

# CRS Report for Congress

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## Agricultural Disaster Assistance

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### Summary

The U.S. Department of Agriculture (USDA) offers several permanently authorized programs to help farmers recover financially from a natural disaster, including federal crop insurance, the noninsured assistance program, and emergency disaster loans. Since 1988, Congress regularly has made supplemental financial assistance available to farmers and ranchers, primarily in the form of crop disaster payments and emergency livestock assistance. A drought in portions of the Midwest and Hurricanes Katrina and Rita in the Gulf affected 2005 agricultural production in those regions. In response to the 2005 hurricanes, Congress so far has provided about \$1.6 billion in agricultural assistance in two emergency supplemental acts (P.L. 109-148, P.L. 109-234). These funds are primarily for the cleanup and rehabilitation of damaged farmland, watersheds, and private forest land, and for various forms of farm commodity assistance. Separately, USDA also has transferred \$250 million of existing funds for crop, livestock, tree, and aquaculture assistance, exclusively for 2005 hurricane victims. To date, Congress has not authorized any emergency crop or livestock payments for 2005 production losses outside of the Gulf states. However, the Senate-reported version of the FY2006 agriculture appropriations bill (H.R. 5384) contains \$4.0 billion in various forms of farm assistance, including payments for major crop and livestock losses caused by any 2005 disaster. Similar provisions for non-hurricane states were contained in the Senate-passed version of an FY2006 supplemental bill (H.R. 4939), but were deleted in conference because of a threatened Administration veto of the measure. This report will be updated as conditions warrant.

### Ongoing Major USDA Disaster Programs

USDA has at its disposal three major programs designed to help crop producers recover from the financial effects of natural disasters — federal crop insurance, noninsured assistance program (NAP) payments, and emergency disaster loans. All three of these programs have permanent authorization and receive regular annual funding.

## Federal Crop Insurance

The federal crop insurance program is administered by USDA's Risk Management Agency. The program is designed to protect crop producers from unavoidable risks associated with adverse weather, and weather-related plant diseases and insect infestations. A producer who chooses to purchase an insurance policy must do so by an administratively determined deadline date, which varies by crop and usually coincides with the planting season. Crop insurance is available for most major crops.

The federal crop insurance program was instituted in the 1930s and was subject to major legislative reforms in 1980, and again in 1994 and 2000. The Agriculture Risk Protection Act of 2000 (P.L. 106-224) pumped \$8.2 billion in new federal spending over a five-year period into the program primarily through more generous premium subsidies to help make the program more affordable to farmers and enhance farmer participation levels, in an effort to preclude the need for ad-hoc emergency disaster payments. Since 2000, the federal subsidy to the crop insurance program has averaged about \$3.3 billion per year, up from an annual average of \$1.1 billion in the 1990s and about \$500 million in the 1980s. Nearly two-thirds of the current federal spending is used to subsidize producer premiums, and the balance primarily covers the government share of program losses and reimburses participating private insurance companies for their administrative and operating expenses.

Under the current crop insurance program, a producer who grows an insurable crop selects a level of crop yield and price coverage and pays a premium that increases as the levels of yield and price coverage rises. However, all eligible producers can receive catastrophic (CAT) coverage without paying a premium. The premium for this portion of coverage is completely subsidized by the federal government. Under CAT coverage, participating producers can receive a payment equal to 55% of the estimated market price of the commodity, on crop losses in excess of 50% of normal yield, or 50/55 coverage.

Although eligible producers do not have to pay a premium for CAT coverage, they are required to pay upon enrollment a \$100 administrative fee per covered crop for each county where they grow the crop. The fee can be waived by USDA for financial hardship cases. Any producer who opts for CAT coverage has the opportunity to purchase additional insurance coverage from a private crop insurance company. For an additional premium paid by the producer, and partially subsidized by the government, a producer can increase the 50/55 catastrophic coverage to any equivalent level of coverage between 50/100 and 85/100, (i.e., 85 percent of yield and 100 percent of the estimated market price), in increments of 5%.

For many insurable commodities, an eligible producer can purchase revenue insurance. Under such a policy, a farmer potentially can receive an indemnity payment when actual farm revenue falls below the target level of revenue, regardless of whether the shortfall in revenue was caused by poor production or low farm commodity prices. P.L. 106-224 requires USDA to subsidize premiums for revenue insurance coverage at the same rate as traditional crop insurance policies. P.L. 106-224 also required USDA to conduct two or more pilot programs to evaluate the effectiveness of revenue insurance for livestock farmers. New livestock insurance pilot programs were established for 2002 for hog producers and were expanded in subsequent years. (For more information, see the "Federal Crop Insurance" section of CRS Report RL33037, *Previewing a 2007 Farm*

*Bill and CRS Report RL30739, Federal Crop Insurance and the Agriculture Risk Protection Act of 2000 (P.L. 106-224).*

## **Noninsured Assistance Program (NAP)**

Producers who grow a crop that is currently ineligible for crop insurance may be eligible for a direct payment under USDA's noninsured assistance program (NAP). NAP has permanent authority under the Federal Crop Insurance Reform Act of 1994 (P.L. 103-354, as amended), and is administered by USDA's Farm Service Agency. The program's principal clientele are farmers who grow a crop that is ineligible for federal crop insurance. NAP is not subject to annual appropriations. Instead, it receives such sums as are necessary through USDA's Commodity Credit Corporation, which has a line of credit with the U.S. Treasury to fund an array of farm programs.

Eligible crops under NAP include any commercial crops grown for food or fiber that are ineligible for crop insurance, and include mushrooms, floriculture, ornamental nursery, Christmas tree crops, turfgrass sod, aquaculture, and ginseng. Trees grown for wood paper or pulp products are not eligible. To be eligible for a NAP payment, a producer first must apply for coverage under the program by the application closing date, which varies by crop, but is generally about thirty days prior to the final planting date for an annual crop. Like catastrophic crop insurance, NAP applicants must also pay a \$100 per crop service fee at the time of application. In order to receive a NAP payment, a producer must experience at least a 50% crop loss caused by a natural disaster, or be prevented from planting more than 35% of intended crop acreage. For any losses in excess of the minimum loss threshold, a producer can receive 55% of the average market price for the covered commodity. Hence, NAP is similar to catastrophic crop insurance coverage in that it pays 55% of the market price for losses in excess of 50% of normal historic production. A producer of a noninsured crop is subject to a payment limit of \$100,000 per person and is ineligible for a payment if the producer's qualifying gross revenues exceed \$2 million. USDA estimates FY2005 NAP payments of \$247 million.

## **Emergency Disaster Loans**

When a county has been declared a disaster area by either the President or the Secretary of Agriculture, agricultural producers in that county may become eligible for low-interest emergency disaster (EM) loans available through USDA's Farm Service Agency. Producers in counties that are contiguous to a county with a disaster designation also become eligible for an EM loan. EM loan funds may be used to help eligible farmers, ranchers, and aquaculture producers recover from *production* losses (when the producer suffers a significant loss of an annual crop) or from *physical* losses (such as repairing or replacing damaged or destroyed structures or equipment, or for the replanting of permanent crops such as orchards). A qualified applicant can then borrow up to 100% of actual production or physical losses (not to exceed \$500,000) at a below-market interest rate (which is currently 3.75%).

Once a county is declared eligible, an individual producer within the county (or a contiguous county) must also meet the following requirements for an EM loan. A producer must (1) be a family farmer and a citizen or permanent resident of the U.S.; (2) experience a crop loss of more than 30 percent or a physical loss of livestock, livestock

products, real estate or property; and (3) be unable to obtain credit from a commercial lender, but still show the potential to repay the loan. Applications must be received within eight months of the county's disaster designation date. Loans for nonreal estate purposes generally must be repaid within one to seven years; loans for physical losses to real estate have terms up to 20 years. Depending on the repayment ability of the producer and other circumstances, these terms can be extended to 20 years for nonreal estate losses and up to 40 years for real estate losses.

The EM loan program is permanently authorized by Title III of the Consolidated Farm and Rural Development Act (P.L. 87-128), as amended, and is subject to annual appropriations. Traditionally, an appropriation was made for EM loans within the regular agriculture appropriations bill. However, most of the funding for the program in recent years has been provided through emergency supplemental appropriations. Emergency provisions in the Consolidated Appropriations Act of 2000 (P.L. 106-113) provided funding to make \$547 million in EM loans over a multi-year period. Total EM loans made were \$90 million in FY2001, \$58 million in FY2002, just under \$100 million in FY2003, \$30 million in FY2004, and \$23 million in FY2005.

## **Recent Congressional Action**

Since 1988, Congress frequently has supplemented the regularly funded disaster assistance programs with additional emergency aid. Funding for these programs generally are provided in emergency supplemental appropriations bills. Among these major ad-hoc farm disaster programs are (1) crop disaster payments, (2) livestock assistance, (3) tree assistance, and (4) emergency conservation assistance. (For a history of the congressional response to agricultural disasters, see CRS Report RL31095, *Emergency Funding for Agriculture: A Brief History of Supplemental Appropriations, FY1989-FY2006*.)

### **FY2006 Supplemental Acts (P.L. 109-148, P.L. 109-234)**

For the 2005 crop year, agricultural production was adversely affected by drought in portions of the Midwest and by an extremely active and severe hurricane season in the Gulf states. To date, Congress has provided approximately \$1.6 billion in emergency supplemental assistance for USDA programs in two separate supplemental acts (P.L. 109-148 and P.L. 109-234), all of which is restricted to the hurricane-affected states. This includes funds for growers and processors of various farm commodities (\$250 million), livestock assistance (\$140 million), farm debris cleanup (\$200 million), watershed rehabilitation (\$351 million), rural development (\$118 million), and a new program to assist nonindustrial timber growers for 2005 hurricane losses (\$504 million). Separately, USDA has transferred \$250 million of existing funds to provide direct payments for crop, livestock, tree, and aquaculture losses, exclusively for 2005 hurricane victims.

### **Disaster Provisions in Pending Appropriations Bill (H.R. 5384)**

Some farm groups are pressuring Congress to provide additional farm disaster assistance for 2005 production losses caused by any natural disaster, not limited to hurricanes. The Senate-reported version of the pending FY2006 agriculture

appropriations bill (H.R. 5384) contains an emergency supplemental title (Title VIII) that would provide \$4.0 billion in various forms of farm disaster and economic assistance, as estimated by the Congressional Budget Office (CBO). Included in the Senate bill is an estimated \$1 billion in crop disaster assistance and \$1 billion in livestock disaster assistance, as well as direct economic assistance (unrelated to natural disasters) of \$1.6 billion for traditional growers of grains, cotton, peanuts, and oilseeds, \$147 million for dairy farmers, and \$100 million for growers of specialty crops (fruits, nuts, and vegetables) and livestock. Similar provisions to those in Title VIII were contained in the Senate-passed version of a supplemental bill (H.R. 4939) earlier this year. However, agricultural assistance was reduced to \$500 million in the enacted version (P.L. 109-234), and was provided exclusively to Gulf state producers. Many farm state Senators support the Title VIII assistance, stating that regions other than the Gulf states were affected by natural disasters in 2005 and need supplemental assistance. The Administration threatened to veto H.R. 4939 if it contained any agricultural assistance beyond that provided for the hurricane states, stating that crop insurance and other ongoing USDA support programs adequately assist farmers affected by natural disasters and market conditions.

## **Crop Disaster Payments**

Congress has provided ad-hoc crop disaster payments in various emergency supplemental acts for nearly every crop year since 1988. H.R. 5384, as reported by the Senate, would require USDA to provide crop disaster payments in a similar fashion as past disaster supplementals. Under the Senate provision, a crop producer in any region of the country would be potentially eligible for assistance if individual losses to a 2005 crop were in excess of 35%, caused by any type of disaster, regardless of whether the farmer was in a declared disaster area. For losses in excess of the 35% threshold, an eligible producer could then receive a payment equal to 50% of the established price for the commodity (or 35% of the price if the producer waived crop insurance coverage.) Losses in 2006 (up until the date of enactment) due to flooding in California, Hawaii, and Vermont only would be eligible. Payments also would be triggered if the producer harvested a disaster-damaged crop, but experienced a lower market price because of quality losses. Maximum payments would be \$80,000 per person, as in the past. Although CBO estimates payments of \$1 billion under the Senate provision, the bill allows for “such sums as necessary” to fully fund the payment formula. All commercially grown crops would be eligible for a payment under this formula except for sugar cane and sugar beets, which have separate disaster payment programs. The proposed payments in the Senate bill would not be permitted to duplicate any payments already made to the Gulf region following the hurricanes. Earlier in the year, P.L. 109-234 authorized assistance of \$80 million for sugar cane, \$95 million for fruits, vegetables, and nursery products, and \$35 million in tree assistance.

## **Livestock Assistance**

The Senate bill contains funding for an array of emergency livestock programs that have been implemented on an ad-hoc basis in past years. Such sums as necessary (estimated at \$1.0 billion) would be provided for a Livestock Compensation Program (LCP), similar to the LCP that was administered by USDA in 2002. The purpose of the program is to compensate livestock growers for the additional cost of having to procure

livestock feed in the marketplace following a disaster. It would provide payments to all producers of beef, dairy, sheep, goats, and catfish in any county that was declared a disaster area by the Secretary between January 1, 2005, and the date of enactment, regardless of the individual producer's loss experience. USDA would be required to use the same payment mechanism as in 2002, but the Senate provision limits payments to 75% of the 2002 payment rates. The Senate bill also would authorize necessary funds (estimated at \$20 million) for a Livestock Indemnity Program (LIP) to compensate producers for livestock killed by a natural disaster in 2005 or in 2006 (up to the enactment date). The payment rate would be left to the discretion of the Secretary of Agriculture, but the rate could not be set less than 30% percent of the market value of the applicable livestock at the time of the disaster. The bill also would provide \$13 million to help producers replace and retain ewe lamb breeding stock. Funding in the Senate bill is in addition to the estimated \$95 million in LCP funds and \$45 million in LIP funds provided by P.L. 109-148, exclusively to the Gulf states.

## **Conservation Assistance**

The emergency conservation program (ECP) provides funds to farmers and ranchers for sharing the cost of rehabilitating farmland damaged by natural disasters, and for carrying out water conservation measures during severe drought. It is permanently authorized, subject to annual appropriations. However, almost all of its funding in recent years has come from emergency supplemental appropriations. The Senate-reported bill would provide \$17 million to the ECP for all regions, in addition to the \$200 million provided exclusively to the Gulf states by an earlier FY2006 supplemental act (P.L. 109-148). The Senate bill would also provide \$54 million in Emergency Watershed Protection funding to supplement the \$300 million already provided by P.L. 109-148.

## **Economic Loss Payments**

The Senate-reported bill also provides an estimated \$1.8 billion in bonus payments to growers of grains, cotton, peanuts, and oilseeds who receive direct payments under the farm commodity income support programs, and to participating dairy farmers who receive payments under the Milk Income Loss Contract (MILC) program. These payments would be available to eligible producers nationwide, regardless of whether they were subject to crop losses. Under the Senate language, an eligible crop producer would receive an additional payment of 30 percent of the direct payment received on a 2005 crop. Dairy farmers would receive up to \$147 million in bonus MILC payments. Similar market loss payments were made in FY1999-FY2001 in various supplementals to compensate producers for then-prevailing low commodity prices. For fruit, vegetable, and livestock producers, the Senate bill provides a combined total of \$100 million to the states, with the condition that the funds be used in some manner to support these commodities.

For more information on the FY2007 agriculture appropriations bill, see CRS Report RL33412, *Agriculture and Related Agencies: FY2007 Appropriations*.