

118TH CONGRESS  
1ST SESSION

# H. R. 5134

To amend the Farm Security and Rural Investment Act of 2002 to improve the biobased markets program, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 4, 2023

Mr. ALFORD (for himself and Ms. CRAIG) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Oversight and Accountability, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Farm Security and Rural Investment Act of 2002 to improve the biobased markets 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.**

4 This Act may be cited as the “Biomanufacturing and  
5 Jobs Act”.

6 **SEC. 2. FINDINGS; PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1           (1) biobased products provide additional mar-  
2           kets for farm commodities, reducing the reliance of  
3           the United States on petroleum and increasing the  
4           use of renewable agricultural resources while driving  
5           rural economic development and growth;

6           (2) United States farmers produce feedstock  
7           used to produce a variety of biobased products, in-  
8           cluding personal care products, industrial paints sol-  
9           vents, construction materials, and apparels and tex-  
10          tiles;

11          (3) the BioPreferred Program of the Depart-  
12          ment of Agriculture is designed to increase the pur-  
13          chase and use of biobased products through a man-  
14          datory Federal purchasing initiative and a voluntary  
15          labeling initiative, thereby supporting additional  
16          markets for agricultural commodities and rural eco-  
17          nomic development;

18          (4) according to the Department of Agriculture,  
19          there are approximately 15,000 biobased products  
20          participating in the BioPreferred Program, with ap-  
21          proximately 2,600 biobased products authorized to  
22          display the “USDA Certified Biobased Product”  
23          label under the voluntary labeling initiative; and

24          (5) the Department of Agriculture has esti-  
25          mated that—

1 (A) as of 2008, there were more than  
2 17,000 biobased products in the United States;  
3 and

4 (B) as of 2014, there were more than  
5 40,000 biobased products in the United States,  
6 demonstrating an increase in biobased products  
7 in the United States of 135 percent in 6 years.

8 (b) PURPOSES.—The purposes of this Act are—

9 (1) to recognize the value that biobased prod-  
10 ucts bring to agriculture in the United States;

11 (2) to support domestic manufacturing of  
12 biobased products made from agricultural commod-  
13 ities, including corn and soybeans;

14 (3) to expand the role of the Department of Ag-  
15 riculture in the promotion of biobased products;

16 (4) to build on procurement programs adminis-  
17 tered by the Department of Agriculture to increase  
18 Federal purchasing of biobased products;

19 (5) to strengthen domestic manufacturing of  
20 biobased products; and

21 (6) to make a national commitment to the rural  
22 and agricultural economies of the United States.

23 **SEC. 3. BIOBASED MARKETS PROGRAM.**

24 Section 9002 of the Farm Security and Rural Invest-  
25 ment Act of 2002 (7 U.S.C. 8102) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (2)—

3 (i) in subparagraph (A)(i)—

4 (I) in subclause (II)(bb), by  
5 striking “and” at the end;

6 (II) in subclause (III), by strik-  
7 ing the period at the end and insert-  
8 ing “; and”; and

9 (III) by adding at the end the  
10 following:

11 “(IV) on an annual basis, update  
12 the procurement requirement de-  
13 scribed in subclause (III) by increas-  
14 ing the number of biobased-only con-  
15 tracts or the volume purchased under  
16 those contracts from the previous  
17 year.”;

18 (ii) in subparagraph (B), by striking  
19 clause (iii) and inserting the following:

20 “(iii) are available only at a price that  
21 exceeds the price premium established  
22 under paragraph (3)(B)(viii) for those  
23 items.”; and

24 (iii) by adding at the end the fol-  
25 lowing:

1           “(G) GUIDANCE.—The Secretary, in co-  
2           ordination with the Office of Federal Procure-  
3           ment Policy, shall issue guidance to procuring  
4           agencies to consider product lifespan, savings,  
5           and efficacy when making procurement deci-  
6           sions under this subsection.”;

7           (B) in paragraph (3)(B)—

8           (i) in clause (vii), by striking “and” at  
9           the end;

10          (ii) by redesignating clause (viii) as  
11          clause (ix); and

12          (iii) by inserting after clause (vii) the  
13          following:

14          “(viii) establish price premiums for  
15          different types of biobased products; and”;  
16          and

17          (C) in paragraph (4)—

18          (i) in subparagraph (A)—

19                  (I) by striking clause (ii); and

20                  (II) by redesignating clauses (iii)

21                  and (iv) as clauses (ii) and (iii), re-  
22                  spectively;

23          (ii) in subparagraph (B)(i)—

24                  (I) in the matter preceding sub-  
25                  clause (I)—

1 (aa) by inserting “and the  
2 Secretary” after “Policy”; and

3 (bb) by striking “informa-  
4 tion concerning—” and inserting  
5 “a report that describes, for the  
6 year covered by the report—”;

7 (II) in subclause (I), by inserting  
8 “, including the actions taken by the  
9 procuring agency to establish and im-  
10 plement the biobased procurement  
11 program of the procuring agency  
12 under that paragraph” before the  
13 semicolon;

14 (III) in subclause (IV), by strik-  
15 ing “and” at the end;

16 (IV) in subclause (V), by striking  
17 “and” at the end; and

18 (V) by adding at the end the fol-  
19 lowing:

20 “(VI)(aa) the specific categories  
21 of biobased products that are unavail-  
22 able to meet the procurement needs of  
23 the procuring agency; and

1 “(bb) the desired performance  
2 standards and other relevant speci-  
3 fications for those products; and

4 “(VII) if applicable, the procure-  
5 ment requirement or updated procure-  
6 ment requirement established under  
7 paragraph (2)(A)(i) that the pro-  
8 curing agency failed to meet and rea-  
9 sons for the failure; and”;

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(D) VERIFICATION.—The Office of Fed-  
13 eral Procurement Policy, in consultation with  
14 the Secretary, shall—

15 “(i) annually collect the information  
16 required to be reported under subpara-  
17 graph (B) and make the information pub-  
18 licly available; and

19 “(ii) annually verify, using the infor-  
20 mation collected under subparagraph (B),  
21 that each procuring agency under para-  
22 graph (2)(A)(i), as applicable, has estab-  
23 lished a procurement program in accord-  
24 ance with subclause (I) of that paragraph.

25 “(E) TRAINING.—

1           “(i) IN GENERAL.—Not later than 2  
2           years after the date of enactment of this  
3           subparagraph, each procuring agency shall  
4           have completed training on biobased prod-  
5           uct purchasing for the appropriate staff of  
6           the procuring agency, including contracting  
7           officers, purchase card managers, and pur-  
8           chase card holders.

9           “(ii) MATERIALS.—The Office of Fed-  
10          eral Procurement Policy, in cooperation  
11          with the Secretary, shall provide training  
12          materials for procuring agencies con-  
13          ducting training pursuant to clause (i).

14          “(F) FEDERAL CATALOG UPDATES.—Not  
15          later than 2 years after the date of the enact-  
16          ment of this subparagraph, the Administrator  
17          for Federal Procurement Policy, in cooperation  
18          with the Secretary, shall—

19                 “(i) direct the Administrator of Gen-  
20                 eral Services to update the Federal Pro-  
21                 curement Data System described in section  
22                 1122(a)(4) of title 41, United States Code,  
23                 or any successor system, to include  
24                 biobased product designations;



1           “(ii) direct that the System for Award  
2 Management collect biobased product pur-  
3 chasing data;

4           “(iii) direct that Federal online pro-  
5 curement systems, including GSA Advan-  
6 tage! and FedMall, include designations for  
7 products that meet the guidelines under  
8 paragraph (3);

9           “(iv) require, to the maximum extent  
10 practicable, that Federal online procure-  
11 ment systems, including GSA Advantage!  
12 and FedMall, use North American Indus-  
13 try Classification System codes, North  
14 American Product Classification System-  
15 based product codes, and other product  
16 codes, as determined in consultation with  
17 the Secretary, when identifying products  
18 that meet the guidelines under paragraph  
19 (3); and

20           “(v) require agencies with online Fed-  
21 eral sales platforms to include reporting of  
22 these purchases in their reporting on prod-  
23 ucts that meet the guidelines under para-  
24 graph (3).”;

25           (2) in subsection (b)—

1 (A) in paragraph (3), by adding at the end  
2 the following:

3 “(C) REGULATIONS.—The Secretary shall  
4 promulgate such regulations as the Secretary  
5 determines to be appropriate to ensure the in-  
6 tegrity of the label described in paragraph (1),  
7 including regulations to define additional terms  
8 necessary to avoid or reduce public confusion  
9 relating to the label.

10 “(D) UNAUTHORIZED USE.—Not later  
11 than 120 days after the date of enactment of  
12 this subparagraph, the Secretary shall, in co-  
13 ordination with the Inspector General of the  
14 Department of Agriculture, notify the public of  
15 how to report an instance of unauthorized use  
16 of the label described in paragraph (1).”; and

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

18 “(5) PUBLIC MARKETING AND EDUCATION.—  
19 The Secretary may conduct outreach to educate the  
20 public on and promote the use of biobased products,  
21 including by—

22 “(A) conducting outreach to small busi-  
23 nesses producing biobased products that seek a  
24 label under this subsection;

1           “(B) providing information about biobased  
2 product procurement preferences to State pro-  
3 curement agencies; and

4           “(C) establishing public-private partner-  
5 ships to further increase awareness and use of  
6 biobased products.

7           “(6) ACCEPTANCE AND USE OF CONTRIBU-  
8 TIONS.—

9           “(A) IN GENERAL.—The Secretary may es-  
10 tablish an account to accept contributions of  
11 non-Federal funds to carry out public mar-  
12 keting and education under paragraph (5).

13           “(B) DEPOSIT AND USE OF CONTRIBU-  
14 TIONS.—Contributions of non-Federal funds re-  
15 ceived to carry out the activities under para-  
16 graph (5) shall—

17           “(i) be deposited into the account es-  
18 tablished under this paragraph for those  
19 activities;

20           “(ii) be available to and subject to the  
21 control of the Secretary, without further  
22 appropriation and until expended, to carry  
23 out those activities; and

1                   “(iii) supplement any funding made  
2                   available under subsection (k) and allo-  
3                   cated by the Secretary for those activities.

4                   “(7) REPORT.—Not later than December 31,  
5                   2024, and annually thereafter, the Secretary shall  
6                   make publicly available on the website of the De-  
7                   partment of Agriculture and submit to the Com-  
8                   mittee on Agriculture, Nutrition, and Forestry of  
9                   the Senate and the Committee on Agriculture of the  
10                  House of Representatives a report that includes—

11                  “(A) a list of the biobased products that  
12                  were authorized to use the label described in  
13                  paragraph (1) during the preceding fiscal year;

14                  “(B) a description of the audit and compli-  
15                  ance activities conducted under paragraph  
16                  (3)(B) during the preceding fiscal year, includ-  
17                  ing any findings of noncompliance and any ac-  
18                  tions taken by the Secretary to address the  
19                  noncompliance;

20                  “(C)(i) a description of the public mar-  
21                  keting and education conducted by the Sec-  
22                  retary under paragraph (5); and

23                  “(ii) a plan for conducting public mar-  
24                  keting and education under that paragraph for  
25                  the following two fiscal years that is designed to

1 increase the use of the label described in para-  
2 graph (1) and the purchase of biobased prod-  
3 ucts; and

4 “(D) the total amount of contributions of  
5 non-Federal funds accepted into the account es-  
6 tablished under paragraph (6).”;

7 (3) in subsection (f)(1), in the matter preceding  
8 subparagraph (A), by striking “The Secretary and  
9 the Secretary of Commerce shall jointly” and insert-  
10 ing “The Secretary of Commerce, in consultation  
11 with the Secretary, shall”;

12 (4) in subsection (j)(3)—

13 (A) in subparagraph (A)—

14 (i) in clause (v), by striking “; and”  
15 and inserting “, including greenhouse gas  
16 emissions reduced and avoided;”;

17 (ii) in clause (vi), by striking the pe-  
18 riod at the end and inserting “; and”; and

19 (iii) by adding at the end the fol-  
20 lowing:

21 “(vii) identifying available industry  
22 methodologies to establish a lifecycle  
23 greenhouse gas emissions assessment  
24 methodology for biobased products.”; and

1 (B) in subparagraph (B), by striking “this  
2 subparagraph” and inserting “the Biomanufac-  
3 turing and Jobs Act and every 5 years there-  
4 after”;

5 (5) in subsection (k), by striking “2023” each  
6 place it appears and inserting “2028”; and

7 (6) in subsection (l)—

8 (A) by striking “In this section” and in-  
9 serting the following:

10 “(1) IN GENERAL.—In this section”; and

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

12 “(2) STANDARD.—The Secretary shall use the  
13 most recent version of the ASTM–D–6866 standard  
14 of ASTM International to determine the contents of  
15 biobased products.”.

16 **SEC. 4. BIOBASED TASK FORCE.**

17 Title IX of the Farm Security and Rural Investment  
18 Act of 2002 is amended by inserting after section 9003  
19 (7 U.S.C. 8103) the following:

20 **“SEC. 9004. BIOBASED TASK FORCE.**

21 “(a) ESTABLISHMENT.—The Secretary shall estab-  
22 lish a task force (referred to in this section as the ‘task  
23 force’)—

24 “(1) to coordinate programs and activities with-  
25 in the Department of Agriculture relating to the re-

1 search, development, promotion, marketing, and  
2 analysis of biobased products, including to support  
3 the use of agricultural commodities and forest prod-  
4 ucts in biobased products;

5 “(2) to maximize the resources allocated to-  
6 wards the research, development, promotion, mar-  
7 keting, and analysis of biobased products by the De-  
8 partment of Agriculture;

9 “(3) to determine the effectiveness of the pro-  
10 grams and activities described in paragraph (1); and

11 “(4) to make recommendations for improve-  
12 ments to those programs and activities.

13 “(b) MEMBERSHIP.—The task force shall be com-  
14 posed of not less than 1 representative from each of the  
15 following mission areas or offices of the Department of  
16 Agriculture:

17 “(1) The rural development mission area.

18 “(2) The National Institute of Food and Agri-  
19 culture.

20 “(3) The Economic Research Service.

21 “(4) The Agricultural Research Service.

22 “(5) The National Agricultural Statistics Serv-  
23 ice.

24 “(6) The Office of the Chief Scientist.

25 “(7) The Office of the Chief Economist.

1           “(8) The Office of Energy Policy and New  
2           Uses.

3           “(9) Any other mission area or office with re-  
4           sponsibilities relating to the research, development,  
5           promotion, marketing, or analysis of biobased prod-  
6           ucts.

7           “(c) LEAD MISSION AREA.—The rural development  
8           mission area of the Department of Agriculture shall be  
9           the lead mission area for the task force.

10          “(d) PROCESS FOR PUBLIC INPUT.—The task force  
11          shall establish a process for public input to help inform  
12          the determination of the task force under subsection  
13          (a)(3) of the effectiveness of the programs and activities  
14          described in subsection (a)(1).

15          “(e) STUDY AND REPORT.—

16                 “(1) IN GENERAL.—The task force shall con-  
17                 duct a study that—

18                         “(A) identifies any existing programs and  
19                         activities of the Department of Agriculture that  
20                         may offer new opportunities to advance the re-  
21                         search, development, promotion, marketing, and  
22                         analysis of biobased products; and

23                         “(B) describes those new opportunities and  
24                         how those programs and activities may be used  
25                         to advance and support the research, develop-



1           ment, promotion, marketing, and analysis of  
2           biobased products.

3           “(2) REPORT.—Not later than 3 years after the  
4           date of enactment of the Biomanufacturing and  
5           Jobs Act, the task force shall submit to the Com-  
6           mittee on Agriculture, Nutrition, and Forestry of  
7           the Senate and the Committee on Agriculture of the  
8           House of Representatives a report that describes—

9                   “(A) a summary of the work conducted by  
10                  the task force;

11                   “(B) the findings of the study conducted  
12                  under paragraph (1); and

13                   “(C) recommendations for improvements  
14                  to the programs and activities described in sub-  
15                  section (a)(1) and identified under paragraph  
16                  (1)(A).

17           “(f) TERMINATION.—The task force shall terminate  
18           on the date that is 4 years after the date of enactment  
19           of the Biomanufacturing and Jobs Act.

20           “(g) NONAPPLICABILITY.—Chapter 10 of title 5,  
21           United States Code, shall not apply to the task force.”.

○