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FARM LOANS

Actions Needed to Safeguard
Taxpayers' Interests

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Mr. Chairman and Members of the Subcommittee:

We are pleased to be here today to discuss the risks associated with the Consolidated Farm Service Agency (CFSA)¹ farm loan programs. Our testimony is based primarily on reports we have issued since April 1992 that examined CFSA's management of its direct and guaranteed farm loan programs and of farm properties obtained as a result of defaults on federal loans. (See app. I.) These reports were issued as part of GAO's special effort to review federal program areas considered to be especially vulnerable to waste, fraud, abuse, and mismanagement.

In summary, CFSA's farm loan programs have resulted in large losses of taxpayer dollars--\$12.5 billion during fiscal years 1989-94. About 98 percent of the losses, or \$12.2 billion, has occurred in the direct loan program. Substantial additional losses can be expected because delinquent borrowers held about 26 percent of the agency's \$18 billion direct and guaranteed loan portfolio as of September 30, 1994. Again, most of these delinquencies, \$4.6 billion out of \$4.8 billion, were in the direct loan program.

Several factors have contributed to the direct farm loan program's financial vulnerability. First, CFSA's field offices have not consistently implemented lending, servicing, and property management standards that are intended to protect the government's loan interests. Second, certain of the agency's loan policies expose the program to losses. For example, a borrower can obtain a new loan despite being delinquent on another loan.

A third, and perhaps a more fundamental source of program problems, can be traced to conflicting program objectives. CFSA's mission--to provide temporary credit to high-risk farmers--is often at odds with normal fiscal controls designed to minimize risk and financial losses. No clear guidelines enable CFSA to balance its responsibilities as a lender of last resort with its responsibilities as a fiscally prudent lender.

In recent years, CFSA and the Congress have taken actions intended to address some of these problems. However, more can be done to move the agency toward a more fiscally responsible position. This would include strengthening loan policies as well as further clarifying the agency's basic mission.

¹Within the U.S. Department of Agriculture, farm loans have been historically administered by the Farmers Home Administration. In October 1994, the responsibility was transferred to the newly created CFSA.

In the remainder of my statement, I will discuss the results of our work in more detail. Let me begin by providing a brief background.

BACKGROUND

CFSA provides credit to farmers who are unable to obtain funds elsewhere at reasonable rates and terms. The agency provides credit assistance through direct loans, which are funded by the government, and through guaranteed loans, which are made by commercial lenders to farmers and guaranteed for up to 90 percent by the government. CFSA's assistance is intended to be temporary; once farmers have become financially viable, they are to graduate to commercial sources of credit.

When borrowers have trouble repaying their loans, CFSA's direct loan policies provide various types of relief assistance that result in losses to the federal government. Two such options are provided under the Agricultural Credit Act of 1987:

- (1) "writing down" (reducing) portions of restructured debt so that the borrowers can continue farming and remain CFSA clients and
- (2) allowing borrowers to satisfy the debt in its entirety by paying an adjusted amount based on the value of the loan collateral and "writing off" the remaining debt--referred to as net recovery value buy-out with "write-off." A third direct loan servicing option--the debt settlement process--also results in writing off debt. This process essentially represents the government's last chance to collect on loans and avoid losses.

TAXPAYERS' INVESTMENT IN FARM LOANS IS AT RISK

CFSA's loan programs, in particular its direct loan program, have incurred large loan losses. During fiscal years 1989-94, CFSA losses totaled about \$12.5 billion, of which \$12.2 billion resulted from its direct loan program. Table 1 shows the type and amount of loss in each category of direct and guaranteed farm loans.

Table 1: Amount of CFSA Farm Program Losses, Fiscal Years 1989-94

Dollars in billions

Loss category	Loss amount
Direct loans	
Restructure with write-down	\$ 1.6
Net recovery value buy-out with write-off	2.3
Debt settlement with write-off	8.4
Subtotal	12.2 ^a
Guaranteed loan loss payments	0.3
Total	\$12.5

^aDoes not add due to rounding.

The potential for substantial losses continues. As of September 30, 1994, CFSA's outstanding direct and guaranteed loans to farmers totaled \$18 billion. Almost \$5 billion, or 26 percent, of the farm loan portfolio is at risk because it is held by delinquent borrowers. By far, the largest percentage of these delinquencies are in the direct loan program, where 36 percent of the program's \$12.6 billion portfolio is held by delinquent borrowers. Even this figure may not reflect the true risks associated with direct loans because it does not include loans that are held by borrowers who are technically current but have had loans rescheduled or debts reduced in response to past repayment problems. Table 2 shows the amount of outstanding principal on CFSA's loans and the amount owed by delinquent borrowers.

Table 2: Total Outstanding and Delinquent Debt, September 30, 1994

Dollars in billions

Loan program	Outstanding principal	Owed by delinquent borrowers	Percent owed by delinquent borrowers
Direct	\$12.6	\$4.6	36.2
Guaranteed	5.4	0.2	3.6
Total	\$18.0	\$4.8	26.4

CFSA'S FIELD OFFICE LENDING OFFICIALS HAVE FREQUENTLY FAILED TO FOLLOW THE AGENCY'S ESTABLISHED STANDARDS

Some of the troubled condition of CFSA's direct loan portfolio reflects the failure of the agency's lending officials in field offices to implement standards intended to safeguard federal financial interests. In April 1992,² we reported that agency officials had approved loans that, contrary to agency loan-making standards, were not based on realistic estimates of production, income, and expenses. We also reported that, according to CFSA's internal reviews of direct loans made from 1988 through 1991, 13.5 percent of the sampled loans did not demonstrate repayment ability. The report also identified problems concerning adherence to loan-servicing standards, such as conducting required annual inspections of the loan collateral.

In recent years, CFSA has improved compliance with certain loan-making standards. For example, only 7 percent of the loans that CFSA reviewed for compliance with lending standards during fiscal years 1993 and 1994 failed to demonstrate repayment ability. These improvements may be linked to the extensive training in credit and financial analysis that CFSA has provided to its field office lending officials and the emphasis that it has placed on having new loans meet agency standards.

However, progress in better adhering to loan-servicing standards has been mixed. While we have noted improvements in implementing servicing standards for guaranteed loans, we have not seen similar improvements in implementing certain of the direct loan servicing standards. For example, noncompliance with requirements for annual supervisory visits increased from 11 percent of the direct loans reviewed in 1991 to 21 percent in 1994.

Other servicing-related standards that continue to pose compliance problems concern the agency's debt settlement process. In October 1994,³ we reported that field office officials failed to follow procedures intended to reduce losses during debt settlement. For example, the report noted that CFSA's own internal reviews, while limited in scope, indicated that field officials frequently did not develop a complete inventory of a borrower's financial resources. As a result, they may not have been aware of assets or income that could have been used to offset loan losses. The report also pointed out that even when CFSA had a complete inventory of a borrower's financial resources, it did not always use them to offset losses.

²Farmers Home Administration: Billions of Dollars in Farm Loans Are at Risk (GAO/RCED-92-86, Apr. 3, 1992).

³Debt Settlement: FmHA Can Do More to Collect on Loans and Avoid Losses (GAO/RCED-95-11, Oct. 18, 1994).

CERTAIN CFSA LENDING AND PROPERTY MANAGEMENT
POLICIES INCREASE THE AGENCY'S EXPOSURE TO LOSS

Lenient loan-making policies, some congressionally directed, increase the risk to the taxpayers' investment. For example:

- The agency makes or guarantees additional loans to borrowers despite having reduced or forgiven substantial amounts of their previous loans. During fiscal years 1989-94, CFSA made or guaranteed \$377 million in new loans to borrowers after it had lost \$800 million on their prior loans.
- Under what is known as the continuation policy, CFSA makes loans to borrowers who are delinquent on direct loans. For fiscal years 1989-94, CFSA made \$126 million in new direct loans to borrowers who were delinquent on their existing loans.
- CFSA's guaranteed loan practices allow commercial lenders to shift risk to the government. Specifically, CFSA allows commercial lenders to refinance existing high-risk debt and routinely guarantees most loans at the maximum rate (90 percent). Almost 40 percent of the \$1.6 billion that was guaranteed in fiscal year 1992 was used to refinance existing debt.

Certain loan-servicing policies have also contributed to CFSA's direct loan losses. For example:

- Forgiving debt through writing down or writing off the debt invites potential abuse because borrowers may intentionally default on loan payments to qualify for debt reduction. In fact, some nondelinquent borrowers told us that they felt penalized for paying their debts.
- Routinely rescheduling loan terms and conditions can burden borrowers with excessive debt, making it even more difficult for them to repay their loans. This can occur because when CFSA reschedules loan terms, it often extends the payment period and adds the unpaid interest to the outstanding loan principal without increasing the loan security. These actions often result in large debts and loss of equity for borrowers and undersecured loans for the government. Although the Consolidated Farm and Rural Development Act limits borrowers to \$200,000 in new direct loan obligations, it does not limit the debt they can accumulate through rescheduling or reamortizing existing

loans. As we reported in December 1992,⁴ 1,940 borrowers had accumulated debts totaling about \$67 million above the individual limit of \$200,000, as of June 30, 1992.

Finally, CFSA's policies governing the sale of properties it acquires from borrowers who do not repay their loans limit the agency's ability to recoup loan losses. Specifically, instead of being able to sell properties to the "highest bidder," CFSA must first offer most properties to selected buyers at fixed prices. As a result, properties may not be sold at the highest attainable prices.

CONFLICTING GOALS INHIBIT EFFECTIVE MANAGEMENT OF THE FARM LOAN PROGRAMS

Because legislation has not established clear priorities for CFSA's mission, the agency has tried simultaneously to meet two conflicting objectives: (1) to be a fiscally prudent lender and protector of the taxpayers' investment and (2) to assist high-risk borrowers by providing temporary credit so that they can stay in farming until they secure commercial credit. Arguably, CFSA has not successfully fulfilled either responsibility.

As we discussed earlier, CFSA has not been a prudent lender. The poor condition of CFSA's direct loan portfolio in part reflects congressional and agency actions emphasizing the agency's assistance responsibilities over its responsibility for fiscal prudence. Similarly, questions can be raised concerning how effectively CFSA has fulfilled its mission as a temporary source of credit. In fact, it has evolved into a continuous source of credit for many of its borrowers, some of whom could obtain commercial credit. As we reported in November 1994,⁵ field office lending officials do not always take action to identify direct loan borrowers with the potential to move to commercial credit. And when they do identify potential candidates, they often fail to take actions to move them to commercial credit. For example, in the field offices we visited, CFSA should have reviewed 1,160 borrowers for possible graduation. However, CFSA either did not review, or removed from consideration without explanation, about 500 of these borrowers.

The Congress clarified CFSA's role with respect to beginning farmers through the Agricultural Credit Improvement Act of 1992. This legislation directed the agency to establish programs for, and target a certain portion of its loan funds to, beginning farmers.

⁴Farmers Home Administration's Farm Loan Programs (GAO/HR-93-1, Dec. 1992).

⁵Farmers Home Administration: The Guaranteed Farm Loan Program Could Be Managed More Effectively (GAO/RCED-95-9, Nov. 16, 1994).

Specifically, the Congress required CFSA to establish a farm ownership loan program aimed at enhancing the financial viability of new farmers by enabling them to build equity in their farming operations. The Congress also required CFSA to establish a farm operating loan program that targets loan funds to individuals with 5 or fewer years of farming experience. In this program, CFSA's assistance is limited to no more than 10 years.

FURTHER ACTION NEEDED TO PROTECT TAXPAYERS' INVESTMENT

Since April 1992, we have made numerous recommendations to the Secretary of Agriculture and to the Congress aimed at improving compliance with standards intended to protect the federal loan investment and strengthening CFSA's lending and servicing policies. While only limited action has been taken on those recommendations, we continue to believe that they would make the loan programs more fiscally sound. However, in the final analysis, we recognize that the extent to which CFSA moves in this direction will depend upon difficult congressional decisions that will better define the agency's basic mission--just how fiscally prudent should CFSA be as the nation's lender of last resort?

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Mr. Chairman, this completes my prepared statement. I would be happy to respond to any questions that you or Members of the Subcommittee may have.

RELATED GAO PRODUCTS

Farm Loan Programs (GAO/HR-95-9, Feb. 1995).

Farmers Home Administration: The Guaranteed Farm Loan Program Could Be Managed More Effectively (GAO/RCED-95-9, Nov. 16, 1994).

Debt Settlements: FmHA Can Do More to Collect on Loans and Avoid Losses (GAO/RCED-95-11, Oct. 18, 1994).

Farmers Home Administration: Farm Loans to Delinquent Borrowers (GAO/RCED-94-94FS, Feb. 8, 1994).

Farm Finance: Number of New Farmers Is Declining (GAO/RCED-93-95, May 3, 1993).

Farmers Home Administration's Farm Loan Programs (GAO/HR-93-1, Dec. 1992).

Farmers Home Administration: Billions of Dollars in Farm Loans Are at Risk (GAO/RCED-92-86, Apr. 3, 1992).

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