

For: State and County Offices

Second 2008 Buy-in for Insurable and Noninsurable Crops

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The Food, Conservation, and Energy Act of 2008 (2008 Act) (Pub. L. 110-246):

- was enacted on June 18, 2008
- created several new disaster programs under the title, “Supplemental Agricultural Disaster Assistance”.

Note: To be eligible for these programs, producers **must** obtain at least CAT level of crop insurance for **all** insurable crops and/or NAP coverage for noninsurable crops.

Sales closing dates for CAT and application closing deadlines for NAP have passed for the 2008 crop year for all insurable and noninsurable crops. A waiver was authorized in the 2008 Act to allow producers to pay, within 90 calendar days of enactment (September 16, 2008), a buy-in fee to be eligible for Supplemental Agricultural Disaster Assistance for crops for which the producer did **not** obtain crop insurance or NAP coverage for 2008.

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) was enacted on February 17, 2009, and authorized an additional waiver which allows producers another opportunity to pay a buy-in fee for 2008 eligibility to be eligible for Supplemental Agricultural Disaster Assistance **except** for the Livestock Forage Disaster Program. The buy-in fee must be paid within 90 calendar days of the enactment of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5). **For paying the buy-in fees, the final date is COB May 18, 2009.**

Disposal Date	Distribution
August 1, 2009 3-25-09	State Offices; State Offices relay to County Offices

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1 Overview (Continued)

B Purpose

This notice:

- informs States and County Offices of the disaster programs subject to the Risk Management Purchase Requirement (RMPR) waiver
- provides State and County Offices with the new guidelines for RMPR waivers for 2008
- obsoletes Notice DAP-303.

C Supplemental Agricultural Disaster Assistance Programs Subject to the Waiver

The following 3 programs subject to the 2008 RMPR waivers are:

- Supplemental Revenue Assistance Payments (SURE) Program
- Tree Assistance Program (TAP)
- Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish (ELAP).

Note: The RMPR waiver does **not** apply to the Livestock Forage Disaster Program.

2 RMPR's

A Basic Eligibility Requirements

According to the 2008 Act (Pub. L. 110-294), the basic requirements for RMPR is for a producer to be eligible for assistance under SURE, TAP, and ELAP, the producer must obtain a policy or plan of insurance for each insurable commodity on the farm and the producer must file the required paperwork and pay the administrative fee by the applicable State application closing date for NAP.

A farm is defined as the sum of all crop acreage in all counties nationwide, for which a producer has an interest that is planted or intended to be planted for harvest by the eligible producer.

In the case of:

- aquaculture, the term "farm" means all fish being produced in all counties nationwide, for which a producer has an interest that are intended to be harvested for sale by the producer
- honey, the term "farm" means all bees and all beehives in all counties nationwide, for which a producer has an interest that are intended to be harvested for a honey crop.

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2 RMPR's (Continued)

B RMPR Waivers

The 2008 Act (Pub. L. 110-246) and the Technical Corrections (Pub. L. 110-398) provided several waivers of RMPR. The following provides a list of those waivers.

Waiver	Description
SDA, LR, and BF	Producers who meet the requirements of a socially disadvantaged, limited resource, or beginning farmers or ranchers , according to 1-CM Exhibit 2, do not have to meet this RMPR, and, therefore, are not required to pay the buy-in fee.
Buy-In	Producers that have paid buy-in fees.
De Minimis	An eligible producer on a farm may elect to waive RMPR on a crop: <ul style="list-style-type: none"> • that is not economically significant <p style="margin-left: 40px;">Note: A crop must contribute less than 5 percent of the total expected revenue to be considered not economically significant.</p> <ul style="list-style-type: none"> • for which the NAP fee exceeds 10 percent of the value of the NAP coverage.
Subsequent Crops	Producers are no longer required to have coverage on acreage that is planted to a subsequent crop. <p style="margin-left: 40px;">Note: If double-cropping or multiple cropping is an approved cropping practice, this does not apply.</p> <p style="margin-left: 40px;">Example: If a producer has full season cotton planted and also cotton planted behind wheat, that is not an approved double-cropping practice, as a subsequent crop, only acres that are truly subsequent are those planted behind the winter wheat.</p>

3 New Waiver for 2008 Crop Year

A Overview

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) authorized an additional waiver which allows producers another opportunity to pay a buy-in fee to be eligible for 2008 SURE, TAP, and ELAP.

The buy-in fee must be paid within 90 calendar days of the enactment of the American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5). The final date for paying the buy-in fees is **COB May 18, 2009**.

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3 New Waiver for 2008 Crop Year (Continued)

B Buy-In Provision

If a producer elects to purchase buy-in, the producer must agree to obtain a policy or plan of insurance for each insurable commodity on the farm that is covered by the buy-in fees for the next available insurance year for which a policy is available (2010 and subsequent). The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) also requires these producers to purchase coverage at or above 70/100.

Note: Producers who purchased insurance coverage in 2009:

- at or above the 70/100 coverage level for a buy-in crop will be considered as having met the linkage requirement
- below the 70/100 coverage level will be required to purchase at least the 70/100 coverage level for a buy-in crop in the subsequent year.

Additionally for each noninsurable commodity, the producer will be required to pay the administrative fee by the applicable State application closing date for NAP for the next year that NAP is available.

Note: Producers who purchased NAP coverage for 2009 for a buy-in crop will be considered as having met the linkage requirement.

Since the producer is required to obtain a policy or plan of insurance or is required to obtain NAP for the next available year, all crops for which the producer has paid the buy-in fee must be listed on FSA-752 and/or FSA-753, as applicable.

C Deadline

To be considered to have met RMPR, producers must pay a “buy-in” fee in an amount equal to the applicable CAT fee and/or NAP fee for those 2008 crops that currently do not have either a crop insurance policy or NAP coverage by **COB May 18, 2009**. Producers, with the exception of those who meet the waivers in subparagraph 2 B, who want to pay the buy-in fees, must visit their administrative County Office to complete FSA-752 for insurable crops and FSA-753 for noninsurable crops.

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3 New Waiver for 2008 Crop Year (Continued)

D Applicable Crop Insurance and NAP Buy-In Fees

The “buy-in” fee for both CAT and NAP is \$100 per crop, but not more than \$300 per producer per administrative county, or \$900 total per producer for all counties less any previously paid fees for CAT, NAP, relief, and other “buy-in”. Producers must “buy-in” for all non-insurable and insurable crops that are not already covered by NAP, crop insurance, or meet the previous waivers.

Notes: Producers who purchased buy up coverage for insurable crops will be considered to have paid the equivalent of \$100 per crop in CAT fees toward their buy-in fee limits even though a premium was paid for that coverage.

If a producer paid fees under the first “buy-in”, or if the producer paid fees under relief, those fees will also count toward the buy-in fee limits.

The buy-in fee is nonrefundable and due at the time a producer files FSA-752 and/or FSA-753.

Example 1: Producer B is a producer in County A and has already purchased CAT coverage for 1 crop for \$100, but would like to add 3 additional crops under the “buy in” option (for insurable crops). He would, therefore, have to pay an additional \$200 in buy-in fees and list the 3 additional crops on FSA-752 to meet RMPR in this county [$\$300 - \100 (previously paid) = \$200].

Example 2: Producer C is a producer in County B and has already paid \$200 for NAP coverage for 2 crops. He would now like to add 2 additional crops under the “buy in” option (for noninsurable crops.) He would now have to pay an additional \$100 in buy-in fees and list the 2 additional crops on FSA-753 to meet RMPR in this county [$\$300 - \200 (previously paid) = \$100].

Example 3: Producer D is a producer in County C and has already paid for CAT coverage on 2 crops and had no coverage previously requested under NAP. Producer D would now like to add 1 additional insurable crop and include two NAP crops under the “buy in” option. He would then owe an additional \$100 in buy-in fees and must include that insurable crop on FSA-752 [$\$300 - \200 (previously paid CAT) = \$100]. He would also owe an additional \$200 in buy-in fees and list the two NAP crops on his FSA-753 to meet RMPR in this county for a grand total of \$300 [$\100 (CAT) + \$200 (NAP) = \$300].

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3 New Waiver for 2008 Crop Year (Continued)

D Applicable Crop Insurance and NAP Buy-In Fees (Continued)

Example 4: Producer E is a producer in County D who selected buy-up insurance coverage for 2 crops timely, but would now like to add 2 crops to his FSA-752.

Note: Even though this producer paid premiums totaling \$2000 (\$1000 per crop) for buy up insurance coverage and not CAT fees, the 2 crops he purchased buy up insurance coverage will be considered as already having paid the equivalent of \$200 (\$100 per crop) in CAT fees.

As a result, Producer E owes \$100 in buy-in fees and must list the 2 insurable crops on FSA-752 to meet RMPR in this county [$\$300 - \200 (considered paid because of the buy up premium paid on 2 crops) = \$100].

Example 5: Producer F is a producer in County E and has already paid \$100 for NAP coverage for 1 crop. Producer F also paid the buy-in fee of \$100 for 1 additional NAP crop, but now realizes there are 2 more crops that need coverage and would like to cover these crops under the second buy-in waiver. As a result, Producer F owes \$100 in buy-in fees and must list the two NAP crops on FSA-753 to meet RMPR in this county [$\$300 - \100 (NAP) - \$100 (Buy-In) = \$100].

Example 6: Producer G is a producer in County F and has already paid \$100 in “buy-in” fees for one NAP crop. Producer G also paid relief fee of \$100 for 1 additional NAP crop, but now realizes there are 3 more crops that need coverage and would like to cover these crops under the second buy-in waiver. As a result, Producer G owes \$100 in buy-in fees and must list all three NAP crops on FSA-753 to meet RMPR in the county [$\$300 - \100 (Buy-In) - \$100 (Relief) = \$100].

Example 7: Producer H is a producer in County G and has already paid the \$200 “buy-in” for two NAP crops. Producer H also paid a relief fee of \$100 for 1 additional NAP crop, but now realizes there is another crop that needs coverage and would like to cover this crop under the second buy-in waiver. As a result, Producer H owes \$0 in buy-in fees. The additional NAP crop should be listed on FSA-753 [$\$300 - \200 (Buy-In) - \$100 (Relief) = \$0].

3 New Waiver for 2008 Crop Year (Continued)

E Buy-In Fee Collection

Producers must visit their Administrative County Office to pay the appropriate buy-in fees and sign FSA-752 and/or FSA-753. Fees must be received or post-marked by no later than **COB May 18, 2009**. To verify postmark, attach the original envelope with date stamp to form(s). See Exhibit 1 for FSA-752 for insurable crops and Exhibit 2 for FSA-753 for noninsurable crops.

Until automated software is developed and implemented for the buy-in forms and collection process, **County Offices shall:**

- manually prepare FSA-752 and FSA-753
- manually complete CCC-257 according to 3-FI, using the following collection program codes, as applicable:
 - **CAT Fees – 08CATFEESBI2**
 - **NAP Fees – 08NAPFEESBI2**
- provide producers with the Supplemental Agricultural Disaster Assistance Programs Information Fact Sheet

F Uninsured Acres and/or Acres Not Covered Under NAP

County Offices shall not collect buy-in fees to include acreage not eligible to be covered by CAT or NAP. Therefore, if a crop was not eligible for NAP in 2008, a buy-in is not to be taken for that crop. See 1-NAP, Exhibit 7.3 for a list of 2008 NAP eligible crops.

Both crop insurance and NAP provisions provide for using the lesser of reported or determined acreage for the basis of calculating a loss payment.

Example 1: Producer A reported 50 acres, but the determined acres were 75 acres. The excess determined acreage of 25 acres is considered uninsured or not covered by NAP. Future program provisions will address how those acres are to be treated under SURE, TAP, or ELAP.

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4 State Office and County Office Action

A State Office Action

State Offices shall ensure that:

- the **COB May 18, 2009**, deadline is adequately publicized by all available means, including immediately issuing a State press release
- County Offices:
 - are immediately informed of the contents of this notice
 - immediately publicize the **COB May 18, 2009**, deadline using all available means, including using a modified, localized version of the State press release
 - begin accepting FSA-752's, FSA-753's, and applicable "buy in" fees according to this notice
 - timely schedule producer appointments, if needed, to ensure that all interested producers pay the buy-in fees by **COB May 18, 2009**.

B County Office Action

All County Offices shall:

- ensure the **COB May 18, 2009**, deadline is adequately publicized by all available means
- immediately issue the State press release that all FSA-752, FSA-753, and the accompanying buy-in fees must be received or postmarked by **COB May 18, 2009**.

6 Equitable Relief

A Equitable Relief

The American Recovery and Reinvestment Act of 2009 (Pub. L. 111-5) authorized an additional waiver which allows producers another opportunity to pay a buy-in fee to be eligible for SURE, TAP, or ELAP.

According to Notice DAP-294, because of the additional "buy-in" opportunity, Equitable Relief Provisions no longer apply for the 2008 SURE, TAP, and ELAP RMPR upon receiving this notice.

FSA-752, Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops (Buy-In 2)

A Example of FSA-752

The following is an example of FSA-752.

This form is available electronically.

FSA-752 (03-26-09) SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE BUY-IN FOR INSURABLE CROPS (BUY-IN 2)	U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency		1. Crop Year	2A. County FSA Office Name and Address (Including Zip Code):
				2B. Telephone No. (Including Area Code):

NOTE: *The primary authority for requesting and safeguarding the information described on this form is The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5. The information requested is necessary to determine program eligibility. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA. The information collected as a result of this form may be released to USDA employees, USDA contractors, or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation and Energy Act, the Privacy Act of 1974, the E-Government Act of 2002, and related authorities.*

This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration). The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM ALONG WITH YOUR APPLICABLE BUY-IN FEE TO YOUR COUNTY FSA OFFICE.

PART A - PRODUCER INFORMATION

3A. Name and Address of Producer (Including Zip Code)	Administrative State and County Office	
	4A. State	4B. County
3B. Telephone Number (Including Area Code):	5. Schedule of Deposit Number According to 3-FI	

PART B - WAIVER OF 2008 BUY-IN FEE

DEFINITIONS FOR THE PURPOSE OF THIS FORM:

A "Socially Disadvantaged Farmer or Rancher" is a farmer or rancher who is a member of a socially disadvantaged group. (For entity applicants, all members of the entity must be socially disadvantaged.) A "Socially Disadvantaged Group" is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

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 Price Paid by Farmer Index as compared by NASS);

And

- 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).

****NOTE:** For up-to-date data for this definition, a "limited resource farmer or rancher" status can be determined using the website for USDA Limited Resource Farmer and Rancher Online Self Determination Tool at <http://www.lrftool.sc.egov.usda.gov/tool.asp>. This tool will determine your status using your personal data at your state/county location. (7 C.F.R § 1469.3)

A "Beginning Farmer or Rancher" means an individual or entity who:

- Has not operated a farm or ranch for more than 10 years;
- Substantially participates in the operation. If the applicant is an entity, all members must be eligible beginning farmers or ranchers.

6. Are you, under FSA standards, a socially disadvantaged, limited resource, or beginning farmer or rancher?

A. Socially Disadvantaged YES NO

B. Limited Resource YES NO

C. Beginning Farmer or Rancher YES NO

If "YES" to A, B, or C, then you are not required to pay the 2009 buy-in fee.
 If "NO" to A, B, and C, then you are required to pay the 2009 buy-in fee at this time.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (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 to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**FSA-752, Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops (Buy-In 2)
(Continued)**

A Example of FSA-752 (Continued)

FSA-752 (03-26-09) Page 2

PART C - CROP/TYPE IDENTIFICATION

Purpose of this notice and definitions. For purposes of this form "insurable crops" are those for which a policy or plan of catastrophic coverage (CAT) insurance was available through the Federal Crop Insurance Corporation (FCIC). "Noninsurable crops" are those crops for which a policy or plan of insurance is not available, however, coverage is offered by the Farm Service Agency (FSA) under the Noninsured Crop Disaster Assistance Program (NAP).

In Title XII of the Food, Conservation, and Energy Act of 2008, Congress provided for new disaster programs, which together will be called the "Supplemental Agricultural Disaster Assistance Programs". Generally, producers are eligible only if they have, for all crops, obtained either FCIC crop insurance or NAP coverage. The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 provided transition assistance for the 2008 crop year, which allows producers who were eligible to obtain NAP coverage but did not, to "buy-in" or to be "waived in" to be eligible for these disaster programs, except for the Livestock Forage Disaster program by paying by the deadline a fee in an amount equal to the unpaid CAT or NAP fees. For this purpose, producers who want to buy-in to the applicable disaster programs must complete. For this purpose, producers who want to buy-in to these disaster programs must complete this form if they had unpaid CAT crops and a separate form if they had unpaid NAP crops. The producer must also agree to obtain a plan of insurance for each insurable commodity elected under this "buy-in" provision, for the next year for which a policy is available.

This form is for the 2008 insurable CAT crops listed below. **The buy-in fee is \$100 per crop, but not more than \$300 per producer per county, or \$900 total per producer for all counties.**

List all of the producer's insurable crops below for which a crop insurance policy was not purchased. The buy-in fee is non-refundable and due at the time a producer files the FSA-752.

I agree to obtain a policy or plan of insurance at or above the 70/100 coverage level for each insurable commodity listed below, for the next year for which a policy is available.

Producer's Initials

7A. Crop/Type	7B. Intended Use	7C. Planting Period

8A. Fees required for buy-in, based on the crops listed in Item 7 above: \$

8B. Buy-in fees previously paid on other crops in this county: \$

8C. Buy-in fees previously paid on crops in other counties: \$

8D. Balance of required buy-in fees due and received: \$

9. Remarks (Including additional crops if necessary):

PART D - PRODUCER AND CCC REPRESENTATIVE'S CERTIFICATION

10. I have read this form and would like to buy-in or be waived in to the Supplemental Agricultural Disaster Assistance Programs. To be eligible for the program, payment is due at the time this form is filed. I have paid the above calculated buy-in fee, or my buy in fee is \$0. (Note - Application will not be complete until payment is made - payment must be made by May 18, 2009, unless that date is extended by law). I certify all information entered on this form (FSA-752) is true and correct. I understand that the buy-in fee waives the risk management purchase requirement of the Food, Conservation, and Energy Act of 2008, but does not provide insurance for insurable crops. A separate application must be filed to be eligible for benefits under the Supplemental Agricultural Disaster Assistance Programs. All information provided herein is subject to verification by the Farm Service Agency. 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).

This application is not valid unless accompanied by the applicable buy-in fee.

11A. Producer's Signature (By)	11B. Title/Relationship of the Individual Signing in the Representative Capacity	11C. Date (MM-DD-YYYY)
12A. FSA Representative's Signature	12B. Title	12C. Date (MM-DD-YYYY)

**FSA-752, Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops (Buy-In 2)
(Continued)**

B Completing FSA-752

Complete FSA-752 according to the following.

Item	Instruction
1	ENTER "2008".
2A	Enter County Office name, address, including ZIP Code.
2B	Enter County Office telephone number, including area code.
Part A – Producer Information To be completed by the County Office	
3A	Enter the producer’s name, address, including ZIP Code.
3B	Enter the producer’s telephone number, including area code.
4A	Enter the State name where farm records are located for FSA administrative purposes.
4B	Enter the FSA administrative county name where fees are collected.
5	Enter CCC-257 number according to 3-FI.
Part B – Waiver of 2008 Buy-In Fee To be completed by the County Office	
6	Check (✓): <ul style="list-style-type: none"> • “Yes”, if producer is a socially disadvantaged, limited resource, or beginning farmer or rancher • “No”, if the producer is not a socially disadvantaged, limited resource, or beginning farmer or rancher. <p>Note: Socially disadvantaged, limited resource, or beginning farmers or ranchers do not pay the buy-in fee.</p>
Part C – Crop/Type Identification To be completed by the County Office	
“Producer’s Initials”. Producer must initial statement in Part C agreeing to obtain insurance in a subsequent year for crops listed on CCC-752.	
7A	Enter crop name and type.
7B	Enter intended use of the crop.
7C	Enter the planting period of the crop.
8A	Enter the buy-in fees required for crops listed in item 7. <p>Note: The buy-in fee is nonrefundable and due at the time the producer files FSA-752. If the producer qualifies as a socially disadvantaged, limited resource, and/or beginning farmer or rancher according to item 6, then the buy-in fee is waived. See Part C for fee limits.</p>
8B	Enter the CAT fees previously paid on other crops in this county.
8C	Enter the CAT fees previously paid on all crops in all other counties.

**FSA-752, Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops (Buy-In 2)
(Continued)**

B Completing FSA-752 (Continued)

Item	Instruction
8D	<p>Enter the balance of buy-in fees due as determined by the County Office and received with FSA-752 no later than the deadline.</p> <p>Note: The buy-in fee is nonrefundable and due at the time the producer files FSA-752. If the producer qualifies as a socially disadvantaged, limited resource, and/or beginning farmer or rancher according to item 6, then the buy-in fee is waived. See Part C for fee limits.</p>
9	<p>Enter:</p> <ul style="list-style-type: none"> • information about the producer’s payment of fees in this county and/or other counties • any additional crops, use separate sheet if necessary • any other pertinent information.
Part D – Producer and FSA Representative’s Certification	
11A, 11B, and 11C	<p>Producer shall sign, enter relationship of the individual signing in the representative capacity, and date.</p>
12A, 12B, and 12C	<p>FSA representative shall only sign, enter title, and date, acknowledging receiving FSA-752, if FSA-752 is timely filed and payment of the buy-in fee, if applicable, has been received.</p>

FSA-753, Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops (Buy-In 2)

A Example of FSA-753

The following is an example of FSA-753.

<p>This form is available electronically.</p> <p>FSA-753 U.S. DEPARTMENT OF AGRICULTURE (03-26-09) Farm Service Agency</p> <p align="center">SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE BUY-IN FOR NONINSURABLE CROPS (BUY-IN 2)</p>				1. Crop Year	2A. County FSA Office Name and Address (Including Zip Code):
		2B. Telephone No. (Including Area Code):			
<p>NOTE: <i>The primary authority for requesting and safeguarding the information described on this form is The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 and any amendments to such act as may follow. The information requested is necessary to determine program eligibility. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA. The information collected as a result of this form may be released to USDA employees, USDA contractors, or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation and Energy Act, the Privacy Act of 1974, the E-Government Act of 2002, and related authorities.</i></p> <p><i>This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F – Administration). The provisions of criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM ALONG WITH YOUR APPLICABLE BUY-IN FEE TO YOUR COUNTY OFFICE.</i></p>					
PART A - PRODUCER INFORMATION					
3A. Name and Address of Producer (Including Zip Code)		Administrative State and County Office			
		4A. State	4B. County		
		5. Schedule of Deposit Number According to 3-FI			
3B. Telephone No. (Including Area Code):					
PART B - WAIVER OF 2008 BUY-IN FEE					
DEFINITIONS FOR THE PURPOSE OF THIS FORM:					
<p>A "Socially Disadvantaged Farmer or Rancher" is a farmer or rancher who is a member of a socially disadvantaged group. (For entity applicants, all members of the entity must be socially disadvantaged.) A "Socially Disadvantaged Group" is a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.</p> <p>A "Limited Resource" producer is a producer with both of the following:</p> <ul style="list-style-type: none"> • 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 Price Paid by Farmer Index as compared by NASS); And • 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). <p>**NOTE: For up-to-date data for this definition, a "limited resource farmer or rancher" status can be determined using the website for USDA Limited Resource Farmer and Rancher Online Self Determination Tool at http://www.lrftool.sc.egov.usda.gov/tool.asp. This tool will determine your status using your personal data at your state/county location. (7 C.F.R § 1469.3)</p> <p>A "Beginning Farmer or Rancher" means an individual or entity who:</p> <ul style="list-style-type: none"> • Has not operated a farm or ranch for more than 10 years; • Substantially participates in the operation. If the applicant is an entity, all members must be eligible beginning farmers. 					
6. Are you, under FSA standards, a socially disadvantaged, limited resource, or beginning farmer or rancher?					
A. Socially Disadvantaged		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
B. Limited Resource		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
C. Beginning Farmer or Rancher		<input type="checkbox"/> YES	<input type="checkbox"/> NO		
<p>If "YES" to A, B, or C, then you are not required to pay the 2008 buy-in fee. If "NO" to A, B, and C, then you are required to pay the 2008 buy-in fee at this time.</p>					
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (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 to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</small></p>					

FSA-753, Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops (Buy-In 2) (Continued)

A Example of FSA-753 (Continued)

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PART C - CROP/TYPE IDENTIFICATION

Purpose of this notice and definitions. For purposes of this form "insurable crops" are those for which a policy or plan of catastrophic coverage (CAT) insurance was available through the Federal Crop Insurance Corporation (FCIC). "Noninsurable crops" are those crops for which a policy or plan of insurance is not available, however, coverage is offered by the Farm Service Agency (FSA) under the Noninsured Crop Disaster Assistance Program (NAP).

In Title XII of the Food, Conservation, and Energy Act of 2008, Congress provided for new disaster programs, which together will be called the "Supplemental Agricultural Disaster Assistance Programs". Generally, producers are eligible only if they have, for all crops, obtained either FCIC crop insurance or NAP coverage. However, The American Recovery and Reinvestment Act of 2009, Pub. L. 111-5 provided transition assistance for the 2008 crop year, which allows producers who were eligible to obtain NAP coverage but did not, to "buy-in" or be "waived in" to be eligible for these disaster programs, except for the Livestock Forage Disaster program by paying by the deadline a fee in an amount equal to the unpaid CAT or NAP fees. For this purpose, producers who want to "buy-in" to the applicable disaster programs must complete this form if they had unpaid NAP crops and a separate form if they had unpaid CAT crops. The producer must also agree to file the required paperwork and pay the administrative fee by the applicable State application closing date for NAP for each non-insurable commodity elected under this "buy-in" provision, for the next year for which coverage is available.

This form is for the 2008 noninsurable NAP crops listed below. **The NAP fee is \$100 per crop, but not more than \$300 per producer per county, or \$900 total per producer for all counties.** Accordingly, the buy-in cost with respect to 2008 noninsurable crops is based on those levels minus any previously paid fees for NAP. The producer must "buy-in" for all noninsurable and insurable crops. If a producer has 2008 insurable crops, there is a separate buy-in amount due. Separate forms are required for the 2008 insurable crops and separate dollar limitations apply to those crops.

List all of the producer's noninsurable crops below for which NAP coverage was not purchased. Remember, producers need to file a separate form for 2008 insurable crops if they did not obtain CAT coverage for all of those crops for 2008. The buy-in fee is non-refundable and due at the time a producer files the FSA-753.

I agree to file the required paperwork and pay the administrative fee by the applicable State application closing date for NAP for each noninsurable commodity listed below, for the next year for which coverage is available.

Producer's Initials

7A. Crop/Type	7B. Intended Use	7C. Planting Period

8A. Fees required for buy-in, based on the crops listed in Item 7 above: \$

8B. NAP fees previously paid on other crops in this county: \$

8C. NAP fees previously paid on crops in other counties: \$

8D. Balance of required buy-in fees due and received: \$

9. Remarks (Including additional crops if necessary):

PART D - PRODUCER AND CCC REPRESENTATIVE'S CERTIFICATION

10. I have read this form and would like to buy-in or be waived in to the 2008 Supplemental Agricultural Disaster Assistance Programs. To be eligible for the program, payment is due at the time this form is filed. I have paid the above calculated buy-in fee, or my buy in fee is \$0. (Note - Application will not be complete until payment is made - payment must be made by May 18, 2009, unless that date is extended by law). I certify all information entered on this form (FSA-753) is true and correct. I understand that the buy-in fee waives the risk management purchase requirement of the Food, Conservation, and Energy Act of 2008, but does not provide NAP coverage for noninsurable crops. A separate application must be filed to be eligible for benefits under the 2008 Supplemental Agricultural Disaster Assistance Programs. All information provided herein is subject to verification by the Farm Service Agency. 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).

This application is not valid unless accompanied by the applicable buy-in fee.

11A. Producer's Signature (By)	11B. Title/Relationship of the Individual Signing in the Representative Capacity	11C. Date (MM-DD-YYYY)
12A. FSA Representative's Signature	12B. Title	12C. Date (MM-DD-YYYY)

FSA-753, Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops (Buy-In 2) (Continued)

B Completing FSA-753

Complete FSA-753 according to the following.

Item	Instruction
1	ENTER "2008".
2A	Enter County Office name and address, including ZIP Code.
2B	Enter County Office telephone number, including area code.
Part A – Producer Information To be completed by the County Office.	
3A	Enter producer’s name and address, including ZIP Code.
3B	Enter producer’s telephone number, including area code.
4A	Enter the State name where farm records are located for FSA administrative purposes.
4B	Enter the FSA administrative county name where fees are collected.
5	Enter CCC-257 number according to 3-FI.
Part B – Waiver of 2008 Buy-In Fee To be completed by the County Office.	
6	Check (✓): <ul style="list-style-type: none"> • “Yes”, if producer is a socially disadvantaged, limited resource, or beginning farmer or rancher • “No”, if the producer is not a socially disadvantaged, limited resource, or beginning farmer or rancher. <p>Note: Socially disadvantaged, limited resource, or beginning farmers or ranchers do not pay the buy-in fee.</p>
Part C – Crop/Type Identification To be completed by the County Office	
“Producer’s Initials”. Producer must initial statement in Part C agreeing to pay the administrative fee by the applicable State application closing date and to obtain NAP coverage for the next year for which coverage is available for each noninsurable commodity listed on FSA-753.	
7A	Enter crop name and crop type.
7B	Enter intended use of the crop.
7C	Enter the planting period of the crop.
8A	Enter the buy-in fees required for crops listed in item 7. <p>Note: The buy-in fee is nonrefundable and due at the time the producer files FSA-753. If the producer qualifies as a socially disadvantaged, limited resource, and/or beginning farmer or rancher according to item 6, then the buy-in fee is waived. See Part C for fee limits.</p>

FSA-753, Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops (Buy-In 2) (Continued)

B Completing FSA-753

Item	Instruction
8B	Enter the NAP fees previously paid on other crops in this county.
8C	Enter the NAP fees previously paid on all crops in all other counties.
8D	<p>Enter the balance of buy-in fees due as determined by the County Office and received with this FSA-753 no later than the deadline.</p> <p>Note: The buy-in fee is nonrefundable and due at the time the producer files FSA-752. If the producer qualifies as a socially disadvantaged, limited resource, and/or beginning farmer or rancher according to item 6, then the buy-in fee is waived. See Part C for fee limits.</p>
9	<p>Enter:</p> <ul style="list-style-type: none"> • information about the producer’s payment of fees in this county and/or other counties • any additional crops, use a separate sheet if necessary • other pertinent information.
Part D – Producer and FSA Representative’s Certification	
11A, 11B, and 11C	Producer shall sign, enter relationship of the individual signing in the representative capacity, and date.
12A, 12B, and 12C	FSA representative shall only sign, enter title, and date acknowledging receiving FSA-753, if FSA-753 is timely filed and payment of the buy-in fee, if applicable, has been received.