

For: State and County Offices

Delegations of Authority for NAP Programmatic Relief and Finality Rule

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

7-CP provides instructions and procedure for administering and documenting cases that are subject to the finality rule and programmatic relief related to multiple programs. Furthermore, 7 CFR 718.301 provides that the administration of relief from ineligibility will be under the supervision of DAFP.

B Purpose

This notice informs State and County Offices that:

- DAFP is:
 - updating the delegations of authority for NAP to increase the authorized limitations for SED's to apply the finality rule
 - delegating the authority to STC's and COC's to apply the finality rule
 - delegating the authority to grant programmatic relief for late-filed applications for payment to STC's, SED's, and COCs
- all other policy in 7-CP is still applicable, including the requirement to provide reports of the exercise of power
- where there is a conflict between this notice and the provisions of 7-CP, the less restrictive rule will be applied, and the source of authority thoroughly documented in the applicable COC and STC minutes.

Disposal Date	Distribution
April 1, 2024 9-19-23	State Offices; State Offices relay to County Offices

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2 Authority for Application of the Finality Rule

A Overview

According to 7-CP, paragraph 16, SED approval authority is limited to cases with actual or projected dollar amounts to be considered in error which do not exceed \$25,000.

B Limitations for NAP Finality Cases

For the 2022 and future program years, the following limitations will apply to finality cases with actual or projected dollar amounts issued to a NAP participant considered to be in error.

IF the reviewing authority is...	THEN the limitation of the actual or projected dollar amount will not exceed...
COC	\$5,000.
SED	\$50,000.
STC	\$125,000.

All cases with actual or projected dollar amounts exceeding \$125,000 must be submitted to DAFP for consideration according to 1-NAP (Rev. 2), paragraph 11.

3 Granting Relief for Late-Filed Applications for Payment

A Overview

According to 1-NAP (Rev. 2), subparagraph 675 A an application for payment must be filed no later than 60 calendar days after the coverage period ends for any NAP covered crop in the unit. COC has the authority to grant an extension for up to an additional 120 calendar days when requested in writing. Furthermore, 7 CFR 1437.2(e) allows DAFP to waive or modify deadlines (except deadlines specified in law) and other requirements or program provisions not specified in law, in cases where lateness or failure to meet other requirements or program provisions do not adversely affect the operation of NAP.

B Update to Policy for COC Acceptance of Written Requests for Extension

The policy in 1-NAP (Rev. 2), subparagraph 675 A specifies COC has the authority to grant an extension of up to 120 calendar days, after the initial 60 calendar days not to exceed a total of 180 calendar days, for application for payment, if circumstances merit approval.

For the 2022 and future program years, the request for an extension must be filed in writing and can be filed up to and no later than 1 year after the end of the coverage period.

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3 Granting Relief for Late-Filed Applications for Payment (Continued)

C Limitations for Granting Relief for Late-filed Applications for Payment When a Request for Extension Has Been Made by the Applicant

For the 2022 and future program years, the following limitations will apply to granting programmatic relief for late-filed applications for payment when a request for an extension has been requested by the applicant

IF the reviewing authority is...	THEN the limitation for the number of days beyond the application for payment filing date is...
COC	up to 240 calendar days.
SED	241-300 calendar days.
STC	301-365 calendar days.

All cases with applications for payment filed more than 365 calendar days beyond the deadline must be submitted to DAFP for consideration according to 1-NAP (Rev. 2), paragraph 11.

4 Documentation and Reports

A Overview

The requirements for documenting and reporting application of the finality rule and granting programmatic relief are provided in 7-CP, Part 4.

B Documentation

All cases being considered according to this notice by COC's and STC's will be thoroughly documented in the minutes and include the required information identified in 7-CP, paragraph 71, and the source of authority being used in each case.

C Reports

The reporting requirements for State Offices in 7-CP, paragraph 72 must include any COC actions taken using the authority delegated in this notice for NAP. State Offices will establish a method for collecting all COC actions to be included with the required annual reports.

5 Action

A State Office Action

State Offices will:

- ensure that County Offices are immediately informed of the contents of this notice
- establish reporting methods for COC actions taken according to this notice
- provide all reports according to 7-CP requirements.

B County Office Action

County Offices will:

- thoroughly review and document all cases within COC authority according to this notice
- adhere to any reporting requirements established by the State Office
- ensure the basis for granting relief or recommending relief to STC or SED is thoroughly documented in the COC minutes.