



Pennsylvania Farm Bureau

# Federal Legislative Update March 2023

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## 117<sup>TH</sup> CONGRESS ACCOMPLISHMENTS

- March 30, 2021: **Paycheck Protection Program (PPP) Extension Act of 2021** (H.R.1799) was signed into law.
  - Extended the PPP which was established to support small businesses due to COVID-19. AFBF supported.
- November 15, 2021: **Infrastructure Investment and Jobs Act** (H.R.3684) was signed into law.
  - Provided funding for projects to improve transportation, public utilities, and broadband. AFBF supported.
- June 16, 2022: **Ocean Shipping Reform Act of 2022** (S.3580) was signed into law.
  - Gives the Federal Maritime Commission more investigate power to regulate ocean carrier practices to reduce bottlenecks and increase the timeliness of ocean transportation. AFBF supported.
- December 2, 2022: **H.J. Res. 100** was signed into law.
  - Prevented a rail strike from occurring due to unions and rails still disputing the agreement brokered by the Biden Administration on Sept. 15, 2022. AFBF supported.
- December 30, 2022: **Growing Climate Solutions Act** (H.R.2820/S.1251) was included in the FY23 omnibus and signed into law.
  - Authorized USDA to establish a voluntary Greenhouse Gas Technical Assistance Provider and Third-Party Verifier Certification Program to help reduce entry barriers into voluntary environmental credit markets for farmers, ranchers, and private forest landowners. AFBF supported.



Pennsylvania  
Farm Bureau

## U.S. Senate and House Ag Leadership



### Chairwoman Debbie Stabenow (D – MI)

- Is the “seasoned” leader out of the four
- Priorities: nutrition, specialty crops, climate, and urban agriculture

\*Will not seek re-election in 2024\*



### Ranking Member John Boozman (R – AR)

- New to the Ranking Member role
- Priorities: southern agriculture, research, and nutrition



### Chairman “GT” Thompson (R – PA)

- New to the Chair
- Priorities: dairy, forestry, and nutrition



### Ranking Member David Scott (D – GA)

- New to the Ranking Member role
- Priorities: racial equity, climate, and southern commodities



## 2023 Federal Priorities

Agricultural  
Labor

Dairy

Farm Bill

PFAS

Sustainability  
/ Climate

WOTUS

# AG LABOR

- **Why should legislators care?**

- Food and national security

- **What happened last Congress?**

- March 2021: House passed the Farm Workforce Modernization Act. AFBF did not support due to AEWR concerns, year-round visa numbers, mandated e-Verify, and H-2A workers were granted a federal private right of action under MSPA.
  - December 2022: Sen. Bennet introduced the Affordable and Secure Food Act. AFBF did not support due to wages, visa caps, legal services, and e-Verify.

- **What are the problems with the current system?**

- Only seasonal growers have access to H-2A, increasing adverse effect wage rates (AEWRs), and mandatory e-Verify.

- **What does Farm Bureau envision for ag labor reform?**

- The creation of a new market-based, uncapped, visa program that is available to both seasonal and year-round farmers in all segments of agriculture, that is administered by USDA, and provides flexibility for employers and workers by allowing contract and at-will employment options, and
  - An adjustment of status for experienced, but unauthorized, agricultural workers.

# DAIRY

- **3 objectives in the 118<sup>th</sup> Congress**

- 1) Allow schools to offer whole and flavored milk in schools.
- 2) Make substantial progress on FMMO reform.
- 3) Require the FDA to prohibit the misleading labeling of nut- and plant-based food products as “milk”.

- **Update on the USMCA Dispute with Canada**

- December 2021: A USMCA dispute settlement panel decided in favor of the U.S. in a case against Canada over dairy imports. The panel found that Canada violated the terms of the USMCA by improperly restricting access to its market for U.S. dairy products by the administration of its dairy tariff-rate quota (TRQ) commitments.
- February 2023: The U.S. established a second USMCA dispute panel with Canada over their application of TRQs for dairy products.
- Farm Bureau supports using the enforcement measures in USMCA to reach the negotiated access to Canadian markets for U.S. dairy products.

# FARM BILL

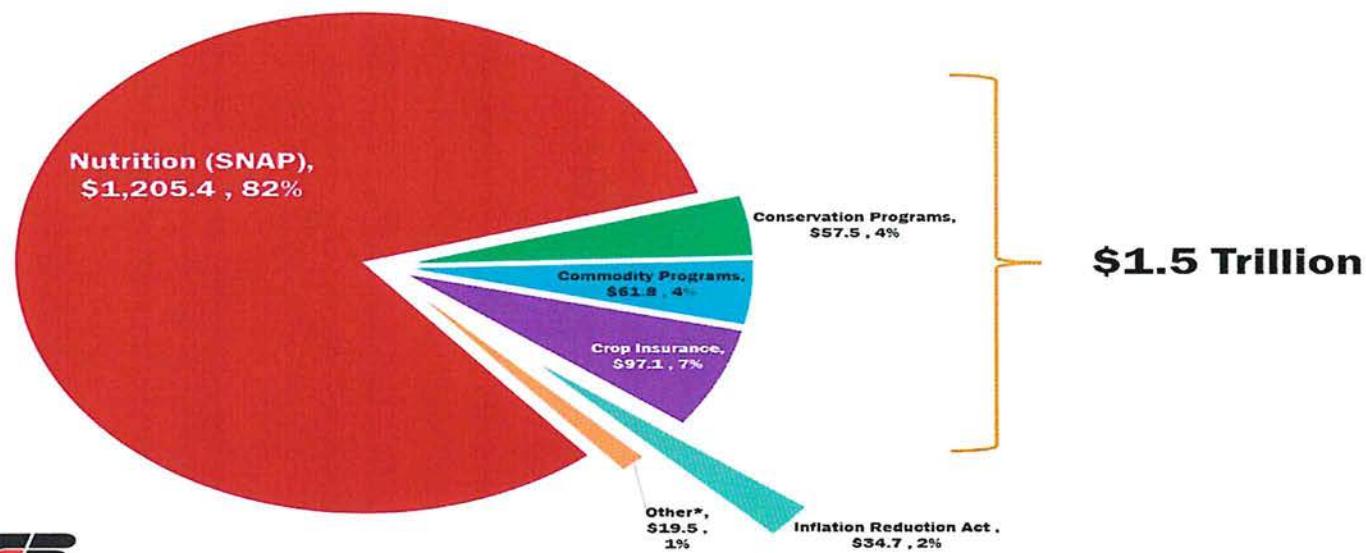
- **260 lawmakers NEW to farm bill**
  - 238 Representatives (Dean, Houlahan, Meuser, Lee, Joyce, Reschenthaler, and Deluzio)
  - 22 Senators (Fetterman)
- **2018 Farm Bill expires Sept. 30, 2023.**
- **2023 Farm Bill Goal**
  - A unified farm bill with farm and nutrition programs that meets the needs of producers, processors, and consumers in rural and urban communities.

## **AFBF Priorities**

- Increase baseline for farm bill program spending;
- Maintain a unified farm bill which keeps nutrition programs and farm programs together;
- Any changes to current farm legislation must be an amendment to the Agricultural Adjustment Act of 1938 or the Agricultural Act of 1949;
- Prioritize risk management tools and funding for both federal crop insurance and commodity programs; and
- Ensure adequate USDA staffing capacity and technical assistance.

# FARM BILL (continued)

**FIGURE 2: 10 - YEAR PROJECTED OUTLAYS | FARM BILL PROGRAMS**  
\$ Billions | 2024 to 2033 Projected



AMERICAN FARM BUREAU FEDERATION®

Source: AFBF Compendium, Congressional Budget Office, USDA FRS  
\*includes other spending such as trade programs, horticulture programs, and CCC administration costs

# PFAS

- **What is it?**

- PFOA and PFOS are two most common substances that make up PFAS, which is a forever chemical.

- **Where is it?**

- Food packaging
- Household items
- Stain-resistant furniture and clothing
- Nonstick cookware
- Water-repellent clothing
- Firefighting foam

- **EPA's Proposed Rule**

- 9/6/2022: EPA proposed the “Designation of PFOA and PFOS as CERCLA Hazardous Substances”.
- CERCLA is the federal statute that provides a federal “superfund” for environmental cleanup of hazardous wastes.
- Would require anyone who releases certain levels of PFAS into soil or water to report it to federal authorities.
- Negative impacts on land values.
- AFBF opposed.

- **Farm Bureau's Position**

- Should not be held liable.
- Establish a federal indemnification fund.
- Funding for research to mitigate health risks.

# SUSTAINABILITY / CLIMATE

- **SEC's Proposed Climate-Related Disclosures Rule**

- Would require public companies to report their GHG emissions along with all entities comprising their supply chain.
- AFBF is opposed due to compliance, privacy, and liability concerns in addition to an overreach of Congress.
- Current status: SEC reviewing public comments. Final rule expected in April 2023.
- Questions about the rule: Grant Gulibon, Regulatory Affairs Specialist, 717.731.3547 or [rgulibon@pfb.com](mailto:rgulibon@pfb.com).

- **Protect Farmers from the SEC Act Re-Introduced**

- February 2023: Senators John Boozman (R-AZ) and Mike Braun (R-IN) along with Representative Frank Lucas (R-OK) reintroduced the Protect Farmers from the SEC Act.
- It would prohibit the SEC from requiring agriculture producers to report Scope 3 GHG emissions.
- Farm Bureau supports. [Ask your legislator to co-sponsor!](#)

- **AFBF Action Alert**

- Tell Congress about the devastating impact this rule could have on your operation:  
<https://www.fb.org/action-alert/protect-farmers-and-ranchers-from-all-sec-rules-and-regulations>

# WOTUS

- **2022 WOTUS rule published 1/18/23**

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  - The revised definition of WOTUS was published on the Federal Register on January 18, 2023.
  - Its effective date is March 20, 2023.
  - AFBF is opposed.

- **Lawsuit filed 1/19/23**

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  - AFBF and 17 other organizations representing agriculture, infrastructure, and housing filed a lawsuit challenging the 2022 WOTUS rule.

- **Challenged in a Congressional Review Act Joint Resolution 2/2/23**

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  - Ranking Member Shelley Moore Capito led the Senate's CRA joint resolution to challenge the Biden Administration's WOTUS rule.
  - Chairman Sam Graves led the House's CRA joint resolution of disapproval.

- **Awaiting the decision of Sackett v. EPA**

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  - Expected by June 2023
  - Agencies are supposed to amend the provisions of the rule that contradict with the Supreme Court's decision.

# Pennsylvania Broadband Development Authority Update

- **PFB sits on the Outreach & Education Subcommittee.**
- **FCC National Broadband Map**
  - Part of a series of requirements by the Broadband DATA Act, which AFBF supported.
  - Shows location level information on broadband availability in addition to mobile wireless coverage.
  - Roughly 400K challenges submitted to the map by 1/13/23.
  - Goal is to have a more accurate and granular map, so funds are distributed correctly.
- **FCC Speed Test App**
  - Allows users to challenge the coverage reported by their provider by submitting mobile speed test data.
- **Status of BEAD Program**
  - NTIA publicized their plan to announce the BEAD program fund allocations by 6/30/23.
  - \$42.5 billion BEAD program was authorized by the IIJA, which AFBF supported.
  - Farm Bureau is advocating for lawmakers to have close oversight due to large sum of funds.
- **Comments on PA Broadband Infrastructure Program**
  - PFB submitted feedback to PBDA on the guidelines for the \$200 million PA Broadband Infrastructure Program.



**Pennsylvania  
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## **PFB's Involvement with AFBF**

President Hoffman serves on the AFBF Board of Directors

AFBF Farm Bill Working Group

AFBF Dairy Working Group

AFBF Mental Health Networking Group

AFBF Issue Advisory Committees

# THANK YOU!

“Together We Can”



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