



441 G St. N.W.
Washington, DC 20548

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September 10, 2024

The Honorable Tom Vilsack
Secretary of Agriculture

Emergency Relief Program 2022: FSA Should Publicly Report Progress in Issuing Payments

Dear Mr. Secretary:

The Emergency Relief Program 2022 (ERP 2022) is administered by the U.S. Department of Agriculture's (USDA) Farm Service Agency (FSA) to help agricultural producers who experienced crop or other losses caused by natural disasters in calendar year 2022. Congress provided \$3.7 billion for ERP 2022. We were asked to examine how USDA developed ERP 2022, how the payment methodology used affects payments to producers, and actions USDA has taken to ensure producers meet program requirements.

We requested information from FSA in March 2024, including data on ERP 2022 payments and other documents. In June 2024, FSA officials cited a March 2024 lawsuit and a June 2024 court-ordered injunction as reasons for suspending their participation in our audit. The order prohibits FSA from making or increasing payments based on socially disadvantaged status when calculating ERP 2022 payments, among other things. FSA has not provided the information we requested in March 2024 or allowed officials to meet with us since our initial meeting with the agency in March 2024. However, we are encouraged by our July 2024 conversation with your office about providing us with the information we need to conduct our work.

We are sending this management letter to identify a transparency issue FSA should address regarding the status of ERP 2022 payments and to make a related recommendation. We will continue our broader review of ERP 2022 when FSA provides the information we requested, and we plan to issue a final report in the future.

We conducted this performance audit from January 2024 to September 2024 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

FSA Has Not Publicly Reported the Status of Issued ERP 2022 Payments

As of March 19, 2024, FSA had issued \$1.42 billion in payments of the \$3.7 billion Congress provided for ERP 2022, according to FSA officials.¹ The officials told us that FSA issued almost all of these payments to agricultural producers who participate in USDA's agricultural disaster insurance programs. Such producers tend to grow major crops (e.g., corn and wheat) and had previously received some other form of assistance for crop losses in 2022. FSA began accepting ERP 2022 applications on October 31, 2023. There is no statutory deadline for issuing ERP 2022 payments.

FSA has not provided GAO any updates on the status of payments through June 2024. In late June 2024, FSA stated that it had halted ERP 2022 payments and had begun analyzing how to restructure payments considering the court order. FSA has a public website, the ERP Dashboard, which contains data for payments issued for crop losses related to natural disasters that occurred in 2020 and 2021.² However, the dashboard is missing ERP 2022 payment data. In March 2024, FSA officials told us they track ERP 2022 payments using an internal dashboard that is updated weekly but had not updated the external dashboard because doing so was not a priority.

The ERP Dashboard's publicly available payment data may be used by producers and their advocacy organizations, as well as by oversight entities, to understand progress made in implementing program activities. Such data could also provide valuable information about the number of applications FSA has received and processed, the total amount it has disbursed, the types of crop losses those disbursements covered, and states in which FSA made those disbursements.

According to USDA's *Fiscal Year 2024–2026 Data Strategy*, "increasing public access to USDA's data will help promote transparency and accountability, ensure organizations and researchers have the data they need to make informed decisions, and spur research innovation and collaboration between USDA and the public that will further our mission."³ Additionally, *Standards for Internal Control in the Federal Government* call for management to communicate quality information externally through reporting lines so that external parties can help the entity achieve its objectives and address related risks.⁴ Without timely reporting of payments issued through ERP 2022, interested stakeholders, including oversight entities, may not have assurance that FSA is making sufficient progress in providing aid to agricultural producers who experienced crop losses from disasters in 2022.

Conclusions

FSA has made progress in issuing payments from the \$3.7 billion that Congress provided for ERP 2022, according to FSA officials, but has not made payment data public. Officials told us that FSA tracks ERP 2022 payment data internally but has not posted the data publicly on the

¹Consolidated Appropriations Act, 2023, Pub. L. No. 117-328, Div. N, tit. I, 136 Stat. 4459, 5201 (2022).

²U.S. Department of Agriculture, "ERP Dashboard," accessed July 31, 2024, <https://www.fsa.usda.gov/programs-and-services/emergency-relief/erp-dashboard/index>.

³U.S. Department of Agriculture, *Fiscal Year 2024–2026 Data Strategy* (October 2023).

⁴GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: September 2014).

ERP Dashboard because doing so is not a priority. By doing so, FSA could provide assurance to oversight entities and interested stakeholders that it is making sufficient progress in providing aid to agricultural producers who experienced crop losses from disasters in 2022.

Recommendation for Executive Action

The Administrator of FSA should update the public Emergency Relief Program dashboard to include the status of ERP 2022 payments and continue to update the dashboard as FSA issues additional payments.

Agency Comments

We provided a draft of this review to USDA for review and comment. USDA concurred with our recommendation and noted that FSA will update the Emergency Relief Program dashboard to include the status of ERP 2022 payments by October 2, 2024. The dashboard will then be updated daily, consistent with all other public dashboards. They also told us that FSA will continue collaborating with and providing the necessary information to us, when feasible in light of ongoing litigation, so that we can continue our broader review of ERP 2022.

We are sending copies of this report to the appropriate congressional committees, the Inspector General of USDA, and the Director of the Office of Management and Budget. In addition, this report is available at no charge on the GAO website at <https://www.gao.gov>.

If you or your staff have any questions regarding this report, please contact me at (202) 512-3841 or MorrisS@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff members who made major contributions to this report include Tahra Nichols (Assistant Director), Jeremy Williams (Analyst in Charge), Kevin Bray, Joshua Brownstein, Lilia Chaidez, Rebecca Conway, Dawn J. Locke, Cindy Gilbert, Mae Jones, and Dan Royer.

Sincerely,

A handwritten signature in black ink that reads "Steve D. Morris". The signature is written in a cursive, slightly slanted style.

Steve D. Morris
Director, Natural Resources and Environment