

AMENDMENT NO. _____ Calendar No. _____

Purpose: To improve the bill.

IN THE SENATE OF THE UNITED STATES—119th Cong., 2d Sess.

S. _____

To provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2031, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. BOOZMAN

Viz:

1 In section 1241(a)(3)(A)(ii) of the Food Security Act
2 of 1985 (as amended by section 2401(2)(A)), strike
3 “\$2,600,000” and insert “\$2,600,000,000”.

4 In section 9003(b), strike “\$18,000,000” and insert
5 “\$15,000,000”.

6 In section 9007(b)(2)(E) of the Farm Security and
7 Rural Investment Act of 2002 (as amended by section
8 9007(1)(C)(iii)), strike “cooperative;” and insert “cooper-
9 ative; and”.

1 In section 210C of the Agricultural Marketing Act
2 of 1946 (as added by section 12303), in subsection (a)(1),
3 insert “or retailer” after “cooperative” each place it ap-
4 pears.

5 In section 210C of the Agricultural Marketing Act
6 of 1946 (as added by section 12303), in subsection (a),
7 redesignate paragraphs (3) through (6) as paragraphs (4)
8 through (7), respectively.

9 In section 210C of the Agricultural Marketing Act
10 of 1946 (as added by section 12303), in subsection (a),
11 insert after paragraph (2) the following:

12 “(3) COVERED FERTILIZER MANUFACTURER.—

13 “(A) IN GENERAL.—The term ‘covered fer-
14 tilizer manufacturer’ means a person or entity,
15 other than a cooperative or retailer, that—

16 “(i) is primarily engaged, at the es-
17 tablishment level, in the manufacture of ni-
18 trogenous fertilizer, the manufacture of
19 phosphatic fertilizer, or the mining and
20 processing of potash, soda, or borate min-
21 erals for use in fertilizer production, as
22 such activities are classified by the Office
23 of Management and Budget under the

1 North American Industry Classification
2 System (or any successor classification sys-
3 tem); and

4 “(ii) sold not less than 25,000 short
5 tons of fertilizer products in the United
6 States during the preceding calendar year.

7 “(B) AFFILIATES.—The term ‘covered fer-
8 tilizer manufacturer’ does not include a cooper-
9 ative or retailer that is an affiliate of a covered
10 fertilizer manufacturer described in subpara-
11 graph (A), or that engages in blending, mixing,
12 storing, warehousing, handling, distributing, re-
13 selling, or applying fertilizer materials or prod-
14 ucts, unless the cooperative or retailer inde-
15 pendently meets the criteria described subpara-
16 graph (A).

17 In section 210C of the Agricultural Marketing Act
18 of 1946 (as added by section 12303), in subsection (d),
19 in paragraphs (1) and (2), strike “manufacturer” and in-
20 sert “covered fertilizer manufacturer” each place it ap-
21 pears.

22 In section 210C of the Agricultural Marketing Act
23 of 1946 (as added by section 12303), in subsection (d),

1 in the paragraph (3) heading, strike “NON-MANUFAC-
2 TURER”.

3 In section 210C of the Agricultural Marketing Act
4 of 1946 (as added by section 12303), in subsection (d)(3),
5 strike subparagraph (A) and insert the following:

6 “(A) exempt all cooperatives and retailers
7 (including fertilizer mixing or blending facilities
8 engaged in the custom blending or mixing of
9 fertilizer materials, without a chemical reaction,
10 for direct delivery to an agricultural end user)
11 from any mandatory price reporting under this
12 section; and

13 In section 210C of the Agricultural Marketing Act
14 of 1946 (as added by section 12303), strike subsection (j)
15 and insert the following:

16 “(j) CLARIFICATION.—Notwithstanding the defini-
17 tion of ‘produce’ in subsection (c) of section 1910.1200
18 of title 29, Code of Federal Regulations, the custom blend-
19 ing of fertilizers by an agricultural retailer shall not be
20 treated as ‘producing’ a chemical, and that retailer shall
21 not be treated as a ‘chemical manufacturer’ under that
22 section, if—

1 “(1) no chemical reaction occurs during the
2 blending process;

3 “(2) no new chemical hazard classifications
4 arise as a result of the blending that are not already
5 present in the component fertilizers;

6 “(3) each component fertilizer used in the blend
7 is accompanied by a Safety Data Sheet prepared by
8 its original manufacturer or importer; and

9 “(4) the resulting blend is delivered directly to
10 an agricultural end user for application to farmland.

11 “(k) REGULATIONS.—The Secretary shall promul-
12 gate regulations to consider the development of a map de-
13 picting regional fertilizer prices and quantities.”.

14 At the appropriate place in subtitle F of title XII,
15 insert the following:

16 **SEC. 126____. CODIFYING USEFUL REGULATORY DEFINI-**
17 **TIONS.**

18 (a) FINDINGS.—Congress finds as follows:

19 (1) There is a need to define the term “natural
20 cheese” in order to maintain transparency and con-
21 sistency for consumers so that they may differen-
22 tiate “natural cheese” from “process cheese”.

1 (2) The term “natural cheese” has been used
2 within the cheese making industry for more than 50
3 years and is well-established.

4 (b) DEFINITION OF NATURAL CHEESE.—Section 201
5 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
6 321) is amended by adding at the end the following:

7 “(tt)(1) The term ‘natural cheese’ means cheese that
8 is a ripened or unripened soft, semi-soft, or hard product,
9 which may be coated, that is produced—

10 “(A) by—

11 “(i) coagulating wholly or partly the pro-
12 tein of milk, skimmed milk, partly skimmed
13 milk, cream, whey cream, or buttermilk, or any
14 combination of such ingredients, through the
15 action of rennet or other suitable coagulating
16 agents, and by partially draining the whey re-
17 sulting from the coagulation, while respecting
18 the principle that cheese-making results in a
19 concentration of milk protein (in particular, the
20 casein portion), and that consequently, the pro-
21 tein content of the cheese will be distinctly
22 higher than the protein level of the blend of the
23 above milk materials from which the cheese was
24 made; or

1 “(ii) processing techniques involving coagu-
2 lation of the protein of milk or products ob-
3 tained from milk to produce an end-product
4 with similar physical, chemical, and
5 organoleptic characteristics as the product de-
6 scribed in subclause (i); and

7 “(iii) including the addition of safe and
8 suitable non-milk derived ingredients of the
9 type permitted in the standards of identity de-
10 scribed in clause (B) as natural cheese; or

11 “(B) in accordance with standards of identity
12 under part 133 of title 21, Code of Federal Regula-
13 tions (or any successor regulations), other than the
14 standards described in subparagraph (2) or any fu-
15 ture standards adopted by the Secretary in accord-
16 ance with subparagraph (2)(I).

17 “(2) Such term does not include—

18 “(A) pasteurized process cheeses as defined in
19 section 133.169, 133.170, or 133.171 of title 21,
20 Code of Federal Regulations (or any successor regu-
21 lations);

22 “(B) pasteurized process cheese foods as de-
23 fined in section 133.173 or 133.174 of title 21, Code
24 of Federal Regulations (or any successor regula-
25 tions);

1 “(C) pasteurized cheese spreads as defined in
2 section 133.175, 133.176, or 133.178 of title 21,
3 Code of Federal Regulations (or any successor regu-
4 lations);

5 “(D) pasteurized process cheese spreads as de-
6 fined in section 133.179 or 133.180 of title 21, Code
7 of Federal Regulations (or any successor regula-
8 tions);

9 “(E) pasteurized blended cheeses as defined in
10 section 133.167 or 133.168 of title 21, Code of Fed-
11 eral Regulations (or any successor regulations);

12 “(F) any products comparable to any product
13 described in any of clauses (A) through (E);

14 “(G) cold pack cheeses as defined in section
15 133.123, 133.124, or 133.125 title 21, Code of Fed-
16 eral Regulations (or any successor regulations);

17 “(H) grated American cheese food as defined in
18 section 133.147 of title 21, Code of Federal Regula-
19 tions (or any successor regulations); or

20 “(I) any other product the Secretary may des-
21 ignate as a process cheese.

22 “(3) For purposes of this paragraph, the term ‘milk’
23 has the meaning given such term in section 133.3 of title
24 21, Code of Federal Regulations (or any successor regula-

1 tions) and includes the lacteal secretions from animals
2 other than cows.”.

3 (c) LABELING.—Section 403 of the Federal Food,
4 Drug, and Cosmetic Act (21 U.S.C. 343) is amended by
5 adding at the end the following:

6 “(z) If its label or labeling includes the term ‘natural
7 cheese’ as a factual descriptor of a category of cheese un-
8 less the food meets the definition of natural cheese under
9 section 201(tt), except that nothing in this paragraph
10 shall prohibit the use of the term ‘natural’ or ‘all-natural’,
11 or a similar claim or statement with respect to a food in
12 a manner that is consistent with regulations, guidance, or
13 policy statements issued by the Secretary.”.

14 (d) NATIONAL UNIFORMITY.—Section 403A(a)(2) of
15 the Federal Food, Drug, and Cosmetic Act (21 U.S.C.
16 343–1(a)(2)) is amended by striking “or 403(x)” and in-
17 serting “403(x), or 403(z)”.