

For: State and County Offices

**Deadline Extension Policy for Multiple FSA Farm Programs Due to
Temporary Closure Resulting from Lapse in Federal Funding**

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

On December 22, 2018, federal funding expired which caused many federal offices to close. FSA County Offices remained open through December 28, 2018. On January 22, 2019, USDA announced that FSA offices nationwide would reopen to provide additional administrative services to farmers and ranchers during the lapse in federal funding. Certain FSA offices were providing limited services for existing loans and tax documents since January 17. On January 24, 2018, FSA offices were reopened.

Guidance about specific actions that can be taken by offices will be issued in a separate notice.

B Purpose

This notice:

- announces deadline extensions for various FSA farm programs
- provides a summary of these deadline extensions.

Disposal Date	Distribution
July 1, 2019	State Offices; State Offices relay to County Offices

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2 Farm Programs Current and Extended Deadline Policy

A Current and Extended Deadline Policy

In addition to whatever due date or date prescribed for performance that may apply, the following table lists FSA’s deadline extension policy for the following programs.

Program/Area	Current Deadline Policy	Deadline Extension
FSA Appeals or Reconsideration (Not NAD)	Participants have 30 calendar days from receipt of an FSA adverse decision to file a request for reconsideration or appeal.	If the deadline for filing a request for FSA reconsideration or FSA appeal occurred between December 31, 2018, and January 23, 2019, the written appeal will be considered timely filed if submitted and filed with FSA by the later of 30 calendar days following the date of receipt of the adverse decision or February 14, 2019.
Final Acreage Reporting Dates (2-CP (Rev. 16) various paragraphs and Exhibit 6)	Each producer who expects to receive benefits under an FSA program is responsible for filing accurate and timely acreage reports and production evidence when required. Acreage reporting dates vary by crop and deadlines could have occurred between the December 31, 2018, and January 23, 2019, shutdown period. Example: The deadline for filing an acreage report for honey was January 2, 2019.	If a crop acreage report would have been due between December 31, 2018, and January 23, 2019, that acreage report will be considered timely filed by ARD without any fee if it is submitted and filed with FSA by February 14, 2019. This policy is not moving the ARD. All other provisions of 2-CP apply to acreage reports not considered timely filed by the crop’s ARD.

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>ECP (1-ECP (Rev. 5), paragraph 202)</p>	<p>Performance must be reported on or before the expiration date, or by the authorized extension date granted by the STC representative.</p>	<p>If the deadline for reporting performance occurred between December 31, 2018, and January 23, 2019, the report will be considered timely filed if submitted and filed with FSA by the later of date granted by STC representative or February 14, 2019.</p>
<p>ELAP (1-LDAP (Rev. 1), paragraph 815)</p>	<p>For 2019 program year losses, producers who suffer eligible livestock, honeybee, or farm-raised fish losses must file the following:</p> <ul style="list-style-type: none"> • a notice of loss by 30 calendar days of when the loss is first apparent • an application for payment by November 1 following the program year for which benefits are being requested. 	<p>If the deadline for filing a notice of loss under ELAP occurred between December 31, 2018, and January 23, 2019, the notice of loss will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>
<p>LFP (1-LDAP (Rev. 1), paragraph 410)</p>	<p>Eligible livestock owners or contract growers with a producer interest in grazed forage crop acreage must submit a completed CCC-853 and required supporting documentation within 30 calendar days after the end of the calendar year in which the grazing loss occurred.</p>	<p>For the 2018 program year, eligible livestock owners or contract growers with a producer interest in grazed forage crop acreage must submit a completed CCC-853 and required supporting documentation by February 28, 2019.</p>

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>LIP</p> <p>2018 and Subsequent Years Signup</p> <p>(1-LDAP (Rev. 1), subparagraph 40 D)</p>	<p>For 2018 and subsequent year livestock losses, eligible livestock owners and contract growers must file a notice of loss by the later of either of the following:</p> <ul style="list-style-type: none"> • December 3, 2018 • 30 calendar days of when the loss is first apparent to the participant. <p>An application for payment must be filed by 60 calendar days after the end of the calendar year in which the losses occur (for 2018 that date is March 1, 2019).</p>	<p>If the deadline for filing a notice of loss under LIP occurred between December 31, 2018, and January 23, 2019, the notice of loss will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>
<p>MAL</p> <p>Maturity Date</p> <p>(various DAFP issued loan program handbooks) (all commodities)</p>	<p>Loans mature on demand, but no later than the last day of the ninth calendar month after the month in which CCC-677 and/or CCC-678 are approved.</p>	<p>If a loan was scheduled to mature in December 2018, then the loan can be repaid, forfeited, or settled through February 14, 2019.</p> <p>This policy is not changing the loan maturity date for loans.</p>
<p>MAL</p> <p>Loan Availability Date</p> <p>(2-LP Peanuts (Rev. 9) paragraph 6)</p>	<p>Peanut loans and LDP's are available from August 1 through January 31 of the year after the calendar year in which the crop is normally harvested.</p>	<p>Requests for peanut loans or LDP's will be considered timely filed by the loan availability date of January 31, 2019, if filed by the producer with FSA by February 28, 2019.</p> <p>This policy is not changing the loan availability date for peanut loans.</p>

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>MFP (various MFP notices)</p>	<p>The signup deadline for CCC-910 was January 15, 2019.</p> <p>Note: The deadline to report production or livestock inventory is May 1, 2019.</p>	<p>The signup deadline for CCC-910 is February 14, 2019.</p>
<p>TAP Application for Assistance (1-TAP (Rev. 4), paragraph 61)</p>	<p>Applicants who suffered eligible tree, bush, and vine losses after January 1, 2017, must provide an application and supporting documentation to FSA within 90 calendar days of each disaster event or date when the loss of trees, bushes, or vines is apparent to the producer.</p>	<p>If a CCC-899 would have been due to FSA between December 31, 2018, and January 23, 2019, then that CCC-899 will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>NAP</p> <p>Applications for Coverage</p> <p>(1-NAP (Rev. 2), paragraph 301)</p>	<p>A producer must file CCC-471 by the application closing date for the crop. CCC-471 must be filed by the producer in the administrative county by pay crop, pay type, and coverage options.</p> <p>CCC-471's accompanied by applicable service fees or CCC-860 certification of SDA, LR, or BF status received by FSA in the mail are considered timely filed if the USPS postmark reflects a date no later than the crop's application closing date.</p> <p>Application closing dates vary by crop and some 2019 dates were within the December 31, 2018, and January 23, 2019, County Office shutdown.</p> <p>Note: Offices are encouraged to accept all 2019 applications for coverage without regard to amendments made by the 2018 Farm Bill.</p>	<p>If a closing date for CCC-471 occurred between December 31, 2018, and January 23, 2019, the application closing date is close of business February 14, 2019.</p> <p>All other provisions of 1-NAP, paragraph 301 apply to CCC-471 including subparagraph 301 E, which delegates authority to COC for accepting late-filed CCC-471's within 30 calendar days of the application closing date.</p> <p>Notes: Under current regulations, the coverage period cannot begin sooner than 30 calendar days following the actual filing date of CCC-471. This deadline extension does not change the legal authority for the beginning of NAP coverage.</p> <p>If the original closing date occurred between December 31, 2018, and January 23, 2019, State Office administrative users can change the status of crops that were added after the original application closing date using State Office override functionality according to 3-NAP.</p>
<p>NAP</p> <p>72-Hour Loss Notification</p> <p>(1-NAP (Rev. 2), paragraph 576)</p>	<p>For hand-harvested crops and other crops as determined by DAFP, at least 1 producer having a share in the unit must notify FSA of damage or loss through the administrative County Office for the unit within 72 hours of the date damage or loss first becomes apparent.</p>	<p>If a 72-hour loss notification would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that loss notification will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>NAP</p> <p>72-Hour Report of Completion of Harvest</p> <p>(1-NAP (Rev. 2), paragraph 8)</p>	<p>Producers are required to inform COC of completion of harvest of hand-harvested and other crops as determined by DAFP within 72 hours.</p>	<p>If a 72-hour report of completion of harvest would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that loss notification will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>
<p>NAP</p> <p>Application for Payment</p> <p>(1-NAP (Rev. 2), paragraph 675)</p>	<p>NAP covered producers must file an application for payment to apply for NAP payments within 60 calendar days of the last day of coverage for the crop year for any NAP covered crop in the unit.</p> <p>A completed notice of loss for forage intended for grazing satisfies the requirement for an application for payment provided it is filed by the deadline in paragraph 675.</p>	<p>If an application for payment would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, then that application for payment will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>

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2 Farm Programs Current and Extended Deadline Policy (Continued)

A Current and Extended Deadline Policy (Continued)

Program/Area	Current Deadline Policy	Deadline Extension
<p>NAP</p> <p>Notice of Loss (1-NAP (Rev. 2), paragraphs 575 and 878)</p>	<p>CCC-576, Part B must be provided for:</p> <ul style="list-style-type: none"> • prevented planting claims, within 15 calendar days after the final planting date • low yield claims and allowable value loss, the earlier of either of the following: <ul style="list-style-type: none"> • 15 calendar days after the disaster occurrence or date of loss or damage to the crop or commodity first becomes apparent • 15 calendar days after the normal harvest date. 	<p>If a notice of loss would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that notice of loss will be considered timely filed if submitted and filed with FSA by close of business February 14, 2019, or a date prescribed by 1-NAP, subparagraph 575 C or paragraph 878, as applicable.</p>

Note: See Exhibit 1 for a summary of the program deadline extensions provided in this table.

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3 Action

A State Office Action

State Offices will ensure that County Offices are aware of the contents of this notice and any policies STC establishes to implement these policies (as maybe applicable).

B County Office Action

County Offices will:

- review and follow the guidance provided in this notice
- make copies of Exhibit 1 available for distribution or use at the counter or in the office.

Summary of Program Deadline Extensions

Program	Deadline Extension	Feb 14	Feb 28
FSA Appeals or Reconsideration (Not NAD)	If the deadline for filing a request for FSA reconsideration or FSA appeal occurred between December 31, 2018, and January 23, 2019, the written appeal will be considered timely filed if submitted and filed with FSA by the later of 30 calendar days following receipt of the adverse decision or February 14, 2019.	✓	
Final Acreage Reporting Dates	If a crop acreage report would have been due between December 31, 2018, and January 23, 2019, that acreage report will be considered timely filed by ARD without any fee if it is submitted and filed with FSA by February 14, 2019. This policy is not moving the ARD. <u>All other provisions of 2-CP apply to acreage reports not considered timely filed by the crop's ARD.</u>	✓	
ECP Report of Performance	If the deadline for reporting performance occurred between December 31, 2018, and January 23, 2019, the report will be considered timely filed if submitted and filed with FSA by later of date granted by STC representative or February 14, 2019.	✓	
ELAP Notice of Loss	If the deadline for filing a notice of loss under ELAP occurred between December 31, 2018, and January 23, 2019, the notice of loss will be considered timely filed if submitted and filed with FSA by February 14, 2019.	✓	
LFP Application	For the 2018 program year, eligible livestock owners or contract growers with a producer interest in grazed forage crop acreage must submit a completed CCC-853 and required supporting documentation by February 28, 2019.		✓
LIP Notice of Loss	If the deadline for filing a notice of loss under LIP occurred between December 31, 2018, and January 23, 2019, the notice of loss will be considered timely filed if submitted and filed with FSA by February 14, 2019.	✓	
MAL Maturity Date All Commodities	If a loan was scheduled to mature in December 2018, then the loan can be repaid, forfeited, or settled through February 14, 2019.	✓	
MAL Peanut Loan or LDP Availability	Requests for peanut loans or LDP's will be considered timely filed by the loan availability date of January 31, 2019, if filed by the producer with FSA by February 28, 2019.		✓
MFP Application	The signup deadline for CCC-910 is February 14, 2019. The deadline to report production or livestock inventory is May 1, 2019 .	✓	
TAP Application for Assistance	If a CCC-899 would have been due to FSA between December 31, 2018, and January 23, 2019, that CCC-899 will be considered timely filed if submitted and filed with FSA by February 14, 2019.	✓	

Summary of Program Deadline Extensions (Continued)

Program	Deadline Extension	Feb 14	Feb 28
<p>NAP Applications for Coverage</p>	<p>If a closing date for CCC-471 occurred between December 31, 2018, and January 23, 2019, the application closing date is close of business February 14, 2019.</p> <p>All other provisions of 1-NAP, paragraph 301 apply to CCC-471 including subparagraph 301 E, which delegates authority to COC for accepting late-filed ccc-471's within 30 calendar days of the application closing date.</p> <p>Notes: Under current regulation, the coverage period cannot begin sooner than 30 calendar days following the actual filing date of CCC-471.</p> <p>This deadline extension does not change the legal authority for the beginning of NAP coverage.</p>	<p>✓</p>	
<p>NAP 72-Hour Loss Notification</p>	<p>If a 72-hour loss notification would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that loss notification will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>	<p>✓</p>	
<p>NAP 72-Hour Report of Completion of Harvest</p>	<p>If a 72-hour report of completion of harvest would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that loss notification will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p>	<p>✓</p>	
<p>NAP Application for Payment</p>	<p>If an application for payment would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that application for payment will be considered timely filed if submitted and filed with FSA by February 14, 2019.</p> <p>All other provisions of 1-NAP (Rev. 2), paragraph 675, including COC authority for exceptions in subparagraph 675 A, apply.</p>	<p>✓</p>	
<p>NAP Notice of Loss</p>	<p>If a notice of loss would have been due from a NAP participant to FSA between December 31, 2018, and January 23, 2019, that notice of loss will be considered timely filed if submitted and filed with FSA by close of business February 14, 2019, or a date prescribed by 1-NAP, subparagraph 575 C or paragraph 878, as applicable.</p> <p>Notes: If the original due date occurred between December 31, 2018, and January 23, 2019, the due date is moved to the close of business February 14, 2019.</p> <p>Late-filed notice of loss provisions in 1-NAP, subparagraph 575 C will apply for those notices of loss filed after February 14, 2019. In the event a notice of loss filed after February 14, 2019, cannot meet the requirements of 1-NAP, subparagraph 575 C, COC may submit an appropriate recommendation for relief to DAFP through STC.</p> <p>Current handbook procedure requires late-filed notices of loss to be denied if they are filed at a time when CCC cannot verify the loss according to 1-NAP, subparagraph 575 C. This exception is only being offered for those cases where the notice of loss could not be filed due to the temporary shutdown.</p>	<p>✓</p>	