

Goals of the “Farm Economic Vitality and Environmental Recovery Act” (FEVER Act V.2):

Significant improvements in soil health and environmental quality, profitability on the farm, rural community vitality, and public health will require systemic reforms in laws, policy, regulation, and public expenditures. The need for change is growing ever-more obvious in step with rising reliance on bailouts for crop farmers, and advancing metabolic syndrome, chronic disease, and reproductive problems.

At some time in the future, the demand for change will coincide with political dynamics and openness to change. This document outlines the policy reforms, changes in law and regulation, and shifts in taxpayer investments via subsidies and favorable tax policy for farmers and the food industry. The changes outlined herein will be almost certainly be required to make a substantial difference in how food is grown, processed, and sold in the U.S., especially if the goal is to achieve such changes within a generation.

The needed transformation of the American food system could progress smoothly, and require a redirection of government spending, as opposed to increases. The extent to which essential reforms are adopted simultaneously, and implemented wisely, will drive progress in achieving common goals grounded in health outcomes for animals and people, for the soil and environment, and for rural communities.

Reforms will be required in multiple areas of law and policy, including some that have not traditionally been part of five-year farm bills. Hence, the FEVER Act addresses reforms that fall outside past farm bills. It strives to provide a comprehensive backbone of policy change sufficient to alter the performance and nature of food and farming in the U.S. over one to two generations.

- CHAPTER 1. COMMODITY PROGRAM ENROLLMENT OPTIONS, REQUIREMENTS, AND PAYMENT RATES 3**
 - 1. *Producers Not Enrolling in BAR&P Contracts* 6
 - 2. *Producers Enrolling in BAR&P Contracts* 7
 - C. FUNDING AND PAYMENT LIMITATIONS..... 8
- CHAPTER 2. CROP INSURANCE AND DISASTER PAYMENT PROGRAMS10**
 - A. ALTERING THE YIELD GOALS EMBEDDED IN CROP INSURANCE CONTRACTS 10
 - B. DISASTER PAYMENT PROGRAMS 11
- CHAPTER 3. SOIL AND WATER CONSERVATION AND PROMOTION OF SOIL AND ENVIRONMENTAL QUALITY11**
 - A. DEFINING AND MEASURING SOIL HEALTH 11
 - 1. *Need for Improved Indicators*..... 12
- CHAPTER 4. PROMOTING COMPETITION.....13**
 - A. TAKING STOCK OF RELATIVE PROFITABILITY AND ECONOMIC SUSTAINABILITY..... 13
 - B. MORATORIUM ON MERGERS AND ACQUISITIONS UNTIL THE FTC CONFIRMS THE ABSENCE OF ANTI-COMPETITIVE ACTIVITIES AND MARKET DYNAMICS 13

- CHAPTER 5. POLICY REFORMS AND STRATEGIC INVESTMENTS IN SUSTAINABLE ANIMAL PRODUCTION SYSTEMS14**
- A. GOALS AND METRICS FOR TRACKING PROGRESS15
 - 1. *Availability of sufficient land to apply manure at an agronomically and environmentally “best practice” rate.* 16
 - 2. *Promoting forage-based rations and grazing systems to enhance soil and animal health, lower production costs, and assist producers in diversifying rotations.* 16
 - 3. *Monitoring and mitigating movement of nitrogen from livestock operations.*..... 17
- B. DIVERSIFYING MARKET OPPORTUNITIES FOR PRIMARY PRODUCERS 18
- CHAPTER 6. ENHANCING THE NUTRITIONAL QUALITY AND SAFETY OF THE U.S. FOOD SUPPLY18**
- CHAPTER 7. FOOD AND AGRICULTURAL TRADE21**
- CHAPTER 8. ENHANCING THE CONTRIBUTION OF BIOFUELS IN MEETING NATIONAL NEEDS.....22**
- APPENDIX A. PROVISIONS IN THE 2017 SOIL HEALTH AND INCOME PROTECTION PROGRAM (SHIPP)25**
- APPENDIX B. ABOUT THE FEDERAL FOOD ADMINISTRATION ACT26**

Chapter 1. Commodity Program Enrollment Options, Requirements, and Payment Rates

Commodity program, crop insurance, and conservation policy provisions in the FEVER Act strive to achieve the following objectives:

1. Help farmers navigate steep market losses on commodity crops in the near-term, while beginning essential transitions in cropping systems, farm commodity policy, and crop insurance that will reduce the frequency and size of needed bailouts and disaster payments.
2. Assure taxpayer dollars are invested in ways that will restore farmer and rancher profitability per unit of production from the market, regenerate soil health, strengthen rural communities, and promote public health.
3. Diversify crop rotations and income streams by reducing reliance on imports, and cutting the acres in the U.S. devoted to heavily subsidized commodity crops that can no longer be produced and sold at competitive prices without substantial direct subsidies and indirect subsidies.
4. Phase out subsidies providing incentives for farmers to pursue excessively-high yield goals that consistently result in production costs above global market prices.
5. Increase farm financial security by raising the share of gross farm and ranch revenue received from competitive markets.
6. Invest in commodity program and water use changes required to shift regional farm production patterns to meet national and regional needs, with initial focus on reducing the acres devoted to the production of low-value, water-intensive animal feed crops in the arid west.

To better align crop acreage and crop rotations with the pressing need to promote farm profitability, diversification, and enhance the nutritional quality of the U.S. food supply, the Secretary is directed to enter into voluntary “Base Acre Renewal and Profitability Contracts” (BAR&P contracts) with farmers and land owners.

The objectives sought, and provisions in multi-year BAR&P contracts, will vary across regions in accord with the most promising opportunities to enhance farm profitability, reduce dependence on government payments, promote soil health, protect water resources, and improve the nutritional quality of the U.S. food supply.

The Secretary is directed to jointly craft and utilize BAR&P, NRCS regenerative agriculture, and conservation program contracts to incrementally shift the mix of crops supported by government subsidies toward those crops that can play a bigger role in promoting public health and well-being, and away from crops predominately used to feed animals or as biofuel feedstocks.

Toward this end, the Secretary is directed to seek proposals from producers outlining the farming system changes they will adopt in accord with the goals and provisions set forth in this

Act. System change proposals from operators shall state the average annual payment per acre across the farm's productive land base that the producer is: (a) willing to accept in return for compliance with contract provisions, and (b) eligible to receive given provisions governing payment rates, obligations, and other applicable program provisions.

Such contracts shall focus primarily on:

1. Changes in crop rotations and cover crop use designed and integrated to diversify income streams, support on-farm and regional crop-livestock integration, reduce surpluses of certain heavily subsidized commodity crops, and expand acreage devoted to nutritious human food crops, and especially those for which imports account for more than 15% of domestic demand, (2) increase reliance on biological sources of nitrogen, while also enhancing nitrogen use efficiency, and (3) investing in, and accelerating regional shifts in cropping patterns and irrigation technology needed to mitigate and manage water shortages in arid regions, and to shift acreage devoted to biofuel feedstock production to crops meeting human nutritional needs.

A. Base Acre Land Use Changes

Base Acreage Renewal and Profitability (BAR&P) contracts shall be designed to bring about desirable changes in land use encompassing what is grown, crop rotations, soil health, irrigation water use, and the long-term economic sustainability of food production. The goals and criteria governing such changes in land use should include:

1. Crop fields that are irrigated from groundwater in a basin in which the depth to groundwater has receded more than 30% over the past 20 years. The Secretary is directed to take account of estimated total demand for water relative to available supplies in establishing implementation targets at the state, water basin, and national levels.
2. Grazing land or crop fields west of the Rocky Mountains that draw upon surface water for irrigation (e.g., lakes/reservoirs, or springs/streams/rivers).
3. Fields that have experienced crop damage or failures in two or more of the past five years sufficient to trigger payments under crop insurance policies.
4. Damage brought about by extreme weather events, especially in instances where such extreme events have occurred previously and are likely to reoccur.

On commodity program base acres that meet one or more of the above criteria, the USDA should strive to enroll such acreage in BAR&P and regenerative agriculture contracts governing future agricultural uses of the land, the water resources drawn upon for irrigation, and irrigation methods and technology. Such contracts shall:

1. Prohibit, or limit the future use of land to produce animal feed crops. Impacted crops would include alfalfa and other forage feeds, permanent pasture, corn grain and silage, and other feed grains.
2. Allow the production of human food and high-value horticultural crops (excluding turf) on enrolled acres.

3. Bring about a permanent and enforceable 40% or greater reduction in irrigation water allocations per acre, based on current state and/or federal water rights and/or current irrigation water use. Water-use adjustment payments shall be based on the percentage reduction in future water use, local water market dynamics, and may be delivered over up to a five-year contract period as part of a BAR&P contract.
4. Provide farmers and land managers entering into such contracts access to a 70%, one-time cost-share payment through BAR&P, EQIP, or other USDA programs, for installation of high-efficiency drip irrigation systems, or other irrigation systems and methods, able to achieve realistically attainable irrigation water-use efficiency goals.

Base Acre Renewal and Profitability Contract Provisions and Requirements

Producers managing base acres in commodity programs may enter into BAR&P contracts with the USDA lasting 3 to 10 years. The terms of such contracts shall include:

1. Plant at least 20% of current base acres each year to a soil-building cover crop or crops, or a grass or legume forage crop, and all base acres within 5 continuous contract years.¹ Acres planted to a soil-building cover crop, or forage production, may not also grow a grain or row crop harvested in the same year. A grain cover crop planted in the fall may be harvested the coming spring if otherwise allowed by the provisions in the operation's BAR&P contract, as well as any applicable requirements in any existing NRCS or USDA conservation or regenerative agriculture contracts.
2. In any given program year, farmers may plant greater than 20% of commodity program base acres in cover and forage-based crops without sacrificing annual payments and without reductions in future base acre allotments.
3. Farmers shall manage cover or forage crops in ways that assure weed suppression benefits, improved water quality, and soil health benefits, and in compliance with local requirements and guidelines issued in accord with USDA requirements.
4. Farmers may graze or harvest cover and soil-building forage crops, unless prohibited by the Secretary.
5. Provisions prohibiting or reducing the acreage and irrigation water devoted to the production of animal feedstuffs in arid regions west of the Rocky Mountains.
6. Producers with land currently enrolled in the CRP may propose that some or all such CRP acres be included in BAR&P contracts, and annual payments for such acres can be provided via BAR&P payment provisions if mutually agreed upon by the producer and secretary..

Farmers who fail to adhere to contractual obligations calling for the planting of soil building cover or forage crop, or the management of soil building crops, shall be penalized in an amount no less than 10%, and up to 50% of the next scheduled payment via the BAR&P contract.

¹ This proposal encompasses some of the features of a 50,000 acre pilot project called for in the 2017 Soil Health and Income Protection Program (SHIPP) advanced by Senator John Thune. See Appendix A for details on SHIPP.

The Secretary is directed to accommodate farmer requests to alter base acre allotments and payment provisions in ways that will enhance the pace of progress in: (1) restoring farm profitability from market receipts, (2) reducing per bushel or hundredweight production costs, (3) meeting competing water needs, (4) promoting water quality, and (5) enhancing soil health.

The Secretary is further directed to assure that crop insurance rates, and levels of coverage for producers enrolling in BAR&P contracts, are adjusted taking into account: (1) the risk-reduction impacts of diversified crop rotations, and investments by producers in conservation and regenerative practices, and (2) the crop yield and pest control benefits arising from diversified crop rotations.

B. Base Acre Payment Rates, Source of Funds, and Payment Limitations

The Secretary is directed to adjust base acre payment rates, and requirements to qualify for payments tied to base acres, in order to facilitate diversification of rotations, expand acreage devoted to non-commodity program crops, including soil-building crops and forages, assist farmers in generating new income streams, and lower the annual and long-term costs of commodity program and crop insurance payments.

1. Producers Not Enrolling in BAR&P Contracts

Payment provisions and requirements applicable to farmers who enroll in Base Acre Renewal and Profitability contracts will differ from those applicable to farmers who continue to participate in commodity programs under existing policies.

In each of the next five years (e.g. 2026-2030), target and reference prices for corn, soybeans, cotton, peanuts, rice, and wheat shall be reduced annually by at least 4%, for a total five-year reduction of not less than 20%.

Target and reference prices applicable to other commodity crops shall also be adjusted annually by the Secretary in light of market demand and prices, and the relationship between production costs per unit in the U.S. compared to production costs in countries currently accounting for significant exports to the U.S.

In no event shall an annual reduction in reference price exceed 10%. Increases may exceed 10% when the Secretary determines such an increase is required to sufficiently expand U.S. production and meet goals for reducing dependence on imports.

The table below presents target price and cost of production data on major commodity crops for 2025 and 2019, as compiled by the farmdoc team.

Target Price or Statutory Reference Price per Unit of Production for Major Commodity Crops in 2025 Under Current Law						
	2025			2019		
	Cost per Unit of Production	Target Price	Target Price % Economic Cost	Cost per Unit of Production	Target Price	Target Price % Economic Cost
Major Row Crops						
Corn (bu.)	\$ 4.79	\$ 4.10	86%	\$ 4.02	\$ 3.70	92%
Soybeans (bu.)	\$ 12.02	\$ 10.00	83%	\$ 10.16	\$ 8.40	82%
Cotton/Seed Cotton (lb.)	\$ 0.42	\$ 0.42	101%	\$ 0.36	\$ 0.367	103%
Peanuts (lb.)	\$ 0.30	\$ 0.315	105%	\$ 0.25	\$ 0.268	108%
Grain Crops						
Wheat (bu.)	\$ 7.72	\$ 6.35	82%	\$ 6.81	\$ 5.50	80%
Long Grain Rice (lb.)	\$ 0.15	\$ 0.017	112%	\$ 0.13	\$ 0.14	112%
Oats (bu.)	\$ 7.69	\$ 2.65	35%	\$ 6.36	\$ 2.40	38%
Barley (bu.)	\$ 6.10	\$ 5.45	89%	\$ 5.12	\$ 4.95	97%
Sorghum (bu.)	\$ 6.41	\$ 4.40	68%	\$ 5.15	\$ 3.95	77%

Source: FarmDocDaily, July 30, 2025

In addition to the above changes in reference prices and the use of base acres for farmers not entering into BAR&P contracts, the Secretary shall also adjust farm and field specific yield levels used in computing program payments, and crop insurance coverage and payouts in the event of qualifying losses.

During the next three crop years (2027-2029; adjust as needed), the Secretary shall incrementally reduce base-acre yield levels that trigger program payments by no more than 10% annually, to a maximum reduction of 30% from the level currently on record.

While the reductions in payment rates per unit of production and yields will reduce payments to producers, other program provisions will reduce surpluses and result in prices higher than they otherwise would be for major commodities. In making annual adjustments in payment rates and program provisions, the Secretary is directed to take account of the pace of progress in achieving the core goals of the FEVER Act, and adjust payment rates, yields, and other provisions in ways that assure steady progress in achieving all stated goals.

2. Producers Enrolling in BAR&P Contracts

Producers is in full compliance with the provisions in their BAR&P contract, as well as any other contracts with the USDA, shall receive a fixed payment per acre of qualifying base over the life of the contract. The payment rate for a given field or farm shall be derived from the average of commodity program payments per acre in the preceding three years.

In the event a producer fails to comply with one or more provisions in applicable BAR&P, regenerative agricultural, or water use contracts, the Secretary shall specify, and when warranted, impose penalties. The Secretary may reduce future per acre payments by a given percentage, terminate ongoing BAR&P contracts, and in the cases of egregious violations of contract provisions, reduce the number of acres eligible in the future for enrollment in commodity programs. Penalties shall be set at levels that collectively are sufficient to assure a high rate of compliance with contract provisions.

C. Funding and Payment Limitations

Funds to cover the costs of BAR&P contract payments shall be drawn from the Commodity Credit Corporation (CCC).

Provisions in the OBBB, and earlier farm bills, have opened significant loopholes that make it possible for large, multi-owner, multi-entity farm operations to receive maximum allowed payments for commodity crops, notwithstanding current statutory payment limitations. In recent years, according to Agricultural Census data, multiple-entity farm corporations and partnerships operate about 4-times more acres on average, compared to single entity, family farms. Some multi-layer, multi-entity farms now qualify for commodity program payments several-fold greater than the current \$155,000 maximum applicable to single-entity family farms.

The USDA is directed to incrementally impose changes in farm commodity program enrollment rules such that the limit on total annual program payments to multi-entity and layered farm corporations and partnerships shall be no more than twice the limit currently applicable to an individual farm entity (\$155,000). The USDA is directed to strive toward equitable treatment of producers and farm businesses across commodities.

The savings in program expenditures generated by the above changes shall be redirected to the base acre adjustment and buyout programs and utilized to: (1) more closely balance domestic crop production to U.S. market demand, (2) promote diversification of crop rotations, (3) enhance soil health, protect water quality, and enhance irrigation water use efficiency, and (4) restore farm production profit margins per unit of production, thereby enhancing rural economic and community vitality.

For producers entering into BAR&P contracts, payment limitations will be suspended because of the need to assure a high level of enrollment in BAR&P contracts to achieve core FEVER Act goals.

The Secretary is directed to assist new and early-career farmers in gaining access to land, facilities, and essential production inputs using all existing authorities, and BAR&P contracts in the following ways:

1. New and early-career farmers may be granted base acres not currently enrolled in a commodity program, along with early-career innovation payments equal to up to a 30% increase in average base-acre payment rates and/or yield levels. The Secretary shall apply an annual \$100,000 payment limit on qualifying new and early-career innovation payments.
2. Early-career producers managing certified organic acreage, and/or acres in transition to organic, shall qualify for innovation payments via BAR&P contracts up to \$150,000.

D. Reducing Reliance on Imports and Promoting Crop Diversity and Soil Health

The Secretary is directed to review and adjust target and reference prices in order to:

- Address historic imbalances in the reference/target price levels for major program crops (corn, soybeans, cotton, wheat, long grain rice, peanuts, oats, barley, sorghum),
- Diversify crop rotations by establishing and/or increasing the target/reference price for certain crops, and
- Reduce reliance on imports.

The statutory target/reference price for oats, sorghum, barley, and other crops designated by the Secretary, shall be increased and/or established by region to a level sufficient to expand production by 2030 [adjust to 4 years post passage] such that imports of each covered commodity account for no more than 10% of total U.S. market demand. Crops grown in the U.S. but exported would not be included in calculation of U.S. market demand.

The Secretary shall incorporate “Emerging and Low-Acreage Crops” into commodity and crop insurance programs in order to achieve the objectives in this Act. An “Emerging and Low-Acreage Crop” is one that meets two or more of the following criteria: (a) accounts for less than 3% of annual harvested crop acreage in the U.S., (b) imports account for 25% or more of current U.S. demand, and (c) is primarily a human food crop that contains a favorable mix of nutrients known to promote human health.

If the USDA determines that US growers are not likely to increase production sufficient to meet at least 90% of domestic demand for “Emerging and Low Acreage Crops”, the Department shall increase reference/target prices, per acre yield levels, and/or make other adjustments in commodity and crop insurance programs in order to make progress toward achieving the 90% self-sufficiency goal. In doing so, the USDA is directed to take into account the need to adjust target/reference prices in accord with international trade agreements, production costs among competitors, and market dynamics. Annual decreases in target/reference prices may not exceed 10%.

E. Expanding Production of Organic Crops to More Fully Meet Demand

The majority of organic corn and soybean animal feeds, and certain human food grains, fruits, and vegetables are now imported into the U.S. In order to promote profitability and economic diversification in rural America, and to meet growing demand for organic fresh and processed foods and animal product, the Secretary shall establish target/reference prices for organically grown corn, soybeans, wheat, oats, barley, sorghum, and other significant human foods and animal feeds.

In addition, the Secretary shall develop and offer Base Acre Renewal and Profitability contracts to farmers currently producing certified organic animal feeds and human food crops. Such contracts shall include the award of base acres eligible for payments, and adjustments in the formula used to establish annual per acre payment rates. All other provisions of BAR&P contracts shall apply. Producers with land that is in the three-year transition to organic production may apply for a BAR&P contract on such acres during the third year of the transition.

Farmers wishing to convert existing commodity program base acres or CRP acres to certified organic management shall be allowed to do so. To encourage growth in certified organic animal feedstuffs, the Secretary shall provide annual incentive payments during the three-year transition to certified organic production. Such transition payments, and the provisions governing continued certification of former commodity base acres, are described in the section discussing “Base Acre Transition and Retirement Program”.

Chapter 2. Crop Insurance and Disaster Payment Programs

A. Altering the Yield Goals Embedded in Crop Insurance Contracts

Over the next five years, the USDA is directed to modify the terms of publicly supported crop insurance programs such that taxpayer subsidies per unit of production decline incrementally at a yield level equal to 120% of the profit maximizing yield.

When setting yield levels expected to maximize profits per unit of production, the USDA is directed to recognize and account for the yield enhancing benefits of three year crop rotations, as well as farming and pest management practices and systems that enhance soil health, alter pest pressure, and/or support lessened reliance on pesticides.

Toward these ends, the USDA shall reduce payment rates the per unit of production for insured crops by at least 5% annually in 2026-2030. For 2031 and beyond, the USDA is directed to adjust crop insurance payment rates as follows:

1. The Secretary is directed to implement changes in crop insurance contract eligibility, public subsidies, and payment rates as needed to achieve the goals of this Act.

2. For farmers purchasing crop insurance contracts, a 10% annual rebate of the farmer cost of crop insurance shall be provided to farmers entering into, and abiding by BAR&P and/or NRCS regenerative agriculture contracts, and/or seeking and retaining certification as organic. Eligible crop rotations shall include at least two years of soil-health building cover crops, and 25% of enrolled cropland in a forage crop, small grain, or other low-acreage rotational crop deemed consistent with the enhancement of soil health and reduction in weed, insect, and plant disease pressure.
3. The public subsidy for a crop insurance contract shall be adjusted downward in the next crop season by 10% when a claim has been filled in any two of the preceding three years. The public subsidy for such contracts leading to payments in two of the last three years shall be reduced by an additional 15% if another claim is filled and paid in the following year, or years. Reductions in producer payment rates up to 10% annually may also be invoked after three years of enrollment for a given fields without a claim.

B. Disaster Payment Programs

The USDA is directed to assure that in any future allocation of federal funding in response to a weather-driven, fire, or other natural disaster impacting farming or ranching operations, two-thirds of the available funds at the county level shall be allocated to eligible applicants, and one-third shall be invested in projects that are designed to reduce the risk of future adverse outcomes. Such investments shall be designed to enhance the ability of communities and local farmers to avoid future losses and/or accelerate recovery efforts.

Chapter 3. Soil and Water Conservation and Promotion of Soil and Environmental Quality

A. Defining and Measuring Soil Health

Most contemporary soil-health driven problems can be traced to farming system management decisions over many years that incrementally changed biological interactions and energy flows on farms in ways that undermined soil health, plant health, and sometimes animal and human health. The Secretary is directed to continue supporting through multiple programs research on practical methods to quantify soil health.

The degree to which soil health has been altered, and the consequences of declining soil health for farmers, the land, and society, depends on the definition and attributes that are regarded as important and representative of “healthy” soils.

For the purposes of this Act, “soil health” is defined as follows:

“Soil health arises from the capacity to supply plants with essential water, nutrients, oxygen for roots and microbes. Soil health depends upon vibrant, diverse soil microbial communities that

prevent spikes in pathogens, insects, weeds, or other biotic stressors. Soil health is optimized to the degree that the soil environment is well adapted to the needs of the crops within a crop-rotation sequence, and without heavy or routine reliance on off-farm, chemical inputs. Healthy soils take in more water more quickly than less healthy soils, and also support more stable and higher average yields. For soil health to be regenerated, soils must be protected from excessive erosion, compaction, and chemical imbalances.”

Incrementally healthier soils deliver progressively greater economic and environmental dividends for farmers, rural communities, and society at large.

1. Need for Improved Indicators

The “quality” of a soil health indicator is a function of the degree to which it generates replicable and reliable data that reflects, or sheds light on, a foundational aspect of farming system performance and outcomes. Soil health is difficult to define and measure via the physical and chemical properties of soil. This is because so many dynamic and interactive factors influence soil physical and chemical properties in actively farmed fields. Many factors are weather driven and beyond the control of producers, while a myriad of management decisions and input choices can combine with seasonal differences in the weather in ways that alter soil physical and chemical properties in the short-run.

Soil with dark color, well aggregated texture, low bulk density, and the ability to absorb and retain water and nutrients is generally described as ‘healthy soil’ capable of supporting high crop yields. In the case of both soil health and human health, most research and private sector investment is focused on treating symptoms caused by declining health rather than the promotion of soil health and avoidance of factors undermining it.

In all programs and policies, the Secretary is directed to focus particular attention and emphasis on two soil-health driven performance attributes:

1. Ability to increase the percentage of annual crop nutrient needs, and especially nitrogen (N), satisfied by biobased nutrients cycling in soil microbial communities and soil organic matter (SOM).
2. The absence in soil of weed seeds, insects, and plant pathogens that can undercut plant health and impose added costs on farmers and society, and especially pest phenotypes that have become resistant to control measures and pesticides commonly deployed against them.

For these reasons, the Secretary is encouraged to promote the use of indicators of soil health that can be measured by farming system performance indicators and reliance on off-farm inputs.

[More to come]

Chapter 4. Promoting Competition

A. Taking Stock of Relative Profitability and Economic Sustainability

The USDA is directed to produce annual reports that contains a regional and national analysis of market price levels, and changes from the previous year and five-years prior, for:

- (1) major agricultural crops and livestock products sold by primary producers,
- (2) widely purchased agricultural inputs that are deemed by the USDA as representative of the most widely sold seed, breeding stock, fertilizer, pesticide, feed, labor, and machinery inputs purchased by farmers and ranchers. Such prices shall include, to the full extent possible, the monetized value of any volume discounts, loyalty payments, rebates, or other material benefits stemming from the terms under which a given input has been purchased, and
- (3) an analysis, and explanation to the extent possible, of the factors contributing to changes in market prices for crops, farm products, and inputs that exceed 10% compared to the same time period in the previous year, or changes in excess of 20% compared to prices five-years earlier.

Such reports shall include tables with pricing data by major sector of crops and animal products, as well as by individual companies purchasing and processing farm and ranch products. Such tables shall include all purchased farm inputs, and data on companies that account for 5% of more of total sales in any given sector. The tables shall include, by company, changes from the previous report in the company's stock price, market value, gross sales, and net profits. Such data shall be reported, to the extent possible, by major agricultural input sector.

The USDA shall also summarize, to the extent possible, changes in the balance sheets, net worth, indebtedness, and per acre profit margins of agricultural producers by crop and livestock enterprise.

B. Moratorium on Mergers and Acquisitions Until the FTC Confirms the Absence of Anti-competitive Activities and Market Dynamics

With limited exceptions for mergers or acquisitions valued at less than \$100 million, a moratorium should be placed on agricultural sector mergers and acquisitions. The FTC may grant exemptions from this provision following notice and comment in cases involving: (1) an industry and market segment in which the top four companies by market share control 20% or less of the market, (2) national security considerations, and (3) the creation of a new company with unique and/or necessary capabilities to mitigate disruptions in supply chains deemed critical to U.S. agricultural producers and/or national security.

The FTC is directed to intensify ongoing investigations into the legality of efforts by certain pesticide manufacturers and seed producers to impair access to the market for generic crop protection chemicals and seeds.

The FTC shall produce a report to Congress within 180 days that summarizes the findings of recent and ongoing investigations of possibly anti-competitive practices. Such schemes can be created and perpetuated via rebates, incentive payments, and contractual provisions between companies selling production inputs to farmers and ranchers, as well as among companies purchasing and processing agricultural commodities. In its report, the FTC is directed to identify companies, and the practices they deploy, that are or have potential to create unlawful hurdles for other companies seeking access to markets to sell generic products.

Within 180 days of passage, the USDA, working in collaboration with the FTC and other government agencies, is directed to present an analysis to the Congress of the current level of concentration in all agricultural input, handling, processing, and distribution sectors or markets. The report shall identify sectors in which concentration has reached a point at which competitive forces are no longer promoting innovation and price competition.

Chapter 5. Policy Reforms and Strategic Investments in Sustainable Animal Production Systems

Achieving the soil health, environmental, and economic resiliency goals of this Act will require incremental changes in animal production systems that provide for: (a) the integration of crop-livestock systems to promote soil health and enhance water quality, (b) transition from predominately corn and soybean based livestock feeds to those containing more forage to improve animal health and the nutritional quality of animal products, and (c) reductions in the number of animal units per acre in areas where it has become costly and technically difficult to manage manure in accord with agronomic and environmental best practices.

Drawing on Agricultural Census and other data, the Secretary is directed to issue within 180 days a county-level inventory of animal units on farm and ranch operations, the number of cultivated crop acres in the county, and the number of animal units per cropland acre in each county.

Based on this inventory, the Secretary shall designate counties with greater than X animal units per acre as eligible for Livestock Production System Transition (LPST) contracts. The purpose of such contracts shall be to: (a) support producer investments in animal management and husbandry infrastructure and innovation, (b) help finance changes in crop and animal production systems, and (c) defer some of the producer cost of investments in forage production, harvest, and storage consistent with attainment of the goals of this Act.

To the full extent possible, the Secretary shall integrate the provisions, terms, and system changes supported via LPST contracts with the terms, conditions, and investments provided for through other USDA contracts and program enrollment agreements with the same producer. Such coordination and integration shall encompass programs and payments intended to support regenerative agriculture, comply with commodity program provisions, and manage and/or recover from unforeseen risks.

The duration of LPST contracts shall take into account the time required for a farm or ranch operation to cost-effectively invest in needed, new infrastructure, and phase out existing infrastructure that will not be needed as the transition progresses. Such contracts may cover three to 10 years, and shall be subject to interim assessments to quantify progress and determine the need to adjust payment rates based on progress achieved relative to LPST contract goals.

Each LPST contract shall include sections that: (a) specify agreed-upon metrics that will be used to track progress toward achieving performance-based goals set forth in contracts, (b) the methods that the producer and USDA will rely upon in establishing baseline values for performance metrics, as well as system changes sought via the provisions and payments called for in the contracts, and (c) the data that must be generated and provided to the USDA to track impacts as contract provisions are implemented and/or completed.

In setting payment rates, and making any performance-based adjustments in payment rates, the Secretary shall take into account measurable progress relative to stated goals. Operations that exceed stated goals in contracts shall be eligible for additional or enhanced payments, and those that do not make sufficient progress toward agreed upon goals shall be penalized via reductions in future payment rates and/or loss of eligibility for certain USDA program payments.

A. Goals and Metrics for Tracking Progress

Animal unit equivalents across livestock species shall be defined and set by the Secretary following accepted methods and data sources, and may be adjusted by the Secretary following a process that allows for public input.

The Secretary shall specify by region the maximum number of animal units per acre on a farm or ranch operation that can be raised consistent with agronomic and environmental best practices for the management of manure and promotion of animal health. Such Animal Unit Caps (AUCs) shall establish the minimum number of acres a farm or ranch must have access to for purpose of applying manure.

The following metrics shall be utilized in establishing baselines, setting goals for changes in system performance, and measuring progress for a farm or ranch entity that enters into a LPST contracts.

1. Availability of sufficient land to apply manure at an agronomically and environmentally “best practice” rate.

To set baselines and track progress, producers must provide data sufficient to calculate the animal units managed, the acres of cultivated cropland owned or rented that are accessible to, and used by, the producer for application of manure. Information provided by producers shall also include the crops grown on such cropland, amount of manure applied per acre, the nutrient composition of the manure, and the amounts of fertilizer or other sources of essential plant nutrients applied to, or generated on, cropland treated with manure.

The goals included in LPST contracts shall include, when and as necessary, milestones in reducing animal units per acre from the current level on an operation to, or below, the applicable Animal Unit Cap (AUC). When required, such reductions shall be: (a) consistent with the goals of this Act, and (b) realistically attainable by the producer in light of the terms of a LPST contract, and any other conservation, commodity, or crop insurance programs the producer is eligible for.

Prior to approval of a LPST contract, the Secretary shall assure that the contract provisions, if fully implemented, will result in incremental changes in animal units per acre from baseline levels to the AUC consistent with agronomic and environmental best practices. Incremental, annual progress on most farms must be sufficient to balance the number of animal units per acre with AUCs within five years, and in no case, more than 10 years.

2. Promoting forage-based rations and grazing systems to enhance soil and animal health, lower production costs, and assist producers in diversifying rotations.

To set baselines, goals, and track progress in enhancing reliance on forage-based feeds, livestock producers must include in their LPST applications data sufficient to calculate the percent of animal feed intake in a typical year from corn and soybean based feeds (including silage), small grains, harvested grass and legume forages, grazing, and any other feedstuff accounting for 3% or more of annual feed intake on a dry weight basis. In addition, the percentage of each category of feed produced on the farm, or by the farm enterprise, versus purchased from off the farm, shall also be reported.

The goal within LPST contracts shall generally be to increase feed intake from grazing and forage-based feeds to at least 50% of total feed intake per animal unit raised on a farm, or ranch (dry weight basis). This minimum forage-based feed threshold shall apply at all stages of production. The Secretary may alter the percentage up or down in specific circumstances or stages of production for selected animal species based on the degree to which forage-based feeds are available and known to support profitable levels of production and animal welfare.

Contracts shall allow for payment-rate adjustments based on two factors: (a) the annual percentage change in reliance on grazing and forage-based feeds, and (b) progress from baseline toward 100% forage and grass-fed livestock production.

In a case of an operation that has already adopted systems reliant on 50% or more of total feedstuffs from forage-based feeds and grazing, such producers shall be eligible for payments similar to those provided to operations that meet goals toward achieving the minimum 50% threshold. Such payments are warranted to avoid penalizing early adopters of forage-based systems who will, as a result of LPST contracts, face heightened competition in fulfilling consumer demand for grass-based livestock products. For producers already meeting the 50% threshold, such payments shall be made for no less than three years nor more than 10.

In setting payment rates, and terms and conditions triggering payment-rate adjustments, the Secretary shall take into account whether the pace of progress is sufficient for 80% of the animal units in the U.S. to receive at least 50% of total feed intake from forage-based feeds and grazing by 2030. If the Secretary determines that progress must be accelerated to meet the 2030 goal, the Secretary is directed to adjust payment rates as needed to meet the 2030 goal.

In addition, the Secretary shall present to the Congress an annual report summarizing progress in attainment of the 50% threshold goal for grazing and forage-based feeds by 2030. The report shall explain any constraints that have arising that may delay attainment of the goal, and recommend steps to accelerate progress. Such recommendations may include adjustments in payment rates, eligibility requirements, regulatory interventions, or other such factors the Secretary deems relevant for Congressional consideration.

3. Monitoring and mitigating movement of nitrogen from livestock operations.

Reducing the movement of nitrogen from all farm operations is a critical national need and goal. Hence, all livestock operations entering into a LPST contract shall reach agreement with the USDA on a practical method to monitor and mitigate nitrogen losses.

As deemed reasonable and appropriate, and as a component of LPST contracts, the Secretary and producer shall agree upon an end-of-contract, whole-farm nitrogen use efficiency (NUE) target goal in crop production of between 70% and 85% [right #s ??].

The total supply of nitrogen on crop fields shall be estimated taking into account all nitrogen sources generated within, or brought onto the farm or ranch. NUE shall be approximated by adding together the nitrogen taken up by growing crops, pasture, or cover crops, plus nitrogen cycling through and/or immobilized in the soil, and then expressing this amount as a percentage of total nitrogen available in the farming system.

In addition, the producer and Secretary shall draw upon available information from the producer, NRCS, Farm Service Agency staff, land-grant university specialists, and certified crop advisors to identify the primary routes through which available nitrogen moves off the farm and into surface or groundwater resources.

For up to two such routes, LPST contracts shall identify a practical monitoring method deemed sufficient to establish baseline levels of N losses, and to monitor changes in nitrogen losses relative to contract goals and milestones. The payment rates incorporated in LPST contracts shall include at least 50% cost-share funding to cover the costs of collecting and testing samples required by an operation's monitoring plan.

B. Diversifying Market Opportunities for Primary Producers

The USDA is directed to identify and pursue changes in policy, tax, and investment priorities in order to diversify the channels through which animal products can move from primary producers to consumers.

The Secretary is directed to focus such efforts on those regions where current producers lack access to three or more independent processing or slaughter facilities within a 500-mile radius.

Chapter 6. Enhancing the Nutritional Quality and Safety of the U.S. Food Supply

Public awareness is growing of the impacts of food nutritional quality and safety on life-long health trajectories. Treating chronic disease in the U.S. accounts for some 90% of over \$4 trillion in annual health care costs. The declining nutritional quality of processed food, and unhealthy dietary choices, contribute to all but one of the most significant drivers of chronic disease. Food-related public health problems are worsening across all age groups, with trends in children raising acute concerns.

Poor nutritional quality, too many calories, and inadequate intakes of several health-promoting minerals, vitamins, and phytonutrients are driving trends in overweight and obesity, metabolic syndrome, reproductive problems, and chronic disease. The Institute for Health Metrics and Evaluation reported that in 2021 seven of the top 10 factors driving mortality globally are food and diet related. In 1990, 10% of females in the US were overweight or obese, rising to 28.8% in 2021, and is projected to reach 38% in 2050. Among males in 1991 and 2021, 8.8% and 22.7% were overweight or obese.

A consensus has emerged among scientists that worrisome public health trends will not stabilize until the nutritional quality of the American diet is markedly improved. Experts report that essential steps include:

- Reducing intakes of foods that deliver significant calories and relatively few nutrients, and especially ultra-processed foods (UPFs) that can erode health in a myriad of ways,
- Increase intakes of fresh and lightly processed or cooked whole fresh fruit, vegetables, nuts, grains, and healthy fish and animal products, and
- Cut caloric intake to match daily needs, thereby avoiding persistent weight gain.

The USDA has reported that Americans are overfed and undernourished. Overfed in the sense of excessive caloric intake. Undernourished since daily intakes of a few to over a half-dozen essential nutrients are inadequate across much of the U.S. population. Adolescents consume inadequate levels of vitamin D and magnesium, as well as calcium, choline, and iron in certain populations. Inadequate intakes of essential nutrients during pregnancy are associated with abnormal fetal growth, and can predispose an infant to adult-onset chronic disease. Over one-third of pregnant women have inadequate intakes of multiple, essential vitamins and minerals. Even among pregnant women who take a supplement, some 80% still consumed inadequate iron, and 99% of women reported excessive salt intake.

There is a growing consensus that the U.S. health care system is focused on helping people deal with, or “manage” chronic health conditions. Regrettably, chronic diseases typically worsen over decades and trigger mounting collateral damage for individuals, families, communities, and the nation.

In order to systematically enhance the safety and nutritional quality of the food supply, significant changes will be required in laws, regulations, research, and public investments in health promotion versus treatments for chronic diseases.

A. Definitions and Metrics to Track Changes in Food Nutritional Quality

Multiple factors interact in complex ways to determine a given individual’s health at each stage of life. Food quality and safety, and dietary choices and patterns, are among them

To optimally promote positive public-health outcomes, the “nutritional quality” of a serving of food must be defined and quantified based on the degree to which ingestion will likely improve or impair individual and public health outcomes. Currently, the nutrition labeling content on food products is focused primarily on a food product’s macronutrients: calories, fat, cholesterol, carbohydrates, sugar, fiber, protein, and salt. While useful, a more comprehensive accounting of the factors linking food choices to health outcomes is needed.

An accelerated effort led by the USDA and FDA to define healthy food, and develop methods to quantify food nutritional quality through the lens of public health outcomes, is essential.

[More to come]

B. Expanding Fruit, Vegetable, and Nut Production to Meet Dietary Guidelines and Promote Positive Health Outcomes

In order to more closely align dietary patterns in the US with the *Dietary Guidelines for Americans*, fresh, whole and lightly processed fruit, vegetables, and nut consumption must at least double compared to average intakes over the previous five years. Currently, nearly 50% of

total fruit, vegetable, and nut intake depends on imports. A portion of such imports occur during months of the year when weather conditions in the U.S. constrain economically viable production of fresh produce.

In order to work toward the doubling of average daily intakes of health-promoting, nutrient dense foods, while lessening overall reliance on imports, the USDA is directed to:

- (1) Issue an annual report that identifies foods and crops that qualify for inclusion in programs and policies designed to enhance the nutritional quality of the U.S. food supply (hereafter, "Nutrient Dense Crops", or N⁺Crops). Such reports shall include data on: (a) the number of acres produced of each N⁺Crop currently grown by state and nationally, (b) the average yield of such crops by crop and state, and (c) an estimate of the acreage needed over the next five years to meet current and projected market demand, and achieve the goal of at least doubling intake of N⁺Crops.
- (2) In setting such targets for expanded production of N⁺Crops, and tracking progress toward the goal, the USDA shall strive to reduce reliance on imports of perishable, fresh produce, taking into account the seasonal changes and geographic factors impacting where fresh, perishable produce can be grown cost-effectively to meet the needs of U.S. consumers.
- (3) In negotiating contracts involving changes in cropping patterns in regions where irrigation water supplies need to be conserved, the USDA shall strive toward assuring ample acres are available to meet U.S. demand for N⁺Crops, while meeting other public-health driven priorities for improving the safety and nutritional quality of the U.S. food supply.
- (4) In allocating funds appropriated to achieve soil and water conservation, environmental quality goals, and the transformation of animal production systems, the USDA shall prioritize investments in irrigation water conservation, irrigation water-use efficiency, and irrigation water quality as an integral component of the Department's efforts to alter future cropping patterns and water use to better meet public health goals.
- (5) The Secretary is directed to take into account the food safety implications and challenges that can arise when perishable, fresh produce crops are grown in close proximity to intensive livestock feeding operations or dairy farms. In some such instance, the need to reliably and cost-effectively produce safe food may be a more important goal than integration of crop and livestock production systems.
- (6) Increase investments in infrastructure required to cost-effectively process, store, and transport fresh and processed fruit, vegetable, and nut crops.
- (7) Expand USDA testing of imported fresh foods for possible adulteration and food safety risks.
- (8) Support university research focused on identifying and analyzing the impacts of differences between U.S. and trading partner food safety programs and protocols, pesticide use and residues in food, and food safety risk levels, with priority directed toward those foods for which imports account for more than 10% of U.S. domestic demand.
- (9) Require the USDA's National Organic Program (NOP) to implement pre-shipment testing programs sufficient to identify and eliminate imports of food and feed grains, animal

products, and other raw agricultural commodities that contain prohibited substances and/or food safety risks that are not compliant with the National Organic Program rule and U.S. food safety laws and regulations.

C. Food Safety and Regulatory Reforms

Create a Unified, Federal Food Safety Agency (e.g. Federal Food Administration Act (DeLauro, Durbin) (see appendix B for detailed discussion from *Food Safety News*).

[More to come]

Chapter 7. Food and Agricultural Trade

Exports and imports of agricultural products, food ingredients, and ready-for-sale food and beverage products have, and will continue to play a significant role in the U.S. and global food supplies. The U.S. has a competitive advantage compared to many countries in the production of several fruits, vegetables, and nuts, and processed foods and beverages. Other countries are now able to grow and ship undifferentiated commodity crops and animal feeds at prices lower than such products can be profitably produced and shipped from the U.S.

A number of factors impact the flow of farm commodities in international channels of trade. Annual imports and exports to and from the U.S., and into and out of all other countries, have significant impacts on national economic well-being, the health and well-being of the farm sector and rural communities, food security, public health, geopolitical alliances, national security, international relationships, and governance of global challenges.

In implementing the reforms to agricultural and food programs and policies in this Act, the Secretary is encouraged to support, and when possible, increase U.S. exports when doing so will: (a) not substantially reduce the supply of nutritious human foodstuffs in the U.S., thereby increasing prices in the U.S., and in some cases, reliance on imports, and (b) the price received for agricultural products exported from the U.S. covers the full costs of production, handling, and transport of such crops.

It is understood that agricultural commodity and input markets are global in nature, and that the U.S. is a signatory to, and bound by, international agreements and treaties governing food and agricultural trade. Bilateral interactions, agreements, and policy reforms adopted by governments impact global supply, demand, and movement of major farm commodities, and hence as well, the price at which U.S.-grown food can and will move into and through international market channels.

The primary problem currently facing American row-crop farmers is a lack of international demand for raw agricultural commodities at market prices that will support an acceptable level of net return for U.S. farmers, ranchers, and food businesses. This problem arises from high and steadily rising production costs in the U.S., coupled with the increasing ability of farmers, ranchers, and food businesses around the world to grow, ship, and sell food and farm commodities at prices that U.S. farmers, ranchers, and food businesses cannot match without significant loss of equity and/or government subsidies.

The long-term solution to this problem is to make U.S. farmers, ranchers, and food companies more competitive in global markets via cutting costs to the extent possible, coupled with steps to reduce surpluses that place downward pressure on prices. Toward this end for crops and food products that can be grown in the U.S. at sufficient scale to meet domestic demand, the USDA is directed to take steps designed to:

- (1) Diversify crop rotations in ways that increase the supply, and lower the cost of production of crops, with focus on crops and foods for which the U.S. imports 10% or more of the annual supply needed to meet market demand across the U.S. food system.

The USDA is further directed to support expanded acreage of such crops through:

- Alternations in the use of current base acre allotments and commodity program payments.
- Policy reforms that strive to diversify crop rotations and/or foster transitions to less water intensive crops in irrigated areas where the USDA, in partnership with states, is working to phase out low-value, water-intensive crops.

Chapter 8. Enhancing the Contribution of Biofuels in Meeting National Needs

Accessible sources of energy supporting transportation and the generation of electricity are changing rapidly in response to new technologies and changes in relative production costs. The diversity of possible energy sources is expanding, as is the importance of making sound energy-sector investment decisions in both the public and private sectors.

In many ways, federal and state laws and government agencies impact the competitiveness of different sources of energy, and where and how energy is produced, stored and transported. Energy policy has significant economic, environmental, public health, and national security impacts and implications. Policy choices will increasingly influence both individual and family well-being, the health of the U.S. economy, and public trust and confidence in the capacity of government, and democratic governance.

Changes in laws and policy impacting the energy sector are both needed and likely. Such changes will over time have profound direct and secondary impacts on other sectors, including

agriculture, health care, and national security. More and better information is needed to support efforts to work through such impacts and changes in ways that advance public welfare, the economic health of the nation, and national security.

The goals of this Act are to:

1. Assure energy needs are met reliably and cost-effectively in the U.S. and with minimal adverse impacts on the environment and public health.
2. Conduct an inventory of all public policies at the federal and state level impacting energy generation, storage, transport, and distribution, including the cost and collective magnitude of tax incentives, subsidies, and other direct and indirect taxpayer-funded payments supporting different forms of energy and/or how energy is used, stored, transported, and accessed. The results of such an inventory shall be expressed by source of energy using a common metric appropriate for comparing the costs of different sources of energy.
3. Foster progress toward equitable treatment of different sources of energy in terms of the magnitude of tax-payer investments, and the presence or lack of regulations impacting energy generation, storage, transport, distribution, as well as impacts on the environment and public health.
4. Incrementally reduce the dependence of the energy sector on tax-payer funded subsidies and other policies that impact the relative cost per unit of energy supplied to meet a specific need.

A. National Energy Use Inventory

Within 12 months of passage of this Act, the Secretary of Energy shall, in cooperation with other federal agencies, compile and share with the public an inventory of energy generation by source, where such energy is produced or secured from, and where and how it is used. Such information shall provide, to the extent possible, a comprehensive overview of energy sources and uses in the U.S.

Such a report shall be updated annually to guide energy sector investment decisions and support deliberations on possible changes in laws and policy. Data shall be presented by region, along with national averages, and include comparative cost information per unit of energy that will support equitable comparisons of costs and returns to investments across sources of energy, and as a result of possible changes in laws and policy.

Each report shall rank energy sources in accord with total state and federal subsidies and supports, from greatest to least support per unit of energy. Such data is critically needed to support assessment of imbalances, if any, in levels of public support for different sources of energy. In addition, the report shall address the challenges and heightened costs required to meet episodic peak-energy demands during certain parts of the year and across regions, and options to lower the costs entailed in meeting such demands.

B. Sustainable Production of Biofuels

The production of biofuels from corn, soybeans, and other agronomic crops currently accounts for approximately 20% of the nation's cultivated cropland (60 million out of 310 million acres; adjust #s as needed). Biofuel production is supported by multiple state and federal tax incentives and subsidies, some direct and easily monetized per unit of energy, while others are indirect and more difficult to monetize (e.g., commodity program support payments, crop insurance subsidies, and policies supporting over-production of corn and soybeans relative to U.S. and export market demand).

In light of changes in policy and national needs, the production of biofuel feedstocks in the U.S. is likely to incrementally decline as cropland is shifted to foods consumed directly by consumers that are needed to promote public health and well-being, and as livestock operations shift from corn and soybean based feeds to more forage-based feeds.

Key farm and food policy goals include assuring farmers receive income per unit of production from the market sufficient to sustain profitable farm operations using production systems that promote soil and animal health, and avoid adverse impacts on the environment. Such production systems are likely to result in higher costs per unit of production, and hence will be sustainable only if, and as market prices adjust upward in response to lessened supply.

In light of expected, incremental increases in the cost per bushel of biofuel feedstocks, the costs of producing biofuels will also rise in the absence of additional public subsidies. Given medium- and longer-term projections of the costs per unit of liquid fuel energy compared to electricity, demand for biofuels is expected to decline from contemporary levels in the U.S.

Hence, the goals of this Act include fostering investment in the gradual transformation of biofuel production facilities to other, more profitable uses. In particular, demand for dried forage-based feeds will increase markedly as farmers shift from corn-soybean-cotton production systems to the more diversified crop rotations needed to promote soil health, enhance water quality, and increase the resiliency of both individual farms and ranches, and rural communities.

Changes in the scale and product mix within the biofuel industry are needed to more closely align the industry to projected market needs and costs per unit of energy. In addition, the industry will likely receive incrementally lower levels of public subsidies. As a result, the industry will need to shift production capacity to those uses and markets that will support ongoing operations consistent with all state and federal regulations and policy goals (e.g., impacts on the environment and jobs, assuring reliable and affordable sources of energy).

Appendix A. Provisions in the 2017 Soil Health and Income Protection Program (SHIPP)

[Google summary] Senator John Thune introduced the Soil Health and Income Protection Program (SHIPP) as a voluntary, short-term conservation program for farmers. Unlike the longer-term Conservation Reserve Program (CRP), SHIPP offered three- to five-year contracts. The initial program was implemented as a pilot in six Prairie Pothole Region states: South Dakota, North Dakota, Montana, Nebraska, Iowa, and Minnesota.

Key Provisions

Under the SHIPP, the following new initiatives and changes would be incorporated in existing farm programs:

- **Rental rates:** Participants received annual payments based on the county's average CRP rental rate. Improvements were later made to boost rental rates by basing them on 50% of the county average for every offer, regardless of soil productivity.
- **Eligible acres:** The program was designed to encourage farmers to remove their most unprofitable land from annual crop production. For every acre enrolled, one base acre was suspended and returned to the farm after the contract expired.

Land use and farming flexibility:

- Enrolled acres had to be planted with a low-cost perennial conserving cover.
- Unlike traditional CRP, SHIPP allowed for haying or grazing outside the nesting and brood-rearing period, provided that adequate stubble height was maintained.
- Limited harvesting for seed was permitted after the nesting season, though with a 25% reduction in rental payment.

Crop insurance benefits: Participants received a 2% increase in their crop insurance premium discount.

Targeted support: Socially disadvantaged and military veteran enrollees received enhanced benefits, including higher rental rates and no payment reduction for harvesting grass seed.

Important Context

The SHIPP pilot program had a maximum enrollment of 50,000 acres. The 2018 Farm Bill, approved by the Senate, authorized and funded this pilot. Enrollment periods for the program took place in 2021.

Appendix B. About the Federal Food Administration Act

From the Sunday Edition of *Food Safety News*, December 21, 2025.

Today's Topic: Single Food Safety Authority

If you like drama and adventure movies, you already know that heroes often travel in small numbers, five guys or maybe two guys and a girl. When they are federal agents, they might be fighting the bureaucracy in Washington D.C., which is depicted as disorganized and overly political. Movie heroes have to save the day on their own.

When it comes to food safety, duplication, overlap, and fragmentation are the realities in Washington D.C. The movies don't have to make this stuff up. Enforcement authority for 35 different federal food safety laws is spread over more than a dozen agencies.

The nonpartisan Government Accountability Office (GAO) of Congress has been calling for the reorganization of federal food safety since the late 20th century. Then, in 2011, the Comptroller General of the United States, in GAO's first report to Congress in response to a new law, identified federal programs, agencies, offices and initiatives, either within departments or governmentwide, with duplicative goals or activities. The need for a single food safety authority topped the comptroller's list of recommendations.

To address the fragmentation and the inherent problems of such scattered oversight, the GAO suggested several potential alternative organizational structures:

- A single food safety agency, either housed within an existing agency or established as an independent entity, that assumes responsibility for all aspects of food safety at the federal level;
- A single food safety inspection agency that assumes responsibility for food safety inspection activities, but not other activities, organized under an existing department, such as the U.S. Department of Agriculture or the Food and Drug Administration;
- A data collection and risk analysis center for food safety that consolidates data collected from a variety of sources and analyzes it at the national level to support risk-based decision making; or
- A coordination mechanism that provides centralized, executive leadership for the existing organizational structure, led by a central chair whom the president would appoint and have control over resources.

The GAO said that reducing fragmentation in federal food safety oversight is not expected to yield significant cost savings, but said new costs may be avoided by preventing further fragmentation.

Any reorganization to create a single unified food safety authority would involve the USDA's Food Safety and Inspection Service (FSIS) and the FDA but would touch a total of 15 federal

agencies in some way. The FSIS is responsible for the safety of meat, poultry, processed egg products and catfish, while the FDA, housed in the Department of Health and Human Services (HHS) is responsible for virtually all other food.

The structure GAO recommended to Congress to improve food safety in the United States would replace fragmented, inconsistent oversight with a central authority appointed by the president to enhance coordination and reduce duplication.

From its work on other government mergers, GAO said reorganizing federal food safety responsibilities would be a complex process with short-term disruptions and transition costs. “However, reducing fragmentation and overlap could result in several nonfinancial benefits,” it added. Integrating food safety oversight can create synergy and economies of scale and can provide more focused and efficient efforts to protect the nation’s food supply, according to the GAO’s recommendation.

Other countries that reorganized their food safety systems have reportedly experienced additional benefits, such as improved public confidence. Furthermore, industry and consumer stakeholders generally had positive views of the reorganized food safety systems and said that transparency had improved.

GAO’s 2011 call for a single food safety authority remains largely intact in 2025. Improving federal oversight of food safety is on GAO’s “high risk list” for 2025.

“There is also a need for a more comprehensive approach to food safety to address fragmentation among 15 different federal agencies and at least 30 federal laws,” the high-risk report states. “While the United States has one of the safest food supplies in the world, every year millions of people are sickened by foodborne illnesses, tens of thousands are hospitalized, and thousands die. A more proactive, coordinated approach that better leverages modern technology would be in the best interest of Americans and lead to a more efficient government.”

The effort to consolidate federal food safety dates back to 1949. More recently, both the Obama and the first Trump administrations favored reorganization plans. President Obama proposed a single food authority housed within the FDA. President Trump’s Federal Food Safety Agency would have gone to the USDA.

Rep. Rosa DeLauro, D-CT, the ranking member of the House Appropriations Committee and chair of the Congressional Food Safety Caucus, and Sen. Richard Durbin, D-IL, a member of the Senate Appropriations Committee, have kept the hope of a single food safety authority alive by introducing a bill that might one day achieve the goal. They just reintroduced the Federal Food Administration Act (FFA).

The proposed legislation is “a bill to establish the Federal Food Administration to protect the public health by ensuring the safety of food, preventing foodborne illness, maintaining safety

reviews and reassessments of food additives, reducing the prevalence of diet-related chronic diseases, enforcing pesticide residue tolerances, improving the surveillance of foodborne pathogens, and for other purposes.”

At this point, there is no appetite in Congress for the regulatory reform of the food industry. The DeLauro-Durbin bill was assigned to committees of jurisdiction, but it is unlikely to advance in the current session.

The proposed Federal Food Administration Act is creative, however. The Federal Food Administration would be cut out of the FDA, which would become the Federal Drug Administration. A newly created Commissioner of Food would lead the Federal Food Administration.

The new agency would be loaded with former FDA food units, including “the resources and facilities” of the Center for Food Safety and Applied Nutrition, the Office of Regulatory Affairs, the Center for Veterinary Medicine, and the Office of Food Policy and Response.

While there is no mention in the bill of the USDA’s Food Safety and Inspection Service, other offices, services, and agencies could be transferred into the new authority by the president by Executive Order.

The Commissioner of Food would have broad powers under the Act to implement federal power over food. The new FFA would be charged with inspecting high-risk food facilities “not less than once per year.” Intermediate-risk facilities would receive an FFA inspection at least once every two years, while low-risk facilities, including warehouses, would receive an inspection at least once every three years. The proposed law requires infant formula manufacturing facilities to be inspected at least every six months.

Here is what government and regulatory leaders are saying

After they left government service, Mindy Brashears, who served as Undersecretary for Food Safety at USDA from 2019 to 2020, and Frank Yiannas, who served as Deputy Commissioner for Food Policy and Response at the FDA from 2018 to 2022, jointly endorsed the Federal Food Administration.

They committed their support to writing in a guest opinion piece after appearing on a podcast about FDA reforms, where they found themselves in consensus for a single food safety agency. They agreed that a single agency would further strengthen the safety of our food supply and have the greatest impact on public health.

They were not settled on where a new, single food safety agency would be housed – USDA, FDA, HHS, or as a new independent agency – but wrote that it “was apparent that we all believe,

based on our experiences, that the current system is fragmented and, in some cases, duplicative and ineffective.”

“For those who might think this would lead to bigger government, we are not advocating for that at all. We believe, if executed and implemented well, it leads to more effective government by establishing clear roles, responsibilities, and lines of authority; reducing inefficiencies and duplication of efforts by allowing for a more integrated approach to the nation’s work on food safety, and leading to a more data-driven, risk-based approach to inspectional oversight which would be good for consumers and food producers,” Brashears and Yiannas wrote.

The federal government’s former top food safety officials say that no other developed nation operates in such a divided system.

“It’s time for the U.S. to make the hard decision, put aside turf or political differences, and prioritize public health by setting a plan in motion to migrate towards a single food safety agency. Consumers nationwide, taxpayers, and the regulated industry deserve this,” Yiannas and Brashears say.

Brashears has just been confirmed as the USDA Under Secretary for Food Safety, returning to the position she held during President Trump’s first term.

In reintroducing their single-agency bill, Democrats Durbin and DeLauro are advancing the concept. “With the Federal Food Administration Act, we hope our nation will have greater success in protecting the foods in our kids’ lunch boxes and on our dining room tables.” Sen. Durbin said. Rep. DeLauro said: “We need a single food safety agency to ensure the food Americans eat is safe. Currently, food safety oversight is scattered across multiple agencies, with the bulk of the responsibility falling to the Food and Drug Administration, where food safety has often been treated like a second-class citizen. This legislation would put one agency clearly in charge with the singular mission of protecting our food supply with the resources, staff, and focus to achieve that goal.”

Here is what consumer groups are saying

Non-governmental organizations (NGOs) for consumer and environmental causes generally favor a single independent food safety authority. STOP Foodborne Illness, Consumer Reports, Consumer Federation of America (CFA), the Environmental Working Group, and the Center for Foodborne Illness Research and Prevention (CFI) are among the major organizations that’ve endorsed the Durbin-DeLauro legislation.

Our take with Bill Marler's perspective

For more than 100 years, we've organized federal food safety, piece by piece, into the mess it is today. The Food Safety and Inspection Service is part of the USDA. The Food and Drug Administration is housed within the Department of Health and Human Services. And a dozen other federal agencies enforce discrete portions of food safety policy.

But it does not stop there. Congressional committees are organized to mirror the Executive Branch's structure. Then there are the lobbyists. Hundreds of food and agriculture lobbyists are also organized and schooled in the current system. The reorganization of federal food safety would change those relationships, potentially even affecting political donations. In short, people who agree that federal food safety is a mess are still living with that system and may resist change for that simple reason.

In 2002, the European Union established the European Food Safety Authority (EFSA). It's an independent agency with an executive director and a chief scientist. Each EU member state and the European Commission, based in Brussels, is represented on the EFSA Management Board, which has about 75 seats.

From its side of the pond, EFSA often addresses essential issues more quickly than U.S. food safety agencies. For sure, it never has to wait months for the necessary executive appointments to be confirmed.

Both President Obama and President Trump 1.0 called for a single food safety authority. Obama favored housing it in HHS, Trump favored putting it in the USDA. The Durbin-DeLauro bills during the last few congressional sessions keep the dream alive, but that's about all.

As long as we are just dreaming, let's make the single food safety authority an independent agency with a managing director and a chief scientist, both appointed by the president for 10-year terms with Senate confirmation.

Bill's perspective: It has been one of those weeks when my day job – suing companies – has been my focus. This time it was on ByHeart, botulism and infant formula. So, I asked AI what my position on a single food safety agency over the years had been. Pretty damn accurate: Bill Marler, a prominent food safety attorney and advocate, strongly supports the creation of a single federal food safety agency. As of late 2025, he continues to push for this reorganization to address what he describes as a "hopelessly fragmented" and "outdated" regulatory system.

His primary arguments and thoughts on this issue include:

Eliminating Fragmentation: Marler argues that the current "trifurcated" system — split primarily between the FDA, USDA, and CDC — leads to "turf wars" and duplicated efforts. He has stated that "nobody would set up a food safety system the way we have it" today.

Focus on Food Over Drugs: He advocates for an agency with a 100 percent focus on food, removing it from the FDA's purview where he believes food safety is treated like a "second-class citizen" compared to drugs and medical devices.

Support for the Safe Food Act: Marler has frequently endorsed the Safe Food Act -- introduced by Sen. Dick Durbin and Rep. Rosa DeLauro – which proposes consolidating food safety authorities for inspections, enforcement, and research into one body.

Reallocation of Resources: He believes a single agency would allow for a better "reallocation of resources." For example, he has suggested that while the USDA might have too many inspectors in plants, the FDA's inspectors are "too few and too far between".

Political Skepticism: While he calls the idea "excellent on paper," he has expressed skepticism that it will be implemented because of the entrenched "culture of Washington D.C." and the reluctance of agencies to give up their respective budgets and power.

Marler has even jokingly – and sometimes seriously – suggested he would apply to lead such a new agency to ensure it is properly run.

By the numbers

15 – The number of federal agencies that might, in whole or in part, could eventually be consolidated into a single food safety authority. The two largest units are the USDA's Food Safety and Inspection Service and the Department of Health and Human Service's Food and Drug Administration.

65,500,000 – The net increase, in dollars, to the FDA's \$234.6 million FY 2026 budget for the Human Foods Program to address the nation's chronic disease epidemic and restore trust in our food system. FDA funding protects the nation's food supply by removing unsafe additives used in foods, helping schools transition to healthier foods to ensure children are served wholesome food, and strengthening the food safety system to protect American consumers from preventable harm. Program funds are allocated as follows:

Formula, \$14.7 million

Nutrition, \$33.5 million

Food Safety, \$97.8 million

Additives, \$48.9 million

Inspections, \$33.0 million

Laboratory, \$6.8 million

-300 – The net reduction in staff for the FSIS in the FY2026 discretionary budget of \$1.205 billion. Due to "modernization and other efficiencies," agency staff is being reduced from 8,300 to 8,000. Base costs for the agency were down \$24 million. The 2026 FSIS budget includes a pay freeze and promotes efforts to demonstrate cost savings. It will still allow FSIS to conduct statutorily required food safety inspections at approximately 7,100 establishments to protect public health and ensure a safe and abundant American food supply while increasing economic growth in rural America. \$15.2 million is allocated to restore the state inspection program reimbursement rate to 50 percent of the cost for state MPI programs and 60 percent for CIS programs. FSIS will also track and identify the sources of foodborne illness outbreaks caused by contaminants, including pathogens such as *Listeria monocytogenes* in deli meats.

What it means

Sen. Durbin and Rep. DeLauro are two of the most experienced lawmakers in Congress. The fact that they have not been able to get any traction for the Federal Food Administration Act over several years is not encouraging. However, government reorganization is a complex subject that also fails to excite most people. There is also a steady stream of hotter food safety issues, which Durbin and DeLauro are usually working on. The single authority issue is never going to beat out something urgent like infant botulism. And food safety never seems to have a quiet time. An independent food safety authority is possible some day, but it's going to require a degree of normalcy in government operations that may not return in the foreseeable future.