

118TH CONGRESS
1ST SESSION

H. R. 5621

To extend the wildfire and hurricane indemnity program to cover certain crop losses in calendar year 2023, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Mr. ALFORD introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To extend the wildfire and hurricane indemnity program to cover certain crop losses in calendar year 2023, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “2023 WHIP+ Reau-
5 thorization Act”.

6 **SEC. 2. DISASTER INDEMNITY PROGRAM.**

7 (a) IN GENERAL.—Except as otherwise provided in
8 this section, with respect to the coverage period, the Sec-
9 retary shall carry out—

1 (1) a disaster indemnity program in the same
2 manner as the WHIP+ program is carried out
3 under subpart O of part 760 of title 7, Code of Fed-
4 eral Regulations (as in effect on the date of the en-
5 actment of this section);

6 (2) an on-farm storage loss program in the
7 same manner as the program carried out under sub-
8 part P of part 760 of title 7, Code of Federal Regu-
9 lations (as in effect on the date of the enactment of
10 this section); and

11 (3) a milk loss program in the same manner as
12 the program carried out under subpart Q of part
13 760 of title 7, Code of Federal Regulations (as in ef-
14 fect on the date of the enactment of this section).

15 (b) COVERED LOSSES.—In carrying out the pro-
16 grams under this section, the Secretary shall make pay-
17 ments to producers in accordance with subsection (c) for
18 qualified losses of covered crops, including milk, that oc-
19 curred during the coverage period.

20 (c) PAYMENTS.—

21 (1) IN GENERAL.—Payments to producers for
22 qualified losses of covered crops, including milk,
23 under the programs under this section shall be ad-
24 ministered, except as provided in paragraph (2), in

1 the same manner as payments under the relevant
2 programs in subsection (a).

3 (2) EXCEPTIONS.—

4 (A) DIRECT PAYMENTS REQUIRED.—The
5 Secretary shall make payments under the pro-
6 grams under paragraphs (1), (2), and (3) of
7 subsection (a) as direct payments to producers
8 or processors, at the election of the processor.

9 (B) SPECIAL RULE FOR UNHARVESTED
10 ACRES.—The Secretary shall make payments
11 under this section with respect to qualified
12 losses of unharvested acres of a covered crop in
13 the same manner as payments are made with
14 respect to eligible crop losses under the non-
15 insured crop assistance program under section
16 196 of the Federal Agriculture Improvement
17 and Reform Act of 1996 (7 U.S.C. 7333).

18 (C) PAYMENT LIMITATIONS.—

19 (i) IN GENERAL.—Except as provided
20 in clauses (ii), (iii), (iv), and (v), the Sec-
21 retary shall impose payment limitations
22 consistent with section 760.1507 of title 7,
23 Code of Federal Regulations (as in effect
24 on the date of the enactment of this sec-
25 tion).

1 (ii) EXCEPTION FOR SPECIALTY
2 CROPS OR HIGH VALUE CROPS.—In the
3 case of specialty crops or high value crops,
4 as determined by the Secretary, the Sec-
5 retary shall impose payment limitations
6 consistent with section 760.1507(a)(2) of
7 title 7, Code of Federal Regulations (as in
8 effect on January 1, 2019).

9 (iii) TAX YEAR BASIS.—In applying
10 the payment limitations under this sub-
11 paragraph, the Secretary shall determine a
12 person or legal entity's average adjusted
13 gross income and average adjusted gross
14 farm income based on the 2019, 2020, and
15 2021 tax years.

16 (iv) ANNUAL RENEWAL.—With re-
17 spect to the payment limitations described
18 under this subparagraph, the Secretary
19 shall apply separate payment limits for
20 each of the years under the covered period.

21 (v) ENTITY RULES.—With respect to
22 payments to a corporation, limited liability
23 company, limited partnership, trust, or es-
24 tate under this section, the Secretary
25 shall—

1 (I) determine average adjusted
2 gross income and average adjusted
3 gross farm income in accordance with
4 clause (iii); and

5 (II) apply rules in the same man-
6 ner as subsections (d) and (e) of sec-
7 tion 9.7 of title 7, Code of Federal
8 Regulations.

9 (D) NET INDEMNITIES.—In calculating
10 payments under the programs under para-
11 graphs (1), (2), and (3) of subsection (a), the
12 Secretary shall net out crop insurance indem-
13 nities, less any insurance premiums paid by the
14 producer.

15 (E) PAYMENTS TO SUGAR AND DAIRY
16 PROCESSORS.—

17 (i) IN GENERAL.—At the election of a
18 processor eligible for a loan under section
19 156 of the Federal Agriculture Improve-
20 ment and Reform Act of 1996 (7 U.S.C.
21 7272) or a cooperative processor of dairy,
22 in lieu of payments to producers provided
23 under a program described in subsection
24 (a), the Secretary shall make payments to
25 a processor to be paid to producer mem-

1 bers, as determined by such processors
2 under the same terms and conditions as
3 payments made to processors pursuant to
4 section 791(c) of title VII of division B of
5 the Further Consolidated Appropriations
6 Act, 2020 (Public Law 116–94).

7 (ii) NON-ELECTION.—Notwith-
8 standing section 760.1503(j) of title 7 of
9 the Code of Federal Regulations, in the
10 event that a processor described in clause
11 (i) does not elect to receive payments
12 under such clause, the Secretary shall
13 make direct payments to producers under
14 a program described in subsection (a).

15 (F) BLOCK GRANTS.—The Secretary may
16 provide payments in the form of block grants to
17 States and processors described in subpara-
18 graph (E).

19 (d) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There is authorized to be
21 appropriated to carry out this section
22 \$8,500,000,000.

23 (2) ADMINISTRATION.—The Secretary may use
24 not more than 1 percent of the funds appropriated

1 pursuant to paragraph (1) to carry out the fol-
2 lowing:

3 (A) Streamlining the application process.

4 (B) Utilizing information technology to en-
5 able the electronic transfer of data used in such
6 application process between the Risk Manage-
7 ment Agency and the Farm Service Agency.

8 (C) Activities that with respect to county
9 office employees, reduce the workload of such
10 employees in carrying out this section.

11 (D) To the maximum extent practicable,
12 providing the necessary information to, and as-
13 sisting crop insurance agents with, providing
14 application information on behalf of insured
15 producers.

16 (e) EXEMPTION.—Notwithstanding the Federal
17 Funding Accountability and Transparency Act of 2006
18 (Public Law 109–282; 31 U.S.C. 6101 note), the require-
19 ments of parts 25 and 170 of title 2, Code of Federal
20 Regulations (or successor regulations), shall not apply
21 with respect to assistance received under this section.

22 (f) DEFINITIONS.—In this section:

23 (1) COVERAGE PERIOD.—In this section, the
24 term “coverage period” means, with respect to a
25 covered crop, including milk, and a qualifying dis-

1 aster event described in paragraph (6)(A)(i), cal-
2 endar years 2023 and 2024.

3 (2) COVERED CROP.—The term “covered crop”
4 means a crop, tree, bush, or vine described in section
5 760.1503 of title 7, Code of Federal Regulations (as
6 in effect on the date of the enactment of this sec-
7 tion), including wine grapes, which shall include all
8 insured acreage (regardless of whether such acreage
9 is the initial acreage or not).

10 (3) MILK LOSS PROGRAM.—The term “milk loss
11 program” means the milk loss program under sub-
12 part Q of part 760 of title 7, Code of Federal Regu-
13 lations (as in effect on the date of the enactment of
14 this section).

15 (4) ON-FARM STORAGE LOSS PROGRAM.—The
16 term “on-farm storage loss program” means the on-
17 farm storage loss program under subpart P of part
18 760 of title 7, Code of Federal Regulations (as in ef-
19 fect on the date of the enactment of this section)

20 (5) STATE.—In this section, the term “State”
21 has the meaning given the term in section 1111(20)
22 of the Agricultural Act of 2014.

23 (6) QUALIFIED LOSS.—The term “qualified
24 loss”—

1 (A) with respect to a covered crop not de-
2 scribed in subparagraph (B), the loss of such
3 crop during the coverage period—

4 (i) due to a qualifying disaster event
5 described in the definition of “qualifying
6 disaster event” in section 760.1802 of title
7 7, Code of Federal Regulations (as in ef-
8 fect on the date of the enactment of this
9 section);

10 (ii) due to high winds, derechos, ex-
11 cessive heat, or freeze (including a polar
12 vortex);

13 (iii) due to a drought in—

14 (I) a county the Secretary des-
15 ignated for drought; or

16 (II) a county contiguous to a
17 county described in subclause (I); or

18 (iv) due to other disruptions (includ-
19 ing power outages or curtailments) that
20 are associated with the effects of a quali-
21 fied disaster event under this section; and

22 (B) with respect to smoke tainted wine
23 grapes, the loss (including a quality loss) of
24 such crop during the coverage period due to
25 wildfire, as determined by the Secretary.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 (8) WHIP+ PROGRAM.—The term “WHIP+
4 program” means the WHIP+ program under sub-
5 part O of part 760 of title 7, Code of Federal Regu-
6 lations (as in effect on the date of the enactment of
7 this section).

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