

118TH CONGRESS  
1ST SESSION

# H. R. 4163

To amend the Food Security Act of 1985 to optimize the sequestration of carbon and the reduction of net emissions through agricultural practices, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 15, 2023

Mr. GALLAGHER (for himself, Mr. HUFFMAN, and Mr. NUNN of Iowa) introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend the Food Security Act of 1985 to optimize the sequestration of carbon and the reduction of net emissions through agricultural practices, 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 “Naturally Offsetting  
5 Emissions by Managing and Implementing Tillage Strate-  
6 gies Act of 2023” or the “NO EMITS Act of 2023”.

1 **SEC. 2. SOIL HEALTH TRANSITION INCENTIVE PROGRAM.**

2 Section 1240B of the Food Security Act of 1985 (16  
3 U.S.C. 3839aa-2) is amended by adding at the end the  
4 following:

5 “(k) SOIL HEALTH TRANSITION INCENTIVE PRO-  
6 GRAM.—

7 “(1) ESTABLISHMENT AND PURPOSES.—The  
8 Secretary shall establish a soil health transition in-  
9 centive program to assist producers in transitioning  
10 to soil health cropping systems by—

11 “(A) providing incentives to adopt soil  
12 health cropping systems, including by address-  
13 ing the economic risk during a transition to a  
14 new soil health cropping system; and

15 “(B) providing technical assistance for  
16 such a transition.

17 “(2) CONTRACTS.—

18 “(A) IN GENERAL.—The Secretary shall  
19 enter into soil health transition incentive con-  
20 tracts with producers under this subsection to  
21 provide payments for—

22 “(i) the adoption and installation of  
23 soil health practices (including cover crop-  
24 ping, no till, and minimum till) or cropping  
25 systems; and

1           “(ii) completing, managing, maintain-  
2           ing, and improving the soil health practices  
3           or cropping systems for the duration of the  
4           contract, as determined appropriate by the  
5           Secretary.

6           “(B) PAYMENT AMOUNTS.—In determining  
7           the amount of payments under subparagraph  
8           (A), the Secretary shall consider, to the extent  
9           practicable—

10           “(i) the level and extent of the soil  
11           health practice or cropping system to be  
12           adopted, installed, completed, managed,  
13           maintained, or improved;

14           “(ii) the cost of the adoption, installa-  
15           tion, completion, management, mainte-  
16           nance, or improvement of the soil health  
17           practice or cropping system;

18           “(iii) income foregone by the pro-  
19           ducer, including payments, as appropriate,  
20           to address—

21                   “(I) increased economic risk;

22                   “(II) loss in revenue due to an-  
23                   ticipated reductions in yield; and

1                   “(III) economic losses during  
2                   transition to new cropping systems;  
3                   and

4                   “(iv) the extent to which compensa-  
5                   tion would ensure long-term continued  
6                   management, maintenance, and improve-  
7                   ment of the soil health practice or cropping  
8                   system.

9                   “(C) TERM.—A contract under this sub-  
10                  section shall have a term of not fewer than 5  
11                  years and not more than 7 years.

12                  “(3) INDIVIDUALIZED AGRONOMIC TECHNICAL  
13                  ASSISTANCE.—To assist producers in making a suc-  
14                  cessful transition to a soil health cropping system,  
15                  the Secretary shall provide individualized and  
16                  multiyear agronomic technical assistance, at the op-  
17                  tion of the producer, through—

18                         “(A) the Secretary;

19                         “(B) a third-party provider;

20                         “(C) a commercial entity (including a  
21                         farmer cooperative or agriculture retailer);

22                         “(D) a nonprofit entity with agronomic ex-  
23                         pertise; or

24                         “(E) a State or local government (includ-  
25                         ing a conservation district).”.

1 **SEC. 3. ON-FARM CONSERVATION INNOVATION TRIALS.**

2 Section 1240H(c) of the Food Security Act of 1985  
3 (16 U.S.C. 3839aa–8(c)) is amended—

4 (1) in paragraph (1)(B)(i)—

5 (A) in subclause (VI), by striking “; and”  
6 and inserting a semicolon; and

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

8 “(VIII) practices related to live-  
9 stock production; and”;

10 (2) in paragraph (2), by striking  
11 “\$25,000,000” and inserting “\$50,000,000”.

12 **SEC. 4. STATE ASSISTANCE FOR SOIL HEALTH.**

13 Subchapter B of chapter 4 of subtitle D of title XII  
14 of the Food Security Act of 1985 (16 U.S.C. 3839aa–21  
15 et seq.) is amended by adding at the end the following:

16 **“SEC. 1240L–2. STATE ASSISTANCE FOR SOIL HEALTH.**

17 “(a) DEFINITIONS.—In this section:

18 “(1) ELIGIBLE INDIAN TRIBE.—The term ‘eligi-  
19 ble Indian tribe’ means an Indian tribe that is—

20 “(A) implementing a soil health program  
21 for the area over which the Indian tribe has ju-  
22 risdiction; and

23 “(B) meeting or exceeding performance  
24 measures established by the Indian tribe for the  
25 soil health program.

1           “(2) ELIGIBLE STATE.—The term ‘eligible  
2 State’ means a State that is—

3           “(A) implementing a soil health program  
4 for the State; and

5           “(B) meeting or exceeding performance  
6 measures established by the State for the soil  
7 health program.

8           “(3) SOIL HEALTH PROGRAM.—The term ‘soil  
9 health program’ means a program to improve soil  
10 health on agricultural land that—

11           “(A) is broadly consistent with the soil  
12 health principles of the Natural Resources Con-  
13 servation Service, as determined by the Sec-  
14 retary; and

15           “(B) may include—

16           “(i) technical assistance;

17           “(ii) financial assistance;

18           “(iii) on-farm research and dem-  
19 onstration;

20           “(iv) education, outreach, and train-  
21 ing;

22           “(v) monitoring and evaluation; or

23           “(vi) such other components as the  
24 Secretary determines appropriate.

1       “(b) AVAILABILITY AND PURPOSE OF GRANTS.—For  
2 fiscal years 2024 through 2028, the Secretary shall make  
3 grants to eligible States and eligible Indian tribes for the  
4 purpose of improving soil health on agricultural lands  
5 through the implementation of State and Tribal soil health  
6 programs.

7       “(c) APPLICATIONS.—

8           “(1) IN GENERAL.—To receive a grant under  
9 this section, an eligible State or eligible Indian tribe  
10 shall submit to the Secretary an application at such  
11 time, in such a manner, and containing such infor-  
12 mation as the Secretary shall require, which shall in-  
13 clude—

14           “(A) a description of performance meas-  
15 ures to be used to evaluate the State or Tribal  
16 soil health program and the results of any ac-  
17 tivities carried out using grant funds received  
18 under this section; and

19           “(B) an assurance that grant funds re-  
20 ceived under this section will supplement the  
21 expenditure of State or Tribal funds in support  
22 of soil health, rather than replace such funds.

23           “(2) TRIBAL OPTION.—An Indian tribe shall  
24 have the option, at the sole discretion of the Indian

1       tribe, to be incorporated into the application of an  
2       eligible State.

3       “(d) PRIORITY.—In making grants under this sec-  
4       tion, the Secretary shall give priority to eligible States and  
5       eligible Indian tribes with a climate action plan that in-  
6       cludes soil health, as determined by the Secretary.

7       “(e) GRANTS.—

8               “(1) AMOUNT.—The amount of a grant to an  
9       eligible State or eligible Indian tribe under this sec-  
10      tion for a fiscal year may not exceed the lower of—

11                       “(A) \$5,000,000; or

12                       “(B) as applicable—

13                               “(i) 50 percent of the cost of imple-  
14                               menting the State soil health program in  
15                               the fiscal year; or

16                               “(ii) 75 percent of the cost of imple-  
17                               menting the Tribal soil health program in  
18                               the fiscal year.

19               “(2) TERM.—A grant under this section shall  
20      be for 1 year, and may be renewed annually.

21       “(f) AUDITS AND REVIEWS.—An eligible State or eli-  
22      gible Indian tribe receiving a grant under this section shall  
23      submit to the Secretary—



1           “(1) for each year for which the State or Indian  
2           tribe receives such a grant, the results of an audit  
3           of the expenditures of the grant funds; and

4           “(2) at such intervals as the Secretary shall es-  
5           tablish, a review and evaluation of the State or Trib-  
6           al soil health program.

7           “(g) EFFECT OF NONCOMPLIANCE.—If the Sec-  
8           retary, after reasonable notice to an eligible State or eligi-  
9           ble Indian tribe receiving a grant under this section, finds  
10          that the State or Indian tribe has failed to comply with  
11          the terms of the grant, the Secretary may disqualify, for  
12          1 or more years, the State or Indian tribe from receipt  
13          of future grants under this section.

14          “(h) FUNDING.—Of the funds made available to  
15          carry out this subchapter, \$100,000,000 shall be available  
16          in each of fiscal years 2024 through 2028 to carry out  
17          this section.

18          “(i) ADMINISTRATION.—

19                 “(1) DEPARTMENT.—The Secretary may not  
20                 use more than 3 percent of the funds made available  
21                 to carry out this section for a fiscal year for admin-  
22                 istrative expenses.

23                 “(2) STATES OR INDIAN TRIBES.—An eligible  
24                 State or eligible Indian tribe receiving a grant under  
25                 this section may not use more than 7 percent of the

1 granted funds for a fiscal year for administrative ex-  
2 penses.”.

3 **SEC. 5. TECHNICAL ASSISTANCE.**

4 Section 1241(c) of the Food Security Act of 1985 (16  
5 U.S.C. 3841(c)) is amended by adding at the end the fol-  
6 lowing:

7 “(5) SPECIAL INITIATIVE.—

8 “(A) IN GENERAL.—In each of fiscal years  
9 2024 through 2028, the Secretary shall carry  
10 out a special technical assistance initiative to  
11 assist producers in mitigating and adapting to  
12 climate change, using, of the funds of the Com-  
13 modity Credit Corporation, an amount equal to  
14 not less than 1 percent of the amount of funds  
15 made available by subsection (a) for the fiscal  
16 year.

17 “(B) PROVISION OF TECHNICAL ASSIST-  
18 ANCE.—The Secretary shall provide technical  
19 assistance under this paragraph to producers—

20 “(i) in accordance with section  
21 1242(e); or

22 “(ii) notwithstanding such section,  
23 through a cooperative agreement or con-  
24 tract with—

25 “(I) a cooperative extension;

1                   “(II) a nongovernmental organi-  
2                   zation; or

3                   “(III) a State, Tribal, or Federal  
4                   agency.

5                   “(C) UNDERSERVED PRODUCERS.—In pro-  
6                   viding technical assistance under this paragraph  
7                   the Secretary shall give priority to producers  
8                   who are persons described in section  
9                   1244(a)(2).”.

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