Commodity Credit Corporation, USDA

<table>
<thead>
<tr>
<th>Tier</th>
<th>Producers with insurance or NAP coverage</th>
<th>Producers without insurance or NAP coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier I</td>
<td>$1,500</td>
<td>$1,425</td>
</tr>
<tr>
<td>Tier II</td>
<td>1,000</td>
<td>950</td>
</tr>
<tr>
<td>Tier III</td>
<td>600</td>
<td>570</td>
</tr>
<tr>
<td>Tier IV</td>
<td>100</td>
<td>95</td>
</tr>
</tbody>
</table>

(b) The percentages of the payment for citrus crops that are subject to the payment limitation and AGI provisions are:

Tier I—55 percent
Tier II—60 percent
Tier III—64 percent
Tier IV—0 percent

(c) The percentages of the payment for citrus crops that are not subject to the payment limitation and AGI provisions are:

Tier I—45 percent
Tier II—40 percent
Tier III—36 percent
Tier IV—100 percent

§ 1416.305 Availability of funds.

(a) In the event that the total amount of eligible claims submitted by eligible citrus producers under this subpart and subparts E, F, and G of this part exceeds $95 million, each payment to an eligible citrus producer shall be reduced by a uniform national percentage, as determined by CCC.

(b) Such payment reduction shall be applied after imposition of applicable per person payment limitation as provided in §1416.6.

Subpart E—Fruit and Vegetable Disaster Program

§ 1416.400 Applicability.

This subpart sets forth the terms and conditions applicable to the Fruit and Vegetable Disaster Program.

§ 1416.401 Definitions.

Other than plasticulture means conventional row-cropped fruits and vegetables, and those crops that are double cropped on a previous crop’s or season’s plastic.

Plasticulture means production practices where the soil has been bedded, fumigated, fertilized, an irrigation system installed, and covered with plastic mulch.

Specialty crop means any commercially grown fruit or vegetable eligible for crop insurance or NAP coverage.

§ 1416.402 Eligible fruit and vegetable producers.

(a) Producers of fruits and vegetables utilizing “plasticulture”, and “other than plasticulture” production practices are eligible for assistance. Producer must be an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing the crop and is entitled to share in the crop available for marketing from the farm or would have shared had the crop been produced. Payments will be made on a per-acre basis, and are based on tiers and the severity of destruction as specified for citrus crops and the type of production practice.

(b) Producers must have at least a 35 percent loss in production, or a 15 percent or more associated crop damage. Producers must also document that the necessary materials and procedures were followed to produce vegetables using plasticulture or other than plasticulture.

(c)(1) Fruit and vegetable producers will be reimbursed on a per-acre basis for eligible acreage. Payment will be based on the severity of destruction as determined by the paths of the storms and damage estimates developed by CCC. Estimates take into account levels of loss generally correlating to the severity of damage caused by maximum sustained winds of the applicable hurricanes. The levels of damage that will determine payment rates are as follows:

Tier I—75 percent or greater crop and/or yield loss
Tier II—50 to 74 percent crop and/or yield loss
Tier III—35 to 49 percent crop and/or yield loss
§ 1416.403 Application process.

(a) Producers wishing to receive benefits must submit a completed application and report of acreage identifying the geographic location and number of acres in the disaster-affected area to their local FSA Service Center at the time an application for payment is being filed according to §1416.5.

(b) Applicants must certify and provide adequate proof that the losses and expenses incurred to eligible fruit and vegetable crops were a direct result of the applicable disaster, as set forth in §1416.2.

§ 1416.404 Payment calculations.

(a) Payments will be calculated by multiplying the number of net acres in each tier times the applicable payment rate, as determined by CCC, times the producer's share of the loss. The number of net acres is determined by subtracting drainage ditches, canals, and other such land uses from the planted fruit and vegetable acres. The following table provides the applicable payment rates for producers with crop insurance or NAP coverage and those without coverage:

<table>
<thead>
<tr>
<th>Tier</th>
<th>Producers with insurance or NAP coverage</th>
<th>Producers without insurance or NAP coverage</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Plasticulture</td>
<td>Other than plasticulture</td>
</tr>
<tr>
<td>Tier I</td>
<td>$3,750</td>
<td>$1,125</td>
</tr>
<tr>
<td>Tier II</td>
<td>2,500</td>
<td>750</td>
</tr>
<tr>
<td>Tier III</td>
<td>1,500</td>
<td>450</td>
</tr>
<tr>
<td>Tier IV</td>
<td>250</td>
<td>75</td>
</tr>
</tbody>
</table>

(b) The percentage of the payment for fruit and vegetable crops that are subject to the payment limitation and AGI provisions are:

Tier I—94.6667 percent
Tier II—94 percent
Tier III—93.3333 percent
Tier IV—0 percent

(c) The percentage of the payment for fruit and vegetable crops that are not subject to the payment limitation and AGI provisions are:

Tier I—5.3333 percent
Tier II—6 percent
Tier III—6.6667 percent
Tier IV—0 percent

(d) In addition to the prohibition in §1416.6(g) a producer may not receive duplicate benefits under this subpart and subpart H of this part, the 2005 Hurricanes Tree Assistance Program.

§ 1416.405 Availability of funds.

(a) In the event that the total amount of eligible claims submitted by eligible fruit and vegetable producers under this subpart and subparts D, F, and G exceeds $85 million, each payment to an eligible fruit and vegetable producer shall be reduced by a uniform national percentage, as determined by CCC.