§ 1945.19 Reporting potential natural disasters and initial actions.

(a) Purpose. The purpose of reporting potential natural disasters is to provide a systematic procedure for rapid reporting of the occurrence and extent of damage and loss caused by such events which may result in a natural disaster determination.

(b) Responsibility for assessing and reporting disasters. USDA SFACs and LFACs representing their members agencies are best qualified at the State and County levels to accomplish the assessment of agricultural production losses resulting from a potential natural disaster. These councils are charged with the responsibility of reporting the occurrence of and assessing the damage caused by disasters and will perform this responsibility under the policies and procedures as set forth in the EOH.

(c) Actions to be taken. Immediately after the occurrence of a potential natural disaster:

(1) When physical losses only occur, the FmHA or its successor agency under Public Law 103–354 County Supervisor will report to the State Director who will advise the Administrator that there has been a potential natural disaster with physical property losses to one or more farmers. This report must be made to the Administrator within 3 months from the last day of the disaster incidence period. Upon receiving the report, the Administrator will decide whether a natural disaster has occurred. If it has, the Administrator will make EM loans available to any otherwise qualified applicant who has suffered qualifying physical losses. Notices that EM loans are available will identify the county in which the unusual and adverse weather condition, or natural phenomenon has occurred and also each contiguous county.

(2) When physical and/or production losses occur, the FmHA or its successor agency under Public Law 103–354 County Supervisor will report to the LFAC chairperson, as specified in the EOH, all substantial physical property loss, damage or injury and severe production losses that have occurred in the...
County Office area. The County Supervisor will assist the LFAC in preparing
the 24-hour report required in paragraph (c)(3) of this section. If the LFAC
has not completed its 24 hour report within two workdays after the occur-
rence of a potential natural disaster, the County Supervisor will report to
the State Director of Form FmHA or its successor agency under Public Law
103–354 1945–27, “Report of Natural Dis-
aster.” In urgent situations, the report
may be made by telephone, followed by
the LFAC report or Form FmHA or its
successor agency under Public Law 103–
354 1945–27. Either of these reports will
be based on information obtained from
personal knowledge and from farmers,
agricultural and community leaders,
and from any other personally con-
tacted reliable source(s). The County
Supervisor will convey to the LFAC
chairperson all information pertaining
to the potential disaster and provide
the chairperson with a copy of Form
FmHA or its successor agency under
Public Law 103–354 1945–27, if prepared.
(3) The LFAC will report the poten-
tial natural disaster, in accordance
with the EOH, to:
   (i) The SFAC, Vice Chairperson; and
   (ii) Appropriate County Government
   representative(s).
(4) The SFAC will provide copies of
the LFAC report to:
   (i) The USDA Washington Offices of
   ASCS, FmHA or its successor agency
   under Public Law 103–354 and Office of
   Intergovernmental Affairs; and
   (ii) The State Governor’s Emergency
   Coordinator and the State Department
   of Agriculture.
(5) The FmHA or its successor agency
under Public Law 103–354 State Direc-
tor will inform the National Office of
each potential natural disaster as soon
as possible and forward to the National
Office a copy of the LFAC report or
Form FmHA or its successor agency
under Public Law 103–354 1945–27, with
any attachments, and supplemented
with the State Director’s comments
and recommendations. The State Di-
rector must include a statement as to
the number of farmers, ranchers, and
aquaculture operators affected by the
potential natural disaster. In urgent
situations, the State Director will re-
port to the National Office, Emergency
Designation Staff, by telephone, and
immediately thereafter send a written
report to the National Office, Emer-
genzy Designation Staff. The State Di-
rector will continually notify the
SFAC Vice Chairperson, Emergency
Programs, of any additional informa-
tion received concerning the potential
natural disaster.
(6) When inquiries are received from
persons affected by a potential natural
disaster, they will be provided the fol-
lowing information:
   (i) By the County Office:
      (A) The kind of assistance that will
      be available if the President declares a
      major disaster or emergency, or if the
      Secretary determines that a natural
      disaster has occurred.
      (B) Whether or not physical property
      loss EM loans are available.
      (C) That applications for EM loans
      may be filed for future processing if
      such loans are made available, or may
      be filed at a later date after the nec-
      essary determinations have been made.
      (D) Whether regular FmHA or its
      successor agency under Public Law 103–
      354 farm loan assistance is available.
   (ii) State Office, or the National Of-
      fice, will furnish the same information
      as the County Office, or will refer the
      person to the appropriate County Of-
      fice.
(7) When inquiries are received from
a Governor, a County Governing Body
or Indian Tribal Council concerning a
potential natural disaster, they will be
informed of the procedure for making
EM loans available.
(8) The actions required in paragraph
(b) of this section will be taken even if
the Governor of a State has requested
the President to declare a county(ies) a
major disaster or Presidential emer-
genzy area.

§ 1945.20 Making EM loans available.

EM loans will be made available to
applicants having qualifying severe
physical and/or production losses with-
in a county named by FEMA as eligible
for Federal assistance under a major
disaster or emergency declaration by
the President; or under a natural dis-
aster determination by the Secretary
of Agriculture, pursuant to
§1945.6(c)(3)(ii) of this subpart; and to
applicants having qualifying severe