

118TH CONGRESS
2D SESSION

S. 5176

To amend the Food Security Act of 1985 to direct the Secretary of Agriculture to provide grants to producers to carry out climate-smart conversion projects, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 25, 2024

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Food Security Act of 1985 to direct the Secretary of Agriculture to provide grants to producers to carry out climate-smart conversion projects, 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 “Industrial Agriculture
5 Conversion Act of 2024”.

1 **SEC. 2. CLIMATE-SMART CONVERSION GRANTS.**

2 Subchapter A of chapter 4 of subtitle D of title XII
3 of the Food Security Act of 1985 (16 U.S.C. 3839aa et
4 seq.) is amended by adding at the end the following:

5 **“SEC. 1240H-1. CLIMATE-SMART CONVERSION GRANTS.**

6 “(a) DEFINITIONS.—In this section:

7 “(1) ANIMAL FEEDING OPERATION.—The term
8 ‘animal feeding operation’ means a lot or facility at
9 which—

10 “(A) for not less than a total of 45 days
11 in any 12-month period, animals (other than
12 aquatic animals) are—

13 “(i) stabled or confined; and

14 “(ii) fed or maintained; and

15 “(B) crops, vegetation, forage growth, or
16 postharvest residues are not sustained in the
17 normal growing season over any portion of the
18 lot or facility.

19 “(2) CLIMATE-SMART CONVERSION PROJECT.—
20 The term ‘climate-smart conversion project’ means a
21 climate-smart conversion project described in sub-
22 section (d).

23 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
24 tity’ means a producer or non-Federal entity that—

1 “(A) has control of the land that is the
2 subject of a grant provided under this section;
3 and

4 “(B) owns or operates a medium con-
5 centrated animal feeding operation or large con-
6 centrated animal feeding operation that—

7 “(i) is in operation for livestock or
8 poultry production at the time of submis-
9 sion of an application for a grant under
10 this section; or

11 “(ii) was in operation for livestock or
12 poultry production not more than 1 year
13 prior to the time of submission of such an
14 application.

15 “(4) LARGE CONCENTRATED ANIMAL FEEDING
16 OPERATION.—The term ‘large concentrated animal
17 feeding operation’ means an animal feeding oper-
18 ation at which are present not less than—

19 “(A) 700 mature dairy cows, milked or
20 dry;

21 “(B) 1,000 veal calves;

22 “(C) 1,000 cattle (including heifers, steers,
23 bulls, cows, and calves) other than mature dairy
24 cows or veal calves;

1 “(D) 2,500 swine, each weighing not less
2 than 55 pounds;

3 “(E) 10,000 swine, each weighing less
4 than 55 pounds;

5 “(F) 500 horses;

6 “(G) 10,000 sheep or lambs;

7 “(H) 55,000 turkeys;

8 “(I) in the case of an animal feeding oper-
9 ation that uses a liquid manure handling sys-
10 tem—

11 “(i) 30,000 laying hens or broilers; or

12 “(ii) 5,000 ducks; or

13 “(J) in the case of an animal feeding oper-
14 ation that uses a system other than a liquid
15 manure handling system—

16 “(i) 125,000 chickens (other than lay-
17 ing hens);

18 “(ii) 82,000 laying hens; or

19 “(iii) 30,000 ducks.

20 “(5) MEDIUM CONCENTRATED ANIMAL FEED-
21 ING OPERATION.—The term ‘medium concentrated
22 animal feeding operation’ means an animal feeding
23 operation at which—

24 “(A) are present—

1 “(i) not less than 200 and not more
2 than 699 mature dairy cows, whether
3 milked or dry;

4 “(ii) not less than 300 and not more
5 than 999 veal calves;

6 “(iii) not less than 300 and not more
7 than 999 cattle (including heifers, steers,
8 bulls, cows, and calves) other than mature
9 dairy cows or veal calves;

10 “(iv) not less than 750 and not more
11 than 2,499 swine, each weighing not less
12 than 55 pounds;

13 “(v) not less than 3,000 and not more
14 than 9,999 swine, each weighing less than
15 55 pounds;

16 “(vi) not less than 150 and not more
17 than 499 horses;

18 “(vii) not less than 3,000 and not
19 more than 9,999 sheep or lambs;

20 “(viii) not less than 16,500 and not
21 more than 54,999 turkeys;

22 “(ix) in the case of an animal feeding
23 operation that uses a liquid manure han-
24 dling system—

1 “(I) not less than 9,000 and not
2 more than 29,999 laying hens or
3 broilers; or

4 “(II) not less than 1,500 and not
5 more than 4,999 ducks; or

6 “(x) in the case of an animal feeding
7 operation that uses a system other than a
8 liquid manure handling system—

9 “(I) not less than 37,500 and not
10 more than 124,999 chickens (other
11 than laying hens);

12 “(II) not less than 25,000 and
13 not more than 81,999 laying hens; or

14 “(III) not less than 10,000 and
15 not more than 29,999 ducks; and

16 “(B) pollutants are discharged—

17 “(i) into waters of the United States
18 through a man-made ditch, flushing sys-
19 tem, or other similar man-made device; or

20 “(ii) directly into waters of the United
21 States that originate outside of and pass
22 over, across, or through the animal feeding
23 operation or otherwise come into direct
24 contact with the animals confined in the
25 animal feeding operation.

1 “(b) GRANTS.—Using the amounts made available by
2 subsection (h), the Secretary shall provide grants to eligi-
3 ble entities to carry out climate-smart conversion projects
4 in accordance with this section.

5 “(c) GRANT APPLICATION.—

6 “(1) DUTY OF SECRETARY.—Not later than
7 180 days after the date of enactment of this section,
8 and annually thereafter, the Secretary shall publish
9 detailed guidelines on how to apply for a grant
10 under this section.

11 “(2) CONTENTS.—An eligible entity seeking a
12 grant under this section shall submit to the Sec-
13 retary an application at such time, in such manner,
14 and containing such information, including a pro-
15 posal for a climate-smart conversion project, as are
16 described in the detailed guidelines published under
17 paragraph (1).

18 “(d) CLIMATE-SMART CONVERSION PROJECTS.—

19 “(1) IN GENERAL.—An eligible entity that re-
20 ceives a grant under this section shall carry out a
21 climate-smart conversion project that converts an ex-
22 isting medium concentrated animal feeding operation
23 or large concentrated animal feeding operation into
24 a climate-smart facility by making 1 or more of the

1 following beneficial, on-farm infrastructure improve-
2 ments:

3 “(A) Improvements related to providing
4 animals with access to the outdoors or pasture,
5 including purchasing, integrating, or con-
6 structing—

7 “(i) fencing and mobile or permanent
8 housing or shelter;

9 “(ii) enrichment materials for use in
10 indoor shelters;

11 “(iii) hedgerow and ecosystem en-
12 hancement planting and design;

13 “(iv) drought-resistant grasses; or

14 “(v) water lines and irrigation struc-
15 tures for watering outdoor animals.

16 “(B) Improvements related to converting
17 to specialty crop or organic production, includ-
18 ing—

19 “(i) purchasing—

20 “(I) seeds and starts;

21 “(II) compost and compost struc-
22 ture supplies;

23 “(III) propagation supplies; and

24 “(IV) soil remediation tools, in-
25 cluding off-the-ground raised beds,

1 portable pots, or other converted
2 structures; and

3 “(ii) establishing or repurposing exist-
4 ing structures or constructing high tunnels
5 or similar protected-environment planting
6 structures.

7 “(2) EXCLUSIONS.—An eligible entity shall not
8 use a grant provided under this section to construct,
9 through a climate-smart conversion project—

10 “(A) an animal mortality facility;

11 “(B) a manure lagoon or other liquid
12 waste storage or treatment facility; or

13 “(C) a manure methane digester system.

14 “(3) REQUIREMENT.—As a condition of receiv-
15 ing a grant under this section, not later than 180
16 days after the date on which the eligible entity re-
17 ceives the grant, the eligible entity shall permanently
18 cease any operation of the medium concentrated ani-
19 mal feeding operation or large concentrated animal
20 feeding operation described in subsection (a)(3)(B)
21 where animals are confined entirely indoors on the
22 land and facilities that are the subject of the grant.

23 “(e) GRANT AMOUNTS.—

24 “(1) FEDERAL SHARE.—The Federal share of a
25 grant provided to an eligible entity under this sec-

1 tion shall not exceed 90 percent of the total cost of
2 the applicable climate-smart conversion project.

3 “(2) NON-FEDERAL SHARE.—An eligible entity
4 that receives a grant under this section shall provide
5 non-Federal funding, in the form of direct funding
6 or in-kind contributions, equal to not less than 10
7 percent of the total cost of the applicable climate-
8 smart conversion project.

9 “(3) LOWER COST-SHARE REQUIREMENTS FOR
10 CERTAIN ELIGIBLE ENTITIES.—Notwithstanding
11 paragraphs (1) and (2), the Secretary may reduce
12 the amount that would otherwise be required to be
13 provided by an eligible entity under those para-
14 graphs in the case of an eligible entity who is a so-
15 cially disadvantaged farmer or rancher (as defined in
16 section 2501(a) of the Food, Agriculture, Conserva-
17 tion, and Trade Act of 1990 (7 U.S.C. 2279(a)))
18 carrying out the applicable climate-smart conversion
19 project with the assistance of—

20 “(A) a community-based organization com-
21 posed of, representing, or exclusively working
22 with historically underserved producers; or

23 “(B) a land grant institution, Hispanic-
24 serving institution, or other minority-serving in-
25 stitution, such as a historically Black college or

1 university, a Tribally controlled college or uni-
2 versity, or an Asian American and Pacific Is-
3 lander-serving institution.

4 “(f) GRANT TERM.—The term of a grant provided
5 under this section shall not exceed 3 years.

6 “(g) UNDUE OR UNREASONABLE PREJUDICE OR
7 DISADVANTAGE.—Any refusal by a packer (as defined in
8 section 201 of the Packers and Stockyards Act, 1921 (7
9 U.S.C. 191)), to purchase livestock or poultry from an en-
10 tity on account of that entity having applied for or carried
11 out a climate-smart conversion project under this section
12 shall be considered an undue or unreasonable prejudice
13 or disadvantage under section 202(b) of that Act (7
14 U.S.C. 192(b)) and in violation of that Act (7 U.S.C. 191
15 et seq.).

16 “(h) FUNDING.—The Secretary shall use to provide
17 grants under subsection (b) amounts appropriated to
18 carry out this subchapter by section 21001(a)(1) of Public
19 Law 117–169 (136 Stat. 2015) that remain unobligated
20 as of the date of enactment of this section.”.

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