

January 22, 2009

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Avenue SW
Washington, DC 20250

Dear Secretary Vilsack:

The undersigned organizations represent a vast majority of the nation's farmers, many of whom have a direct and significant interest in the outcome of the recently-released interim rule regarding farm program payment limits and program eligibility (RIN 0560-AH85). Given the complexity of this rule and its profound impact on our nation's farmers, **we respectfully request an extension of the comment period for this rule from 30 days to 90 days.** The comment period is currently due to close on January 28, 2009, and our requested extension date is March 29, 2009.

We understand that this rule is already in effect for 2009, and we urge the agency to issue guidance and clarifications for 2009 as quickly as possible so our nation's farmers can review farm plans and assess recordkeeping before planting begins. That said, an extension will allow our farmers to better assess the impact of this rule on their individual operations and to more appropriately comment before the rule is made final for the 2010-2012 crop years.

The 2008 farm bill introduced significant reform to both farm program payment limitations and eligibility rules. This legislation represented a major departure from previous policy by replacing the three-entity rule with the direct attribution of payments and by placing hard caps on both adjusted gross income on the farm and off the farm.

However, the recently-introduced rule goes beyond these dramatic legislative changes to make several additional regulatory changes, including:

- The alteration of the definition of "actively engaged" in agriculture for determining program payment eligibility;
- The modification of the definition of "substantive change" in a farming operation for purposes of determining payment limitations; and
- A change in the way corporations are treated when determining program payment eligibility.

These legislative and regulatory changes will have a profound impact on farming operations and will impact each operation differently. The impact of this rule will vary depending on how the farm is organized, the location of the farm, the types of products grown on the farm, whether the farm operation owns or leases land, and who is involved in the farming operation.

For these reasons, we hope you will grant this request for an extension. Thank you for your consideration and we look forward to your response.

Sincerely,

American Farm Bureau Federation
American Soybean Association
National Association of Wheat Growers
National Cotton Council
National Corn Growers Association
National Farmers Union
North Carolina Peanut Growers Association
Peanut Growers Cooperative Marketing Association
Southern Peanut Farmers Federation
US Rice Producers Association
USA Rice Federation
Virginia Peanut Growers Association
Western Peanut Growers Association