



Plans to Avoid Government Shutdown Becomes Less Likely

As of Wednesday afternoon, the outlook on a potential government shutdown still remains unclear; however, signs are increasingly pointing towards a shutdown as being more likely than not. As of Wednesday afternoon, House Republican leadership has failed to introduce a measure that would receive a majority vote on the House floor. The latest reports suggest that Speaker Kevin McCarthy has a bill he's prepared to introduce on Friday—but enough House conservatives have already lined up against it, even before it's been introduced. Given the very slim majority in the House, Speaker McCarthy can only afford to lose a handful of votes.

The Senate unveiled a bipartisan continuing resolution (CR) Tuesday; however, Republican leadership in the House has quashed any notions it would receive a vote prior to the Saturday deadline. Mixed between all of this is a deal put together by the Problem Solvers Caucus, a group of 64 lawmakers from both parties who typically represent the more moderate wings of both sides. While it seems unlikely their one-year funding extension would receive a vote either, the waning days of September will add significant pressure on House leadership to decide on the best path forward. In the meantime, there are also several appropriations bills that may or may not get votes as well.

While the Senate's bill would include roughly \$4 billion for FEMA to cover 2023 disasters, there isn't a clear picture as to whether the House plans to fund any disaster programs. Border security and aid for Ukraine are two major sticking points for the House Freedom Caucus, the latter of which is included (although pared down) in the Senate CR. It remains to be seen what will happen heading into the weekend, but the lack of cohesive messaging amongst House Republicans seems to indicate an increased likelihood for a shutdown.

USDA Announces 2022 ELRP, ERP Phase II Update

After two years of anticipation, the USDA has announced the closing out of Emergency Relief Program (ERP) Phase Two with the delivery of \$1.17 billion in crop disaster assistance between that and the Emergency Livestock Relief Program (ELRP). ERP Phase Two was intended primarily for crop producers who were not covered by federal crop insurance, or the Farm Service Agency's (FSA) NAP program. \$581 million will be allotted to livestock producers who suffered a qualifying natural disaster during the 2020, 2021, and 2022 calendar year under ELRP. This program addresses losses of revenue, quality, or lost production for various agricultural commodities. Eligibility for ELRP is determined by factors such as drought severity, with livestock producers qualifying for assistance if their county experienced *severe* drought for eight consecutive weeks, or *extreme* drought during the applicatory year.

Along with drought, participants who experienced grazing losses, purchased feed beyond normal for a drought year, and experienced higher feed costs are eligible for the additional ELRP funds. To streamline

the process, ELRP 2022 will use data submitted through the Livestock Forage Disaster Program (LFP), but producers should still be prepared with commonly used FSA forms. Producers who have eligible crop losses but do not have federal crop insurance or NAP risk management coverage for 2022 to provide revenue information to apply for ERP assistance. We know the ERP and ELRP process has been confusing and difficult to navigate for some producers, so please reach out if you have questions on either program.

[ELRP and ERP Phase II](#)

Rice Producers Eligible for Additional Rice Production Program Payments

In a recent [announcement](#), the USDA unveiled additional financial benefits for rice producers under the existing Farm Service Agency's (FSA) Rice Production Program. The increase in funding is in response to the heightened input costs of 2022. The \$250 million in assistance is based on 2022 rice acreage data. Producers who have already received a payment will receive an additional payment rate of \$.28 cents per pound, bringing the total rate to \$1.28 per pound. Payment limits are determined by statute, with those deriving 75% or more of their average adjusted gross income (AGI) from farming qualifying for a \$250,000 payment limit. Rice farmers seeking the higher payment limit were required to submit the necessary form and certification by Sept. 8, 2023, at their local county office.

Senate Ag Committee Examines Foreign Ag Ownership

The U.S. Senate Agriculture, Nutrition, and Forestry Committee held a hearing on Wednesday regarding foreign land ownership of U.S. farmland. Chairwoman Debbie Stabenow (D-MI) noted some of the statistics from the Agriculture Foreign Investment Disclosure Act database regarding current foreign ag ownership. Foreign investors now hold an interest in about 40 million acres of farm and forest land, which accounts for roughly 3% of all privately held agriculture land in the nation; however, foreign ownership has increased 66% since 2010. Sen. Tammy Baldwin (D-WI) helped introduce the bipartisan Farmland Security Act earlier this year, which would give USDA additional tools to increase auditing to assess possible risks posed by external land ownership.

Ranking Member John Boozman (R-AR) and several other Republicans noted that while *reported* data on foreign ag ownership might be low, it's a growing concern among constituents, particularly with several millions of acres expected to be sold in the coming years. With shell companies and third-party intermediaries possibly disguising foreign ownership of agricultural land, USDA's Deputy Under Secretary of Farm Production and Conservation Gloria Montañó Greene did suggest that their self-reporting based system might lead to gaps in this data. Other Senators noted the national security risks associated with ownership from Chinese, Russian, and even North Korean companies. With this issue receiving more attention from agricultural organizations in recent years, it is expected that Congress will likely continue to look at ways that they might be able to regulate this area and help promote American interests.

[Hearing Portal](#)

USDA Publishes 2020 Dairy Checkoff Report to Congress

Last week, USDA finally published its [2020 dairy checkoff report](#). USDA has faced criticism for its extensive delays on putting together the annual dairy marketing and research program report (known as the checkoff). This is one of over 20 promotional and research funds conducted through USDA, but dairy is the only checkoff that is required to submit a report to Congress. The last report to be published was in

August 2022 and covered the 2019 calendar year. The delayed report submission has intensified the ongoing debate over the dairy checkoff program, with lawmakers worried about how it might affect the farm bill.

Lawmakers sent a bipartisan letter to Agriculture Secretary Tom Vilsack, who is well familiar with the program given his time as former CEO of the US Dairy Export Council, urging USDA to be more transparent in their reporting for the program. They also demanded that the USDA either promptly publish the overdue reports for 2021 and 2022 or provide written justification. The 2020 report largely defended their expenditures, arguing that overall consumption of most dairy products have grown in recent years.

USDA Announces Application Deadline for Discrimination Financial Assistance Program to January 13th

On Friday, the USDA [announced](#) they would be extending the deadline for the Discrimination Financial Assistance Program through January 13, 2024. The program was set up via the Inflation Reduction Act, which set aside over \$2 billion in funds for farmers, ranchers, and forest landowners that believe they experienced discrimination from the USDA's farm lending programs (prior to 2021). Over 30 regional offices have already been established, including one in Tulare, CA. If you believe you might be eligible for such assistance, we encourage you to click on the button below to learn more about the program.

[Program Portal](#)

House Workforce Subcommittee Discusses OSHA's Direction Under the Biden Administration

On Wednesday, the House's Education & Workforce Subcommittee on Workforce Protections gathered to take a closer look at the Occupational Safety and Health Administration's (OSHA) actions under the Biden administration. Chaired by Rep. Kevin Kiley (R, CA-03), most Republicans were critical of the agency's direction, which was mostly directed at the meeting's sole witness, Assistant Secretary of Labor Douglas Parker. They highlighted the agency's work during the COVID-19 pandemic, particularly around mask mandates and vaccination requirements. However, they also noted their concern over how overly prescriptive an outdoor heat illness standard might be. Currently, OSHA is developing a rule to develop such a standard.

Democrats largely reiterated the importance of expanding worker protections, which included emphasizing the need for a national outdoor heat standard. Agriculture was cited several times as a key example of where existing standards should be strengthened. As of right now, there are only a handful of states that have existing heat standards, which includes California. OSHA is expected to be influenced heavily by this standard, particularly with Acting Secretary of the Department of Labor Julie Su and Parker both previously serving as the state's head for worker protections. While there was not any legislation examined by the subcommittee in particular, several contentious moments highlighted the deep divide between the two parties on the direction OSHA has taken.

[Workforce Hearing](#)

USDA FLSP Pilot Program launch

On September 22nd, the Biden Administration unveiled a new pilot program aimed at enhancing the food and agricultural supply chain and tackle farming workforce challenges. The U.S. Department of Agriculture (USDA), and other federal agencies has allotted \$65 million in grants for the Farm Labor Stabilization and

Protection Pilot Program (FLSP). The initiative is funded by the American Rescue Plan and seeks to address current agricultural workforce needs, promote safe working conditions for farm employees, and expand the existing lawful migration pathways, including the Department of Labor's H2 visa program. Eligible agricultural employers, including fixed site employers, joint employers, agricultural associations, and H-2A labor contractors can apply for grants ranging from \$25,000 to \$2,000,000. The application deadline for the FLSP program is November 28th, 2023.

USDA Provides \$5 Million for Second Round of Payments for Organic Dairy Producers

On September 20th, in an effort to bolster small-scale organic dairies, USDA [unveiled](#) a second round of funding into the Organic Dairy Marketing Assistance Program (ODMAP). The additional \$5 million in payments brings the cumulative ODMAP payments to \$20 million. This funding was calculated by projected 2023 market costs, determined by a cost-share model linked to estimated 2023 pounds of organic milk. This initiative complements other support programs, including Dairy Margin Coverage (DMC) and Supplemental DMC, which have collectively paid out over \$1 billion in benefits for the 2023 program year.