
DATE: December 23, 2022

TO: Brenda Aguilar
Branch Chief

THROUGH: Ruth Brown
USDA Information Collection Officer

FROM: Scott Marlow
Deputy Administrator Farm Programs

SUBJECT: Request for Emergency Approval for a New Information Collection
Package— Coronavirus Food Assistance Program 2 (CFAP 2)

This request is for Emergency Clearance because the USDA has directed FSA to issue additional payments under the Coronavirus Food Assistance Program 2 (CFAP 2) to underserved producers (which includes beginning, limited resource, socially disadvantaged, and veteran farmers and ranchers). USDA implemented CFAP 2 through a final rule published in the Federal Register on September 22, 2020 (85 FR 59380–59388). USDA also published a final rule in the Federal Register on January 19, 2021 (86 FR 4877–4883), to provide additional assistance for certain commodities, but suspended implementation of that rule on January 20, 2021, to allow further evaluation of the assistance offered through CFAP. A final rule published on August 27, 2021 (86 FR 48013-48018), revised the CFAP 2 application deadline, amended provisions for contract producers, and allowed producers of sales-based commodities to use 2018 sales for their payment calculation.

FSA will publish a final rule amending the CFAP 2 regulations to provide an additional CFAP 2 payment to underserved producers. These payments will be issued under the same authority as the producers' previous CFAP 2 payments, using CCC funds as authorized by sections 5(b), (d), and (e) of the CCC Charter Act (15 U.S.C. 714c(b), (d), and (e)), except for payments for tobacco which will use remaining funds authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act; Pub. L. 116–136). The additional payment will be equal to 15 percent of a producer's previous CFAP 2 payment, subject to CFAP 2 payment limitation provisions in 7 CFR 9.7. In order to receive the additional payment, an underserved producer must have CCC-860, Socially Disadvantaged, Limited Resource, Beginning and Veteran Farmer or Rancher Certification, on file with a certification applicable for the 2020 program year. Up to 96,973 producers are expected to submit CCC-860 in order for FSA to determine their eligibility for the additional CFAP 2 payment. Upon OMB approval under the emergency request, this collection will be merged with a currently approved of information collection request under the OMB control number of 0560-0297.

This collection of information is essential to the mission of FSA because it is part of the safety net to help producers continue farming despite suffering losses that are outside of their control. We are requesting emergency approval of a new information collection package as soon as possible in order to quickly provide additional CFAP 2 assistance to underserved producers. FSA cannot reasonably comply with the normal PRA clearance procedures under 5 CFR part 1320 because public harm is reasonably likely to result if normal PRA clearance procedures are followed – that public harm would be to the producers who have suffered losses due to the COVID-19 pandemic, many of whom may not be able to absorb those losses and any additional delay in assistance could cause them to have to consider making business decisions that they would not otherwise choose to make, which could result in changes that could extend the harm to consumers and others in the line of business (5 CFR 1320.13(a)(2)(i)). If FSA had published a notification estimating the burden sooner, it would have preannounced changes to the program before policy decisions were finalized and set expectations for payments sooner than would have been possible.

If there are any questions or concerns, please call Deirdre Holder at 202-205-5851 or Mary Ann Ball.