

**For:** Tobacco State and County Offices

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**Tobacco Payment Program (TOPP) Frequently Asked Questions**

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**Approved by:** Deputy Administrator, Farm Programs



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**1 TOPP Related Questions and Answers**

**A Background**

TPD has received several questions about TOPP since Notice TB-1070 was issued. Most of the questions are addressed in Exhibit 1.

**B Purpose**

This notice provides answers to questions received about TOPP.

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<b>Disposal Date</b>  December 1, 2003	<b>Distribution</b>  Tobacco State Offices; State Offices relay to applicable County Offices
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## Questions and Answers

**1. If all of the owners of a farm do not apply for TOPP, can the remaining owners receive payment?**

Yes. FSA has official records of each tract's contribution percentage to the farm, if the owner of 1 tract applies, that owner can be paid based on official records even if owners of other tracts on the farm do not apply.

**Note:** If there is more than 1 owner on a single tract, all owners of that tract must apply for that tract's share to be paid.

**2. If all of the growers/tenants/producers on a farm do not apply, can the growers/tenants/producers who do apply get paid?**

No. FSA has no official record of a grower's/tenant's/producer's share in the quota. What 1 grower/tenant/producer claims may be in conflict with what another grower/tenant/producer claims. Disputed shares remain until all growers/tenants/producers apply.

**Note:** This applies to controller and to grower/tenant/producer. Also, when there are no official records of percent shares, all parties must agree to allocation of shares.

**3. What payments can be made if applicants cannot agree on shares?**

Payment will not be made for any application allocation segment (for example, CCC-952, Part C), when applicants cannot agree. In other words, if all parties in CCC-952, Parts B and C agree, payments can be made to those parties; but if parties in Part D do not agree, no payments can be made.

**4. Is AD-1026, CCC-502, or FSA-570 a requirement for TOPP application?**

AD-1026 does apply, however CCC-502 and FSA-570 do not.

**5. If a special tobacco combination is in effect for the 2002 crop year, is an application made for the designated farm of record?**

No. CCC-952 shall be filed for each farm in the special combination.

Questions and Answers (Continued)

**6. If a single person owns multiple tracts on a farm, does each tract need to be listed and have that person sign for each tract?**

No. Since a total amount of pounds for each owner will be entered when CCC-952 data is loaded into the System 36, an owner should be listed, and sign, only once; and the total amount of pounds allocated to that owner should be shown in item 9C.

**Note:** All tracts owned by that owner may be listed in the space available in item 9C.

**7. How will appeals be handled?**

According to 1-APP.

**8. What is the final date for all signatures on a TOPP application?**

May 16, 2003.

**9. If some applicants who share in the tobacco are out of State or not available before the end of the sign up period, will a mail or FAX copy of the application be adequate to obtain signatures?**

Yes. Signatures on a photocopy or on a FAXed application are acceptable. However, no copy or FAX shall be sent that shows another applicant's identification number.

**10. What does "allocated" on CCC-952 and CCC-952-A mean?**

Allocated is the amount of pounds of basic or effective quota claimed by the applicant's share of that quota.

**Example:** Ms. Earhed's allocated pounds as owner are the 10,000 lbs. basic quota. Her share as controller is 22,000 lbs. of effective quota. Ms. Earhed's allocated pounds as a grower/tenant is 16,000 lbs. because she grows all of the 10,000 lbs. of basic quota and half of the 12,000 lbs. of the quota which was leased.

**11. COR's have been writing up County Offices for not date stamping documents that relate to payments. See 6-FI, subparagraph 7 B. Is it mandatory to date stamp applications that are signed in the office or only those copies that are received by mail?**

Date stamp only those copies that are received by mail.

**12. Is "CRP Reduction Acres" or "Released" (Wisconsin Cigar Binder, types 54, 55) tobacco allotment eligible for payment?**

CRP reduction acreage is not eligible; released acreage (Wisconsin Cigar Binder) is eligible.

## Questions and Answers (Continued)

13.	<b>When quota is purchased and goes to a non-quota farm, does the seller have to sign the TOPP application for the farm that now owns the quota?</b>
	No.
14.	<b>Can application information be taken from someone who claims to be associated with a farm or who supplies documentation of association with a farm when FSA records do not show the applicant as being associated with the farm?</b>
	Yes, but before data loading the application into the System 36, the applicant information, including identification number, must be entered on the farm record.
15.	<b>Who must sign a TOPP application on behalf of a corporation?</b>
	Whoever signs FSA forms in conducting other business.
16.	<b>If an FLP borrower has a current nondelinquent loan, will the TOPP payment be offset?</b>
	No. Offset for FLP borrowers will be handled according to RD Instruction 1951-S, Subpart C.
17.	<b>If a non-U.S. citizen applies for TOPP, could a payment go to that person?</b>
	Yes. The citizenship law does not apply to the TOPP payments.
18.	<b>If both husband and wife are owners, will each be required to allocate pounds and sign CCC-952 for each to be eligible for a payment?</b>
	No. There must be an allocation of pounds to which both owners agree, but a husband and wife can sign the application on behalf of each other.
19.	<b>If an estate is listed as the owner of quota, can payment be made to that estate?</b>
	Yes, if all other eligibility requirements are met, including having a proper identification number.