

For: State and County Offices

Emergency Supplemental Appropriations for NAP (NAP20)

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

**A
Background**

On November 29, 1999, the President signed into law the Omnibus Consolidated Appropriations Act 2000 (the Act), Pub. L. 106-113. The Act includes a limited emergency supplemental appropriation for NAP for 1999 crop losses. The assistance provided in the Act does **not** replace NAP, but is intended to provide assistance to eligible producers according to subparagraph 2 A. This assistance has been designated "NAP20."

**B
Purpose**

Under the Act, the Secretary shall provide up to \$20 million in assistance under section 196 of the Agricultural Market Transition Act (7 U.S.C. 7333). The assistance will be provided without any requirement for an area loss, to producers whose eligible crops are located in a declared primary county, in which a natural disaster was designated by the Secretary, or a major disaster or emergency was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq).

This notice:

- provides general information about eligibility requirements, policy, and procedure for NAP20
- directs State and County Offices to publicize the information provided in subparagraph 7 A to the maximum extent.

Note: Specific timeframes must be followed according to this notice to determine a national factor, and issue payments before September 30.

Disposal Date January 1, 2001	Distribution State Offices; State Offices relay to County Offices
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2 Recipients

A Intended Recipients

The limited emergency supplemental appropriation provides benefits to eligible producers of eligible crops that did not meet the NAP area loss requirement. It is **not** intended for producers and crops otherwise eligible for NAP assistance under a NAP area designation.

The limited supplemental appropriation provides assistance to those producers in a primary county where either of the following occurred:

- a natural disaster, as defined in 1-NAP, paragraph 21, was designated by the Secretary
- a major disaster or emergency, as defined in 1-NAP, paragraph 21, was declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

To be eligible for the limited supplemental appropriations, a producer must meet all NAP eligibility requirements, including:

- an acreage report filed according to 2-CP, Part 2
 - a greater than 50 percent loss of expected production of the eligible crop during the 1999 crop year
 - a timely filed notice of loss, according to 1-NAP, paragraph 401
 - a timely filed application for payment, according to 1-NAP, paragraph 502
 - denial of NAP assistance because of either of the following:
 - NAP area failed to qualify for designation
 - specific crop in an approved area failed to meet the requisite area loss.
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3 Payments

A Available Funds

The emergency supplemental appropriation is limited to \$20 million. As a result, County Offices will be required to upload payment data to KC-ITSDO to determine a factor.

Instructions for uploading payment data will be provided in a separate notice.

Before payment calculation and data upload, price and yield data must be approved by DAFP or STC-authorized according to 1-NAP, paragraph 4.5.

After all applications subject to this authorization have been uploaded, a national factor will be determined and applied before payments will be issued.

Notes: Because of the \$20 million limit, approved payment data will be uploaded to KC-ITSDO to determine if a factor is needed.

Only those approved notices of loss and applications for payment, according to subparagraph 2 A will be eligible for data load.

A future notice will be issued that provides instructions for uploading data to KC-ITSDO.

B Advance Payments

Advance payments will not be issued.

C Multiple Benefits

Payments will be subject to the multiple benefits rules as provided in 1-NAP, paragraph 34.

4 Areas and Counties

A Area Requirement

Producers whose crops are located in counties affected by natural disaster that are named in a Presidential disaster declaration or Secretarial disaster designation as a:

- primary county, may be eligible to receive assistance without regard of any other area requirements
- contiguous county, are **not** eligible to receive assistance.

Note: Many counties share a combined FSA County Office. If a combined FSA County Office serves both a primary county and a contiguous county named in a Secretarial disaster designation, only those producers whose crop loss occurred in the primary county shall be considered for an eligibility determination. All Presidential disaster declarations are for primary counties.

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4 Areas and Counties (Continued)

B Presidential Disaster Declarations and Secretarial Disaster Designations

Presidential disaster declarations and Secretarial disaster designations are specific to named counties, parishes, and cities located within any State, and/or Territories held by the United States. A list of primary Presidential disaster declarations and Secretarial disaster designations by State and county will soon be available on BBS in the FSA library to assist in identifying States, counties, declaration number, time period of disaster event, and types of disaster.

Although this declaration list is being prepared to assist offices, it is the responsibility of State and County Offices to verify that the list is accurate.

Note: If verifiable evidence exists that the list is in error or was not expanded for all counties or disaster conditions, timeframes, etc., then document findings and contact PECD immediately at 202-720-5172.

5 Disaster Events

A Eligible Disaster Conditions

Only those conditions named as a cause of loss and related conditions, as allowed under 1-NAP, paragraph 21, shall be approved for payment under NAP20.

Example: A producer in a primary county files a notice of loss stating that greater than 50 percent of his/her crop was lost as a result of hail. A Secretarial disaster designation for the primary county in which the producer's crop was located identifies only excessive rain and flooding as eligible disaster conditions. The hail damage occurred during this storm. Hail may be approved if it is reasonably related, and COC determines that the hail occurred during the declared timeframe.

B Eligible Disaster Periods

Presidential disaster declarations and Secretarial disaster designations are explicit to a specific period of time in primary counties.

Example: A producer in a primary county files a notice of loss stating that greater than 50 percent of his/her crop was lost as a result of excessive rain on April 1. A Secretarial disaster designation for the county in which the producer's crop was located identifies excessive rain and flooding occurring between April 10 and April 15 as eligible disaster conditions. The producer claiming crop loss because of excessive rain on April 1 will not be eligible for NAP20 assistance.

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6 NAP Regulations

A NAP20 Regulations

Regulations specific to the emergency supplemental appropriation will be published before issuing payments.

B Existing NAP Regulations

Until regulations are published, the existing NAP regulations will apply, with the following exceptions:

- NAP area provisions are not applicable
 - the location, dates, and conditions named in Presidential disaster declarations or Secretarial disaster designations shall be the basis for determining producer eligibility.
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7 Action

A STC Action

STC shall ensure that:

- all 1999 NAP area requests have been submitted to the authorized STC or DAFP
- COC's review all notices of loss and applications for payment to ensure that appropriate action has been taken
- State and County Offices shall immediately publicize the:
 - availability of NAP20 payments according to this notice
 - final filing dates according to subparagraph 2 A, if they have not already passed
- all crops by county have been submitted to DAFP by **July 28** with appropriate price, yield, and all other data elements as applicable on CCC-450, according to 1-NAP, Exhibit 4; annotate at the top of each CCC-450, "NAP20"
- DAFP is provided appropriate documentation about aquaculture crops according to 1-NAP, paragraph 180 before submitting CCC-450.

Note: Those States that have been delegated pilot approval authority according to 1-NAP, paragraph 4.5. shall approve rates and yields and submit price and yield data to DAFP

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7 Action (Continued)

B

COC Action

For those producers eligible for NAP20 according to this notice, COC shall:

- review all notices of loss and applications for payment to ensure that appropriate action has been taken
- ensure that County Offices publicize the availability of NAP20 according to this notice
- by **July 17**, submit to State Office, according to 1-NAP, paragraph 106, CCC-450 for each crop having at least 1 timely filed payment application.

Notes: Because of the short timeframe, ensure that each CCC-450 is accurately completed by using second party review before submission to State Office.

Because eligible crops for 1999 Crop Disaster Program (CDP) included approved NAP crops defined according to 1-NAP, and crops for which crop insurance was available, it is not anticipated that States will request additional crops for NAP20. However, if an eligible crop is not approved for 1999 CDP, provide an explanation for submitting crop data for NAP20.

8 Time Table for Completing Program Requirements

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Time Table

Use the following time table as a guideline for completing program requirements.

Step	Action	Deadline Date
1	COC shall complete reviews according to subparagraph 7 B.	July 17 Negative reports are required.
2	STC shall complete reviews according to subparagraph 7 A.	CCC-450 submissions must be received by DAFP no later than July 28.
3	Reviewed and approved price and yield data will be downloaded to counties.	August 7
4	Upon receipt of downloaded price and yield data, County Offices shall manually calculate payments using: <ul style="list-style-type: none">• approved CCC-576's• approved price and yield data• applicable CCC-448, calculation worksheet, according to 1-NAP.	Upload of approved payment data for all eligible producers/units must be performed by September 1.
5	Determine factor and issue payments.	Late September
