

# United States Senate

WASHINGTON, DC 20510

April 4, 2019

The Honorable Sonny Perdue  
Secretary of Agriculture  
United States Department of Agriculture  
1400 Independence Ave SW  
Washington, DC 20250

Dear Secretary Perdue:

Thank you for your continued focus on our agricultural producers during your tenure at the USDA. I am grateful that you understand the unique challenges that farmers and ranchers face and that you are willing to work with them during this challenging time. I write today to ask that you provide appropriate regulatory relief for farmers and ranchers while they get back to work, and that you consider sending more personnel to assist county and state Farm Service Agency offices with claims and inspections.

Thank you for extending the Livestock Indemnity Program (LIP) deadline for the combination of extended cold and above-normal precipitation during January, February, and March. The deadline for producers to submit a LIP Notice of Loss deadline of April 29, 2019 provides additional time for documentation to be collected. However, I ask that you continue to monitor the situation so that if producers have difficulty filing a Notice of Loss within 30-calendar days of the loss that they be given some flexibility to gather the required documents necessary for assistance. Given the destruction, producers should be granted as much flexibility with deadlines as possible. The flooding naturally has its own timeline. Your understanding that producers need the flexibility to apply for assistance is appreciated.

Additionally, for the LIP program, I ask that you waive the winter storm definition, which requires "3 consecutive days" of "a combination of high winds, freezing rain or sleet, heavy snowfall, and extremely cold temperatures."<sup>1</sup> It is my understanding that this type of specific timeline does not appear in other weather-related definitions for the LIP. This definition requires producers affected by adverse winter weather conditions to meet a higher threshold than other weather events, disproportionately affecting some farmers and ranchers.

I ask also that you allow the FSA State Technical Committee to review the timeframe from January through April to determine producers' loss and review producers' applications to determine eligible loss conditions. Nebraska is in the calving season, and the recent pattern of severe winter weather with below zero temperatures, followed by warmer days, then followed by below zero temperatures, has caused stress to cattle and calves. Cycles of warm-to-below-zero temperatures, muddy conditions, freezing rain, snow and ice coats on cattle, and blizzard conditions have stressed Nebraska livestock for an extended period of time, and can result in decreased production, illness, pneumonia and other disease that might not be expressly clear in the proof of death evidence documentation. These conditions can materialize days or weeks after the time frame proscribed in the LIP regulations. Farmers and ranchers are facing substantive economic loss and higher than average death loss due to these conditions. As you know, the LIP exists to provide benefits to livestock producers for livestock deaths in excess of normal

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<sup>1</sup> 7 CFR §1416.302

mortality caused by adverse weather or by attacks by federally reintroduced animals.<sup>2</sup> Flexibility on mortality death loss should be granted given the duration of the winter weather in Nebraska.

Finally, please consider sending more USDA personnel to the Presidentially declared disaster areas to assist county and state FSA offices with claims from producers and necessary inspections. Experts in these agricultural disaster programs provide technical expertise that can assist their colleagues and producers with the massive recovery that is only beginning to get underway. Nebraskans are no strangers to hard work, but we also know assistance is welcome with the challenges we have.

Nebraskans—producers and nonproducers alike—are ready to rebuild and restore Nebraska’s lands, some of the most productive land in the nation. I ask that you do everything within your authority to make the recovery process quick, efficient, and economical for all effected by the 2019 floods.

Thank you for your immediate attention to these matters.

Sincerely,



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Sen. Ben Sasse

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<sup>2</sup> USDA, Farm Service Agency, *Livestock Indemnity Program*, <https://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/livestock-indemnity/index>