

For: State and County Offices

FSFL Program FY 2010 Apportionment

Approved by: Deputy Administrator, Farm Programs



1 Overview

A Background

FSFL program receives an apportionment each FY to fund FSFL's approved that FY.

The apportionment for FY 2010:

- was received in October 2009
- to date, has been entirely obligated.

Additional FY 2010 FSFL funding has been requested.

FSFL program is subject to the Antideficiency Act. This Act, at 31 U.S.C. § 1341 (a)(1), prohibits:

- an employee of the United States Government from making or authorizing an expenditure or obligation exceeding an amount available for the expenditure or obligation
- engaging the Government in any obligation to issue payment **before** funds have been appropriated for the payment.

Note: The Antideficiency Act imposes administrative and penal sanctions on employees who violate the provisions of the Act.

Disposal Date	Distribution
August 1, 2010	State Offices; State Offices relay to County Office

Notice FSFL-71

1 Overview (Continued)

B Purpose

This notice informs State and County Offices:

- that the initial FSFL apportionment for FY 2010 has been totally obligated
- that FY 2010 FSFL's **must not** be approved until an additional apportionment is available, to comply with the provisions of the Antideficiency Act
- of the procedure to follow for approving FSFL's when an additional FY 2010 FSFL apportionment is received.

C Contact

If there are any questions about this notice, contact DeAnn Allen, PSD by 1 of the following:

- e-mail at deann.allen@wdc.usda.gov
- telephone at 202-720-9889
- FAX at 202-690-3307.

2 Action

A County Office Action

Until an additional FY 2010 FSFL apportionment is received, FSFL approval authorities (COC or STC) shall:

- **not** approve any new FY 2010 FSFL CCC-185's

Note: The disbursement of **previously** approved **and** obligated **FY 2010** loans shall continue in the normal manner.

- **not** approve any increases to FY 2010 obligations

Note: COC's may approve increases to FY 2009 obligations and disburse these loans in the normal manner.

- remind applicants who authorize delivery, site preparation, or construction actions without an approved CCC-185 of the following:

- approval and funding is not guaranteed
- applicant is starting construction at their own risk and without creating any liability on behalf of CCC.

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2 Action (Continued)

A County Office Action (Continued)

When an additional FY 2010 FSFL apportionment is received, COC's shall:

- be notified that funding is available
- review and approve all pending FSFL applications on which they are the approval authority

Note: FY 2010 FSFL's **cannot** have an approval date during the time period when funding was unavailable.

- forward to STC for approval, all applications on which construction of the facility was started **before** approval, and the documents specified in 1-FSFL, subparagraph 10.5 B that were on file in the County Office **before** the construction started
- forward through STC to DAFP for approval, all applications that do not fall into the prior bullet according to 1-FSFL, subparagraph 10.5 C, on which construction of the facility was started **before** approval
- **not** notify applicants, by any means, of loan approval or approval interest rate until an additional apportionment is received and the obligation has been returned to the County Office.

B State Office Action

State Offices shall ensure that all County Offices and COC's are:

- aware that additional FY 2010 FSFL funding is **not** available
- following the provisions of this notice and that FY 2010 FSFL's are **not** being approved until additional funding is available
- aware of the implications of the Antideficiency Act.

C National Office Action

The National Office will immediately notify State and County Offices by notice when:

- an additional FY 2010 FSFL apportionment is available
- approval of FY 2010 FSFL's may resume.