priority to eligi-

1 ble entities that will use the grant or loan for a proposal
2 for a project—

3 (1) that will improve on fertilizer production
4 methods and efficient use technologies to promote
5 innovation in fertilizers, nutrient alternatives, and
6 biostimulants;

7 (2) the additional fertilizer or nutrient alter-
8 native manufacturing, processing, or storage capac-
9 ity created by which will be dedicated to United
10 States agricultural commodity production; or

11 (3) that demonstrates the project will improve
12 competition, increase options, and reduce prices or
13 volatility of fertilizer products or nutrient alter-
14 natives important for farmers.

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

18 (1) building a new facility, buying an existing
19 facility, or purchasing land for a facility;

20 (2) covering predevelopment costs, such as engi-
21 neering and other professional fees;

22 (3) providing working capital to expand capac-
23 ity or increase outputs;

1 (4) modernizing or expanding an existing facil-
2 ity, including making updates to existing buildings
3 or constructing new buildings on site;

4 (5) purchasing or modernizing processing and
5 manufacturing equipment;

6 (6) developing, customizing, and installing
7 equipment, devices, and technology to improve proc-
8 essing functions, worker conditions, or safety;

9 (7) installing or updating equipment that re-
10 duces emissions, increases fertilizer use efficiency, or
11 improves air and water quality;

12 (8) ensuring legal compliance with packaging
13 and labeling requirements, such as sealing, boxing,
14 labeling, and conveying;

15 (9) confirming legal compliance with occupa-
16 tional and safety regulations;

17 (10) engaging in workforce recruitment, train-
18 ing, apprenticeships, and retention to ensure expan-
19 sion projects are adequately staffed;

20 (11) increasing domestic storage of fertilizer or
21 nutrient alternatives; and

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

24 (f) GRANT AMOUNT.—

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

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

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

13 (h) DURATION.—

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

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

20 (i) COMBINATION AND NONSUPPLANTATION OF
21 OTHER FUNDS.—

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

1 (2) COORDINATION.—The Secretary shall co-
2 ordinate with other Federal agencies, such as the
3 Department of Energy, and State, regional, or local
4 agencies to allow applicants under this section to
5 package proposals to be considered under relevant
6 authorities jointly.

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

19 (k) FUNDING.—In addition to other available funds,
20 the Secretary may use the authority under section 5 of
21 the Commodity Credit Corporation Charter Act (15
22 U.S.C. 714c) to transfer such sums of the funds of the
23 Commodity Credit Corporation from available borrowing
24 authority as the Secretary determines to be appropriate
25 to carry out this section.