Congressional Research Service
Informing the legislative debate since 1914

USDA's Coronavirus Food Assistance Program: Round One (CFAP-1)

Updated November 19, 2020

Congressional Research Service
https://crsreports.congress.gov
R46395

CRS REPORT
Prepared for Members and
Committees of Congress

Congressional Research Service
Informing the legislative debate since 1914

SUMMARY

R46395

November 19, 2020

Randy Schnepf
Specialist in Agricultural Policy

USDA's Coronavirus Food Assistance Program: Round One (CFAP-1)

On April 17, 2020, Secretary of Agriculture Sonny Perdue announced that the U.S. Department of Agriculture (USDA) would initiate what would be the first round of the Coronavirus Food Assistance Program (CFAP-1) to provide immediate financial relief to farmers, ranchers, and consumers in response to the COVID-19 national emergency. CFAP-1 consists of two distinct initiatives: a $16 billion direct payment program for agricultural producers impacted by the decline in commodity prices and the disruption in food supply chains related to COVID-19, and a $3 billion food purchase and distribution program. This report focuses on the larger of these two CFAP-1 initiatives—the $16 billion direct payment program. The direct payment program derives its funding from two sources: $9.5 billion emergency program spending authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136) and an additional $6.5 billion made available by Secretary Sonny Perdue via his budgetary authority under the Commodity Credit Corporation (CCC) Charter Act of 1948 (P.L. 80-806; 15 U.S.C. 714 *et seq.*).

USDA's Farm Service Agency (FSA) is the principal agency charged with implementing CFAP-1's direct payment program. FSA was assisted by the Agricultural Marketing Service (AMS) with respect to matters dealing with producers of specialty crops. On May 19, 2020, USDA released the final rule that details CFAP-1's $16 billion direct payment program, including the list of eligible commodities, eligibility requirements for producers, payment calculations, and application procedures. In its announcement, USDA stated that it would begin accepting applications on May 26, through FSA, from agricultural producers who have suffered losses. To be eligible, an application had to be submitted to any FSA county office by the close of business on August 28, 2020—the application period was later extended to September 11, 2020. Payments to eligible producers were to be made soon after each application was processed.

To be eligible for a payment, a commodity must have suffered a price loss of at least 5% during the mid-January to mid-April period, or was subject to additional significant marketing costs for unexpected supply chain disruptions, including unsold inventories. Specialty crops may also qualify for a payment if product was shipped off the farm, but spoiled prior to receipt of payment due to COVID-19-caused disruption of the food supply chain. For an individual or legal entity to be eligible, they must complete an application to determine the quantities affected and meet certain other criteria, including conservation compliance, share in the risk of profit and loss from the farm's operation, and an average Adjusted Gross Income (AGI) for 2016, 2017, and 2018 that is less than $900,000, unless at least 75% of AGI is from farming and ranching activities. USDA is to track payments made from the CARES Act and the CCC Charter Act funds separately, to ensure that the payments are consistent with each respective authority. As a result, every eligible commodity may receive a payment based on two different types of losses or costs: (1) income losses due to mid-January-to-mid-April price declines, which is to be partially offset by payments from CARES Act funds; and (2) unexpected marketing costs due to food supply chain disruptions, which is to be partially offset by payments from CCC funds. There is a payment limitation of $250,000 per person or entity for all commodities combined. Applicants who are corporations, limited liability companies, or limited partnerships may qualify for payments of up to $750,000 if at least three members each actively provide at least 400 hours of personal labor or personal management to the farming operation.

Congress may be interested in evaluating whether CFAP-1 payments mitigate the damage caused by the COVID-19 pandemic for individual farming operations and incentivize participation for all eligible producers, as well as whether additional assistance might be necessary to assist certain affected industries that are not eligible under USDA's final expanded eligibility list. Another immediate concern may be oversight of the large sums of taxpayer money that flow out through the USDA and the CCC. Producer self-certification of losses may create an incentive to over-report losses.

Contents

Introduction 1
CFAP-1 Includes Two Programs 1
Report Overview 1
CFAP-1 Direct Payment Program Overview 2
USDA Authorized to Design and Implement CFAP-1 2
Funding for CFAP Direct Payments 4
Eligibility Criteria for CFAP Direct Payments 4
Eligible Commodities 4
Request for Additional Commodities 6
Ineligible Commodities 7
Eligible Producers 7
CFAP-1 Direct Payment Calculations 8
Projected CFAP-1 Direct Payment Outlays 10
CFAP-1 Application Process 12
Producer Data Subject to Verification 12
Initial Payment Tranche of 80% 12
Payment Limits 12
Issues for Congress 14

Figures

Figure 1. CFAP-1 Payments by Commodity 11
Figure 2. CFAP-1 Payments by State 11

Tables

Table 1. CFAP-1: Eligibility Criteria and Eligible Commodities by Category 5
Table 2. CFAP-1 Payment Formula by Commodity Category 9

Table A-1. CFAP-1 Payment Rates (PRs): Non-Specialty Crops, Dairy, & Livestock 16
Table A-2. CFAP-1 Payment Rates (PRs) for Specialty Crops 18
Table A-3. CFAP-1 Payment Rates for Liquid and Frozen Eggs and Aquaculture 24
Table A-4. Chronology of CFAP-1 Regulatory Amendments and Corrections 25
Table A-5. Additional USDA Forms for CFAP Eligibility 27

Appendixes

Appendix. Supplementary Tables 16

Contacts

Author Information 27

Introduction

On April 17, 2020, Secretary of Agriculture Sonny Perdue announced that the U.S. Department of Agriculture (USDA) would initiate what would be the first round of the Coronavirus Food Assistance Program (CFAP-1), valued at $19 billion, to provide immediate financial relief to farmers, ranchers, and consumers in response to the COVID-19 national emergency.[1]

CFAP-1 Includes Two Programs

According to Secretary Perdue, CFAP-1 consists of two distinct initiatives: a $16 billion direct payment program for agricultural producers that have been impacted by the decline in commodity prices and the disruption in food supply chains related to COVID-19, and a $3 billion food purchase and distribution program for affected consumers referred to as the Farmers to Families Food Box Program.

These two programs—the direct payments and food box programs—derive their specific funding from different sources, and are being implemented by different agencies within USDA. The $16 billion designated for the direct payments program is funded from $9.5 billion of emergency spending authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; P.L. 116-136) and an additional $6.5 billion made available by the Secretary of Agriculture via his budgetary authority under the Commodity Credit Corporation (CCC) Charter Act of 1948 (P.L. 80-806; 15 U.S.C. 714 *et seq.*).[2] The $3 billion for the commodity purchase portion of CFAP is funded from the Families First Coronavirus Response Act (FFCRA; P.L. 116-127, §1101(g)) that authorizes USDA to purchase commodities for emergency distribution in the United States.[3]

USDA, through its Agricultural Marketing Service (AMS), began food purchase and distribution activities within a week of announcing the CFAP. In contrast, the direct payment component of CFAP-1 is being implemented by USDA's Farm Service Agency (FSA), with assistance from AMS for specialty crop producer enrollments.[4] FSA went through a longer (albeit expedited) rulemaking process to determine how payments would be made.

Report Overview

This report describes the details of the direct payment component of the CFAP-1 initiative. It describes how this program is funded and administered, including specific details on the calculation and implementation of payments. It includes the program changes made by USDA through a series eight subsequent amendments and corrections to CFAP-1 that expanded program

[1] USDA, "USDA Announces Coronavirus Food Assistance Program," Press Release no. 0222.20, April 17, 2020. On September 18, 2020, USDA announced a second round of CFAP payments (CFAP-2) valued at up to an additional $14 billion—USDA, "USDA to Provide Additional Direct Assistance to Farmers and Ranchers Impacted by the Coronavirus," Press Release No. 0378.20, September 18, 2020.

[2] USDA, FSA, "Coronavirus Food Assistance Program," 85 *Federal Register* 30825, May 21, 2020.

[3] Agricultural Marketing Service (AMS), "Notice of Funds Availability (NOFA); Purchase of Fruit, Vegetable, Dairy, and Meat Products Due to COVID-19 National Emergency-USDA Food Box Distribution Program," 85 *Federal Register* 23325, April 27, 2020. The President announced on August 24, 2020, that up to an additional $1 billion was being made available for deliveries under this program through October 31, 2020—for details, see USDA, AMS, "USDA Farmers to Families Food Box," at https://www.ams.usda.gov/selling-food-to-usda/farmers-to-families-food-box.

[4] See footnote 2.

eligibility to additional commodities, updated payment rates, and added clarity to program definitions.[5]

The report begins with a brief overview of the CFAP-1 direct payment program, including its policy objectives, funding sources, and implementing agencies. The next section describes the details of the CFAP-1 direct payment program, including eligibility requirements for both producers and commodities, application procedures, payment calculations, and the program's timeline. The report ends with a brief discussion on issues of potential interest to Congress. An **Appendix** at the end of the report includes supplementary tables that provide details on USDA's derivation of the payment rates for affected commodities under both CARES Act and CCC Charter Act criteria, as well as additional USDA forms that must be completed by producers for payment eligibility.

An earlier report by CRS provides information on how the COVID-19 pandemic affected the U.S. food supply chain—including its deleterious impact on agricultural producers—and precipitated the congressional and USDA actions described here.[6] This earlier report also provides details on the CFAP-1 food purchase and distribution initiative and its Farmers to Families Food Box program. For details on the Farmers to Families Food Box Program and other nutrition-related relief programs that responded to the COVID-19 pandemic, see CRS Report R46432, *Food Banks and Other Emergency Feeding Organizations: Federal Aid and the Response to COVID-19*.

CFAP-1 Direct Payment Program Overview

USDA Authorized to Design and Implement CFAP-1

Under the CARES Act, Congress delegated broad authority to USDA to develop and administer a support program in response to COVID-19.[7] In particular, the CARES Act provided $9.5 billion for USDA to "prevent, prepare for, and respond to coronavirus by providing support to agricultural producers impacted by coronavirus, including producers of specialty crops, producers that supply local food systems, including farmers' markets, restaurants, and schools, and livestock producers, including dairy producers."[8] This approach provides funding to the Secretary of Agriculture with general authority to respond to a crisis, and therefore is similar to emergency appropriations for wildfires and hurricanes in 2018 and 2019 in which USDA was tasked to develop a payment program from a general appropriation.[9]

Similarly, USDA interprets the CCC Charter Act as providing broad authority to use CCC funds to support the orderly production and marketing of agricultural commodities via normal marketing channels that have been disrupted by the COVID-19 pandemic.[10] Based on these broad authorities, USDA developed the CFAP direct payment program.

---

[5] See **Table A-4** for a chronological list of regulatory amendments and corrections as posted in the *Federal Register*.

[6] CRS Report R46347, *COVID-19, U.S. Agriculture, and USDA's Coronavirus Food Assistance Program (CFAP)*.

[7] The CARES Act (P.L. 116-136), Division B—Emergency Appropriations For Coronavirus Health Response And Agency Operations, Title I, Agricultural Programs, Office of the Secretary.

[8] USDA, "USDA Announces Coronavirus Food Assistance Program," Release No. 0222.20, April 17, 2020. Published in the *Federal Register* on May 21, 2020 (85 *Federal Register* 30825).

[9] For example, see CRS In Focus IF11245, *FY2019 Supplemental Appropriations for Agriculture*.

[10] For a discussion of USDA's authority under the CCC Charter Act, see CRS Report R44606, *The Commodity Credit Corporation: In Brief*.

FSA is the principal agency charged with implementing CFAP-1's direct payment program. AMS assists FSA with respect to specialty crops issues, such as determinations of sales prices and marketing costs. On May 19, 2020, USDA released a final rule to implement CFAP-1's $16 billion direct payment program including eligibility requirements for commodities and producers, application procedures, and payment calculations.[11] In its announcement, USDA stated that it would begin accepting applications on May 26, through the Farm Service Agency (FSA), from agricultural producers who had suffered losses.[12] Initially, the deadline for CFAP-1 applications was August 28, 2020; however, the application deadline was extended to September 11, 2020.[13]

CFAP-1 direct payments provide financial assistance to producers and ranchers of agricultural commodities that suffered from price declines of at least 5% between mid-January and mid-April, or who face additional significant marketing costs associated with unexpected carrying-costs of unsold commodities or spoilage due to market supply-chain disruptions. The CFAP-1 direct payment program stands in contrast to congressionally authorized farm bill support programs, supplemental assistance, and other USDA-initiated payment programs for both its scale ($16 billion) and its complicated payment formulation.[14] CFAP-1 separates COVID-related injury into two components (income losses due to price declines, and unexpected marketing costs due to food supply chain disruptions), each with its own distinct funding source—the CARES Act and the CCC, respectively. The payments calculated for each of these two funding sources for each eligible commodity are combined into a single payment per producer, which is distributed in two tranches. The first tranche is equal to 80% of the combined payment for which each qualifying producer is potentially eligible. The second tranche is conditional on funds available after distribution of the first tranche and may be prorated as needed to avoid exceeding the program's $16 billion spending limit. This unusual payment formulation is explained in this report.

On September 18, 2020, USDA announced a second round of CFAP payments (CFAP-2) valued at up to an additional $14 billion from the CCC.[15] USDA's ability to provide $14 billion in CFAP-2 funding in September may have been contingent on a CARES Act early replenishment payment of $14 billion for the CCC that did not become available until later in the summer.[16] Congress is also considering providing additional support, including support for additional agricultural commodities and sectors that were not initially eligible under CFAP-1.[17] These potential additional efforts are not discussed in this report.

---

[11] USDA, "USDA Announces Details of Direct Assistance to Farmers through the Coronavirus Food Assistance Program," News Release, May 19, 2020. The May 19 rule was subsequently amended and/or corrected by a series of eight additional entries in the *Federal Register* as listed in **Table A-4**.

[12] For up-to-date program information, including application forms and payment processing information, visit the USDA FSA web portal for CFAP at https://www.farmers.gov/cfap.

[13] The deadline was extended by USDA, 85 *Federal Register* 49593, August 14, 2020.

[14] The proposed CFAP direct payments program would exceed previous USDA ad hoc direct payment programs of large scale, including the market loss assistance payments of 1999 ($3 billion), 2000 ($11 billion), and 2001 ($5.5 billion); source: USDA, Economic Research Service (ERS), Farm Income and Wealth Statistics, at https://www.ers.usda.gov/data-products/farm-income-and-wealth-statistics/; and the market facilitation payment (MFP) programs of 2018 ($8.6 billion) and 2019 ($14.5 billion), source: USDA, FSA, Market Facilitation Program, at https://www.farmers.gov/manage/mfp.

[15] USDA, "USDA to Provide Additional Direct Assistance to Farmers and Ranchers Impacted by the Coronavirus," Press Release No. 0378.20, September 18, 2020.

[16] CARES Act (P.L. 116-136), Division B—Emergency Appropriations For Coronavirus Health Response And Agency Operations, Title I—Agricultural Programs, §11002, CCC, Reimbursement of Present Net Realized Losses.

[17] On May 15, 2020, the House passed the HEROES Act (H.R. 6800), which would authorize $16.5 billion in additional direct payments by the Secretary of Agriculture. Among its provisions, the bill would compensate producers

Funding for CFAP Direct Payments

Funding for CFAP-1's direct payment program is from two sources: $9.5 billion from the CARES Act, and $6.5 billion obtained with existing USDA authorities under the CCC Charter Act.[18] USDA states that each of these funding sources has its own specific authority and, as a result, USDA is to use the funds from each source to implement CFAP-1 in a manner that USDA interprets as being consistent with that authority.[19]

USDA is to use the $9.5 billion of CARES Act funding to compensate producers for commodity and livestock losses due to price declines of at least 5% that occurred between mid-January 2020 and mid-April 2020. In the case of specialty crops, the funding also is to compensate for losses associated with products that were shipped from the farm by April 15, but spoiled due to market disruptions, resulting in no payment.

USDA is to use $6.5 billion of CCC funding to compensate producers for unexpected costs due to on-going market disruptions and to assist with the transition to a more orderly marketing system as the pandemic wanes.

Thus, each of these funding sources are to be used for different types of losses or costs—CARES Act payments for price declines and subsequent sales losses and CCC payments for unexpected marketing costs. Such marketing costs may include the removal or disposition of surplus agricultural commodities, the purchase of materials and facilities required to produce and market agricultural commodities, and aid in the development of new markets, marketing facilities, and uses for such commodities. USDA has stated that it will track payments made from the CARES Act and the CCC Charter Act funds separately, to ensure that the payments are consistent with each respective authority. Nonetheless, USDA is to combine payments made under both CARES Act and CCC funds into a single payment for eligible producers. Thus, a producer will need to complete only one CFAP-1 payment application.

Eligibility Criteria for CFAP Direct Payments

USDA has developed criteria to determine which commodities and which producers are eligible for CFAP-1 support (**Table 1**). Eligibility criteria for producers builds off of general USDA program eligibility criteria, whereas criteria identifying eligible commodities are largely unique to the CFAP-1 program and vary by commodity groups.

Eligible Commodities

According to USDA, only commodities produced in the United States are eligible for CFAP-1 direct payments. In addition, USDA has specified certain eligibility criteria for each of the major agricultural commodity groups that includes a nationwide price decline of at least 5% from January 15, 2020, to April 15, 2020, and/or unexpected marketing costs (including spoilage) as listed in **Table 1**. Based on an analysis of these criteria, USDA has determined that the commodities listed in **Table 1** are eligible for either a price-decline or marketing-cost payment, or possibly both.

---

who have had to dispose of livestock and poultry that could not be sold due to processing disruptions, and would provide special assistance targeted to dairy producers. It further includes aid targeted to biofuels plants, fruit and vegetable growers, and local agriculture.

[18] For a discussion of USDA's authority under the CCC Charter Act, see CRS Report R44606, *The Commodity Credit Corporation: In Brief*.

[19] USDA, FSA, "Coronavirus Food Assistance Program," 85 *Federal Register* 30825, May 21, 2020.

Table 1. CFAP-1: Eligibility Criteria and Eligible Commodities by Category

Category	Eligibility Criteria and Eligible Commodities
Non-Specialty Crops[a]	**Eligibility Criteria:** Non-specialty crop producers who suffered at least a 5% price decline between mid-January and mid-April (see **Table A-1**), and who face increased marketing costs for unpriced inventories as of January 15, 2020 (see **Table 2**). **Eligible Non-Specialty Crops:** Malting barley, canola, corn, upland cotton, millet, oats, soybeans, sorghum, sunflowers, durum wheat, and hard red spring wheat. Also eligible under these criteria are liquid and frozen eggs.
Livestock Commodities	**Eligibility Criteria:** Livestock producers who suffered at least a 5% price decline between mid-January and mid-April (see **Table A-1**), and who face increased marketing costs for unpriced inventories as of January 15, 2020 (see **Table 2**). **Eligible Livestock Commodities:**[b] Cattle, hogs and pigs, and sheep (including lambs, yearlings, and all other sheep).
Wool	**Eligibility Criteria:** Wool producers who suffered at least a 5% price decline between mid-January and mid-April (see **Table A-1**), and who face increased marketing costs for unpriced inventories as of January 15, 2020 (see **Table 2**). **Eligible Wool:** Graded (clean basis) and ungraded (paid on a greasy basis).
Dairy	**Eligibility Criteria:** All dairy operations with milk production in January, February, and/or March 2020; as well as any dumped milk production during the months of January, February, and March 2020. **Eligible Dairy:** All milk produced during the first quarter of 2020.
Nursery Crops, Cut Flowers	**Eligibility Criteria:** Nursery crop and cut flower inventory that was shipped but subsequently spoiled or is unpaid due to loss of marketing channels between January 15, 2020, and April 15, 2020; and nursery crop and cut flower inventory that did not leave the farm between January 15, 2020, and April 15, 2020, due to a complete loss of marketing channel and that will not be sold after April 15, 2020, due to lack of markets. **Eligible Nursery Crops and Cut Flowers:** "Nursery crops" means decorative or non-decorative plants grown in a container or controlled environment for commercial sale. "Cut flowers" include cut flowers and cut greenery from annual and perennial flowering plants grown in a container or controlled environment for commercial sale.
Aquaculture (excluding crawfish)	**Eligibility Criteria:** Aquaculture species sold between January 15, 2020, through April 15, 2020; and inventory of aquaculture species that was not sold but was market size and available to be marketed between January 15, 2020, and April 15, 2020. **Eligible Aquaculture:** Catfish, largemouth bass and carp sold live as food, hybrid striped bass, red drum, salmon, sturgeon, tilapia, trout, ornamental or tropical fish, and recreational sportfish.
Crawfish	**Eligibility Criteria:** crawfish. **Eligible Crawfish:** Crawfish sold between January 15, 2020, through April 15, 2020; and inventory of crawfish that was not sold as of April 15, 2020, due to lack of a market and that will not be sold in calendar year 2020.
Specialty Crops[c]	**Eligibility Criteria:** Producers of specialty crops are eligible for CFAP payments in any of the following three categories: (1) Had crops that suffered at least a 5% price decline between January 15, 2020, and April 15, 2020;[d] (2) Had produce that shipped by April 15, 2020, but subsequently spoiled due to loss of marketing channel before payment was received;[e] and (3) Had shipments that did not leave the farm by April 15, 2020 (for example, were harvested but are sitting in crates on the farm), or mature crops that remained unharvested by that date (for example, were plowed under) due to lack of buyers, and which have not been and will not be sold.[f]

Category	Eligibility Criteria and Eligible Commodities
	Eligible Specialty Crops: **Fruit:** apples, avocados, bananas, blackberries, blueberries, cantaloupe, carambola (star fruit), cherimoya, citron, coconuts, dates, dragon fruit (red pitaya), grapefruit, guava, kiwifruit, lemons, mamey sapote, nectarines, oranges, papaya, passion fruit, peaches, pears, persimmons, pineapples, pomegranates, pummelos, raspberries, strawberries, tangelos, tangerines, tomatoes, and watermelons. **Vegetables**: artichokes, asparagus, batatas, beans, beets, bok choy, broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, sweet corn, cucumbers, daikon, donqua (winter melon), eggplant, endive, escarole, frisee garlic, kale greens, collard greens, dandelion greens, greens (others not listed separately), kohlrabi, kumquats, leeks, iceberg lettuce, boston lettuce, green leaf lettuce, lolla rossa lettuce, oak leaf green lettuce, oak leaf red lettuce, red leaf lettuce, romaine lettuce, mustard, okra, dry onions, green onions, parsnips, peas green, peppers, plantains, potatoes, pumpkins, radicchio, rhubarb, rutabagas, shallots, sorrel, spinach, squash, sweet potatoes, swiss chard, taro, turnip tops green, turnips (celeriac), turmeric, upland and winter cress, watercress, yautia (malanga), and yuca (cassava). **Nuts**: almonds, filberts, pecans, pistachios, and walnuts. **Other**: alfalfa sprouts, aloe leaves, anise, arugula, basil, bean sprouts, celeriac (celery root), chervil (french parsley), chives, cilantro, curry leaves, dill, horseradish, maple sap (for maple syrup), marjoram, mesculin mix, microgreens, mint, mushrooms, oregano, parsley, rosemary, sage, savory, sugarcane (table), and thyme.

Source: USDA, FSA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020.

Notes: Non-specialty crops, livestock, and wool that meet the 5% price decline criteria are assumed to have met the marketing cost criteria.

a. According to USDA's CFAP-1 rule (85 *Federal Register* 30825, May 21, 2020), non-specialty crops are those crops listed in this table, and any crops announced in a Notice of Funds Availability (NOFA). The term excludes crops intended for grazing.

b. See the notes to **Table A-1** for a details on eligible animal species.

c. According to USDA's CFAP-1 rule (85 *Federal Register* 30825, May 21, 2020), specialty crops are those crops listed in this table and any crops for which funds are made available and announced in a NOFA. The term excludes crops intended for grazing. Additional specialty crops were added under two subsequent NOFAs: (85 *Federal Register* 41321, July 10, 2020) and (85 *Federal Register* 49589, August 14, 2020).

d. To verify a qualifying price decline for a specialty crop, producers must maintain records, such as a bill of sale, documenting the price received for the crop.

e. To verify market spoilage, producers must obtain documentation such as a letter from the buyer explaining non-payment or other record validating non-payment (this applies to producers who have met contractual obligations in delivering the crop to the buyer, but have not been paid).

f. To verify unsold inventories, if requested, producers must provide supporting documentation, which AMS will use to substantiate claims on a case-by-case basis.

Request for Additional Commodities

USDA considered additional crops for eligibility for CFAP-1 payments by collecting information on potentially eligible crops.[20] Producers of commodities not included on the original CFAP-1 list, but who assert that they are eligible, could submit information to USDA for consideration in decisions about including additional commodities. Approximately $637 million or about 4% of the CFAP-1's $16 billion in funding is available to provide assistance to producers of other commodities that are identified through the Notice of Funds Availability (NOFA) process.[21] USDA had stated that it was particularly interested in obtaining information about nursery

[20] For more details, see the information posted at USDA's CFAP web portal at https://www.farmers.gov/cfap, including a USDA Fact Sheet, "Consideration of Additional Commodities," available under "Resources."

[21] USDA, "Coronavirus Food Assistance Program: Cost Benefit Analysis," May 14, 2020.

products, aquaculture products, and cut flowers. In particular, USDA reconsidered commodities that were excluded under the initial CFAP-1 announcement if credible evidence was presented that supported a 5% price decline or COVID-related marketing costs. Ultimately, 92 additional specialty crops, 3 non-specialty commodities, and 11 aquaculture species were added to CFAP-1 payment eligibility.[22]

Ineligible Commodities

Non-specialty crops and livestock that did not suffer a price decline of at least 5% from mid-January 2020 to mid-April 2020 are not eligible for CFAP-1. Specifically, this includes certain eggs and layers, soft red winter wheat, hard red winter wheat, white wheat, rice, flax, rye, peanuts, feed barley, Extra Long Staple (ELS) cotton, alfalfa, forage crops, hemp, and tobacco.[23] Any livestock breeding animals or crops that were intended for grazing were excluded from eligibility for CFAP.

Eligible Producers

According to USDA rules, to qualify for a CFAP-1 payment, an eligible individual or legal entity must meet the following criteria:

- Each producer or legal entity of qualifying commodities must complete a CFAP-1 application form and provide any required documentation (as specified below).[24]
- A producer must share in the risk of producing a qualifying crop or livestock and be entitled to share in the crop or livestock available for marketing between January 15, 2020, and April 15, 2020, or April 16, 2020, through May 14, 2020. A contract grower who does not own the livestock is to be considered a producer if the contract allows the grower to have risk in the livestock.
- The producer must be in compliance with conservation provisions—including highly erodible land conservation (Sodbuster) and wetland conservation (Swampbuster) provisions.[25]
- A producer must be either a U.S. citizen or a resident alien; however, a foreign person may qualify if they provide sufficient land, capital, and active personal labor to the farming operation. USDA has established that 400 hours of active personal labor or active personal management meets this standard.
- There is no requirement to have crop insurance coverage or coverage under the Noninsured Crop Disaster Assistance Program.
- A person or legal entity, other than a joint venture or general partnership,[26] is ineligible for payments if the person's or legal entity's average adjusted gross income (AGI), using the average of the AGIs for the 2016, 2017, and 2018 tax

[22] Additional commodities were added under two subsequent NOFAs: 85 *Federal Register* 41321, July 10, 2020; and 85 *Federal Register* 49589, August 14, 2020.

[23] For more information, see additional USDA CFAP program information at https://www.farmers.gov/cfap.

[24] USDA, FSA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020.

[25] See CRS Report R42459, *Conservation Compliance and U.S. Farm Policy*.

[26] With respect to joint ventures and general partnerships, this AGI provision will be applied to each member of the joint venture and general partnership.

years, is more than $900,000, unless at least 75% of that person's or legal entity's average AGI is derived from farming, ranching, or forestry-related activities.

- A producer must not have a controlled substance violation.

CFAP-1 Direct Payment Calculations

A producer's total CFAP-1 payment is determined by first, multiplying the relevant quantity of each affected commodity by its respective payment rate. The payments from two rates—one from the CARES Act and the other from CCC—are then combined into a single payment per eligible commodity for each eligible producer (**Table 2**). Second, the total CFAP-1 payment is obtained by summing payments across all of a producer's commodities.[27] These calculations require both payment rates and applicable quantities as described in the box "Deriving the CFAP-1 Payment Rates (PRs) and Payment Quantities." Under this structure, CFAP payments are directly proportional, or "coupled," to actual production.[28]

Deriving the CFAP-1 Payment Rates (PRs) and Payment Quantities

The CFAP payment for each commodity is based on separate payment rates for each of the two funding sources—CARES Act and CCC. The different payment rates for each commodity and their underlying derivation are described in **Table A-1** and **Table A-2**.

CARES Act PR: Based on the Price Decline Between Mid-January to Mid-April

The CARES Act PR reflects the income loss associated with the price decline for each commodity between mid-January and mid-April. USDA estimates the price-loss PR for each commodity as a portion of the price decline between the week of January 13-17, 2020, and the week of April 6-9, 2020, using futures contract prices or AMS-reported cash prices, depending on availability.

CCC PR: Based on Unexpected Marketing Costs

The market-cost PR (CCC PR) for each commodity is based on USDA's projection of costs likely to be incurred for marketing the surplus inventory due to disrupted markets.

Payment Quantities Are Approximated by Inventories or 1st Quarter Sales

To approximate losses, the CARES Act and CCC PRs are multiplied by an applicable measure of the affected quantity of an eligible commodity (depending on the commodity as shown in **Table 2**).

For non-specialty crops and wool: the payment quantity for both CARES Act PR and CCC PR is approximated by using the lower of either: (1) the unsold quantity of unpriced inventory[29] as of January 15, 2020, for which the producer has vested ownership, or (2) 50% of the producer's 2019 total production of the commodity.

For livestock (including cattle, hogs and pigs, and lambs and yearlings): the payment quantity for the CARES Act PR is approximated by the number of animals sold during the period of January 15, 2020, to April 15, 2020; and the payment quantity for the CCC PR is approximated by the maximum unpriced inventory of animals during the period from April 16, 2020, to May 14, 2020.

Specialty crops may be eligible for any of three types of PRs (**Table A-2**):[30] CARES Act PR-1 reflects the mid-January to mid-April price decline and is applied to the producer-certified sales (in pounds) during the period of

[27] Examples of how the payment formulas may be applied to certain commodities are available in Nick Paulson et al., "Coronavirus Food Assistance Program (CFAP) Rules Announced," Dept. of Agricultural and Consumer Economics, University of Illinois at Urbana-Champaign, *farmdoc daily*, vol. 10, no. 95 (May 22, 2020); and Shelby Myers, "Reviewing the CFAP Payment Formula for Non-Specialty Crops," Market Intel, American Farm Bureau Federation, May 28, 2020.

[28] The nature of the linkage—coupled versus non-coupled—between program payments and producer production choices is relevant to how such payments may count against U.S. domestic support commitments at the World Trade Organization (WTO); see CRS Report R45305, *Agriculture in the WTO: Rules and Limits on U.S. Domestic Support*.

[29] *Unpriced* means any production or inventory that is not subject to an agreed-upon price in the future through a forward contract, agreement, or similar binding document.

[30] If a specialty crop's price did not decline by at least 5% during this period, it is not eligible for CARES Act PR-1 but

January 15, 2020, to April 15, 2020; and CARES Act PR-2 is applied to producer-certified product that has been shipped from the farm by April 15, 2020, but that spoiled due to COVID-related market disruptions prior to receiving payment.[31] CCC PR-3 reflects COVID-related marketing costs and is applied to unsold inventory—estimated by the producer-certified maximum unpriced inventory from April 16, 2020, to May 14, 2020.

For dairy: the payment quantity for the CARES Act PR is approximated by using the quantity of milk sold during the 1st quarter of 2020; and the payment quantity for the CCC PR is theoretically applied to the quantity of milk sold during the 2nd quarter—which is approximated by applying a growth rate of 1.4% to 1st quarter sales.

Table 2. CFAP-1 Payment Formula by Commodity Category

	Quantity Measure		Factor		Payment Rate (PR)[a]
Non-Specialty Crops—payment equals sum of:					
1	Unpriced inventory[b] as of 1/15/20	x	50%	x	Cares Act PR (**Table A-1**)
2	Unpriced inventory as of 1/15/20	x	50%	x	CCC PR (**Table A-1**)
Specialty Crops—payment equals sum of:					
1	Quantity sold during 1/15/20 to 4/15/20	x	100%	x	Cares Act PR-1 (**Table A-2**)
2	Quantity shipped, but spoiled:[c] 1/15/20 to 4/15/20	x	100%	x	Cares Act PR-2 (**Table A-2**)
3	Unpriced quantity on farm:[d] 1/15/20 to 4/15/20	x	100%	x	CCC PR-3 (**Table A-2**)
Nursery and Cut Flowers[e]—payment equals sum of:					
1	Wholesale value of quantity shipped, but spoiled or unpaid: 1/15/20 to 4/15/20	x	15.55%[f]		
2	Wholesale value of inventory on farm due to loss of market: 1/15/20 to 4/15/20[g]	x	13.45%		
Cattle—payment equals sum of:					
1	Head sold during 1/15/20 to 4/15/20	x	100%	x	Cares Act PR (**Table A-1**)
2	Unpriced inventory, max during 4/16/20 to 5/14/20[h]	x	100%	x	CCC PR (**Table A-1**)
Hogs and Pigs—payment equals sum of:					
1	Head sold during 1/15/20 to 4/15/20	x	100%	x	Cares Act PR (**Table A-1**)
2	Unpriced inventory, max during 4/16/20 to 5/14/20	x	100%	x	CCC PR (**Table A-1**)
Dairy—payment equals sum of:					
1	1st quarter (January-March) milk production in 2020[i]	x	100.0%	x	Cares Act PR (**Table A-1**)
2	1st quarter (January-March) milk production in 2020[j]	x	101.4%	x	CCC PR (**Table A-1**)
Lambs and Sheep—payment equals sum of:					
1	Head sold during 1/15/20 to 4/15/20	x	100%	x	Cares Act PR (**Table A-1**)
2	Unpriced inventory, max during 4/16/20 to 5/14/20	x	100%	x	CCC PR (**Table A-1**)
Wool—payment equals sum of:					
1	Unpriced inventory as of 1/15/20	x	50%	x	Cares Act PR (**Table A-1**)
2	Unpriced inventory as of 1/15/20	x	50%	x	CCC PR (**Table A-1**)
Liquid and Frozen Eggs—payment equals sum of:					
1	1st quarter (January-March) production in 2020	x	100%	x	Cares Act PR (**Table A-3**)
2	1st quarter (January-March) production in 2020	x	100%	x	CCC PR (**Table A-3**)

may be eligible for CARES Act PR-2 or CCC PR-3. See **Table A-2** for examples of commodities that did not experience a sufficiently large price decline but were still eligible for spoilage loss or marketing loss payments.

[31] The two different types of CARES Act payments are labeled "CARES Act PR-1" for price losses and "CARES Act PR-2" for spoilage losses in **Table A-2**.

	Quantity Measure		Factor		Payment Rate (PR)[a]
Aquaculture[k]—payment equals sum of:					
1	Quantity sold during 1/15/20 to 4/15/20	x	100%	x	Cares Act PR (**Table A-3**)
3	Unsold, market-ready inventory: 1/15/20 to 4/15/20	x	100%	x	CCC PR (**Table A-3**)

Source: USDA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020; and USDA, "NOFA CFAP, Additional Eligible Commodities," 85 *Federal Register* 49589, August 14, 2020.

Notes: Farmers and ranchers will self-certify their claims regarding inventories, sales, and shipments. *Unpriced* means any production or inventory that is not subject to an agreed-upon price in the future through a forward contract, agreement, or similar binding document.

a. Payment rates (PR) for each commodity are listed in **Table A-1**, **Table A-2**, and **Table A-3**.

b. The quantity harvested, but as-yet-unpriced inventory (i.e., inventory not under a sales contract), for which the producer has vested ownership. The inventory quantity may not exceed 50% of the producer's 2019 total production of the commodity.

c. Quantity of the harvested crop that was shipped but was unpaid or spoiled prior to receiving a payment due to a disruption of the marketing channel.

d. Quantity of the harvested crop that did not leave the farm (was unsold or was not under a sales contract) or was donated and the quantity of mature crops that remained unharvested.

e. "Nursery crops" means decorative or non-decorative plants grown in a container or controlled environment for commercial sale. "Cut flowers" includes cut flowers and cut greenery from annual and perennial flowering plants grown in a container or controlled environment for commercial sale.

f. The payment rates for nursery crops and cut flowers were determined using coverage rates that represent half of input costs multiplied by the industry-reported 40.5% average revenue loss. This approach accounts for the higher percentage of input costs incurred prior to "harvest" of the inventory compared with traditional agricultural crops.

g. Inventory that may be sold after April 15, 2020, is not eligible for CFAP.

h. The highest inventory number between April 16, 2020, and May 14, 2020.

i. Dairy operations that dissolved on or before March 31, 2020, are eligible for the CARES Act payment rate.

j. Second quarter milk production is approximated by applying an adjustment factor of 1.014 to the 1st quarter production. Dairy operations that dissolved after March 31, 2020, are eligible for a prorated payment for the number of days that the operation commercially marketed milk in the second quarter.

k. Aquaculture payments are calculated separately for two categories: crawfish and all other aquaculture excluding crawfish.

Projected CFAP-1 Direct Payment Outlays

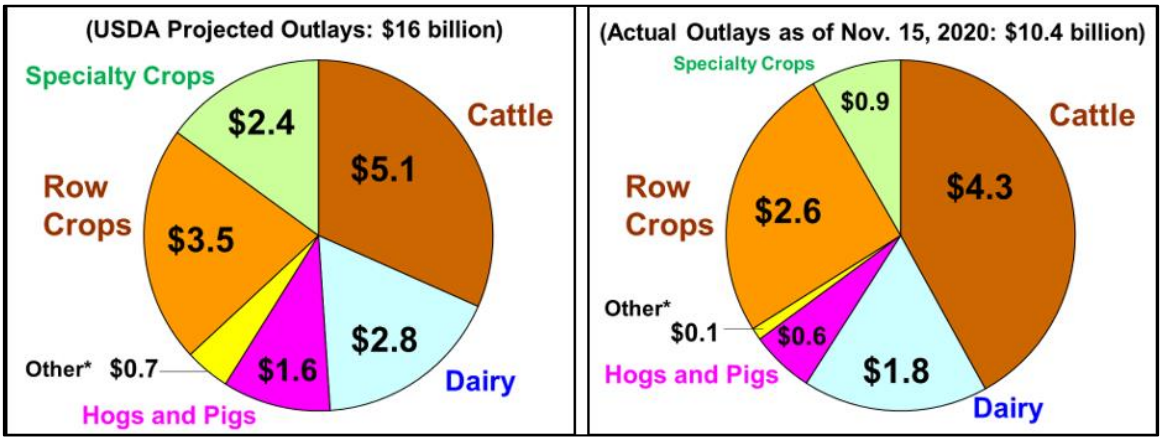
USDA estimated that, once adjustments have been made to account for payment limits, the $16 billion in CFAP-1 funding is to be allocated across four different commodity groupings as follows: livestock ($9.4 billion or 58.9%); row crops ($3.5 billion, 21.9%); specialty crops ($2.4 billion, 15.0%); and "other" commodities ($670 million, 4.2%) (**Figure 1**).[32] USDA's estimates for direct payment spending under the livestock category can be further delineated as $5.1 billion for cattle, $2.8 billion for dairy, and $1.6 billion for hogs. However, as of November 1, 2020, USDA reports that actual outlays under CFAP-1 are at $10.345 billion—substantially below the expected $16 billion in available funding.[33] Some possible reasons for this discrepancy are addressed later in the "Issues for Congress" section of the report. CFAP-1 payments are concentrated in the Corn Belt, Texas, and California (**Figure 2**).

[32] USDA, "Coronavirus Food Assistance Program: Cost Benefit Analysis," Table 11. Estimated Net CFAP Payments by Commodity Group, after payment limitations, May 14, 2020.

[33] USDA, CFAP-1 Data, as of November 1, 2020, at https://www.farmers.gov/cfap1/data.

Figure 1. CFAP-1 Payments by Commodity

Available Funds and Actual Outlays

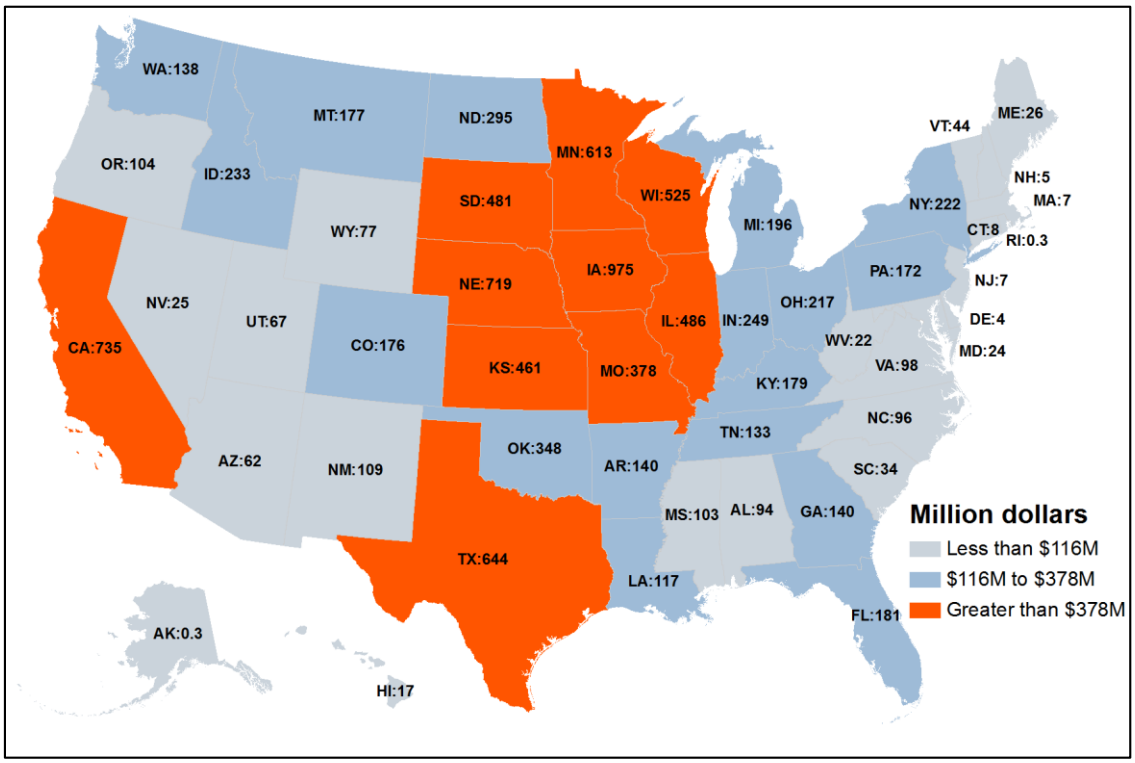


Sources: USDA projected outlays based on available funding are from USDA, "Coronavirus Food Assistance Program: Cost Benefit Analysis," Table 11. Estimated Net CFAP Payments by Commodity Group, after payment limitations, May 14, 2020, p. 20; actual outlays as of November 15, 2020, are from USDA, Coronavirus Food Assistance Program 1 Data, at https://www.farmers.gov/cfap1/data.

Note: *Other includes all commodities not associated with the listed categories, including aquaculture, specialty livestock, and others.

Figure 2. CFAP-1 Payments by State

State Abbreviation: $ millions



Source: USDA, Coronavirus Food Assistance Program, CFAP-1 payment data, as of November 15, 2020, at https://www.farmers.gov/cfap1.

Note: Total CFAP-1 outlays were $10.421 million as of November 15, 2020.

CFAP-1 Application Process

USDA accepted CFAP-1 applications starting on May 26, 2020. Producers applied through their local FSA Service Centers; however, an application could be submitted to any FSA county office.[34] To be eligible, an application had to have been submitted by the close of business on September 11, 2020. Payments to eligible producers were expected to be made soon after each application was processed, according to USDA.

In addition to the application form, several other standard USDA forms must be on file for all persons and entities requesting CFAP-1 benefits (**Table A-5**). However, for producers that are existing FSA program participants, most of these supplementary forms are likely already on file at their local FSA Service Centers. In addition to these forms, if requested by USDA, an applicant must provide documentation that verifies the quantities of production and/or inventory used in the application, and that establishes the applicant's ownership share and value at risk for the commodity.

Producer Data Subject to Verification

Producers are expected to self-certify their sales and inventories that are used to calculate CFAP-1 payments.[35] Producers who are approved for participation in CFAP-1 are required to retain documentation in support of their applications for three years after the date of approval. This includes records and paperwork to demonstrate losses, especially producers who have destroyed their product (e.g., dumping of milk or plowing under specialty crops).

Participants receiving CFAP-1 payments or any other person who furnishes such information to USDA must permit authorized representatives of USDA or the Government Accountability Office (GAO), during regular business hours, to enter the agricultural operation and to inspect, examine, and make copies of books, records, or other items for the purpose of confirming the accuracy of the information provided by the participant.

Initial Payment Tranche of 80%

Initially, USDA paid out 80% of an eligible participant's total potential CFAP-1 payments. By issuing initial payments, FSA's goal was to provide assistance to those eligible participants who immediately applied for assistance, while trying to ensure that CFAP-1 payments did not exceed the $16 billion funding limit. USDA would then disburse any remaining available funding such that the initial and final payments would not exceed a total of $9.5 billion for CARES Act funds and $6.5 billion for CCC funds. Funds could be prorated if necessary to stay within these limits. However, based on actual outlays it does not appear that USDA approached any CFAP-1 funding shortfall (**Figure 1**).

Payment Limits

CFAP-1 payments are, in general, subject to a per-person and per-legal-entity payment limitation of $250,000,[36] which is expected to result in some eligible commodity producers not receiving the

[34] CFAP-1 application forms, as well as a "CFAP Payment Calculator" to assist producers with the application process, are available from USDA at https://www.farmers.gov/cfap.

[35] USDA, FSA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020.

[36] This compares with a payment limit of $125,000 per individual under traditional farm programs from Title I of the

entire calculated CFAP-1 payment. For example, USDA projects that, based on its CFAP-1 payment formula without payment limits, over $19 billion in CFAP-1 payments would be made.[37] However, after applying the CFAP payment limit criteria, USDA projects that a net of $16 billion in CFAP-1 payments will be made.

The CFAP-1 payment limitation applies to the total amount of CFAP-1 payments made with respect to all eligible commodities of an individual or entity. However, unlike payment limits for other FSA programs where corporate entities are limited to a single payment limit,[38] USDA has elected to apply special payment limitation rules to CFAP-1 participants that are corporations, limited liability companies, and limited partnerships. Under the special payment limitation rules, these corporate entities may receive CFAP-1 payments up to $750,000 if three or more different individual owners or shareholders of the legal entity each contributed at least 400 hours of active personal labor or active personal management (or combination thereof) with respect to the production of 2019 commodities.[39]

Under normal USDA rules governing recordkeeping requirements in regard to meeting the "actively engaged in farming" criteria, all persons that provide any management to the farming operation and seek to qualify as a farm manager—eligible for payments up to the individual payment limit—are required to maintain contemporaneous records or activity logs of their management activities.[40]

For a corporate entity,

- in general, the payment limit for the entity is $250,000;
- the payment limit for the entity is $500,000 if two different individual owners or shareholders of the legal entity each contributed at least 400 hours of active personal labor or active personal management (or combination thereof) with respect to the production of 2019 commodities; and
- the limit is $750,000 if three or more different individual owners or shareholders of the legal entity each contributed at least 400 hours of active personal labor or active personal management (or combination thereof) with respect to the production of 2019 commodities.

Neither the CARES Act nor the underlying CCC authority requires payment limits. Applying payment limits was done at USDA's discretion, as it also chose to do when establishing the Market Facilitation Payment Program and the Wildfire and Hurricane Indemnity Program that were undertaken at the Secretary's discretion.[41] Benefits received under traditional farm support programs such as the Acreage Risk Coverage and Price Loss Coverage programs are not to be added to CFAP-1 payments when evaluating payment limits.[42] In other words, payment limits for CFAP-1 are independent of other farm program benefits received by a farm.

2018 farm bill (P.L. 115-334). See CRS Report R46248, *U.S. Farm Programs: Eligibility and Payment Limits*.

[37] USDA, "Coronavirus Food Assistance Program: Cost Benefit Analysis," May 14, 2020, p. 8.

[38] CRS Report R46248, *U.S. Farm Programs: Eligibility and Payment Limits*.

[39] USDA, FSA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020.

[40] See CRS Report R44656, *USDA's Actively Engaged in Farming (AEF) Requirement*.

[41] See CRS Report R45310, *Farm Policy: USDA's 2018 Trade Aid Package*, CRS Report R45865, *Farm Policy: USDA's 2019 Trade Aid Package*; and CRS In Focus IF11539, *Wildfires and Hurricanes Indemnity Program (WHIP)*.

[42] USDA, "Coronavirus Food Assistance Program: Cost Benefit Analysis," May 14, 2020, p. 8.

Issues for Congress

Now that the program application period has closed (September 11, 2020) and a substantial portion of program outlays ($10.3 billion as of November 1, 2020) have been made, the CFAP-1 program's perceived strengths and weaknesses are becoming more discernible. Many Members of Congress, as well as program stakeholders, have raised several concerns regarding the CFAP-1.

First, an immediate congressional concern some raised involved the implementation of the CFAP-1 to ensure that program funding was allocated to incentivize participation by all affected agricultural sectors and all injured producers within those sectors, to the maximum extent possible. Based on USDA payment data through November 1, 2020, a third of the CFAP-1 outlays projected for specialty crop producers have occurred (**Figure 1**). Preliminary assessments suggest that this is in large part due to the payment methodology and price data that USDA used to determine CFAP-1 eligibility and payment rates—in particular, USDA opting to use national price data to determine eligibility and as a basis for determining the payment for lost sales. Many small-scale specialty crop producers sell directly to restaurants or local food markets—a national average price often fails to reflect the price premiums that such direct marketing captures.[43] Similarly, the cost premiums of organic crops are not captured by a national average price. Another concern related to small-scale producers is that—because of their dependence on local markets—they are often less able to pivot to new markets as easily as larger growers due to technology barriers or a lack of social capital or customer base.[44] As a result, for many of these affected specialty crop producers, the CFAP methodology may have either excluded their commodities from eligibility or did not adequately value the resultant sales losses or marketing costs.

Additionally, USDA elected to provide payments to non-specialty crops based on unsold inventories held on January 15, 2020. Payments for specialty crops and livestock were based on commodities sales between January 15 and April 15, 2020. Congress may be interested in understanding how the decision to make payments for non-specialty crops based on unsold inventories impacted the extent of compensation made available for other agricultural sectors.

Another concern some express relates to the types of losses that are not covered by CFAP-1 payments. This includes the costs of disposing of animal carcasses that resulted from farm-level depopulation efforts to deal with unsustainable stocking densities due to a backing up of market-ready cattle, hogs, and poultry in the food supply chain. In addition, CFAP-1 excluded commodities that are routinely grown under contract, such as potatoes and malting barley. Also excluded are processed food commodities (e.g., raisins) and aquaculture. [45]

Similarly, to be eligible, a producer must still control the affected commodity. If the producer has already sold the commodity (perhaps out of financial necessity to meet cash flow requirements), then that portion of commodity is no longer eligible for any CFAP-1 assistance—no matter what type of sales loss might have resulted from the sale. Additionally, if contracted producers incurred losses because they were provided with fewer animals than they originally expected to raise under contract, these losses would not be eligible for CFAP-1 assistance.

[43] The predicament related to USDA's decision to use national prices for specialty crops was highlighted by House Agriculture Committee Chairman Collin Peterson in two letters to USDA Secretary Sonny Perdue dated June 9, 2020, and August 21, 2020.

[44] Brad Hooker, "Smaller Farmers Are 'Left Out' Of Aid Programs," *AgriPulse*, June 6, 2020.

[45] House Agriculture Chairman Collin Peterson in a letter to USDA Secretary Perdue dated June 9, 2020.

Concern has also been expressed about USDA's rigid selection of dates—January 15 and April 15—for covering livestock sales. COVID-19 livestock market declines did not begin until February 2020, and some of the lowest market prices persisted beyond April 15. As a result, by arbitrarily selecting the program dates, according to this critique, USDA was in effect picking winners and losers based solely on when livestock was sold without regard to actual market conditions.[46]

Another concern involved congressional monitoring and oversight of the large sums of taxpayer money that will be flowing out through the USDA and the CCC. This concern stemmed from the idea that producer self-certification of the farm data needed to calculate losses might create an incentive to over-report losses.

Policy analysts and budget hawks have expressed concern about the potential for duplication of loss coverage between CFAP-1 and either the Agricultural Risk Coverage (ARC) and Price Loss Coverage (PLC) programs or federally subsidized crop insurance.[47]

Congress may also be interested in evaluating whether CFAP-1 payments helped to mitigate the economic damage caused by the COVID-19 pandemic. Moreover, is additional assistance needed to support certain affected industries—such as various specialty crops—that were not eligible under USDA's final expanded eligibility list? Will additional assistance be necessary later this year for the entire U.S. agricultural sector?[48]

As CFAP-1 winds down and more stakeholder feedback becomes available, Congress may evaluate whether CFAP-1 will serve as a useful template for future disaster response programs, and what changes might be necessary or useful in designing any future program.

[46] House Agriculture Chairman Collin Peterson in a letter to USDA Secretary Perdue dated June 9, 2020.

[47] For a description of the types of losses covered by ARC and PLC, or crop insurance, see CRS Report R45730, *Farm Commodity Provisions in the 2018 Farm Bill (P.L. 115-334)*; or CRS Report R45193, *Federal Crop Insurance: Program Overview for the 115th Congress*.

[48] USDA decided that the answer to these two questions was yes when, on September 18, 2020, USDA announced that it was initiating a second round of CFAP payments (CFAP-2) but under more expansive eligibility criteria and a new payment methodology. USDA, "USDA to Provide Additional Direct Assistance to Farmers and Ranchers Impacted by the Coronavirus," Press Release No. 0378.20, September 18, 2020.

Appendix. Supplementary Tables

Table A-1. CFAP-1 Payment Rates (PRs): Non-Specialty Crops, Dairy, & Livestock

		Price Change ($ per unit)				Payment Rates	
Commodity	Unit	Average: Jan. 13-17	Average: Apr. 6-9	Decline (PD)[a]	% decline	CARES Act	CCC
Non-Specialty Crops[b]						**50% PD**	**55% PD**
Barley (malting)	Bu.	$4.27	$3.60	$0.67	15.7%	$0.34	$0.37
Canola	Lb.	$0.17	$0.15	$0.02	11.8%	$0.01	$0.01
Corn	Bu.	$3.93	$3.30	$0.63	16.0%	$0.32	$0.35
Durum wheat	Bu.	$5.83	$5.46	$0.37	6.3%	$0.19	$0.20
Hard red spring wheat	Bu.	$5.64	$5.28	$0.36	6.4%	$0.18	$0.20
Millet	Bu.	$6.19	$5.57	$0.62	10.0%	$0.31	$0.34
Oats	Bu.	$3.04	$2.74	$0.30	9.9%	$0.15	$0.17
Sorghum	Bu.	$3.73	$3.14	$0.59	15.8%	$0.30	$0.32
Soybeans	Bu.	$9.47	$8.57	$0.90	9.5%	$0.45	$0.50
Sunflowers	Lb.	$0.18	$0.15	$0.03	16.7%	$0.02	$0.02
Upland cotton	Lb.	$0.72	$0.54	$0.18	25.0%	$0.09	$0.10
Dairy[c]						**80% PD**	**25% PD**
Dairy	Cwt.	$17.61	$11.72	$5.89	33.4%	$4.71	$1.47
Livestock[d]						**80% PD**	**Costs[e]**
Slaughter cattle: fed[f]	Head	$1,736	$1,469	$267	15.4%	$214	$33
Slaughter cattle: mature[g]	Head	$744	$630	$114	15.3%	$92	$33
Feeder cattle: < 600 lbs.[h]	Head	$812	$685	$127	15.6%	$102	$33
Feeder cattle: >600 lbs.[i]	Head	$1,107	$934	$173	15.6%	$139	$33
All other cattle[j]	Head	$812	$685	$127	15.6%	$102	$33
Pigs[k]	Head	na[l]	na	$35	58%	$28	$17
Hogs[m]	Head	na	na	$23	21%	$18	$17
Lambs and yearlings[n]	Head	na	na	$41	26%	$33	$7
All Other Sheep[o]	Head	na	na	na	na	$24	$7
Wool[p]						**50% PD**	**55% PD**
(graded, clean)	Lb.	$5.04	$3.62	$1.42	28.2%	$0.71	$0.78
(non-graded, greasy)[q]	Lb.	—	—	—	—	$0.36	$0.39

Sources: USDA, FSA, "Coronavirus Food Assistance Program," Final Rule, 85 *Federal Register* 30825, May 21, 2020; USDA, FSA, "Coronavirus Food Assistance Program Cost-Benefit Analysis, May 14, 2020; and *85 Federal Register* 49589, August 14, 2020. According to USDA, commodity prices are drawn from several sources as follows.

For non-specialty crops with futures market data, quotes for May futures contracts from various exchanges are used: Chicago Mercantile Exchange (CME) for corn, soybeans, and oats; Minneapolis Grain Exchange for hard red spring (HRS) wheat; and the Intercontinental Exchange for cotton and canola. Sorghum is calculated as 95%

of the corn futures price, durum wheat is 103.4% of the HRS wheat futures price, sunflowers is the soybean oil CME futures price divided by two, plus one cent. AMS data is used for other non-specialty crops where futures contracts are not traded.

For specialty crops, price data was provided by AMS and represents an average of all units shipped of domestic production, whether conventional or organic. The raw data source for the prices is the AMS Market News Portal, https://www.ams.usda.gov/market-news/fruits-vegetables. The prices are for the shipping point if available, or terminal market if not. For any particular crop, shipping point and terminal market prices are not mixed.

For livestock prices, price data was provided by AMS for cattle, hogs, milk (Class III and Class IV), and lamb and yearlings. The weighting of milk class prices to represent all-milk prices is described in the notes below. Adjustments to per-pound prices to account for live weight for cattle, hogs, and pigs are described in the notes below. For wool, instead of a futures or cash price, the difference in the Eastern Market Indicator, as reported by AMS in the *National Wool Review*, for the same two-week period is used to calculate the price decline.

Notes: PD = price decline; na = not available.

a. The price decline (PD) is the difference between the weekly average of the futures contract prices (or weekly average of the cash prices if the futures prices are unavailable) for the weeks of January 13-17, 2020, and April 6-9, 2020. Non-specialty crops and livestock commodities whose price decline is at least 5% are listed in this table and are eligible for a CFAP payment as described in **Table 2**.

b. For all non-specialty crops, the CARES Act payment rate is 50% of the PD; the CCC payment rate is 55% of the PD.

c. Dairy prices use an average of Class III (60% weight) and Class IV (40% weight) prices; the CARES Act payment rate is 80% of the calculated price decline; the CCC payment rate is 25% of the price decline.

d. For livestock, the CARES Act payment rate is 80% of the price decline.

e. The CCC payment rate for livestock is based on projected costs likely to be incurred for marketing the 2020 inventory after April 15, 2020, due to disrupted markets.

f. Fed cattle are cattle that are market-ready (with a weight of 1,200 lbs. or more) and intended for slaughter. The price loss per-head of fed cattle is approximated by first calculating the difference between the weekly average prices for January 13-17, 2020, and April 6-9, 2020. These values are multiplied by 14 (assuming an average weight of 1,400 lbs. or 14 cwt) to approximate the equivalent per-head values for fed cattle.

g. Mature cattle are either cull cattle from a dairy herd, or breeding livestock that have been removed from inventory and are intended for slaughter. Similar to the procedure used for fed cattle, per-head prices for mature cattle are approximated by multiplying the per-cwt calculated average prices and their difference by 50% and 12 because culled cattle typically weight about 1,200 lbs. and are worth approximately half that of fed cattle.

h. Feeder cattle are young cattle that are taken off pasture and brought to a feedlot for finishing weight gain to achieve market-ready status prior to slaughter. For feeder cattle under 600 lbs., the calculated average prices and their difference are multiplied by 5.5 to represent the average weight of 550 lbs.

i. Similarly, for feeder cattle over 600 lbs., the calculated average prices and their difference are multiplied by 7.5 to represent 750 lbs., the average weight when feeder cattle are placed on feed.

j. Commercially raised or maintained bovine animals not meeting definitions of other cattle categories, excluding beefalo, bison, and animals used for dairy production.

k. Pigs are any swine that weighs less than 120 lbs.

l. USDA did not provide the price averages used to calculate the price decline for pigs, hogs, and lambs and yearlings.

m. Hogs are any swine that weighs more than 120 lbs. For hogs, the negotiated purchase prices as reported by AMS (https://mpr.datamart.ams.usda.gov/) were used to calculate the price change between the two periods.

n. Lambs and yearlings are all sheep less than two years of age.

o. All sheep greater than two years of age. Added as an eligible commodity by 85 *Federal Register* 49589, August 14, 2020.

p. Wool means the fiber sheared from a live sheep and includes, unless noted otherwise, graded and nongraded wool. Graded wool is paid on a clean basis, and ungraded wool is paid on a greasy basis. For all wool, the CARES Act payment rate is 50% of the PD; the CCC payment rate is 55% of the PD.

q. USDA uses a 50% conversion rate from greasy wool to clean wool, thus the payment rates for greasy wool are set at half the value of clean wool.

Table A-2. CFAP-1 Payment Rates (PRs) for Specialty Crops

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
	($/lb)	($/lb)	($/lb)	%	**PR-1** ($/lb)	**PR-2** ($/lb)	**PR-3** ($/lb)
Alfalfa Sprouts	—	—	—	—	—	$8.14	$1.59
Almonds	$1.90	$1.58	$0.32	16.8%	$0.26	$0.57	$0.11
Aloe Leaves	na	na	na	na	$0.06	$0.19	$0.04
Anise	na	na	na	na	$0.88	$0.81	$0.16
Apples	—	—	—	—	—	$0.18	$0.03
Artichokes	$1.64	$0.81	$0.83	50.6%	$0.66	$0.49	$0.10
Arugula	—	—	—	—	—	$4.64	$0.91
Asparagus	—	—	—	—	—	$0.38	$0.07
Avocados	—	—	—	—	—	$0.14	$0.03
Bananas	na	na	na	na	$0.34	$0.20	$0.04
Basil	na	na	na	na	$0.30	$1.65	$0.32
Batatas	—	—	—	—	—	$0.32	$0.06
Bean Sprouts	—	—	—	—	—	$0.26	$0.05
Beans	$0.55	$0.33	$0.22	40.0%	$0.17	$0.16	$0.03
Beets	—	—	—	—	—	$0.30	$0.06
Blackberries	na	na	na	na	$1.72	$2.11	$0.41
Blueberries	—	—	—	—	—	$0.62	$0.12
Bok Choy	na	na	na	na	$0.22	$0.23	$0.05
Broccoli	$1.62	$0.84	$0.78	48.1%	$0.62	$0.49	$0.10
Brussels Sprouts	na	na	na	na	$0.26	$0.34	$0.07
Cabbage	$0.22	$0.16	$0.06	27.3%	$0.04	$0.07	$0.01
Cantaloupe	—	—	—	—	—	$0.10	$0.02
Carambola (Star Fruit)	—	—	—	—	—	$0.58	$0.11

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
Carrots	$0.38	$0.35	$0.03	7.9%	$0.20	$0.11	$0.02
Cauliflower	$1.02	$0.89	$0.13	12.7%	$0.11	$0.31	$0.06
Celeriac (Celery Root)	—	—	—	—	—	$0.52	$0.10
Celery	—	—	—	—	—	$0.07	$0.01
Cherimoya	na	na	na	na	$1.83	$0.98	$0.19
Chervil (French Parsley)	na	na	na	na	$2.74	$8.09	$1.58
Chives	—	—	—	—	—	$1.32	$0.26
Cilantro	na	na	na	na	$0.19	$0.23	$0.05
Cilantro (Coriander)	na	na	na	na	$0.19	$0.23	$0.05
Citron	na	na	na	na	$0.32	$0.26	$0.05
Coconuts	—	—	—	—	—	$0.25	$0.05
Collard Greens	na	na	na	na	$0.04	$0.21	$0.04
Corn, sweet	$0.43	$0.31	$0.12	27.9%	$0.09	$0.13	$0.03
Cucumbers	$0.50	$0.34	$0.16	32.0%	$0.13	$0.15	$0.03
Curry Leaves	na	na	na	na	$2.40	$5.25	$1.03
Daikon	—	—	—	—	—	$0.19	$0.04
Dandelion Greens	na	na	na	na	$0.06	$0.26	$0.05
Dates	—	—	—	—	—	$1.44	$0.28
Dill	—	—	—	—	—	$5.38	$1.05
Donaqua (Winter Melon)	na	na	na	na	$1.42	$0.60	$0.12
Dragon Fruit (Red Pitaya)	—	—	—	—	—	$1.03	$0.20
Eggplant	$0.50	$0.40	$0.09	20.0%	$0.07	$0.15	$0.03
Endive	na	na	na	na	$0.04	$0.15	$0.03
Escarole	na	na	na	na	$0.11	$0.18	$0.04
Filberts	na	na	na	na	$0.41	$0.67	$0.13
Frisee	—	—	—	—	—	$0.69	$0.14

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
Garlic	—	—	—	—	—	$0.85	$0.17
Grapefruit	—	—	—	—	—	$0.11	$0.02
Greens (others not listed)	na	na	na	na	$0.08	$0.16	$0.03
Guava	na	na	na	na	$1.52	$1.73	$0.34
Horseradish	—	—	—	—	—	$3.72	$0.73
Kale Greens	—	—	—	—	—	$0.22	$0.04
Kiwifruit	—	—	—	—	—	$0.32	$0.06
Kohlrabi	—	—	—	—	—	$0.24	$0.05
Kumquats	na	na	na	na	$1.28	$1.76	$0.34
Leeks	na	na	na	na	$0.14	$0.18	$0.03
Lemons	$0.70	$0.61	$0.09	12.9%	$0.08	$0.21	$0.04
Lettuce, Boston	na	na	na	na	$0.09	$0.34	$0.07
Lettuce, Green Leaf	na	na	na	na	$0.44	$0.60	$0.12
Lettuce, Lolla Rossa	—	—	—	—	—	$1.69	$0.33
Lettuce, Oak Leaf—Green	—	—	—	—	—	$1.69	$0.33
Lettuce, Oak Leaf—Red	—	—	—	—	—	$1.69	$0.33
Lettuce, Red Leaf	na	na	na	na	$0.42	$0.60	$0.12
Lettuce, iceberg	$0.50	$0.25	$0.25	50.0%	$0.20	$0.15	$0.03
Lettuce, romaine	$0.40	$0.31	$0.09	22.5%	$0.07	$0.12	$0.02
Mamey Sapote	na	na	na	na	$0.56	$0.92	$0.18
Maple Sap* (for Maple Syrup)	na	na	na	na	$0.07	$0.20	$0.04
Marjoram	na	na	na	na	$1.06	$1.42	$0.28
Mesculin Mix	—	—	—	—	—	$0.79	$0.16
Microgreens	—	—	—	—	—	$7.15	$1.40
Mint	—	—	—	—	—	$7.47	$1.46
Mint (Others not listed)	—	—	—	—	—	$0.93	$0.18

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
Mushrooms	—	—	—	—	—	$0.59	$0.11
Mustard	—	—	—	—	—	$0.21	$0.04
Nectarines	—	—	—	—	—	$0.30	$0.06
Okra	na	na	na	na	$0.31	$0.46	$0.09
Onions, dry	$0.18	$0.16	$0.02	11.1%	$0.01	$0.05	$0.01
Onions green	—	—	—	—	—	$0.30	$0.06
Oranges	—	—	—	—	—	$0.14	$0.03
Oregano	—	—	—	—	—	$1.22	$0.24
Papaya	—	—	—	—	—	$0.32	$0.06
Parsley	na	na	na	na	$0.19	$0.23	$0.04
Parsnips	na	na	na	na	$0.06	$0.40	$0.08
Passion Fruit	na	na	na	na	$0.89	$3.21	$0.63
Peaches	—	—	—	—	—	$0.32	$0.06
Pears	$0.58	$0.49	$0.09	15.5%	$0.08	$0.18	$0.03
Peas Green	na	na	na	na	$0.10	$0.36	$0.07
Pecans	$3.10	$2.76	$0.34	11.0%	$0.28	$0.93	$0.18
Peppermint	na	na	na	na	$1.60	$5.40	$1.06
Peppers, belltype	$0.73	$0.56	$0.17	23.3%	$0.14	$0.22	$0.04
Peppers, other	$0.73	$0.55	$0.18	24.7%	$0.15	$0.22	$0.04
Persimmons	—	—	—	—	—	$0.53	$0.10
Pineapples	—	—	—	—	—	$0.23	$0.04
Pistachios	—	—	—	—	—	$0.74	$0.14
Pistachios	na	na	na	na	$0.22	$1.28	$0.25
Plantains	na	na	na	na	$0.18	$0.15	$0.03
Pomegranates	—	—	—	—	—	$0.54	$0.11
Potatoes, fresh other	—	—	—	—	$0.01	$0.04	$0.01

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
Potatoes, fresh Russets	—	—	—	—	$0.07	$0.09	$0.02
Potatoes, processing	—	—	—	—	$0.02	$0.03	$0.01
Potatoes, seed	—	—	—	—	$0.02	$0.04	$0.01
Pummelos	—	—	—	—	—	$0.21	$0.04
Pumpkins	na	na	na	na	$0.72	$0.39	$0.08
Radicchio	—	—	—	—	—	$0.72	$0.14
Raspberries	—	—	—	—	—	$1.45	$0.28
Rhubarb	—	—	—	—	—	$1.03	$0.20
Rosemary	—	—	—	—	—	$2.60	$0.51
Rutabagas	na	na	na	na	$0.08	$0.19	$0.04
Sage	na	na	na	na	$0.72	$3.06	$0.60
Savory	—	—	—	—	—	$0.62	$0.12
Shallots	na	na	na	na	$0.51	$0.70	$0.14
Sorrel	—	—	—	—	—	$2.85	$0.56
Spearmint	na	na	na	na	$1.60	$4.80	$0.94
Spinach	$1.22	$0.77	$0.45	36.9%	$0.37	$0.37	$0.39
Squash	$1.30	$0.40	$0.90	69.2%	$0.72	$0.39	$0.08
Strawberries	$2.40	$1.35	$1.05	43.8%	$0.84	$0.72	$0.14
Sugarcane, table	—	—	—	—	—	$0.14	$0.03
Sweetpotatoes	—	—	—	—	—	$0.18	$0.04
Swiss Chard	—	—	—	—	—	$0.25	$0.05
Tangelos	na	na	na	na	$0.05	$0.22	$0.04
Tangerines	—	—	—	—	—	$0.22	$0.04
Taro	—	—	—	—	—	$0.23	$0.05
Thyme	—	—	—	—	—	$2.63	$0.51
Tomatoes	$1.26	$0.46	$0.80	63.5%	$0.64	$0.38	$0.07

Commodity	Price Change[a] ($ per lb.)				Payment Rates (PR)		
	Avg. Price: Jan. 13-17	Avg. Price: Apr. 6-10	Price Decline (PD)[b]	% PD	CARES Act PR-1: Sales Losses[c] (80% PD)	CARES Act PR-2: product spoilage[d]	CCC PR-3: unsold inventory[e]
Turmeric	—	—	—	—	—	$1.05	$0.20
Turnip Tops Greens	—	—	—	—	—	$0.19	$0.04
Turnips (Celeriac)	—	—	—	—	—	$0.20	$0.04
Upland and Winter Cress	—	—	—	—	—	$2.18	$0.43
Walnuts	—	—	—	—	—	$0.45	$0.09
Watercress	—	—	—	—	—	$2.18	$0.43
Watermelons	—	—	—	—	—	$0.02	—
Yautia (Malanga)	na	na	na	na	$0.48	$0.42	$0.08
Yuca (Cassava)	—	—	—	—	—	$0.16	$0.03

Sources: USDA, FSA, "CFAP," Final Rule, 85 *Federal Register* 30825, May 21, 2020, as corrected by: USDA, FSA, "CFAP Additional Eligible Commodities," 85 *Federal Register* 35799, June 12, 2020; USDA, FSA, "CFAP Additional Eligible Commodities," 85 *Federal Register* 41321, July 10, 2020; USDA, FSA, "CFAP Correction," 85 *Federal Register* 41328, July 10, 2020; USDA, FSA, "CFAP Additional Eligible Commodities," 85 *Federal Register* 49589, August 14, 2020; and USDA, FSA, "CFAP Correction," 85 *Federal Register* 49593, August 14, 2020.

Notes: CFAP-1 = Coronavirus Food Assistance Program, First Round; na = not available. Specialty crops include, but are not limited to, those commodities listed in this table. An "—" under the sixth column (CARES Act PR-1) signifies that either a price increase occurred between the two periods used to calculate the price change, or the price decrease was less than 5%, hence no payment will be made under CARES Act PR-1. However, the commodity may be eligible for payments under CARES Act PR-2 and CCC PR-3. USDA has not provided any information on the prices used for those commodities added after the initial rule was released on May 21, 2020. Prices that appear in this table have been rounded to two digits to the right of the decimal—as a result, differences may not equate directly with the table data.

a. Weekly AMS cash prices are used to calculate the average prices for the two periods.

b. The price decline is the difference in the weekly average of cash prices between the weeks of January 13-17, 2020, and April 6-10, 2020. Commodities whose price decline is equal to or greater than 5% are eligible for a CFAP payment based on the CARES Act PR-1 payment rate as described in **Table 2**.

c. The CARES Act payment rate (PR-1) for price losses equals 80% of the calculated price decline.

d. The CARES Act payment rate (PR-2) for market spoilage equals 30% of the lost value of any shipment.

e. The CCC payment rate (PR-3) for unsold inventory equals 5.875% of the crop's value. The 5.875% is calculated as 25% of the average price decline (of 23.5%) across specialty crops for which data was available.

Table A-3. CFAP-1 Payment Rates for Liquid and Frozen Eggs and Aquaculture

Added by USDA on August 14, 2020

Commodity	Unit	CARES Act PR: Sales Losses	CCC PR: unsold inventory
Liquid and Frozen Eggs		($/lb.)	($/lb.)
Liquid Eggs	Pound	$0.05	$0.02
Frozen Eggs	Pound	$0.06	$0.02
Aquaculture Commodities[a]			
Crawfish	Pound	$0.65	$0.05
Catfish	Pound	—	$0.07
Largemouth Bass and Carp Sold as Food	Pound	$0.51	$0.39
Hybrid Striped Bass	Pound	—	$0.25
Red Drum	Pound	—	$0.24
Salmon	Pound	$1.14	$0.31
Sturgeon	Pound	—	$0.29
Tilapia	Pound	—	$0.16
Trout	Pound	—	$0.11
Ornamental or Tropical Fish	Pound	—	$0.03
Recreational Sportfish	Pound	—	$0.27

Source: 85 *Federal Register* 49589, August 14, 2020.

Notes: CFAP-1 = Coronavirus Food Assistance Program, First Round. An "—" under the third column (CARES Act PR) signifies that either a price increase occurred between the two periods used to calculate the price change, or the price decrease was less than 5%, hence no payment will be made under CARES Act PR. However, the commodity may be eligible for payments for a CCC payment to partially offset additional marketing costs.

a. In extending eligibility for CFAP payments to the identified aquaculture, USDA stated that aquaculture commodities are unique because they require continued feeding and care, and they continue to grow and may ultimately exceed the size range that is preferred by buyers. As a result, that inventory would likely be sold at reduced prices as animals grew past their optimal market, thus incurring sales losses. In addition, many aquaculture producers cannot begin raising new fish while still maintaining the fish intended to be sold prior to April 15, 2020, thus incurring additional marketing costs.

Table A-4. Chronology of CFAP-1 Regulatory Amendments and Corrections

Coronavirus Food Assistance Program, Round One (CFAP-1)

Federal Regulation Citation

(85 *Federal Register* 30825, May 21, 2020) CFAP-1, Final Rule

- Specifies CFAP-1 eligibility requirements, payment calculations, and application procedures.
- Announces that USDA will accept CFAP-1 applications starting on May 26, 2020, with a deadline of August 28, 2020 (later extended to September 11, 2020, by 85 *Federal Register* 49593, August 14, 2020).
- Eligible non-specialty crops include malting barley, canola, corn, upland cotton, millet, oats, sorghum, soybeans, sunflowers, durum wheat, and hard red spring wheat.
- Eligible specialty crops include almonds, beans, broccoli, sweet corn, lemons, iceberg lettuce, spinach, squash, strawberries, and tomatoes.
- Eligible livestock include dairy, cattle, lambs and yearlings, wool, and hogs and pigs.
- Announces commodity-specific payment rates and total payment calculations. To comply with funding sources and authorities, USDA announces that payments for sales losses (i.e., lost income) and spoilage (while being marketed) are to be paid using CARES Act funds, while payments for unexpected marketing costs due to COVID-19 are to be paid using CCC funds.
- Additional eligible commodities, such as aquaculture, nursery crops, and cut flowers to be announced in a subsequently Notice of Funding Availability (NOFA).

(85 *Federal Register* 31062, May 22, 2020) NOFA, CFAP-1 Additional Commodities Request for Information

- USDA requests more information from stakeholders on potential additional commodities to be eligible for CFAP-1 payments—to be submitted via the comment facility at the federal rulemaking portal.

(85 *Federal Register* 35799, June 12, 2020) CFAP-1, Correction

- Correction of typo in table of CFAP-1 payment rates for the commodity carrots.
- Corrections are made to definitions of several CFAP-1 program terms to add clarity.

(85 *Federal Register* 41321, July 10, 2020) NOFA, CFAP-1, Additional Eligible Commodities

- Announces additional commodities eligible for CFAP-1 payments, including Alfalfa Sprouts, Anise, Arugula, Basil, Bean Sprouts, Beets, Blackberries, Brussels Sprouts, Celeriac (celery root), Chives, Cilantro, Coconuts, Collard Greens, Dandelion Greens, Greens (others not listed separately), Guava, Kale Greens, Lettuce Boston, Lettuce Green Leaf, Lettuce Lolla Rossa, Lettuce Oak Leaf Green, Lettuce Oak Leaf Red, Lettuce Red Leaf, Marjoram, Mint, Mustard, Okra, Oregano, Parsnips, Passion Fruit, Peas Green, Pineapples, Pistachios, Radicchio, Rosemary, Sage, Savory, Sorrel, Sugarcane (table), Swiss Chard, Thyme, Turnip Tops Green.

(85 *Federal Register* 41328, July 10, 2020) CFAP-1, Correction

- Expands eligibility for sales-loss payments to apples, blueberries, garlic, potatoes, raspberries, tangerines, and taro.
- Removes peaches and rhubarb from eligibility for sales-loss payments.
- Adds specificity to potato for sales-loss payments—it is separated into categories for fresh Russets, fresh other, processing, and seed potato.
- Corrects errors in payment rates for marketing costs and spoilage of apples, artichokes, asparagus, blueberries, cantaloupes, cucumbers, garlic, kiwifruit, mushrooms, papaya, peaches, potatoes (by category), raspberries, rhubarb, tangerines, and taro.

(85 *Federal Register* 49589, August 14, 2020) NOFA, CFAP-1, Additional Eligible Commodities

- Announces additional eligible specialty crops including Aloe Leaves, Bananas, Batatas, Bok Choy, Carambola (Star Fruit), Cherimoya, Chervil (French parsley), Citron, Curry Leaves, Daikon, Dates, Dill, Donqua (Winter Melon), Dragon Fruit (Red Pitaya), Endive, Escarole, Filberts, Frisee, Horseradish, Kohlrabi, Kumquats, Leeks, Mamey Sapote, Maple Sap (for Maple Syrup), Mesculin Mix, Microgreens, Nectarines, Parsley, Persimmons, Plantains, Pomegranates, Pummelos, Pumpkins, Rutabagas, Shallots, Tangelos, Turnips (Celeriac), Turmeric, Upland and Winter Cress, Water Cress, Yautia (Malanga), and Yuca (Cassava).

Federal Regulation Citation
• Announces additional eligible livestock and payment rate for all other sheep (i.e., all sheep greater than 2 years of age). All other sheep payments to be determined according to the formula for lamb and yearlings (**Table 2**). • Announces payment eligibility for aquaculture, including catfish, largemouth bass and carp sold live as food (i.e., not for breeding), hybrid striped bass, red drum, salmon, sturgeon, tilapia, trout, ornamental or tropical fish, and recreational sportfish. Announces payment formula as described in **Table 2**. • Announces payment eligibility for liquid eggs, frozen eggs, nursery crops, and cut flowers.
(85 Federal Register 49593, August 14, 2020) CFAP-1, Correction
• Extends CFAP-1 application deadline until September 11, 2020. • Extends CFAP-1 payment for sales losses (CARES Act funds) to green onions, walnuts, and watermelons. • Corrects CFAP-1 payment for marketing costs (CCC funds) and spoilage (CARES Act funds) for green onions, walnuts, and watermelons.
(85 Federal Register 59174, September 21, 2020) CFAP-1, Correction
• Clarifies meaning of "produced in the United States" as it relates to imported livestock. • Specifies that all barley—not just malting barley—is eligible for CFAP-1 payments.

Source: U.S. *Federal Register* (as cited in table); USDA, CFAP-1, web portal, at https://www.farmers.gov/cfap1.

Note: CFAP-1 = Coronavirus Food Assistance Program, First Round.

Table A-5. Additional USDA Forms for CFAP Eligibility

Form	Purpose
CCC-901	**Member Information** CCC-901 identifies members of a farm or ranch that is a legal entity. Member Information will be completed by legal entities and joint operations to collect the following: member names, addresses, and Tax Identification Numbers (TINs); and citizenship status. If any member of the legal entity is a foreign person, CCC-902 must be completed by the legal entity or joint operation.
CCC-902	**Farm Operating Plan** For CFAP purposes only the following fields on the CCC-902 form are required to be completed: names, addresses, and TINs; citizenship status; and contributions to the farming operation for foreign persons.
CCC-941	**Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information** CCC-941 information is used to evaluate whether a producer is in compliance with AGI criteria.
CCC-942	**Certification of Income from Farming, Ranching and Forestry Operations** CCC-942 must be completed if a producer exceeds the AGI criteria of $900,000, but derives at least 75% of income from farming activities.
AD-1026	**Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification** AD-1026 certifies compliance with required conservation provisions.
AD-2047	**Customer Data Worksheet Request for Business Partner Record Change** AD-2047 provides basic customer contact information.
SF-3881	**ACH Vendor/Miscellaneous Payment Enrollment Form (Direct Deposit)** SF-3881 collects a producer's banking information to allow USDA to make payments to via direct deposit.

Source: USDA, Coronavirus Food Assistance Program, web portal, at https://www.farmers.gov/cfap.

Notes: For producers that are existing FSA program participants, most of these forms are likely already on file at their local FSA Service Centers. In addition to these forms, if requested by USDA, an applicant must provide documentation that verifies the quantities of production and/or inventory used in the application, and that establishes the applicant's ownership share and value at risk for the commodity.

Author Information

Randy Schnepf
Specialist in Agricultural Policy

Disclaimer

This document was prepared by the Congressional Research Service (CRS). CRS serves as nonpartisan shared staff to congressional committees and Members of Congress. It operates solely at the behest of and under the direction of Congress. Information in a CRS Report should not be relied upon for purposes other than public understanding of information that has been provided by CRS to Members of Congress in connection with CRS's institutional role. CRS Reports, as a work of the United States Government, are not subject to copyright protection in the United States. Any CRS Report may be reproduced and distributed in its entirety without permission from CRS. However, as a CRS Report may include copyrighted images or material from a third party, you may need to obtain the permission of the copyright holder if you wish to copy or otherwise use copyrighted material.