

For: State and County Offices

**2008 Reconstitutions**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

The Food, Conservation, and Energy Act of 2008 (2008 Act), Pub. L. 110-246, was enacted into law on May 22, 2008. The 2008 Act provides that a producer on a farm may **not** receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10.0 acres or less, except if the farm is owned by either of the following:

- a socially disadvantaged farmer or rancher
- a limited resource farmer or rancher.

**B Purpose**

This notice advises County Offices to publicize the contents of this notice by **all** means possible to ensure that producers on farms with 10.0 acres or less total base acres are notified of reconstitution requirements and the prohibition of payments.

**2 2008 Reconstitutions**

**A Provisions**

COC's may **not** approve requests for reconstitutions of farms having base acres of 10.0 acres or less if the request was received after the date of enactment of the 2008 Act (May 22, 2008), except if the owner of the farm has been notified of the reconstitution before the date of this notice.

**B Exceptions**

A farm having base acres of 10.0 acres or less may be combined with another farm if 1 of the farms undergoes a change in land ownership. To qualify for this exception, the owners of each of the farms participating in the new combination must be identical and have identical shares in both farms.

<b>Disposal Date</b>	<b>Distribution</b>
November 1, 2008	State Offices; State Offices relay to County Offices

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### 2 2008 Reconstitutions (Continued)

#### C Deadlines

Unless prohibited by subparagraph A, producers **must** request reconstitutions (regardless of base size) by **August 1, 2008**, for farms participating in DCP. All reconstitutions **must** be initiated by the County Office by COB **August 14, 2008**. Starting **August 15, 2008**, the reconstitution software will **not** allow a farm combination or division for farms with crop acreage bases or protecting CAB's under CRP-1. **All** reconstitutions shall be updated by **August 29, 2008**.

These deadlines have been established to allow 15 calendar days for the County Office to initiate the reconstitution, 15 calendar days for COC action and issuing notification letters, and 30 calendar days for producers to signup and return signatures and documentation by the **September 30, 2008**, deadline to enroll in DCP.

**Reminder:** If FSA-578 is on file for a farm that will be reconstituted, FSA-578 **must** be deleted **before** the reconstitution can be initiated. The process to delete the record may take up to 3 full workdays.

#### D Revisions

2-CM procedures and 7 CFR Part 718 will be revised accordingly to adopt these changes.

### 3 Action

#### A State Office Action

State Offices shall ensure that:

- County Offices publicize the contents of this notice
- land is properly constituted and all program requirements are met.

#### B County Office Action

County Offices shall:

- ensure that COC does **not** approve requests for reconstitutions of farms having base acres of 10.0 acres or less if the request was received after May 22, 2008, except if the owner of the farm has been notified before the date of this notice
- publicize the contents of this notice by all means available, including but **not** limited to, newspaper articles, newsletters, and radio and television spots
- ensure that **all** reconstitution deadlines are met.