

For: State and County Offices

Using CCC-860 as Request for Basic (50/55) NAP Coverage

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

The Pandemic Assistance Programs and Agricultural Disaster Assistance Program final rule published on January 11, 2023, amended the NAP definition of “application for coverage” to specify that DAFP may designate another form the producer has on file with FSA, before the coverage period, to be a NAP application for coverage. Using this authority, DAFP designated CCC-860 to serve as an application for basic (50/55) NAP coverage beginning with the 2022 crop year and for subsequent years.

Producers who file CCC-860 certifying their status as socially disadvantaged (SDA), beginning farmer or rancher (BFR), veteran farmer or rancher (VFR), and limited resource farmer or rancher (LR) are eligible for basic NAP coverage on eligible NAP crops in all counties they have eligible interests for each program year in which their certification is applicable.

Notice NAP-221 addressed using CCC-860 as a request for basic (50/55) NAP coverage beginning in crop year 2022. Because of the timing of the policy change, the notice provided exceptions to normal NAP policy allowing underserved producers an opportunity to apply for NAP for the 2022 and 2023 crop years after certain deadlines had passed.

The terms and conditions of a producer’s NAP coverage are provided on CCC-471 NAP BP. An electronic copy of CCC-471 NAP BP may be obtained by:

- FSA employees at [USDA Service Center Current Forms Detail](#)
- all interested parties at [Noninsured Crop Disaster Assistance Program \(NAP\) webpage](#).

B Purpose

This notice:

- provides guidance for using CCC-860 as a request for basic (50/55) NAP coverage and identifying exceptions applicable to policy according to 1-NAP (Rev. 2)

Disposal Date	Distribution
November 1, 2023	State Offices; State Offices relay to County Offices

Notice NAP-227

1 Overview (Continued)

B Purpose (Continued)

- informs State and County Offices:
 - that the producer's signature on CCC-860 will continue to serve as their application for basic NAP coverage
 - that some underserved producers are not aware of CCC-471 NAP BP because they have not requested or received coverage in prior years

Note: After a producer is made aware of CCC-471 NAP BP, policy according to 1-NAP (Rev. 2) will apply. Until a producer is aware of CCC-471 NAP BP, exceptions identified in Notice NAP-221 will apply.

- when to consider a producer has been made aware of CCC-471 NAP BP
- when to initiate CCC-471 for producers with a CCC-860 certification.

2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860

A Crops

For a crop without an existing NCT approval in the county, STC's may expand coverage for the same crop combination in additional counties within the State, if the crop was previously approved in another county in the State and STC determines it is a viable crop for the area.

Any crop not already approved by STC for at least 1 county in the State cannot be approved after the application closing date.

Note: This applies only to crops for which basic (50/55) NAP coverage was initiated using CCC-860.

B Application for Coverage

The producer's signature on CCC-860 will continue to serve as their application for basic NAP coverage. After a producer is made aware of CCC-471 NAP BP, the exceptions in Notice NAP-221 will no longer apply.

Producers who have CCC-860 on file are eligible for basic NAP coverage for eligible crops in all counties for each program year their certification is applicable. A new CCC-860 certification is **not** required for NAP coverage eligibility.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

B Application for Coverage (Continued)

CCC-860 was updated on January 11, 2023, to include Part E, NAP Coverage Option, according to Notice CM-849. When a producer certifies to Part A, B, C, or D on CCC-860 dated 01-11-23, Part E will automatically serve as basic NAP coverage on eligible crops for all current and future program years beginning after the producer signature date, for which their CCC-860 certification is applicable, **as well as** acknowledgement of receiving CCC-471 NAP BP.

Producers with CCC-860 certifications filed on CCC-860 before Part E was added may not be aware of CCC-471 NAP BP.

Producers with CCC-860 certifications that participated in NAP in 2022 or subsequent crop years, or applied for a NAP payment according to Notice NAP-221, are aware of CCC-471 NAP BP. Therefore, policy according to 1-NAP (Rev. 2) will apply.

CCC-860 certifications must be filed for the same customer that is receiving coverage.

Example: Nell and Louise farmed as a partnership, NLP, and filed CCC-860 for NLP in 2022. In 2023, Nell is farming as an individual. Nell's coverage for all eligible crops planted will be determined from the date she filed CCC-860 as an individual and will **not** consider NLP's CCC-860 certification from 2022.

CCC-860 is not crop-specific; therefore, eligible crops will be identified when the producer certifies their crop acreage.

A producer must file CCC-471 if requesting:

- buy-up coverage, including any coverage elections, such as direct marketing percentage and historical marketing percentage
- organic coverage option
- coverage on some eligible crops, but not all, because of opting out coverage on CCC-860 according to subparagraph C.

Exceptions identified in Notice NAP-221 will only apply to subsequent crop years until the producer is made aware of CCC-471 NAP BP.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

B Application for Coverage (Continued)

The following table assists in determining when a producer with CCC-860 is aware of or has acknowledged receipt of CCC-471 NAP BP.

IF CCC-860 certification was filed...	AND the producer...	THEN the producer...
on CCC-860 before Part E was added	<ul style="list-style-type: none"> • did not apply for payment according to Notice NAP-221 • did not have CCC-471 on file for 2022 or subsequent years (for any coverage level) 	is not aware of CCC-471 NAP BP.
	<ul style="list-style-type: none"> • applied for payment according to Notice NAP-221 • has CCC-471 filed for 2022 or subsequent years (for any coverage level) 	is aware of or has acknowledged receipt of CCC-471 NAP BP.
on CCC-860 after Part E was added		has acknowledged receipt of CCC-471 NAP BP.

Example: Obie filed CCC-860 in 2018. He has not been made aware of CCC-471 NAP BP according to this notice. Obie comes into the County Office and requests a 2024 payment on an eligible crop. All exceptions in Notice NAP-221 are applicable to the 2024 crop year and the County Office will provide Obie CCC-471 NAP BP, according to Notice NAP-221, subparagraph 3 A. Now that Obie has been made aware of CCC-471 NAP BP, he is expected to comply with policy in 1-NAP (Rev. 2) for future years.

C Opting Out of NAP Coverage

Any producer who has previously filed CCC-860 and does **not** want basic NAP coverage on all eligible crops must opt out of basic NAP coverage on CCC-860, dated 01-11-23.

Checking CCC-860, Part E, item 7 will opt the producer out of basic NAP coverage on **all** crops. A producer can choose to opt out of basic NAP coverage on CCC-860 and still request coverage using CCC-471 as their application for coverage.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

C Opting Out of NAP Coverage (Continued)

A producer should opt out of basic NAP coverage if they do **not** want coverage on:

- 1 or more crops eligible identified on the acreage report

Example: Ella would like to request coverage on her crops intended for grazing but does not want coverage on her yield-based crops. She must opt out of coverage on CCC-860, Part E, and then complete CCC-471 for the crops she is requesting to be covered.

- all crops.

Example: Rock does not want coverage on any of his crops. He must opt out of coverage on CCC-860, Part E.

The web-based Subsidiary system has been updated to include a “Yes” or “No” certification for NAP Automatic Enrollment Opt Out. The system automatically defaults to “No”. If the producer would like to opt out of coverage, the county user will be required to update the flag to “Yes” according to 3-PL (Rev. 2), Amendment 18.

NAP Automatic Enrollment Opt Out

Certification

Has the producer elected to Opt-Out of automatic NAP enrollment on a filed CCC-860?

Yes No

CCC-860 Date Documentation Filed by Producer

Original CCC-860 Date Documentation Filed by Producer

Note: A producer is not required to opt out on CCC-860, Part E, to request buy-up coverage.

When a producer opts out of coverage, it is applicable to the current crop year and subsequent years until the producer chooses to opt in by filing a new CCC-860.

If a producer has previously opted out of coverage, and requests to opt in on CCC-860, the change will be effective for the current year if the coverage period has not ended. If the coverage period for the crop has ended, basic NAP coverage will attach the next crop year.

D Coverage Period

For producers who are aware of or have acknowledged receipt of CCC-471 NAP BP, the coverage period for eligible crops will be determined based on the date CCC-860 certification is filed.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

D Coverage Period (Continued)

Follow the table in 1-NAP (Rev. 2), subparagraph 54 B, for rules of establishing coverage periods and determining when coverage will attach for eligible crops.

CCC-860 filed any time before the end of the coverage period can be considered an acceptable application for coverage for eligible crops. COC can accept CCC-860 filed after the application closing date as a late-filed application for coverage. However, the crop will have a shortened coverage period if CCC-860 was filed after the application closing date and before the end of coverage, according to 1-NAP (Rev. 2), subparagraph 54 B.

A producer who files CCC-860 after the application closing date is not required to:

- request programmatic relief
- provide a written explanation for late-filing the application for basic NAP coverage.

The following table identifies how to consider CCC-860 as an application for coverage.

IF CCC-860 was filed...	THEN the application for coverage is...
on or before the application closing date for the crop	timely filed (see Example 1).
after the application closing date, but before the end of the coverage period for the crop	late-filed, with a shortened coverage period (see Example 2).
after the end of the coverage period for the crop	late-filed and coverage will not attach (see Example 3). Notes: Issue the producer notification letter in Exhibit 1 stating FSA cannot extend coverage for the late-filed CCC-860 in the current crop year. CCC-860 will allow for basic NAP coverage eligibility for subsequent crop years in which the certification applies.

Example 1: Cash filed CCC-860 on August 25, 2022. Cash planted tomatoes (HYB) on July 27, 2023, and the application closing date was March 15, 2023. The coverage period began the date his tomatoes (HYB) were planted on July 27, 2023, and ended at harvest on October 15, 2023. Since Cash’s CCC-860 was on file before the application closing date, his application for coverage is timely filed.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

D Coverage Period (Continued)

Example 2: Annabelle filed CCC-860 on July 11, 2023. Annabelle planted beans (GRN) on May 28, 2023, and the application closing date was March 15, 2023. The coverage period for beans (GRN) began on July 12, 2023, which was 1 calendar day after CCC-860 was filed and ended at harvest on September 30, 2023. Since Annabelle filed CCC-860 after the application closing date and after planting her crop, the application for coverage is considered late-filed, but no COC determination is needed for the application for coverage. However, the following will be recorded in the COC minutes about Annabelle's coverage:

- coverage is acceptable
- the date her CCC-860 was filed (indicating an application for coverage filed after the application closing date, but before harvest)
- when coverage for beans (GRN) will begin, indicating a shortened coverage period that could impact the crop loss and application for payment.

Example 3: Frank filed CCC-860 on October 19, 2023. He planted squash (ZUC) with an application closing date of March 1, 2023. Frank planted the crop on March 14, 2023, and harvested on August 1, 2023. Because Frank filed CCC-860 after the coverage period, coverage cannot attach to the crop. The County Office will not initiate CCC-471 in the system for the current crop year and will issue the producer notification letter from Exhibit 1 stating coverage cannot be extended for the late-filed CCC-860 in the current crop year. However, coverage is available for each subsequent program year their certification is applicable.

E Initiating CCC-471 in Software

CCC-471 must be recorded in the software. The County Office must consider when the producer was made aware of CCC-471 NAP BP (according to subparagraph B) to determine when CCC-471 should be completed in the software.

- If a producer is aware of or has acknowledged receipt of CCC-471 NAP BP, complete CCC-471 in the software, including all eligible crops, after the producer certifies their acreage.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

E Initiating CCC-471 in Software (Continued)

Example 1: Blake applied for a 2022 payment on potatoes according to Notice NAP-221. His CCC-860 certification was filed in 2018. The subsequent year application closing date for potatoes was March 14, 2023. The County Office will record continuous coverage on potatoes for 2023 and add any additional eligible crops the producer certified to in 2023 crop year to the coverage. In subsequent years, all prior year covered crops will be recorded as continuous coverage.

Example 2: Taylor filed CCC-860 and purchased coverage in February 2021 using CCC-471 and acknowledging receipt of CCC-471 NAP BP, but she did not request payment or participate in NAP in 2022 and did not have CCC-471 on file for 2022. The County Office will initiate her CCC-471 for the 2023 crop year when she certifies all eligible crop acreage; however, the 2021 covered crops are not considered continuous coverage for 2023. In subsequent years, all prior year covered crops will be recorded as continuous coverage.

- If a producer is **not** aware of CCC-471 NAP BP, CCC-471 is not required to be completed in the NAP software until the producer has requested payment according to Notice NAP-221.

Example: Gwendolyn filed CCC-860 in 2019 but she has not been back to her FSA County Office since. In 2024, she reports a loss and requests payment for pumpkins. The County Office will follow provisions in Notice NAP-221 when completing CCC-471 for 2024. In subsequent program years, the County Office will record continuous coverage for the crop and add any additional eligible crops the producer certifies.

The CCC-860 certification date will be recorded as the producer signature date on the initiated CCC-471 in the software.

F Approved Yield

According to 1-NAP (Rev. 2), Part 7, County Offices must calculate approved yields for each covered yield-based crop.

For producers whose coverage is initiated by filing CCC-860, a yield must be calculated for all reported yield-based crops within the pay group, after receipt of CCC-471 NAP BP has been acknowledged and the eligible crops have been identified on the acreage report. Follow 1-NAP (Rev. 2), subparagraph 400 D for approved yield requirements.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

F Approved Yield (Continued)

Notice NAP-221 specifies that any production assigned using county disaster yield (CDY) provisions is not considered to have acceptable production records for establishing approved yields in subsequent years. However, in the event a CDY was used for assigning production for 2022 or 2023 payment according to Notice NAP-221, total production will be used. Total production is determined by multiplying the CDY by the number of eligible acres reported in and pulled from the Crop Acreage Reporting System (CARS). This assigned production calculated using the CDY will be used for approved yield purposes in the subsequent year. See subparagraph 3 B for instructions on recording an approved yield for the coverage year.

G Commodity Report

According to 1-NAP (Rev. 2), Part 6, a unit acreage certification on FSA-578 must be completed and include all acres devoted to the eligible crop for which the producer has a shared interest.

Producers with a CCC-860 certification, who have **not** opted out, and who have been made aware of or acknowledged receipt of CCC-471 NAP BP, will follow normal rules for reporting acreage for NAP eligibility according to 1-NAP (Rev. 2) and 2-CP. This includes reporting and processing late-filed acreage reports and COC determinations according to 2-CP, paragraph 27.

Once an acreage report is certified by the producer identifying any NAP eligible crops, the County Office will complete CCC-471 in the software.

Before recording coverage in the NAP software, the CCC representative will need to determine the coverage period for the eligible crops. If the coverage period has ended, CCC-471 will be recorded in the next crop year. The CCC-860 certification date will be recorded as the producer signature date on the initiated CCC-471 in the NAP software.

H Notice of Loss

1-NAP (Rev. 2), Part 8 requires a producer to report crop losses or damages to FSA on CCC-576, Part B within specified timeframes. Policy for determining eligible and ineligible causes of loss must be followed and can be found in 1-NAP (Rev. 2), paragraph 51.

For producers acknowledging receipt of CCC-471 NAP BP, 1-NAP (Rev. 2), subparagraph 575 B is applicable, including late-filed provisions.

If any portion of the claimed loss is because of any ineligible causes of loss, production will be assigned according to 1-NAP (Rev. 2), paragraphs 575 and 607.

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2 Reviewing NAP Policy for Basic Coverage Initiated From CCC-860 (Continued)

H Notice of Loss (Continued)

Example: Kathryn filed CCC-860 on July 11, 2023. She planted corn (SWH) on May 28, 2023, and the NAP application closing date was March 15, 2023. The application for coverage (CCC-860) was late-filed. The coverage period for her corn began on July 12, 2023 (1 calendar day after filing CCC-860) and ended at harvest on September 30, 2023. A notice of loss (CCC-576) was filed for hail that occurred June 27, 2023. The hail event occurred outside of the coverage period. An excessive moisture event also occurred on August 25, 2023, during the coverage period. COC will review each CCC-576; however, they will only approve CCC-576, Part B for the event that occurred within the coverage period (excessive moisture), and only if the loss is supported by the satisfactory evidence provided. COC will assign production for the ineligible loss condition that affected the crop. COC must be able to quantify the methodology used to assign the production in the COC minutes.

I Application for Payment

NAP policy requires that a producer file an application for payment within 60 calendar days of the last day of coverage for the crop year for any NAP-covered crop on the unit (7 CFR 1437.11(g) or 1-NAP (Rev. 2), paragraph 675). COC has the authority to grant an extension of up to 120 calendar days, not to exceed a total of 180 calendar days.

Note: When calculating grazed forage loss payments for producers with a shortened coverage period, COC's should assign animal-unit-days (AUD's) according to 1-NAP (Rev. 2), subparagraph 804 H. A forthcoming 1-NAP (Rev. 2) amendment will provide a policy update to the assigned AUD calculation. **In the meantime, multiply the calculated assigned AUD's by the coverage level of 50 percent.**

Example: Cooper Cattle filed CCC-860 40 days after the coverage period (290 calendar days) started for grass (NAG). The unit has 800 acres with a carrying capacity of 10 acres per animal unit. The following is the calculation for the assigned AUD's for Cooper Cattle's reduced coverage period:

- expected AUD's: $800 \text{ acres} / 10 \text{ acres per animal unit} \times 290 \text{ days} = 23,200 \text{ AUD's}$
- adjusted expected AUD's: $800 \text{ acres} / 10 \text{ acres per animal unit} \times 250 \text{ days} = 20,000 \text{ AUD's}$.

Difference: $23,200 \text{ AUD's} - 20,000 \text{ AUD's} = 3,200 \text{ AUD's}$.

Assigned AUD's: $3,200 \text{ AUD's} \times 50 \text{ percent coverage level} = 1,600 \text{ AUD's}$.

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3 Automation

A Application for Coverage

Existing procedure for recording coverage in the NAP Application for Coverage software and generating an automated CCC-471 may be found in 3-NAP, Part 3, Section 3.

For producers who initiate coverage using CCC-860 and do **not** have knowledge of CCC-471 NAP BP, County Offices will:

- print and provide the producer a copy of CCC-471 NAP BP
- assist producers in understanding that by accepting a NAP payment, they are acknowledging all policy and procedure included in CCC-471 NAP BP
- generate a receipt for service noting the filing of an acreage report or report of loss and delivery of CCC-471 NAP BP.

For **all** producers who initiate coverage using CCC-860, County Offices will:

- initiate basic NAP coverage in the Application for Coverage software for all NAP-eligible, certified crops
- ensure that the producer's current CCC-860 certifications have been recorded correctly in the Application for Coverage software, whether defaulted from subsidiary data or overridden in the NAP software by the user (based on a more recent CCC-860 from the producer's file)
- record a producer signature date in the Application for Coverage software using the CCC-860 certification date
- print an automated CCC-471, write "See CCC-860 on file for producer signature" in place of the producer's signature in box 19, and file it in the producer's NAP folder
- as necessary, request a State Office override or confirmation, as warranted, for crops flagged as ineligible because of any application closing dates that have already passed.

B Approved Yield

Existing procedure for establishing an approved yield by recording acreage and production data in the Approved Yield software may be found in 3-NAP, Part 3, Section 6.

In the event a CDY was used for assigning production for a 2022 or 2023 payment, according to Notice NAP-221, the County Office user will load the historical yield data for the coverage year by:

- checking the eligible disaster flag "yes"

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3 Automation (Continued)

B Approved Yield (Continued)

- recording the total production for the applicable year in the database

Note: Total production is determined by multiplying the CDY by the number of eligible acres reported in and pulled from CARS.

- checking the record type 5 (other)
- recording “CDY for crop year 202X was used per NAP-221” in the Remarks section.

The system will generate an (A) or (R) yield for the applicable year in the database, according to 3-NAP, subparagraph 176 G.

If zero production is used for the CDY according to Notice NAP-221, the County Office user will load the historical yield data for the coverage year by:

- checking the eligible disaster flag as “yes”
- recording “0” production
- checking the record type 4 (appraisal)
- recording “CDY for crop year 202X was used per NAP-221” in the Remarks section.

Example: Bram applied for payment on his blueberries according to Notice NAP-221. COC assigned production using CDY provisions because he did not have acceptable production records to support his loss in 2022. When establishing the 2023 approved yield for his blueberries in the software, the County Office will check the eligible disaster flag as “yes”, record the calculated production amount, checkmark the record type 5, and record “CDY for crop year 2022 was used per NAP-221” in the Remarks section.

Note: If COC had determined the CDY to be “0” according to Notice NAP-221 for his 2022 loss, when establishing the 2023 approved yield for blueberries in the software, the County Office will check the eligible disaster flag as “yes”, record the production as “0”, checkmark the record type 4, and record “CDY for crop year 2022 was used per NAP-221” in the Remarks section.

C Application for Payment

Existing procedure for recording a request for payment and generating an automated CCC-576, page 2, may be found in 3-NAP, Part 3, Section 11.

3 Automation (Continued)

C Application for Payment (Continued)

For producers who initiate coverage using CCC-860 when a late-filed Application for Payment is accepted, if warranted, the County Office user may select either of the following COC determination options, as found on the Application for Payment Summary Screen, to enable a COC determination of “Approved” to be recorded.

- **“Filing Deadline COC Extension has been authorized”** allows for an application to be approved when the producer signature date is past the filing deadline but not greater than 180 calendar days after the end of the coverage period.
- **“Filing Deadline DAFP Waiver has been authorized”** allows for an application to be approved when the producer signature date is past the filing deadline and greater than 180 calendar days after the end of the coverage period.

Note: The filing deadline options are not required and should not be used when recording a COC determination of “Disapproved”.

Application for Payment Summary

• Application cannot be COC approved when Producer Signature Date is past the application filing deadline date.

Year: 2023 State: County:

Producer:

Unit: 9999 Pay Crop/Type: CORN/001 Planting Period: 01

Producer Signature

Signature Type: Paper Signature Date: 12/15/2023

Application Filing Deadline Date: 11/29/2023

LA or FSA Representative Signature

Signature Date: 12/15/2023

COC Determination

Approved Disapproved Date: 12/18/2023

Original Approved Date: 12/18/2023

Filing Deadline COC Extension has been authorized? Yes No

Filing Deadline DAFP Waiver has been authorized? Yes No

Cancellation

Do you want to cancel this Application for Payment?

Yes Reason: _____

Save & Submit Save & Print Save & Refresh Cancel

Notice NAP-227

4 Action

A State Office Action

State Offices will:


- carefully review the contents of this notice
- ensure that County Offices are informed of and adhere to the contents of this notice
- contact the Safety Net Division, Disaster Assistance Section with questions.

B County Office Action

County Offices will:

- adhere to the guidance provided in this notice for initiating basic NAP coverage for producers with CCC-860 certifications
- thoroughly document all policy sources for determinations
- display the most current CCC-471 NAP BP in the Service Center and make copies available for pick up at the counter or provide an electronic version.

Letter in Response – Application for Coverage (CCC-860) Filed After the End of a Coverage Period

	United States Department of Agriculture	Farm Production and Conservation	Farm Service Agency	State/county name or organizational unit Mail stop code and/or room number P.O. Box or Street Address City, State, ZIP Code
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Insert date here

Start typing addressee name & address here

Dear [enter name of producer filing CCC-860 for NAP application of basic 50/55 coverage],

This letter acknowledges receipt of your request for [enter coverage year] NAP coverage for one or more crops.

You submitted an application for NAP coverage (CCC-860) on [enter date CCC-860 was filed]. The application closing date(s) for the crop(s) have passed. In fact, the coverage period has also passed. Because there is no remaining time in the coverage period for coverage to attach to [insert applicable crop(s)], FSA cannot extend coverage to you under the application for coverage.

Although coverage cannot be extended for [enter current crop year], your CCC-860 certification of SDA, LR, VFR, or BFR status could allow for basic 50/55 coverage beginning in [enter subsequent crop year] for all eligible NAP crops, in all associated counties nationwide, for each subsequent program year your certification is applicable.

The Farm Service Agency (FSA) appreciates your interest.

Sincerely,

County Executive Director