

118TH CONGRESS
1ST SESSION

S. 3401

To amend the Federal Crop Insurance Act to authorize the Federal Crop Insurance Corporation to carry out research and development on a single index insurance policy, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 5, 2023

Mr. WELCH (for himself, Mr. SANDERS, Ms. WARREN, and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Crop Insurance Act to authorize the Federal Crop Insurance Corporation to carry out research and development on a single index insurance policy, 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 “Withstanding Extreme
5 Agricultural Threats by Harvesting Economic Resilience
6 Act of 2023” or the “WEATHER Act of 2023”.

1 **SEC. 2. SINGLE INDEX INSURANCE POLICY.**

2 (a) IN GENERAL.—Section 522(c) of the Federal
3 Crop Insurance Act (7 U.S.C. 1522(c)) is amended by
4 adding at the end the following:

5 “(20) SINGLE INDEX INSURANCE POLICY.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) COVERED CROP OR COM-
8 MODITY.—The term ‘covered crop or com-
9 modity’ means any crop or commodity (in-
10 cluding a specialty crop) on a farm except
11 timber, forest products, animals for sport
12 or show, and pets.

13 “(ii) COVERED POLICY.—The term
14 ‘covered policy’ means the single index in-
15 surance policy described in subparagraph
16 (B)(i).

17 “(iii) COVERED WEATHER CONDI-
18 TION.—

19 “(I) IN GENERAL.—The term
20 ‘covered weather condition’ means any
21 of the following weather conditions
22 that are found to be closely correlated
23 with agricultural income losses:

24 “(aa) High winds.

25 “(bb) Excessive moisture
26 and flooding.

1 “(cc) Extreme heat.

2 “(dd) Abnormal freeze con-
3 ditions.

4 “(ee) Wildfire.

5 “(ff) Hail.

6 “(gg) Drought.

7 “(hh) Any other severe
8 weather or growing conditions
9 applicable to small-scale farmers,
10 as determined by the Secretary.

11 “(II) DATA.—The existence of a
12 weather condition described in sub-
13 clause (I) shall be determined by indi-
14 ces that prioritize using data from the
15 National Oceanic and Atmospheric
16 Administration, as available, but may
17 use other federally or State certified
18 weather data sources, public and pri-
19 vate satellite data, and weather and
20 climate data and models, if necessary,
21 as determined by the Secretary.

22 “(B) POLICY.—

23 “(i) IN GENERAL.—The Corporation
24 shall carry out research and development,
25 or offer to enter into 1 or more contracts

1 with 1 or more qualified persons to carry
2 out research and development, to develop a
3 single index policy to insure against agri-
4 cultural income losses due to 1 or more
5 covered weather conditions.

6 “(ii) COVERAGE.—Research and de-
7 velopment on the covered policy under
8 clause (i) shall require that coverage is
9 available in all 50 States (including Indian
10 Tribes), the District of Columbia, Amer-
11 ican Samoa, Guam, the Commonwealth of
12 the Northern Mariana Islands, the Com-
13 monwealth of Puerto Rico, and the Virgin
14 Islands of the United States.

15 “(iii) OPTION TO BUY-UP OR BUY-
16 DOWN.—

17 “(I) IN GENERAL.—Research and
18 development on the covered policy
19 under clause (i) shall consider permit-
20 ting a holder of the covered policy to
21 elect to buy-up to 150 percent, subject
22 to subclause (II), or buy-down to 5
23 percent, of the median county-level
24 adjusted gross income for farms, in 5-
25 percent increments, to reflect the in-

1 come of the individual farm business
2 of the holder insured under the cov-
3 ered policy.

4 “(II) LIMITATION.—A holder of
5 a covered policy may buy-up under
6 subclause (I) only if the farms of the
7 holder insured under the covered pol-
8 icy have at least 3 covered crops or
9 commodities.

10 “(iv) PRIORITY FEATURES OF POL-
11 ICY.—In carrying out research and devel-
12 opment on the covered policy under clause
13 (i), the following features may be given
14 priority:

15 “(I) Agricultural income losses
16 under the covered policy include—

17 “(aa) losses for all covered
18 crops or commodities; and

19 “(bb) losses to the value of
20 packing, packaging, or any other
21 similar on-farm activity that the
22 Corporation determines necessary
23 to remove a covered crop or com-
24 modity from the field.

1 “(II) Payments are made under
2 the covered policy not later than 30
3 days after the occurrence of a covered
4 weather condition in the county in
5 which the applicable farm of the farm-
6 er is located or an adjacent county.

7 “(III) Provision of seasonal cov-
8 erage periods.

9 “(IV) Provision of special consid-
10 eration to concerns facing individual
11 farm businesses—

12 “(aa) that have less than
13 \$350,000 in adjusted gross in-
14 come; and

15 “(bb) with respect to which
16 a farmer is an underserved pro-
17 ducer (as defined in section
18 508(a)(7)(A)).

19 “(V) Paperwork requirements are
20 reduced for farmers seeking to obtain
21 a covered policy.

22 “(v) CONSULTATION.—In carrying out
23 research and development on the covered
24 policy under clause (i), the Corporation—

1 “(I) shall hold stakeholder meet-
2 ings to solicit producer and agent
3 feedback; and

4 “(II) may consult with licensed
5 actuaries with experience developing
6 index policies insuring agricultural
7 production.

8 “(C) REPORT.—Not later than 1 year
9 after the date of enactment of this paragraph,
10 the Corporation shall make publicly available a
11 report that describes—

12 “(i) the results of the research and
13 development carried out under this para-
14 graph; and

15 “(ii) recommendations to Congress
16 with respect to those results, including—

17 “(I) any challenges to developing
18 the covered policy; and

19 “(II) options to address those
20 challenges.”.

21 (b) TECHNICAL AMENDMENT.—Section 531(a)(18)
22 of the Federal Crop Insurance Act (7 U.S.C. 1531(a)(18))
23 is amended by striking “section 2501(e) of the Food, Agri-
24 culture, Conservation, and Trade Act of 1990 (7 U.S.C.
25 2279(e))” and inserting “section 2501(a) of the Food, Ag-

1 riculture, Conservation, and Trade Act of 1990 (7 U.S.C.
2 2279(a)).”.

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