

United States Senate
WASHINGTON, DC 20510

September 2, 2020

The Honorable Sonny Perdue
Secretary
U.S. Department of Agriculture
1400 Independence Avenue S.W.
Washington, D.C. 20250

Dear Secretary Perdue:

We write to request that you provide information regarding eligibility determinations made under the U.S. Department of Agriculture's (USDA) Coronavirus Food Assistance Program (CFAP). In order to fairly and adequately support all producers who have experienced losses due to the coronavirus pandemic, we ask that you provide additional clarity about the data being used to determine eligibility for CFAP, as well as the justifications for approval or denial of commodities based on that data.

We are concerned that many commodities in our states were deemed ineligible for CFAP assistance despite experiencing market supply chain disruptions or significant additional marketing costs due to the coronavirus pandemic. Our understanding is that they were denied because of insufficient data, a lack of information about qualifying losses, or due to the fact that the losses were not fully realized during the covered period.

Many growers of commodities denied access to CFAP have received conflicting or confusing explanations and are seeking further information as to why they were deemed ineligible - especially given that many have already suffered or continue to suffer economic impacts due to reduced demand from schools, restaurants, farmers markets, processors, and export and retail markets.

It is for this reason that we ask you to provide answers to the following questions by September 11, 2020:

- What factors did the Department consider when determining whether an unlisted commodity had “experienced market supply chain disruptions due to COVID-19 and face[d] additional significant marketing costs,” as noted in the Frequently Asked Questions (FAQ) documents on the USDA website for CFAP?
- If national price data for demonstrating a qualifying price decline was unavailable for a specific commodity, how did the Department determine which types of producer submitted documentation were evaluated and acceptable?
- Did the Department provide feedback or general outreach to producers or producer groups about what types of commenter data from the Notice of Funding Availability (NOFA) would be evaluated and considered acceptable?

- Did the Department indicate how or why submitted data was acceptable or unacceptable when notifying commenters of their denial or acceptance into the program?
- How did the Department decide when sub-national data was acceptable to justify a qualifying loss and when it was unacceptable?
- If a commodity had no publicly available price data, how did the Department determine whether that commodity was eligible?
- Did the Department assign qualitative or quantitative definitions to the phrases “insufficient data” or “a lack of information” when denying eligibility to certain commodities?
- Why were data sets like National Agricultural Statistics Service (NASS) annual producer price data, U.S. Census Bureau monthly export price data, auction prices, and individual producer price data excluded from evaluation?

Thank you for your attention to this request. We stand ready and willing to work with you to provide additional support for farmers and rural communities impacted by the coronavirus pandemic.

Sincerely,

/s/ Amy Klobuchar
Amy Klobuchar
United States Senator

/s/ Michael F. Bennet
Michael F. Bennet
United States Senator

/s/ Tina Smith
Tina Smith
United States Senator

/s/ Richard J. Durbin
Richard J. Durbin
United States Senator