

For: State and County Offices

FSFL Program FY 2013 Apportionment

Approved by: Acting Deputy Administrator, Farm Programs



1 Overview

A Background

FSFL program receives an apportionment each FY to fund FSFL’s for the upcoming FY. To date, the FSFL apportionment for FY 2013 has **not** been received.

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

B Purpose

This notice informs State and County Offices:

- that FSFL apportionment for FY 2013 may **not** be available on October 1, 2012, which is the beginning of FY 2013
- that FY 2013 FSFL’s **must not** be approved by the authorized approval authority until the apportionment is available, to comply with the provisions of the Antideficiency Act
- of the procedure to follow for approving FSFL’s **when** the FY 2013 FSFL apportionment is received.

Disposal Date	Distribution
January 1, 2013	State Offices; State Offices relay to County Office

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1 Overview (Continued)

C Contact

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

- e-mail at **toni.williams@wdc.usda.gov**
- telephone at 202-720-2270
- FAX at 202-690-1703.

2 Action

A County Office Action

Until the FY 2013 FSFL apportionment is received, FSFL approval authorities (STC or COC) shall:

- **not** approve FY 2013 FSFL CCC-185's

Note: This does **not** affect FSFL's approved in FY's 2011 and 2012. FY's 2011 and 2012 loan disbursements may continue in the normal manner. The approval authority may also approve increases to FY's 2011 and 2012 obligations, if necessary.

- 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
- be aware that FSFL's **approved** between October 1, 2012, and September 30, 2013, are FY 2013 loans, even though CCC-185 may have been submitted during FY 2012.

Note: CCC-185's submitted on or before September 30, 2012, but **not** approved by September 30, 2012, must be re-entered into the FSFL software with a FY 2013 number when authorization is provided. Both policy and software will not allow a FY 2012 CCC-185 to have an approval date in FY 2013. The approval date must match the FY of the CCC-185. The NRRS FSFL application fee code, XXFSFLFEES **must** also be re-recorded with the new FY 2013 number.

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2 Action (Continued)

A County Office Action (Continued)

When FY 2013 FSFL apportionment is received, COC's shall:

- be notified that funding is available
- review and approve all pending CCC-185's on which they are the **sole** approval authority

Note: FY 2013 FSFL's **cannot** have an approval date during the time period when funding was unavailable.

- approve pending CCC-185's, after DD review, all CCC-185's with the total principal amount between \$100,000.01 and \$250,000
- forward all CCC-185's with a total principal amount between \$250,000.01 and \$500,000 to STC for approval
- forward all applicable applications referenced in 1-FSFL, paragraph 11D to STC for referral to DAFP
- **not** notify applicants, by any means, of loan approval or approval interest rate until a FY 2013 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 FY 2013 FSFL funding is **not** available
- following the provisions of this notice and that FY 2013 FSFL's are **not** being approved until 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:

- FY 2013 FSFL apportionment is available
- approval of FY 2013 FSFL's may begin.