

TCS - Emergency Supplemental Comparison FY2019 and BBA2018 - as of January 9, 2019

Dept.	Agency	Program	Amount	H.R 268 Supplemental Appropriations Act, 2019 (Introduced in the House, 1/8/2019)	Amount	Div C Supplemental to CR (115-88) (Adopted in House, 12/20/2018, not agreed to in Senate)	Amount	Bipartisan Budget Act 2018, Div. B Supplemental Appropriations (Became Law, 2/8/2018)	TCS Explanation * Red indicates a change from the BBA2018 (March) to the December supplemental * Blue is a change from the changed language – Jan 2019 House Dem bill compared to Dec 2018 GOP bill
USDA	PROCESSING, RESEARCH AND MARKETING	OFFICE OF THE SECRETARY	\$1,105,442,000		\$1,105,442,000		\$2,360,000,000		In implementing this appropriation, on May 1, 2018 the Secretary of Agriculture announced \$2.36 billion would be directed through a program known as the Wildfire Hurricane Indemnity Program (WHIP), \$340 million of which would be dedicated for a Florida Citrus Recovery Block Grant program, and approximately \$10 million for USDA administrative costs.
				which shall remain available until December 31, 2020, for necessary expenses related to losses of crops (including milk), trees, bushes, and vines, as a consequence of Hurricanes Michael or Florence, other hurricanes, typhoons, volcanic activity, or wildfires occurring in calendar year 2018 under such terms and conditions as determined by the Secretary:		which shall remain available until December 31, 2020, for necessary expenses related to losses of crops (including milk), trees, bushes, and vines, as a consequence of Hurricanes Michael and Florence, other hurricanes, typhoons, volcanic activity, and wildfires occurring in calendar year 2018 under such terms and conditions as determined by the Secretary:		which shall remain available until December 31, 2019, for necessary expenses related to crops, trees, bushes, and vine losses related to the consequences of Hurricanes Harvey, Irma, Maria, and other hurricanes and wildfires occurring in calendar year 2017 under such terms and conditions as determined by the Secretary:	*Typhoons is added to cover Super Typhoons Yutu and Mangkhut that hit the U.S. territory Guam and the Commonwealth of the Northern Mariana Islands. *Volcanic activity added to cover Mt. Kilauea eruption in May 2018 *Milk explicitly added as an eligible crop (in spite of Dairy having a separate Farm Bill program.)
				That the Secretary where authorized may provide assistance for such losses in the form of block grants to eligible states and territories and such assistance may include compensation to producers, as determined by the Secretary, for past or future crop insurance premiums, for forest restoration and poultry and livestock losses:		That the Secretary where authorized may provide assistance for such losses in the form of block grants to eligible states and territories and such assistance may include compensation to producers, as determined by the Secretary, for forest restoration and poultry and livestock losses:		That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories:	*The 2019 bills adds an authorization to spend ad hoc disaster money to cover the costs of farmers' share of federally subsidized crop insurance. This could be used to reimburse producers for insurance premiums they paid in past years as well as in future years. *Explicitly authorizes direct cash payments to agricultural businesses that lost livestock, poultry, or commercial forests. *Livestock will mostly be directed at hogs *Forests in the affected states include primarily Southern Yellow Pine forests. Many of these commercial pine forests were not economically viable, even before the hurricane events.
				That of the amounts provided under this heading, tree assistance payments may be made under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), to be available until expended, for losses incurred during the period beginning January 1, 2018, and ending December 31, 2018					*Creates a carveout in the Tree Assistance Program (TAP) just for businesses raising pecan trees. TAP directs taxpayer subsidies to orchards to cover costs for trimming damaged trees and replanting lost trees. An identical provision was included in the 2018 Omnibus approps, but capped at \$15 million. *There is no limit on the amount of the \$1.1 billion appropriation that may go to pecan orchardists through TAP.
				Provided further, That in the case of producers impacted by volcanic activity that resulted in the loss of crop land, or access to crop land, the Secretary shall consider all measures available, as appropriate, to bring replacement land into production:		Provided further, That in the case of producers impacted by volcanic activity that resulted in the loss of crop land, or access to crop land, the Secretary shall consider all measures available, as appropriate, to bring replacement land into production:		n/a	*This is a vague

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				That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 90 percent of the loss as determined by the Secretary:		That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary:		That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 85 percent of the loss as determined by the Secretary:	*Producers who made the business decision to not purchase federally subsidized crop insurance, even though it was available, are still eligible for ad hoc subsidies. *Producers who did purchase federally subsidized crop insurance can receive additional payments on top of their crop insurance indemnity. **2019 bill increases WHIP max payout to 90 percent of claimed losses (for producers that purchased crop insurance) and 70 percent (for producers who could not or chose to not buy crop insurance.)
				that the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary		that the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary		That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the 2017 crop year, or 2018 crop year as applicable, under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the 2017 crop year, or 2018 crop year as applicable, under NAP for the crop incurring the losses shall not exceed 65 percent of the loss as determined by the Secretary:	
				That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, excluding tree insurance policies, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary:		That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, excluding tree insurance policies, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary:		That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary:	*Ad hoc disaster is a bailout for numerous producers who could have purchased federally subsidized crop insurance, but chose not to do so. This was common amongst citrus producers in Florida. To prevent future bailouts, 2018 supplemental approps made eligibility for ad hoc payments contingent on producers buying federally subsidized crop insurance (if it is available) or USDA's noninsured crop assistance program (NAP), for the next two growing years. **The 2019 supplemental approps bill exempts "tree insurance policies" from this purchase requirement. This is a sop to Pecan producers. Pecan producers can purchase subsidized crop insurance policies on both the revenue they expect from their pecans AND a separate policy insuring against the loss of the trees themselves. Both types of policies are highly subsidized by taxpayers. Eliminating the requirement they buy insurance on their trees means taxpayers will continue to bear the risk of loss in the event of future hurricanes (or other disasters). Payments will come out of the permanently authorized disaster program (Tree Assistance Program) and ad hoc appropriations instead of crop insurance. TAP is a no-cost entitlement for producers. Crop insurance requires they cover on average 1/3 of the premium.
				Provided further, That, not later than 120 days after the end of fiscal year 2019, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory		Provided further, That, not later than 120 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory		That, not later than 90 days after the end of fiscal year 2018, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory and the status of the amounts obligated and plans for further expenditure and include improvements that can be made to Federal Crop Insurance policies, either administratively or legislatively, to increase participation, particularly among underserved producers, in higher levels of coverage in future years for crops qualifying for assistance under this heading	*By eliminating language requiring USDA report on how to increase producer participation in federally subsidized crop insurance, Congress is seemingly abandoning the charade that certain producers will ever be satisfied with a cost-shared safety net instead of unbudgeted, direct subsidies of cold hard cash.
				Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.		Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.		That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.	
	PROCESSING, RESEARCH AND MARKETING	Office of Inspector General		n/a		n/a	2,500,000		

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								to remain available until expended, for oversight and audit of programs, grants, and activities funded by this subdivision and administered by the Department of Agriculture:	
	AGRICULTURAL RESEARCH SERVICE	BUILDINGS AND FACILITIES		n/a		n/a	\$22,000,000		
								to remain available until expended, for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria:	
USDA	Farm Service Agency	EMERGENCY FOREST RESTORATION PROGRAM	\$480,000,000		\$200,000,000		n/a		
				for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters; until expended		for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters; until expended			
	Farm Service Agency	EMERGENCY CONSERVATION PROGRAM		n/a		n/a	\$400,000,000		
								for necessary expenses related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters; until expended	
	NATURAL RESOURCES CONSERVATION SERVICE	WATERSHED AND FLOOD PREVENTION OPERATIONS	\$125,000,000		\$125,000,000		\$541,000,000		
				for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Michael and Florence and of wildfires occurring in calendar year 2018, and other natural disasters; Until expended		for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Michael and Florence and of wildfires occurring in calendar year 2018, and other natural disasters; Until expended		for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Harvey, Irma, and Maria and of wildfires occurring in calendar year 2017, and other natural disasters	
	Rural Housing Service	RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT		n/a		n/a	\$18,672,000	to remain available until September 30, 2019	
								for the cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for the rehabilitation of section 515 rental housing (42 U.S.C. 1485) in areas impacted by Hurricanes Harvey, Irma, and Maria where owners were not required to carry national flood insurance:	
	Rural Utilities Service	RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT		n/a		n/a	\$165,475,000		
								to remain available until expended, for grants to repair drinking water systems and sewer and solid waste disposal systems impacted by Hurricanes Harvey, Irma, and Maria	
								That not to exceed \$2,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(22) of the Consolidated Farm and Rural Development Act:	
	RURAL DEVELOPMENT	RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT	\$150,000,000		\$8,000,000		n/a		
				For an additional amount for the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$150,000,000, to remain available until expended: Provided, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading:		to remain available until September 30, 2020, for Community Facilities Technical Assistance and Training Grants pursuant to section 306(a)(26) of the Consolidated Farm and Rural Development Act to assist recovering communities in identifying public and private resources to address identified community facility needs related to disaster relief, long term recovery, and economic revitalization as a consequence of Hurricanes Michael and Florence:			

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	FOOD AND NUTRITION SERVICE	SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)		n/a		n/a	\$14,000,000		
								to remain available until September 30, 2019, for infrastructure grants to the Commonwealth of Puerto Rico and the U.S. Virgin Islands to assist in the repair and restoration of buildings, equipment, technology, and other infrastructure damaged as a consequence of Hurricanes Irma and Maria	
		COMMODITY ASSISTANCE PROGRAM		n/a		n/a	\$24,000,000		
								to remain available until September 30, 2019, for necessary expenses of those jurisdictions that received a major disaster or emergency declaration pursuant to section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170, 5191) related to the consequences of Hurricanes Harvey, Irma, and Maria or due to wildfires in 2017.	
		SEC. 101.	\$600,000,000		not to exceed \$8,500,000				
				In addition to other amounts made available by section 309 of Public Law 115-72, there is hereby appropriated \$600,000,000 for the Secretary of Agriculture to provide a grant to the Commonwealth of Puerto Rico for disaster nutrition assistance in response to Presidentially declared major disasters and emergencies:		funds made available for the contingency of division A of Public Law 115-31 shall be available for the Secretary to provide a grant to the Commonwealth of the Northern Mariana Islands for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies; Until September 30, 2020, and shall be in addition to funds otherwise made available			
				That the funds made available to the Commonwealth of Puerto Rico under this section shall remain available for obligation by the Commonwealth until September 30, 2020, and shall be in addition to funds otherwise made available					
		Sec. 102		In addition to amounts otherwise made available, out of the funds made available under section 13 of Food and Nutrition Act of 2008, \$10,200,000 shall be available for the Secretary to provide a grant to the Commonwealth of the Northern Mariana Islands for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies:		for purposes of administering Title I of Subdivision 1 of Division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), losses to agricultural producers resulting from hurricanes shall also include losses incurred from Tropical Storm Cindy and losses of peach and blueberry crops in calendar year 2017 due to extreme cold:			See row 41 explanation
				That funds made available to the Commonwealth of the Northern Mariana Islands under this section shall remain available for obligation by the Commonwealth until September 30, 2020					
		Sec. 103		for purposes of administering Title I of Subdivision 1 of Division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), losses to agricultural producers resulting from hurricanes shall also include losses incurred from Tropical Storm Cindy and losses of peach and blueberry crops in calendar year 2017 due to extreme cold:					*House-passed supplemental (CR 115-88) retroactively made losses from Tropical Storm Cindy (hit SW Louisiana June 22, 2017) and losses of peach and blueberry crops in calendar year 2017 eligible for the pot of \$2.8 billion of Ad hoc disaster attached to the BBA2018. *The 2019 supplemental drops the Tropical Storm Cindy language, but retains language maintaining retroactive eligibility for losses of peaches and blueberries. *Georgia produced 32.9 million pounds of blueberries and 10,000 tons of peaches in 2017.

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		Sec. 104		(a)(1) Except as provided in paragraph (2), a person or legal entity is not eligible to receive a payment under the Market Facilitation Program established pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) if the average adjusted gross income of such person or legal entity is greater than \$900,000.					
				Paragraph (1) shall not apply to a person or legal entity if at least 75 percent of the adjusted gross income of such person or legal entity is derived from farming, ranching, or forestry related activities.					
				A person or legal entity may not receive a payment under the Market Facilitation Program described in subsection (a)(1), directly or indirectly, of more than \$125,000.					
				In this section, the term "average adjusted gross income" has the meaning given the term defined in section 760.1502 of title 7 Code of Federal Regulations (as in effect July 18, 2018).					
				The amount provided by this section is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.					