UNITED STATES DEPARTMENT OF AGRICULTURE
Farm Service Agency
Washington, DC 20250

Noninsured Crop Disaster Assistance Program for 2001 and Subsequent Years 1-NAP (Revision 1)	**Amendment 47**

Approved by: Deputy Administrator, Farm Programs

Amendment Transmittal

A Reasons for Amendment

Subparagraph 23 A has been amended to:

- include that CCC-471's mailed and received when the postmark date is no later than the CCC-471 closing date shall be considered as timely filed

- notify County Offices to provide copies of NAP basic provisions to eligible producers when receiving CCC-471.

Subparagraphs 23 E and 24 I have been amended to clarify that limited resource producers are **not** subject to continuous coverage provisions since they are required to recertify limited resource producer status annually.

Subparagraph 23 F has been amended to:

- remove taxpayer ID number or Social Security number references
- update instructions for completing CCC-471.

Subparagraph 23 G has been amended to update CCC-471 by:

- removing item 5 to remove taxpayer ID number information

- including an acknowledgement statement in Part D for the receipt of CCC-471 NAP basic provisions.

Subparagraph 24.5 G has been amended to clarify the procedure for processing transfers of NAP coverage.

Paragraph 33 has been amended to provide that qualifying gross revenue provisions apply for 2008 and previous years.

A Reasons for Amendment (Continued)

Paragraph 33.5 has been added to provide that average AGI provisions apply for 2009 and subsequent years.

Paragraph 34 has been amended to reflect payment limitation provisions in effect for 2008 and previous years.

Paragraph 34.5 has been added to provide the new payment limitation provisions in effect for 2009 and subsequent years.

Paragraph 890 has been amended to clarify the procedure for canceling and correcting applications for NAP coverage.

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22 Coverage Period (Continued)

A Definition of Coverage Period (Continued)

- for biennial and perennial forage crops:

  - begins the later of either of the following:

    - 30 calendar days after the application closing date
    - the date following the normal harvest date of the previous crop year

  ***--Notes:** For first year seedings, no coverage will be provided. In the event, after the first year, seeding does not have an adequate stand which represents a majority of the seed planted, then coverage shall only be offered for either a mixed forage or native grass in subsequent years. Coverage shall only be offered for the crop after the stand has developed and consists of a majority of the intended crop seeded.

  Forage stands that have aged that no longer represent a majority of the intended crop seeded shall have coverage offered as either mixed forage or native grass.**--***

  For grazed forage designated as warm and cool season, the coverage period begins the later of 30 calendar days after the application closing date or the beginning of the designated grazing period established according to paragraph 107.5.

  - ends the earlier of either of the following:

    - on the normal harvest date
    - the date the crop is abandoned or destroyed.

    Note: For grazed forage designated as warm and cool season, the coverage period ends the earlier of the following:

      - end of the designated grazing period established according to paragraph 107.5

      - date the crop is abandoned or destroyed.

23 CCC-471, Application for Coverage

A Filing CCC-471

[7 CFR 1437.5] Eligible producers must file CCC-471 in the FSA administrative office serving the county or counties where their acreage is located, no later than the application closing date established by the State.

Notes: If a producer requests CCC-471 after the application closing date, CCC-471 must be taken manually and disapproved by COC, and appeal rights must be given.

All CCC-471's must be accompanied by the applicable service fee.

When the application closing date falls on a weekend or public holiday, applications for coverage filed on the next business day will be considered timely filed.

--**According to 1-CM, subparagraph 2 B, CCC-471's for coverage and/or service fee mailed and received in the County Office shall be considered timely filed when the USPS postmark date is no later than the CCC-471 closing date.**--

CCC-471 shall be prepared for all interested producers. County Offices will accept all CCC-471's when properly completed, signed by the producer, and fee submitted.

--**County Offices shall provide copies of NAP basic provisions to eligible producers. Producers shall acknowledge receiving NAP basic provisions on CCC-471 when submitting CCC-471 for coverage.**--

23 CCC-471, Application for Coverage (Continued)

C Establishing Application Closing Dates (Continued)

- be limited to the same number of sales closing dates as established by crop insurance, if reasonable

  Example: Arizona has the following FCIC sales closing dates:

  - October 31 for small grains
  - November 20 for all citrus
  - November 30 for potatoes
  - January 31 for table grapes
  - January 28 for coarse grains and cotton.

  The Arizona STC will establish 5 application closing dates based on the FCIC sales closing dates already established. STC should also review other noninsurable crops and the FCIC sales closing dates that best accommodate the pay crop pay type grouping.

  Note: State Offices shall review FCIC sales closing dates annually to ensure consistency between programs.

- correspond to the beginning of the crop year for crops without final planting dates

  Note: For value loss crops, the date must be established no later than September 1.

STC shall ensure that the application closing date is established early enough to include all the eligible crops, types, and intended uses grouped as the same pay crop and pay type.

Example: The crop year for ginseng root starts October 1, 2001, and the coverage period for ginseng seed begins May 1, 2002. Ginseng with an intended use of root and seed has the same pay crop and pay type.

Because ginseng with the intended use of root has the earliest beginning date for coverage within the pay crop pay type grouping, STC shall ensure that the application closing date for that pay crop pay type is established no later than September 1, 2001.

D Publicizing Application Closing Dates

SED's shall ensure that all application closing dates are publicized after STC approval. Publication sources shall include:

- local media - newspaper, farm magazines, radio, etc.
- Town Hall meetings
- newsletters.

23 CCC-471, Application for Coverage (Continued)

E Continuous Coverage

Coverage may be continued for each subsequent year for the same crop or crops, if the producer pays the applicable service fee by the subsequent year's application closing date. Producers are not required to sign a new CCC-471 when applying for continuous coverage of the same crop or crops.

The purpose of this provision is to reduce County Office workload and eliminate the producer's requirement to come into the County Office and initiate another application for coverage when the crops are the same as prior years.

However, producers interested in adding new crops, deleting crops from previous year's coverage, or changing crop shares must file a new CCC-471 with signatures and pay the applicable service fee.

To apply for continuous coverage, producers must timely pay the applicable service fee before the application closing date. Upon receiving payment of the applicable service fee for continuous coverage, County Offices shall:

- update and annotate the current year's CCC-471 as "continuous coverage"
- provide a copy of the annotated CCC-471 to the producer within 5 workdays.

COC shall ensure that County Offices, no less than 60 calendar days before the first application closing date for the crop year:

- notify producers of the applicable service fee due determined on the basis of the previous crop year coverage

- remind producers of the deadline for payment of the applicable service fee for continuous coverage.

--**Limited resource producers are **not** subject to continuous coverage provisions since they are required to recertify limited resource producer status annually.**--

The requirement for notifying producers that have prior year NAP coverage of the same crop is not to ensure they are aware of NAP deadlines. The failure to send a continuous coverage notification or a producer who claims the notification was not received shall not be used as a justification for a late-filed NAP application or relief of program requirements.

Note: See example of the continuous coverage reminder notification letter in Exhibit 8.

23 CCC-471, Application for Coverage (Continued)

F Completing Manual CCC-471

*--CCC-471, items 1 through 10 and 12 are completed by the County Office. The producer is asked to provide information to complete items:

- 1, Crop Year
- 6, Waiver of Service Fee for Limited Resource Producer
- 7, Crop/Type
- 8, Intended Use
- 9, Planting Period
- 10, Required Service Fee Received.

Note: The producer reviews the information and then signs and dates item 11.--*

Complete manual CCC-471 according to this table.

Item	Instructions
1	Enter crop year.
2	Enter County Office name, address (including ZIP Code), and telephone number (including area code),
Part A – Producer Information To be completed by the County Office.	
3	Enter the producer's name, address (including ZIP Code), and telephone number (including area code).
4A	Enter the State name where farm records are located for FSA administrative purposes.
4B	Enter the county name where the farm is located.
* * *	* * *
*--5	Enter CCC-257 number according to 3-FI.
Part B – Waiver of Service Fee for Limited Resource Producer To be completed by the County Office.	
6--*	Check: • "**Yes**", if producer is a limited resource producer according to 7 CFR Part 1437. • "**No**", if producer is **not** a limited resource producer according to 7 CFR Part 1437. **Note:** Limited resource producers do **not** pay the service fee.

23 CCC-471, Application for Coverage (Continued)

F Completing Manual CCC-471 (Continued)

Item	Instructions
	Part C – Crop/Type Identification To be completed by the County Office.
*--7	Enter crop name and crop type. **Note:** See Exhibit 7.X or the NAP Crop Table Report for applicable crop names and crop types.
8	Enter intended use of the crop/type. **Note:** See Exhibit 7.X or the NAP Crop Table Report for applicable intended uses for the crop type.
9	Enter the planting period of the crop. **Note:** See the NAP Crop Table Report for applicable planting period.
10	Enter the total required service fee received. **Note:** The service fee is non-refundable and due at the time the producer files CCC-471. If the producer qualifies as a limited resource producer according to item 6, then the service fee is waived.
	Part D – Producer and CCC Representative's Certification Item 11 to be completed by producer. Item 12 to be completed by CCC representative.
11A	If CCC-471 is being mailed or FAXed, print CCC-471 and manually enter the signature.
11B	Enter the title/relationship of the individual in representative capacity. **Note:** If a producer/applicant signing is **not** signing in the representative capacity, this field should be left blank. If "self" is written to indicate the producer or applicant is signing on behalf of themselves, it is acceptable; however, **not** necessary.
11C	Enter the date signed.
12--* A and B	CCC representative shall only sign and date (MM-DD-YYYY) acknowledging receipt of CCC-471, if CCC-471 is timely filed and payment of the service fee, if applicable, has been received.

Note: Exhibit 7.X numbers are year specific. See the applicable Exhibit 7 for the specific year for eligible crops.

23 CCC-471, Application for Coverage (Continued)

G Example Manual CCC-471

The following is an example manual CCC-471.

*--

This form is available electronically. Form Approved - OMB No. 0560-0175

CCC-471 (05-21-09) **U.S. DEPARTMENT OF AGRICULTURE** Commodity Credit Corporation

NON-INSURED CROP DISASTER ASSISTANCE PROGRAM (NAP) APPLICATION FOR COVERAGE (2010 and Subsequent Crop Years)

1. Crop Year: 2010

2. County FSA Office Name and Address *(Including Zip Code)*:
Tulare County FSA Office
3530 W. Orchard Ct.
Visalia, CA 93277-0000

Telephone No. *(Including Area Code)*: (200) 734-87

NOTE: *The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a) and the Paperwork Reduction Act of 1995, as amended. The authority for requesting the following information is 7 USC 7333 and 7 CFR Part 1437. The information will be used to determine program eligibility. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in denial of program benefits. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.*

According to the Paperwork Reduction Act of 1995 an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0175. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETE FORM ALONG WITH YOUR APPLICABLE SERVICE FEE TO YOUR COUNTY FSA OFFICE.***

PART A - PRODUCER INFORMATION

3. Name and Address of Producer *(Including Zip Code)*:
John P. Farmer
RR1 Box 63
Henry, IL 61537

Telephone No. *(Including Area Code)*: (999) 123-4567

Administrative State and County Office

4A. State: California

4B. County: Tulare

5. Schedule of Deposit Number According to 3-FI

PART B - WAIVER OF SERVICE FEE FOR LIMITED RESOURCE PRODUCER

6. Are you a Limited Resource producer according to 7 CFR Part 1437? YES ☐ NO ☒

A. If "YES", you are not required to pay the service fee.

B. If "NO", you are required to pay the service fee at this time.

PART C - CROP/TYPE IDENTIFICATION

The producer, subject to the provisions of regulations at 7 CFR Part 1437, and the Food, Conservation and Energy Act of 2008 (Pub. L. 110-246) hereby applies for coverage on the producer's share of non- insured crop(s) by type. The service fee is $250 per crop per county; or $750 per producer per county, but not to exceed a total of $1875 per producer. The service fee is non-refundable and due at time producer files for application of coverage.

7. Crop/Type		8. Intended Use	9. Planting Period
Beans	BBL	DE	01
Beans	BUT	SD	01
Broccoli		FH	01

10. Required Service Fee Received *(For FSA Office Only)*

$ 750

NOTE: *If Item 6 is checked "YES", the service fee is waived.*

PART D - PRODUCER AND CCC REPRESENTATIVE'S CERTIFICATION

I certify all information entered on this Application for Coverage (CCC-471) is true and correct. I understand that, before any program benefits are paid, all eligibility requirements including payment of service fee, must be completed, according to 7 CFR Part 1437. All information provided herein is subject to verification by the Commodity Credit Corporation. As provided in various statutes, failure to provide true and correct information may result in civil suit or criminal prosecution and the assessment of penalties or pursuit of other remedies. I am aware of and understand the requirements of the Collection of Information and Data (Privacy Act). By signing this application for coverage, I acknowledge receipt of CCC-471 NAP basic provisions.

This application is not valid unless accompanied by the applicable service fee.

11A. Producer's Signature (By)	11B. Title/Relationship of the Individual Signing in a Representative Capacity	11C. Date *(MM-DD-YYYY)*
/s/ John P. Farmer		6-23-2009

12A. CCC Representative's Signature	12B. Date *(MM-DD-YYYY)*
/s/ James Smith	6-23-2009

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--*

23 CCC-471, Application for Coverage (Continued)

*--H Accepting Manual CCC-471's

Manual CCC-471's shall be taken **only** if:

- subparagraph A applies
- the automated system is **not** available
- the crop or crop type is **not** on the county crop table and fewer than 3 pay groups are available to be selected for the producer.

Notes: County Offices shall maintain **all** manual CCC-471's in a pending file and review the file periodically to determine which CCC-471's can be loaded in the automated system.

Manual CCC-471's shall be loaded **immediately** when the automated system or crop data is available.

If applicable, service fees shall be collected according to subparagraph 24 J and a manual CCC-257 shall be completed according to 3-FI.**--***

24 Service Fee (Continued)

F 2009 Service Fees Paid on or After May 22, 2008

Producers who paid 2009 service fees on or after May 22, 2008, using the previous NAP service fee rate schedule, **must** pay the appropriate additional amount due to maintain NAP coverage.

Note: Until NAP Application for Coverage software is modified to recognize the new fee rate schedule, County Offices shall take a manual CCC-471 according to paragraph 23, service fees shall be collected according to subparagraph 24 J, and a manual CCC-257 shall be completed according to 3-FI. The previously printed ***--**automated CCC-471, showing fees in item 10, shall be annotated documenting the additional fees received and date of receipt with producer's initials, if received in person. If received by mail, County Office employees shall initial and date CCC-471, item 10.**--***

Example: Mary paid her 2009 continuous coverage fee of $200 for 2 crops on June 9, 2008. The calculated fee amount as outlined in subparagraph B is $250 per crop for a total of $500. Mary owes an additional $300 for her NAP coverage.

G Examples of Service Fees for Single County Producers

Producers who own or operate land in a single administrative county shall pay a nonrefundable service fee of $250 per crop not to exceed a total of $750 for the county.

Example 1: Jeannette has land interests in both Charles and St. Mary's Counties. St. Mary's County is the administrative county for all land Jeannette has an interest. Jeannette filed CCC-471 in St. Mary's County for sweet corn and tomatoes being grown on land in Charles County and onions and purple hull peas are being grown on land in St. Mary's County. Even though 2 counties are involved, Jeannette would only pay $750 because St. Mary's County is the administrative county for Charles and St. Mary's Counties.

24 Service Fee (Continued)

--G Examples of Service Fees for Single County Producers (Continued)--

Example 2: John has individual farming interests, plus interest in T J joint venture, and a 50/50 share with Jeff. All land John has an interest in is physically located and administered out of Lincoln County. John files CCC-471 on his individual operation for onions and blueberries and also includes raspberries, onions, and tomatoes in which he has a 50/50 share with Jeff. John would be ***--**required to pay a service fee of $750.

Note: Even though John has 2 separate units only one CCC-471 would be required for John's interests.

T J joint venture in which John has an interest files CCC-471 on sweet corn. T J joint venture would pay a $250 service fee for the joint venture regardless that John as member had previously paid a service fee for his own interest.

Example 3: Husband and wife have a 50/50 share in a joint farming operation with no tax identification number for the operation. They apply for coverage on banana and papaya.

Result: The husband and wife each pay a service fee of $500 for a total of $1,000.

H Examples of Service Fees for Multi-County Producers

Producers who own or operate land in multiple counties shall pay a nonrefundable service fee of $250 per crop up to $750 per producer per administrative county, not to exceed a total of $1,875.**--***

Example: Jim operates land in 4 separate administrative counties that includes Lincoln, Hayes, Washington, and Jefferson. Jim applies for coverage in:

- Lincoln County for hot peppers, summer squash, green beans, cherry tomatoes, and plantain

24 Service Fee (Continued)

--H Examples of Service Fees for Multi-County Producers (Continued)--

- Hayes County for summer cantaloupes, watermelon, field peas, and winter squash

- Washington County for spinach, okra, and green peanuts

- Jefferson County for papaya, banana, and cassava.

Jim would pay service fees as follows:

- ***--**$750 in Lincoln County
- $750 in Hayes County
- $375 in Washington County
- $0.00 in Jefferson County.

Notes: Jim has already paid a total of **$1,875** for coverage of eligible crops in Lincoln, Hayes, and Washington Counties. Therefore, Jim does not pay any service fee for coverage of the eligible crops in Jefferson County.

Jim was limited to $375 in Washington County because of meeting the maximum $1,875 ($750 in Lincoln County + $750 in Hayes County + $375 in Washington County = $,1875.

I Service Fee Waiver for Limited Resource Producers for 2004 Crop Year and Beyond--*

[7 CFR 1437.6] The administrative service fee requirement is waived for limited resource producers. A limited resource producer is a producer with both of the following:

- direct or indirect gross farm sales not more than $100,000 in both of the previous 2 years (to be increased starting in FY 2004 to adjust for inflation using Prices Paid by Farmer Index as compiled by NASS

- a total household income at or below the national poverty level for a family of 4, or less than 50 percent of county median household income in both of the previous 2 years (to be determined annually using Commerce Department Data).

To qualify for an administrative service fee waiver, a limited resource producer must meet both of the following criteria:

- earn no more than the gross income as determined by this subparagraph (first bullet) from farm sales in each of previous 2 years

- have a total household income at or below the national poverty level for a family of 4, or less than 50 percent of county median household in both of previous 2 years.

24 Service Fee (Continued)

I Service Fee Waiver for Limited Resource Producers for 2004 Crop Year and Beyond (Continued)

Limited Resource Producer status can be determined in an automated system using the web site for USDA Limited Resource Farmer and Rancher Online Self Determination Tool at **http://www.lrftool.sc.egov.usda.gov/tool.asp**. The automated system calculates and displays the adjusted gross farm sales per year and the higher of the national poverty level or county median household income.

--Note:** Limited resource producers are required to recertify limited resource producer status annually.**--

J Collecting Service Fees

County Office shall:

- ask each producer applying for coverage, if other service fees have been paid in other County Offices

  Note: Copies of CCC-471's initiated in other counties **must** be provided as documentation that fees have been paid. The County Office **must** date stamp and photocopy CCC-471 provided and retain the copy for record keeping purposes.

- ensure that a producer does not pay more than the $1,875 maximum service fee for NAP coverage

- manually complete CCC-257 according to 3-FI only if:

  - the automated software application according to Part 10, Section 4 is unavailable
  - the crop does not exist in the crop table

    Note: See subparagraph 170 E for instructions for submitting the crop.

- if completed manually, use NAP program code "XX NAPFEE".

  Notes: Replace "XX" with last 2 digits of crop year.

  Do **not** use any other program code to load manual CCC-257's in the system.

24.5 Transfer of NAP Coverage (Continued)

F Initiating a Transfer

To initiate a transfer of NAP coverage between producers, CCC-577 shall be filed for each transferee for **all** crops being transferred.

Note: For succeeding crop years, to continue coverage, a new application for coverage must be filed by the new owner or shareholder before the application closing date for the applicable crop.

See Exhibit 9 for:

- example of CCC-577
- instructions for completing CCC-577.

G Processing a Transfer

When a transfer of NAP coverage is approved by COC, County Offices shall submit, through the State Office:

- a written explanation about the nature and circumstances of the transfer
- signed copy of the original CCC-471
- diagnostic report for the transferor according to subparagraph 890 B
- signed copy of the manual CCC-577
- ***--**application closing dates for the crops to be transferred.

State Offices shall forward NAP transfer requests and supporting documentation to PECD, DAB using either of the following methods:

- FAX to 202-720-4941, ATTN: CDPS
- mail to:

  USDA FSA PECD DAB ATTN: CDPS
  STOP 0517
  1400 INDEPENDENCE AVE SW
  WASHINGTON DC 20250-0517.

The National Office shall review the required documentation for NAP transfer cases to determine compliance with current NAP transfer procedure. After a thorough review of the information provided, the National Office shall send a memorandum to the applicable State Office with a course of action.**--***

24.5 Transfer of NAP Coverage (Continued)

G Processing a Transfer (Continued)

***--**Upon receiving authorization from the National Office to process approved NAP transfer cases, State Offices shall:

- assist the County Office to cancel the initial CCC-471

- process authorized transfer of NAP coverage according to the NAP Reference Guide provided by the National Office on or about November 13, 2008.

Note: SED's shall ensure that a memorandum authorizing a transfer of NAP coverage is received from the National Office before State Offices initiate a NAP transfer process.**--***

*** * *** The fee associated to the original application for coverage will be used to initiate an application for coverage for the transferee. No additional fees will be collected if the original application for coverage was filed as a limited resource application.

If a transfer of NAP coverage is approved after the software is locked out for that year, County Offices shall follow paragraph 1315 to process NAP payments. In addition to the documentation required in paragraph 1315, each request submitted must include CCC-577 with a written explanation regarding the nature and circumstances of the transfer.

H Examples

The following are examples of situations when a transfer of NAP coverage can be used:

- land purchased or leased by a producer who does not have current NAP coverage for the crop when transfer is requested before a disaster

  Example: Producer A owns and operates FSN 100 and has NAP coverage for green beans. Producer B has planted green beans but has no NAP coverage for green beans. Producer B buys FSN 100 from Producer A. CCC-577 can be used to transfer the coverage on FSN 100 for green beans from Producer A to Producer B but is limited to the land acquired through the sale or lease and must be initiated before a disaster.

  Note: Production for the transferred acreage must be kept separate from other green beans harvested by Producer B. The loss is calculated only on the transferred acreage. To establish an approved yield for the transferred crop, follow Part 5 using the transferee's actual production history.

24.5 Transfer of NAP Coverage (Continued)

H Examples (Continued)

- changes in operator between husband and wife

  Example: Ron conducts a farming operation as an individual. The application for coverage is in Ron's name. Ron retires from farming and transfers 100 percent interest in his farming operation to Mary, his wife, during the coverage period and before a disaster. Mary requests a transfer of NAP coverage. CCC-577 could be approved in Mary's name.

- changes in entity type or changes from an individual to an entity

  Example 1: Joe is operating FSN 400 as an individual. The application for coverage is in Joe's name. Joe forms a corporation and no longer conducts a farming operation as an individual. CCC-577 could be approved for FSN 400 in the name of the new corporation.

  Example 2: The farming operation of Bill and his wife Joan consists of FSN 200 that they operate as a joint venture. The application for coverage is in the joint venture's name. Bill and Joan form a trust and no longer conduct a farming operation as a joint venture. CCC-577 could be approved for FSN 200 in the name of the new trust.

  Example 3: Tom's farming operation consists of FSN 300 that he operates as an individual. The application for coverage is in Tom's name. Tom and his wife Laurie form a trust that will take over Tom's farming operation. CCC-577 could be approved for FSN 300 in the name of the new trust.

- land is purchased or leased by a producer and the transferee has an application for coverage filed for his unit that includes the crop.

  Example: Producer A has NAP coverage on FSN 300 for pumpkins. Producer B has NAP coverage on FSN 400 for pumpkins. Producer B buys FSN 300 from Producer A. CCC-577 is required even though both producers have coverage for pumpkins. A transfer of coverage NAP coverage must be initiated before a disaster.

  Note: Added land procedure, according to paragraph 287, is applicable.

24.5 Transfer of NAP Coverage (Continued)

I Examples Not Applicable

A transfer of NAP coverage shall not be used when:

- a transfer of land or a change in entity type occurs after a disaster

  Note: The transferee or the new entity would not have had a risk in producing the crop according to subparagraph 29 B.

- land is purchased or leased by a producer before the application closing date for the crop

  Example: Producer A has NAP coverage on FSN 100 for green beans. Producer B has green beans on FSN 200 but has **no** NAP coverage. Producer B buys FSN 100 from Producer A before the application closing date. A transfer of NAP service fee **cannot** be done to transfer the coverage on FSN 100 for green beans from Producer A to Producer B. Producer B must purchase coverage for all green beans for the unit in which he has an interest before the application closing date.

- estates are *** * *** closed or entities are dissolved

  Notes: FSA-325 shall be used when estates are not closed and a payment is earned.

  State Offices shall consult with the Regional OGC office for questionable cases.

- partial share transfers occur between 2 parties

  Example: Producer A has coverage for green chile on FSN 2. Producer A sells 50 percent share of the crop to Producer B who has no coverage. Producer B will **not** be covered under NAP for that crop for the remainder of the coverage period. Producer A's coverage level is limited to the current 50 percent share.

- divorce between husband and wife unless it is a 100 percent transfer of coverage

  Example: Bob has coverage for green chile on FSN 2. Bob and Gladys, his wife, are divorced and Bob gives a 50 percent share of the crop to Gladys who has no coverage. Gladys will **not** be covered under NAP for that crop for the remainder of the coverage period. Bob's coverage level is limited to his current 50 percent share.

  Note: State Offices shall consult with the Regional OGC office for questionable cases.

- land is transferred to another administrative county with no change in producer.

--33 Qualifying Gross Revenues for 2008 and Previous Years--

A Definition of Qualifying Gross Revenues

[7 CFR 1437.14] Qualifying gross revenues mean, with respect to a "person" who receives:

- more than 50 percent of this "person's" gross income from farming, ranching, and forestry operations, the annual gross income for the taxable year from these operations

- 50 percent or less of this "person's" gross income from farming, ranching, or forestry operations, the "person's" total gross income for the taxable year from all sources.

B Status of "Person"

The qualifying gross revenue provision applies to "person". Before determining eligibility, ensure that a correct "person" determination is made according to 1-PL. Status dates are shown in 1-PL for the disaster crop year.

Follow 1-PL for determining "person". Non-farming entities will be included when determining "person" for the purpose of qualifying gross revenues.

C Gross Income

Statue and regulation do not permit CCC to consider the cost of sales for basis for income when determining a "person's" gross income or qualifying gross revenues.

The term "gross income", as used in determining a "person's" qualifying gross revenues according to subparagraph A, shall:

- include all income or the total amount coming in, monetary or otherwise, exclusive of deductions

- not be adjusted, amended, discounted, netted, or modified for any reason, including, but not limited to:

  - whether income was for goods or services not belonging to the beneficiary of this income

  - income's origin.

See Exhibit 10 for examples of determining gross income.

Note: Apply qualifying gross revenues provision to combined State producers according to 1-PL.

--33 Qualifying Gross Revenues for 2008 and Previous Years (Continued)--

D Gross Revenues Limitation

[7 CFR 1437.14] NAP payments shall not be made to a "person" who has qualifying gross revenue in excess of $2 million for the most recent tax year preceding the year for which assistance is requested.

E CCC-441 Income

Ensure that CCC-441 Income is completed by each "person" who is a producer, or member of a producer, requesting NAP payments.

Exception: For tribal ventures, follow subparagraph D.

See subparagraph E for an example of CCC-441 Income.

Note: Each "person" certifying gross income on CCC-441 Income whose income exceeds $2 million, shall do the following on CCC-441 Income, Part A:

- mark the applicable box, circle "**was**" (in bold print), line through "**not**" (in bold print), and initial below the change
- sign and date.

F CCC-441 Income for Tribal Ventures

For tribal venture operations, the tribal council or an authorized BIA official may execute CCC-441 Income by doing all of the following:

- completing item 2 for the tribal venture
- checking the second box on CCC-441 Income, Part A
- annotating the following statement immediately above the sentence following the second box on CCC-441 Income, Part A:

  "For each person who is a member (including the person's spouse and minor children) of the tribal venture shown in item 2, ..."

Note: If either the tribal council or authorized BIA official cannot attest on CCC-441 Income that no individual member (including the individual member's spouse or minor child) will not exceed the qualifying gross revenue limitation, each individual member of the tribe must complete a separate CCC-441 Income before any NAP payments can be issued to the tribal venture.

--33 Qualifying Gross Revenues for 2008 and Previous Years (Continued)--

G Example of CCC-441 Income

This is an example of CCC-441 Income.

REPRODUCE LOCALLY. Include form number and date on reproductions.

Form Approved - OMB No. 0560-0175

CCC-441 Income (02-24-00)

U.S. DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation

NONINSURED CROP DISASTER ASSISTANCE PROGRAM CERTIFICATION OF INCOME ELIGIBILITY

1. RETURN TO: County FSA Office Address and Telephone

Piral County FSA Office
605 N. Cottonwood Avenue
Laredo, AZ 12345-6789

123-456-7890

2. Name and Address of Person

TO:
Shady Farms, Inc., together with
Earl E. and Thelma Floyd and Aerial Applications, Inc.
R.R. 1, Box 1
Anywhere, AZ 12345-6789

3. Crop Year: 20XX

4. Farm No.: 100, 200

5. Unit No.: 1234

If mailing in a window envelope the name and address must be placed above this text.

Instructions:
- **Complete Part A and sign in the area indicated.**
- **Read the information relating to false certification in Part B.**
- **RETURN THIS FORM to the address in Item 1 above.** YOU MUST RETURN THIS FORM BEFORE YOUR APPLICATION FOR BENEFITS CAN BE APPROVED.

PART A - CERTIFICATION OF INCOME *(Revenue definitions are included on the reverse of this form)*

I certify that for the most recent tax year preceding the crop year for which benefits are requested.

☒ *Fifty percent of my gross annual revenue (receipts) was received from farming; ranching and forestry operations and that my gross annual revenue (receipts) from these operations was not in excess of $2 million.*

☐ *Less than fifty percent of my gross annual revenue (receipts) was received from farming, ranching, and forestry operations and that my gross annual revenue (receipts) from all agricultural and nonagricultural sources was not in excess of $2 million.*

Person Sign Here: Shady Farms, Inc. /s/ *Earl E. Floyd, President*

Date: 03-19-XXXX

PART B - PENALTY FOR FALSE CERTIFICATION

Evidence that may be required to validate certification may include tax records, accountant's certification, or other documentation that provides the information required. The penalty for false certification is loss of all benefits for the disaster crop year in which the false certification was made.

NOTE: *The following statements are made in accordance with the Privacy Act of 1974 (5 USC 552a), and the Paperwork Reduction Act of 1980, as amended. The Federal Agriculture Improvement and Reform Act of 1996, and the regulations at 7 CFR Part 1437 authorize the collection of the information required by this certification. The information will be used to establish income eligibility in accordance with the requirements of the law for applicants who are requesting Noninsured Crop Disaster Assistance Program assistance. Providing this information is voluntary; however failure to furnish the requested information will result in a determination of ineligibility for Noninsured Crop Disaster Assistance Program assistance. This information may be used by and provided to other agencies, IRS, Department of Justice, other State or Federal law enforcement agencies, and in response to orders of a court, magistrate, or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.*

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0560-0175. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. ***RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.***

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, gender, religion, age, disability, political beliefs, sexual orientation, and marital or family status. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410 or call (202) 720-5964 (voice or TDD). USDA is an equal opportunity provider and employer.

--33 Qualifying Gross Revenues for 2008 and Previous Years (Continued)--

G Example of CCC-441 Income (Continued)

CCC-441 Income (Reverse) (02-24-00)

REVENUE DEFINITIONS

Gross revenue (receipts) from farming, ranching, and forestry, means the gross revenue (receipts) the person received from all agricultural sources. There shall be no adjustments or reductions made in determining gross revenue (receipts) from farming, ranching, and forestry, including nursery operations.

Gross revenue (receipts) from all agricultural and nonagricultural sources means the total revenue received by the person for the tax year from wages, rents, royalties, sales, or any other type of income. This figure must be the gross revenue before ANY adjustments or reductions. For example, if a person buys feeder cattle, fattens them, and sells them, the gross revenue would be the total revenue received when the cattle were sold. There shall be no reduction for such things as the purchase price of the cattle or for feed costs.

EXAMPLES FOR DETERMINING QUALIFYING GROSS REVENUE (RECEIPTS)

Example 1

Situation — Farmer or rancher, A. Bravo's, gross annual revenue from the sale of agriculture production was $50,000. Production expenses for producing these products was $30,000. A. Bravo's gross revenue from farming, ranching and forestry operations is $50,000.

A. Bravo also owns 51 percent of A.B. Grain Co., Inc. The grain company purchased grain from producers for $3,000,000 and sold the grain for $3,050,000. A. Bravo's gross revenue for A.B. Grain Co., Inc., is $3,050,000.

Determination — Less than a majority of A. Bravo's annual revenue was from farming, ranching, and forestry operations; therefore, A. Bravo's qualifying gross revenue is the gross revenue from all sources.

A. Bravo is ineligible for disaster benefits because the qualifying gross revenues exceed $2,500,000 ($50,000 plus $3,050,000 equals $3,100,000).

Example 2

Situation — When a husband and wife are considered one person, the gross revenue from both must be included. C. Doe's gross revenue from farming is $1,000,000. His wife sold clothing costing $600,000 for a total of $1,600,000. Overhead expenses were $150,000. The husband and wife had investment revenue (stocks, bonds, and savings accounts) of $100,000. The qualifying gross revenue is $2,700,000 ($1,000,000 plus $1,600,000 plus $100,000).

Determination — Less than a majority of the producer's gross revenue was from farming, ranching and forestry operations. Therefore, qualifying gross revenue is gross revenue (receipts) from all agricultural and nonagricultural sources. The entity is ineligible to receive disaster benefits.

Example 3

Situation — Shady Farms, Inc., had gross revenues of $1,900,000 from farming. All of this revenue was from the production of grain and livestock. The corporation is owned by Earl E. Floyd and Thelma Floyd, his wife. Earl E. Floyd also had controlling interest in Aerial Application, Inc., an aerial spraying and seeding business. Aerial Applications, Inc., had a gross revenue of $150,000.

Determination — Since a majority of the annual revenue of Shady Farms, Inc., was from farming, ranching, and forestry operations the qualifying gross revenue is $1,900,000.

Shady Farms, Inc., is eligible to receive disaster benefits.

Example 4

Situation — The auction house sold livestock for $30,000. The $30,000 was deposited in a special account set up by the auction house and designated
a "Custodial Account for Shippers Proceeds." Funds in this account are trust funds. The only checks that my be written on this account are checks to the sellers of the livestock and checks to the general account of the auction house for marketing charges. To offset the $30,000 deposit, the sellers were paid $29,400 for their livestock, and the auction house was paid $600 for commissions.

Determination — Include only $600 from commissions as gross income for the auction house. Because funds in the custodial account are trust funds, they are not considered gross income for the auction house. The custodial account must be set up according to the Packers and Stockyards Administration regulations.

--33 Qualifying Gross Revenues for 2008 and Previous Years (Continued)--

H COC Review of Gross Income

COC shall ensure that the provisions of subparagraphs A and B are met before approving the issuance of any NAP payment. To accomplish this, COC shall:

- review County Office records and use personal knowledge of the "person's" interest to determine whether COC is satisfied that the "person" is **not** likely to have exceeded the $2 million gross income threshold

- identify those "persons" for which COC has insufficient information to determine whether the qualifying gross revenue limitation has been exceeded

  Notes: Notify these "persons" that evidence of eligibility must be provided.

  Evidence may be whatever is required for the reviewing authority to establish eligibility.

  The reviewing authority may accept statements from a certified public accountant **provided** the statement ensures that the "person's" gross income, as defined in subparagraph A, does not exceed $2 million.

- document in COC minutes the cases reviewed, determinations made, and basis for determinations.

Note: COC's shall not require income tax returns. However, COC must be satisfied that the "person" has not exceeded the $2 million qualifying gross revenue limitation. The producer may provide whatever documentation is needed to establish eligibility. Payments for the "person," who may either be a producer or member of a producer, may not be approved until COC is satisfied the "person" meets qualifying gross revenue eligibility requirements. If the producer volunteers to provide tax records or similar information, COC may use the information to determine eligibility.

COC shall ensure that no payment is issued to any "person" who has not satisfactorily established eligibility for payment.

--33 Qualifying Gross Revenues for 2008 and Previous Years (Continued)--

I Using IRS Records

COC's are not authorized to require IRS tax records. However, the "person" may volunteer tax information to COC.

Note: If the "person" voluntarily provides IRS tax records, a copy of these records shall be made, date stamped when received, and placed in the "person's" eligibility file.

If a tax return is submitted, it reflects net amounts from supplemental schedules. Therefore, if a tax return is used, supplemental schedules must be reviewed to determine gross income before deductions.

IRS forms may not contain all necessary information from which to make an appropriate determination of eligibility. Therefore, additional documents may be required to make eligibility determinations.

Note: The definitions of "qualifying gross revenue" and "gross income" are not the same as IRS definitions of "gross income". In many instances, a "person's" taxable gross income is smaller than qualifying gross revenue or gross income. Ensure that all the provisions of this paragraph are applied when determining qualifying gross revenue and gross income for NAP payment eligibility purposes.

*--33.5 Average AGI for 2009 and Subsequent Years

A Average AGI Limitation

Effective for the 2009 crop year, average AGI provisions of the Food, Conservation, and Energy Act of 2008 apply to NAP.

Note: County Offices shall follow average AGI limitation procedure in 4-PL.**--***

--34 Payment Limitations for 2008 and Previous Years--

A Payment Limitation

[7 CFR 1437.14] NAP payments shall **not** be made in excess of $100,000 per "person" per crop year.

See Exhibit 2 for the definition of "crop year".

B Required Determination

COC shall make "person" determinations and apply payment limitation provisions according to 1-PL.

Note: 1-PL provides the following provisions that do not apply to NAP:

- actively engaged
- permitted entity
- foreign person
- cash-rent tenant.

C Payment Limitation Allocations

County Offices shall follow procedures in 2-PL and 3-PL for multi-county and combined producers.

*--34.5 Payment Limitations for 2009 and Subsequent Years

A Payment Limitation

[7 CFR 1400.1] NAP payments shall **not** be made in excess of $100,000, directly or indirectly, to a person or legal entity per crop year.

See Exhibit 2 for the definition of "crop year".

B Required Determination

COC shall apply payment limitation provisions according to 4-PL.

C Payment Limitation Allocations

County Offices shall follow procedures in 2-PL and 3-PL.--*

890 Canceling an Application for Coverage

A Overview

NAP fees are not refundable; therefore, applications cannot be canceled by the County Office once fees have been accepted from the producer and entered into the automated system. In instances where County Offices have taken applications in error or where the producer failed to clear up a dishonored check, a cancellation of the application may be permitted. All *--requests for cancellation must be submitted to the State Office with written justification explaining why the cancellation needs to occur. After reviewing the documentation submitted, the State Office will contact the County Office and assist the County Office--* with the cancellation, if the case was approved.

* * *

B Printing Diagnostic Reports

--Diagnostic reports must be submitted to the State Office to cancel NAP applications.-- County Office's shall print the reports from NAP Menu MHB000, for the applicable crop year, according to the following:

- on command line, ENTER "MHACAY" and PRESS "Enter"
- enter the ID number and type of the producer to be canceled and PRESS "Enter".

The applicable year "NAP Application Diagnostic Print" and "NAP Fee File Diagnostic Print" will be generated.

890 Canceling an Application for Coverage (Continued)

C County Office Action

County Offices shall:

- use the provisions in this handbook to reduce the number of errors being made
- provide detailed written justification for the cancellation
- generate the diagnostic reports according to subparagraph B
- provide a copy of CCC-471 signed by the producer
- ***--**provide a copy of CCC-257
- identify the County Office contact who will be assisting with the cancellation**--***
- **FAX the detailed justification, diagnostic reports,** and **signed CCC-471,** to the State Office NAP specialist.

*** * ***

D State Office Action

State Offices shall:

- work with County Offices to ensure that they understand the NAP Application for Coverage process to eliminate unnecessary errors that require additional effort by all parties to cancel an application that was taken incorrectly
- ***--**process cancellation or correction of CCC-471's according to the NAP Reference Guide provided by the National Office on or about November 13, 2008**--***
- **not** contact the National Office about NAP cancellation problems.

*** * ***

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification (Assembled as a component with AD-1026 Appendix)		8, 882, 1110, 1276, 1367, 1389, 1432
CCC-184 **1/**	CCC Check		1279, 1323, 1350, 1351, l366, 1425
CCC-257	Schedule of Deposit		23, 24, 885, 888, 890, 1315, 1462, 1463
CCC-441 Income	Noninsured Crop Disaster Assistance Program Certification of Income Eligibility	33	
CCC-448	NAP Payment Calculation Worksheet (Loss of Expected Production)		1315
CCC-448A	NAP Payment Calculation Worksheet (Prevented Planting)		1315
CCC-448B	Ornamental Nursery Loss Adjustment and Payment Calculation Worksheet		1315
CCC-448C	Christmas Tree Loss Adjustment and Payment Calculation Worksheet		1315
CCC-448D	Aquaculture Crop Loss Adjustment and Payment Calculation Worksheet		1315
CCC-448E	NAP Loss Adjustment and Payment Calculation Worksheet (Category 1 Forage)		195, 1315

***--1/** This form is obsolete.

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
CCC-452	NAP Production and Yield Report	838	Text
CCC-452 Manual	NAP Actual Production History and Approved Yield Record	Ex. 25	254
CCC-456	NAP Crop Data Information	Ex. 17	106-108, 110, 170
CCC-471	Non-Insured Crop Disaster Assistance Program (NAP) Application for Coverage (2010 and Subsequent Years)	23	Text, Ex. 2, 7, 7.1, 7.5-7.7, 8
CCC-502	Farm Operating Plan for Payment Eligibility Review		8
CCC-576	Notice of Loss and Application for Payment Noninsured Crop Disaster Assistance Program		Text, Ex. 2, 41, 42
CCC-576-1	Appraisal/Production Report Noninsured Crop Disaster Assistance Program	Ex. 42	Text, Ex. 41
CCC-576A	2001 Noninsured Crop Disaster Assistance Program Payment Calculation Worksheet	1280	Text
	2002 and Future Years Noninsured Crop Disaster Assistance Program Manual Payment Calculation Worksheet (Yield Based Crops)	1283	
CCC-576A-1	Noninsured Crop Disaster Assistance Program Payment Calculation Worksheet for Multiple Crop Types With Prevented Planted Acres	1283.5	1278, 1279, 1283

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
CCC-576B	2001 Noninsured Crop Disaster Assistance Program Payment Calculation Worksheet (Value Loss Crops)	1281	Text
	2002 and Future Years Noninsured Crop Disaster Assistance Program Manual Payment Calculation Worksheet (Value Loss Crops)	1284	
CCC-576C	2001 Noninsured Crop Disaster Assistance Program Payment Calculation Worksheet (Grazing Crops)	1282	1276, 1279, 1283, 1314, 1315, 1413
CCC-576E	NAP Estimated Calculated Payment Report		881, 1016, 1315, 1400, 1413, 1414
CCC-577	Transfer of NAP Coverage	Ex. 9	24.5, 1461, 1463
CCC-579	NAP Approved Yield Compliance Worksheet	600	
CCC-770 NAP Eligibility	Eligibility Checklist		1311
CCC-770 NAP	Noninsured Crop Disaster Assistance Program Payment Checklist	11	1311
FSA-325	Application for Payments of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		1276
FSA-570	Waiver of Eligibility for Emergency Assistance		32
FSA-578	Report of Acreage		Text, Ex. 42
FSA-1001 1/	Notice of Peanut Poundage Quota		Ex. 18

1/ Form is obsolete.

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
AUD	animal-unit-day	Text, Ex. 2
BHI	Bahai grass	193, 195
CDPS	Common Disaster Provisions Section, DAB, PECD	24.5
CIH	Crop Insurance Handbook	1, 426
CPB	Common Provisions Branch, PECD	1315
CVS	Compliance Validation System	751.5
DAB	Disaster Assistance Branch, PECD	10, 24.5, 170, 1467
E-FC	electronic fund control	1277
FTA	fescue, tall	194.5, 195
GRP	Group Risk Protection	172, 197, 505
MPCI	Multiple Peril Crop Insurance	426
NAPB	Noninsured Assistance Program Branch, PECD	10, 170, 189, 195, 884, Ex. 17
NCT	national crop table	Text, Ex. 3
NTS	no type specified	193
PP	prevented planted	1110
PRD	production reporting date	Text, Ex. 2
PRF	pasture, rangeland, and forage	197
PRF-RI	Pasture, Rangeland, Forage-Rainfall Index Pilot Program	197
PRF-VI	Pasture, Rangeland, Forage-Vegetative Index Pilot Program	197
SUD	Sudan	1283.5
SWI	Switch	1283.5
T-yield	transitional yield	107, 152, Part 5, 322, 323, 327, 600, Ex. 2, 17

Redelegations of Authority

This table lists the redelegations of authority in this handbook.

Redelegation	Reference
In routine cases, COC may redelegate, in writing, to CED the authority to act on, or sign, as applicable, CCC-576, Parts C and H. The redelegation must define what COC considers routine.	401
COC may redelegate, in writing, to CED and program technicians, the authority to complete and sign automated CCC-452's and CCC-452 Manuals.	838, Ex. 25