

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Milk Income Loss Contract Program
11-LD (Revision 1)**

Amendment 4

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 2 A has been amended to add the authority for the change in percentage of payment for September 2007.

Subparagraph 21 A has been amended to incorporate a 34 percent payment percentage for September 2007.

Subparagraph 43 B has been amended to provide a revised CCC-580X, dated 08-22-07.

Subparagraph 43 C has been amended to provide a revised CCC-580X Appendix, dated 08-22-07.

Subparagraph 48 D has been amended to remove references to quarterly spot checks.

Paragraph 49 has been amended to:

- update STC or designee spot check requirements
- clarify spot check requirements
- remove references to quarterly spot check results and limit quarterly results to CED spot checks only.

Page Control Chart		
TC	Text	Exhibit
	1-1, 1-2 3-5, 3-6 6-23 through 6-32 6-47, 6-48 6-51, 6-52	

Part 1 Basic Program Provisions**1 Handbook Purpose, Availability, and Restrictions****A Purpose**

This handbook provides general instructions for administering the following programs:

- MILC
- MILCX.

Note: MILCX is the authorized extended period of the MILC program.

B MILC Program Availability

The MILC program is available to producers on dairy operations throughout the U.S., if the dairy operation produces and commercially markets milk during the period of December 1, 2001, through September 30, 2005.

C MILCX Program Availability

The MILCX program is available to producers on dairy operations throughout the U.S., if the dairy operation produces and commercially markets milk during the period of October 1, 2005, through September 30, 2007.

D Restrictions

STC's and COC's and representatives and employees thereof, do not have the authority to modify or waive any of the provisions of this handbook unless authorized to do so by DAFP.

2 Sources of Authority and Related References

A Legislature

The source of authority for the MILC program is the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) that authorizes CCC to make direct monthly payments to dairy producers in the U.S.

The MILCX program extension is authorized by the Deficit Reduction Act of 2005 (Pub. L. 109-171), Section 1101.

--The MILCX program payment percentage is extended by the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, (Pub. L. 110-28), Section 9006.--

B MILC Program Duration

The MILC program is authorized retroactively from December 1, 2001, through September 30, 2002.

C MILCX Program Duration

The MILCX program is authorized for the period of October 1, 2005, through September 30, 2007.

D Federal Regulations

Regulations governing the administration of the MILC program, and any extension thereof, are provided in 7 CFR Part 1430.

E Related Handbooks

The following table describes the FSA handbooks related to MILC and MILCX programs.

IF the material is about...	THEN see...
appeals	1-APP.
signatures, estates, trusts, minors, or powers of attorney	1-CM.
misaction, misinformation, or equitable relief	7-CP.
scheme, device, or failure to fully comply	4-CP.
HELC/WC provisions	6-CP.
issuing payments	1-FI.
offsets	58-FI.
assignments and joint payments	63-FI.
prompt payment provisions or foreign person tax withholding	61-FI.
reporting to IRS	62-FI.
foreign person provisions	1-PL.

21 Calculating Program Payments

A Payment Calculation

When the Boston Class I milk price is below \$16.94 per cwt, the payment rate is determined for the applicable month by:

- subtracting the Boston Class I milk price per cwt from \$16.94
- multiplying the difference by:
 - 45 percent during the period beginning December 1, 2001, and ending September 30, 2005

Note: This payment calculation is applicable to both transition period payments and contract payments.

- *--34 percent during the period beginning October 1, 2005, and ending September 30, 2007.--*

* * *

B MILC Payment Calculation Example

The following is an example of the MILC payment calculation.

The Boston Class I price announced in May 2002 is \$14.51.

$$\$16.94 - \$14.51 = \$2.43$$

$$\$2.43 \times 45\% = \$1.0935$$

Payment rate for May 2002 is **\$1.0935000**.

21 Calculating Program Payments (Continued)**C MILCX Payment Calculation Example**

The following is an example of the MILCX payment calculation:

The Boston Class I price announced for May 2006 is \$14.22.

$$\$16.94 - \$14.22 = \$2.72$$

$$\$2.72 \times 34\% = \$0.9248000$$

Payment rate for May 2006 is \$0.9248000.

D Measurement Conversion

Payment for each dairy operation will be calculated by converting whole pounds of milk to cwt and multiplying the payment rate by the quantity of eligible production.

E Maximum Quantity for Payment

The maximum quantity of eligible production for which dairy operations are eligible for payment per FY, including the transition period, is 2.4 million pounds which is equivalent to 24,000 cwt per dairy operation.

Note: Monthly milk production may not be apportioned to circumvent the maximum quantity for payment.

43 Completing CCC-580X (Continued)

B Example of CCC-580X

The following is an example of CCC-580X.

*--

This form is available electronically.												1. State Code		2. County Code									
CCC-580X (08-22-07)												U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation											
MILK INCOME LOSS CONTRACT EXTENSION (MILCX) (See Privacy Act and Public Burden Statements on Page 2.)																							
3A. Name and Address of Dairy Operation (Including Zip Code)						3B. Farm Number			4. Contract Number			5. Date Contract Submitted (MM-DD-YYYY)											
6A. Contact Producer's Name and Address (Including Zip Code)						6B. Telephone Number (Including Area Code)			6C. Cell Telephone Number (Including Area Code)														
PART A - FY 2006 MILC PRODUCTION START MONTH																							
If this contract is submitted <u>ON OR BEFORE May 17, 2006</u> , the dairy operation may select as the milk production start month, any month in fiscal year 2006, that the dairy operation would like to begin receiving payments from CCC based on the selected start months' production. Dairy operations that submit contracts after May 17, 2006, may select as their milk production start month, either (1) the month the contract is submitted OR (2) any month after the contract is submitted in the fiscal year that has not begun or has not passed, and that selection must be made on or before the 14th of the month before the month the dairy operation wants to select as their production start month.																							
7. Check Start Month																							
	Oct 05		Nov 05		Dec 05		Jan 06		Feb 06		Mar 06		Apr 06		May 06		Jun 06		Jul 06		Aug 06		Sep 06
8. Production																							
9. Payment Rate/cwt																							
	\$	0.00	\$	0.00	\$	0.04	\$	0.10	\$	0.10	\$	0.40	\$		\$		\$		\$		\$		\$
10. Payment Amount																							
PART B - FY 2007 MILC PRODUCTION START MONTH																							
Dairy operations may select either (1) the month the contract is submitted, OR (2) any month remaining in the fiscal year that has not begun or has not passed, as their FY 2007 milk production start month that they would like to begin receiving payments from CCC based on the selected start months production. In addition, except as provided by option 1, the starting production month must be selected on or before the 14th of the month before the month the dairy operation wants to select.																							
11. Check Start Month																							
	Oct 06		Nov 06		Dec 06		Jan 07		Feb 07		Mar 07		Apr 07		May 07		Jun 07		Jul 07		Aug 07		Sept 07
12. Production																							
13. Payment Rate/cwt																							
	\$		\$		\$		\$		\$		\$		\$		\$		\$		\$		\$		\$
14. Payment Amount																							
PART C - PARTICIPANTS SIGNATURE(S)																							
This Contract to Participate in the extension of the Milk Income Loss Contract Program is entered into between the Commodity Credit Corporation (referred to as "CCC") and the undersigned producers in the dairy operation identified above. The undersigned producer or producers may hereafter collectively be referred to as "the Participant." The Participant agrees to comply with the terms and conditions contained in this Contract including the Appendix to this Contract, CCC-580X Appendix, entitled "Appendix to Form CCC-580X Milk Income Loss Contract Extension" (referred to as "Appendix"). By signing this contract the Participant agrees to participate in the extension of the Milk Income Loss Contract program for the stipulated contract period from the date the Contract is executed by the CCC. By signing below, the Participant (1) acknowledges receipt of the CCC-580 Appendix, and agrees to abide by the terms and conditions contained therein; and (2) agrees to comply with the regulations governing the applicable program eligibility and maximum eligible production provisions per dairy operation. This program or activity will be conducted on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, marital status, or disability. The terms and conditions of this contract are contained in this form CCC-580X and in the CCC-580X Appendix and any addendum thereto. BY SIGNING THIS CONTRACT, PRODUCERS ACKNOWLEDGE RECEIPT OF THE FOLLOWING FORM: CCC-580X Appendix.																							
15. Producer's Signature						16. Producer's Identification Number (Last 4 digits)			17. Date (MM-DD-YYYY)			18. Share %											

--*

43 Completing CCC-580X (Continued)

B Example of CCC-580X (Continued)

*--

CCC-580X (08-22-07) Page 2

PART D - CCC ACCEPTANCE AND APPROVAL

19A. Signature of COC Designee	19B. Title	19C. Date (MM-DD-YYYY)
20. Contract Status:		
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved		
21A. Name and Address of County FSA Office (Including Zip Code)	21B. Telephone Number (Including Area Code)	
22. Remarks:		

NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995. The time required to complete this information collection is estimated to average 20 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the following information is the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and the Agriculture Reconciliation Act of 2005 (Pub. L. 109-171) and the U. S. Troop Readiness, Veterans care, Katrina, Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. 110-28. The information requested is necessary for CCC to consider and process the offer to enter into a Milk Income Loss Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefit and other financial assistance administered by USDA. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court, magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714; and 31 USC 3729, may be applicable to the information provided.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix

County Offices shall provide each applicant with CCC-580X Appendix. The following is an example of CCC-580X Appendix, page 1.

*--

<p>This form is available electronically. CCC-580X Appendix (08-22-07)</p>	<p>U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation</p>	<p>See Page 7 for Privacy Act Statement.</p>
---	---	--

APPENDIX TO FORM CCC-580X, MILK INCOME LOSS CONTRACT EXTENSION

NOTE: The authority for collecting the following information is Pub. L. 107-171. This authority allows for the collection of information without prior OMB approval mandated by the Paperwork Reduction Act of 1995.

1 DEFINITIONS

The following definitions are applicable to the extension of the Milk Income Loss Contract (MILCX) Program:

- A Administrator** means the FSA Administrator.
- B Contract application** means Form CCC-580X, the Milk Income Loss Contract Extension (MILCX).
- C Contract application period** means the date established by the Deputy Administrator for producers to apply for program benefits.
- D CCC** means the Commodity Credit Corporation.
- E Class I Milk** means milk, including milk components, classified as Class I milk under a Federal milk marketing order.
- F County Committee** means the FSA county committee.
- G County Office** means the local FSA office.
- H Dairy Operation** means any person or group of persons who as a single unit as determined by CCC, produce and market milk commercially produced from cows and whose production facilities are located in the United States.
- I Department or USDA** means the United States Department of Agriculture.
- J Deputy Administrator** means the Deputy Administrator for Farm Programs (DAFP), Farm Service Agency (FSA) or a designee.
- K Eligible Production** means milk that was produced by cows in the United States and marketed commercially anytime during the period of October 1, 2005, through September 30, 2007, up to a maximum of 2,400,000 pounds per dairy operation per fiscal year.
- L Farm Service Agency or FSA** means the Farm Service Agency of the Department.
- M Federal Milk Marketing Order** means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.
- N Fiscal Year** means the year beginning October 1 and ending the following September 30th. For example, the 2006 fiscal year begins October 1, 2005, and ends on September 30, 2006.
- O Marketed commercially** means sold to the market to which the dairy operation normally delivers whole milk and receives a monetary amount.

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 2.

*--

<p>CCC-580X Appendix (08-22-07)</p> <p>P Milk handler means the marketing agency to or through which the producer commercially markets whole milk.</p> <p>Q MILCX means the Milk Income Loss Contract Extension.</p> <p>R Milk Income Loss Contract Extension or CCC-580X means the program documents including the applicable contract appendix, entered into between CCC and the participant. Such contract shall set forth the terms and conditions for participation in the MILC program and receipt of MILC payments.</p> <p>S Milk Marketing means a marketing of milk for which there is a verifiable sales or delivery record of milk marketed for commercial use.</p> <p>T Participating State means each of the 50 States in the United States of America, including the District of Columbia, and the Commonwealth of Puerto Rico, or any other territory or possession of the United States (<i>7 CFR 1430.202</i>).</p> <p>U Payment Pounds means the pounds of milk production for which an operation is eligible to be paid up to a maximum of 2.4 million pounds per dairy operation per fiscal year.</p> <p>V Producer means any individual, group of individuals, partnership, corporation, estate, trust association, cooperative, or other business enterprise or other legal entity who is, or whose members are, a citizen of, or legal resident alien or aliens in the United States, and who directly or indirectly, as determined by the Secretary, shares in the risk of producing milk, and makes contributions (including land, labor, management, equipment, or capital to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of this operation.</p> <p>W Secretary means the Secretary of the United States Department of Agriculture or any other officer or employee of the Department who has been delegated the authority to act in the Secretary's stead with respect to the program established in the part.</p> <p>2 ELIGIBILITY REQUIREMENTS FOR MILCX PROGRAM</p> <p>A By signing the MILCX, the participant certifies that such participant produced milk commercially in the United States and marketed such production anytime during the period from October 1, 2005, through September 30, 2007. The participant agrees to provide monthly milk production and evidence of such production commercially marketed by all persons in the dairy operation during the program period, to determine the total pounds of milk that will be converted to hundredweight (cwt), and subsequently used for payment. Such production evidence must be provided before CCC will issue a payment to the dairy operation. (<i>7 CFR 1430.203</i>).</p> <p>B The dairy operation must comply with highly erodible land and wetland conservation provisions provided at 7 CFR Part 12 and all other provisions prescribed in the Milk Income Loss Contract Program regulations at 7 CFR Part 1430.</p> <p>3 RESTRICTIONS ON PAYMENTS TO FOREIGN PERSONS</p> <p>A Any producer who enters a MILCX with CCC or participates in such contract at any time who is not a citizen of the United States or an alien lawfully admitted into the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) shall be ineligible to receive monthly payments under this contract unless such person meets the requirements of 7 CFR Part 1400 which shall be applicable to this contract, or unless such foreign person has a working visa or other valid taxpayer identification number.</p> <p>B Persons succeeding to a MILCX must notify CCC immediately of succession and modify the contract accordingly.</p>	<p>Page 2 of 7</p>
---	--------------------

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 3.

*--

<p>CCC-580X Appendix (08-22-07)</p> <p>4 SELECTION OF STARTING MONTH PROVISIONS</p> <p>A A dairy operation that enters into a MILCX with CCC, must designate in the contract the month that CCC shall begin making payments to the dairy operation for the selected months commercial milk marketings.</p> <p>The starting month selected by the dairy operation must be made on or before the 14th of the month before the month for which payment is sought. (7 CFR 1430.205(a)).</p> <p>Beginning with the month selected by the dairy operation, MILCX payments will be issued based on the selected month's production and production for each consecutive month thereafter with a payment rate in effect until the earlier of the following:</p> <p>(1) the maximum payment quantity of 2.4 million pounds is reached;</p> <p>(2) the applicable fiscal year ends.</p> <p>B Except as provided in subparagraph F and G of this section, a dairy operation cannot select a month for payment for which the following has occurred:</p> <p>(1) The month has already begun;</p> <p>(2) The month has already passed; or</p> <p>(3) No milk production was produced by the dairy operation.</p> <p>C Dairy operations cannot change the selected starting month unless the change is made with CCC on or before the 14th of the month before the month selected. Otherwise, the starting month selected by the dairy operation cannot be changed in the MILCX until the next fiscal year. If the starting month selected by the dairy operation is never modified from the initial selection, the selected month will remain the same for each fiscal year throughout the duration of the contract. (7 CFR 1430.205(e)).</p> <p>D Payments will be made consecutively to the dairy operation on a monthly basis after the starting month has been designated in the MILCX until the earlier of the following:</p> <p>(1) Payment quantity is reached;</p> <p>(2) End of the fiscal year.</p> <p>E All producers involved in the dairy operation must agree to the month designated in the MILCX that CCC will issue payments. The dairy operation assumes the risk of not reaching the maximum payment quantity based on the month selected by the dairy operation. Payments will not be issued for past months for the sole purpose of reaching the maximum payment quantity, when the starting month was erroneously or otherwise selected by the dairy operation.</p> <p>F During fiscal year 2006 only, during the initial signup period beginning March 13, 2006, and ending May 17, 2006, a dairy operation can select from either of the following options:</p> <p>(1) any month beginning December 2005 through May 2006, in which there was a payment rate in effect; or</p> <p>(2) any month beginning June 2006 through September 2006, for which the payment rate is not known and in accordance with subparagraph B of this section.</p> <p>G Dairy operations that submit a MILCX after the initial signup period ending May 17, 2006, but before September 30, 2007, can select as the MILC production start month for the dairy operation either: (1) the months remaining in the fiscal year in which the MILCX is submitted for which the payment rate is not known in accordance with subparagraphs A and B of this section; or (2) the month in which the MILCX is submitted.</p>	<p>Page 3 of 7</p>
--	--------------------

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 4.

*--

<p>CCC-580X Appendix (08-22-07)</p> <p>5 DAIRY OPERATION PAYMENT QUANTITY</p> <p>A The applicant's payment quantity of milk will be determined by CCC, based on the quantity of milk that was produced and commercially marketed by each dairy operation each month per fiscal year.</p> <p>B The maximum quantity of eligible production for which dairy operations are eligible for payment per fiscal year under the Milk Income Loss Contract Program regulations shall be 2,400,000 pounds or 24,000 hundredweight per separate and distinct operation. The Deputy Administrator shall determine what may be considered a separate and distinct operation and that decision shall be final.</p> <p>6 PAYMENT RATE AND DAIRY OPERATION PAYMENT</p> <p>A Payments under the MILCX may be made to dairy operations when the Boston Class I milk price under the applicable Federal milk marketing order is below \$16.94 per hundredweight. No payments will be made to dairy operations during the months that the Boston Class I milk price under the applicable milk marketing order equals or exceeds \$16.94.</p> <p>B A per hundredweight (cwt) payment rate will be determined for the applicable month by:</p> <p>(1) Subtracting from \$16.94 the Class I milk price per hundredweight in Boston;</p> <p>(2) Multiplying the difference by 34 percent during the period beginning on October 1, 2005, and ending on September 30, 2007;</p> <p>C Each eligible dairy operation payment will be calculated, as determined by the Secretary, by:</p> <p>(1) Converting whole pounds of milk to hundredweight (cwt); and</p> <p>(2) Multiplying the payment rate determined in paragraph B of this section by the quantity of eligible production marketed by the operation during the applicable month as determined.</p> <p>D Payments under the Milk Income Loss Contract Program regulations may be made to a dairy operation only up to the first 2,400,000 pounds of eligible production per applicable fiscal year.</p> <p>E Participants will receive payments on a monthly basis according to the MILCX, not later than 60 days after the production evidence for the applicable month is received by the FSA county office.</p> <p>7 PROOF OF PRODUCTION</p> <p>A Dairy operations entering into a MILCX with CCC must, in accordance with instructions issued by the Deputy Administrator, provide adequate proof of the dairy operation's eligible production during the applicable months of each fiscal year designated in the contract. The dairy operation must also provide proof that the eligible production was commercially marketed during applicable months beginning October 1, 2005, and ending September 30, 2007. The documentary evidence of milk production claimed for payment shall be reported to CCC together with any supporting documentation to verify claim.</p> <p>B CCC will issue a payment to the dairy operation no later than 60 days after the last day of the month that the production evidence is provided to the county FSA office.</p> <p>C Dairy operations must provide their final production evidence by November 1, 2007.</p>	<p>Page 4 of 7</p>
--	--------------------

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 5.

*--

Page 5 of 7

CCC-580X Appendix (08-22-07)

8 MILC AGENT PROVISIONS

A Milk Income Loss Contract payments may be disbursed by a cooperative marketing association that serves the Amish community or other special groups. Producers in such groups in a dairy operation may authorize an agent of a cooperative marketing association or milk handler affiliated with a cooperative marketing association to obtain and disburse MILC payments to the operation.

B The authorized Milk Income Loss Contract Extension agent must on behalf of the dairy operation do the following:

- (1) Obtain a power of attorney for the producers of the dairy operation that authorizes the agent to enter into a MILCX;
- (2) File form prescribed by CCC, for approval by CCC, to act as a MILCX agent;
- (3) Provide the dairy operation's monthly production evidence to the applicable FSA county office;
- (4) Disburse payment to the dairy operation in the producers monthly milk check.

9 EFFECTIVE DATE AND CHANGES TO CONTRACT

A The MILCX is effective when, as determined by CCC, it has been signed by the participants and an authorized representative of CCC. Except as otherwise determined by CCC, as permitted by regulations or other law, the MILCX may not be revoked or revised unless by mutual agreement between parties. If, after the effective date of this contract, CCC determines that certified production was erroneously provided or any provision prescribed in the regulations at 7 CFR Part 1430 was violated, CCC may terminate the contract according to such regulations.

B Except as provided in Section 6, contracts entered into by producers in a dairy operation shall cover eligible production marketed by the producers in a dairy operation during the period beginning with the first day of the month the producers in the dairy operation enter into contract and ending on September 30, 2007.

C In the event that a statute is enacted during the period of this Milk Income Loss Contract Extension which would materially change the terms and conditions of this contract, the CCC may require the participants to elect between acceptance of modifications in the contract consistent with the provisions of such statute or termination of this contract.

10 CONTRACT MODIFICATIONS

A Producers in dairy operations are required to notify their local FSA office immediately of any changes that potentially affect the terms, conditions, or participants under the Milk Income Loss Contract Extension. Changes include, but are not limited to changes to the starting month to receive payment for the next fiscal year, death of producer on the contract, new member joining the operation, member exiting the operation, transfer of shares by sale or other transfer action, or reconstitutions.

B CCC may modify a MILCX if it is determined that such modifications are desirable to carry out purposes of the program or to facilitate the program's practical administration.

11 NOTIFICATION OF CHANGES TO TERMS AND CONDITIONS OF THE CONTRACT

CCC agrees that, if any changes of any terms and conditions of this contract become necessary prior to the date that this contract is approved on behalf of CCC, CCC will notify the producers signing the MILCX of such change and such producer will be given 10 days from the date of notification in which to agree to the revised terms and conditions or to withdraw from the offer. The participant agrees to notify the CCC of an intention to withdraw from the offer within 10 days from the date of the issuance of such notice and further agrees that failure to notify the CCC will constitute agreement to the revised terms and conditions.

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 6.

*--

<p>CCC-580X Appendix (08-22-07)</p> <p>12 TERMINATION OF CONTRACT</p> <p>If a participant fails to carry out the terms and conditions of this contract but CCC determines that such failure does not warrant termination of this contract, CCC may require such participant to refund, with interest, payments received under this contract, or require the participant to accept such adjustments in the subsequent payment as are determined to be appropriate by CCC.</p> <p>13 CORRECTIONS</p> <p>CCC reserves the right to correct all errors in entering data or the results of computations in the contract.</p> <p>14 LIQUIDATED DAMAGES</p> <p>It is mutually agreed that in the event the MILCX is breached by the participant, the CCC will suffer substantial damages which may not be possible to quantify with certainty. Therefore, in addition to the refund of payments received plus interest due, for breach of contract prescribed in this contract, the participant agrees to pay an amount equal to the product obtained by multiplying: (1) 25 percent of the payment rate per pound on CCC-580X by (2) the number of pounds that are the subject of the Milk Income Loss Contract. Such amount shall be due as liquidated damages in addition to such other damages or amounts as may be due, and not as a penalty.</p> <p>15 ERRONEOUS REPRESENTATION AND SCHEME AND DEVICE</p> <p>A A participant who is determined to have erroneously represented any fact affecting a determination with respect to this MILCX and regulations applicable to this contract, adopted any scheme or device which tends to defeat the purposes of this contract, or made any fraudulent representation with respect to this contract will not be entitled to payments or any other benefits made in accordance with this MILCX and the participant must refund to CCC all payments received by such participant, plus interest and liquidated damages thereon, with respect to the MILCX. Such liquidated damages will be determined in accordance with Section 14 of this Appendix.</p> <p>B Unless CCC regulations provide otherwise, refunds determined to be due and owing to CCC in accordance with this MILCX will bear interest at the rate which CCC was required to pay for its borrowing from the United States Treasury on the date of disbursement by CCC of the monies to be refunded. Interest will accrue from the date of such disbursement by CCC.</p> <p>C The remedies provided under Section 14 of this Appendix shall be applicable in addition to any remedies under criminal and civil fraud statutes, including 18 U.S.C. 268, 287, 371, 641, 1001; 15 U.S.C. 714m; and 31 U.S.C. 3729, or any other remedy available under law.</p> <p>16 REGULATIONS TO PREVAIL</p> <p>The regulations in 7 CFR Part 1430 for the Milk Income Loss Contract Program are incorporated herein. In the event of a conflict between these regulations and the terms of this Appendix, the provisions of the regulations will prevail.</p> <p>17 RECONSTITUTIONS</p> <p>A A dairy operation entering into a MILCX shall not after December 1, 2001, reorganize the dairy operation for the sole purpose of receiving more than one payment.</p> <p>B Dairy operations that reorganize or restructure the operation for legitimate purposes after December 1, 2001, are subject to review by the applicable FSA county committee.</p> <p>C If it is determined by the FSA County Committee that a dairy operation has reorganized for the sole purpose of receiving additional payments under the Milk Income Loss Contract Program, the operation will be considered in violation of their MILCX and subject to termination according to Section 12.</p> <p>D If during the contract period a reconstitution occurs, the modification to the MILCX will not take effect until the first day of the fiscal year following the month the FSA county office received notification of the changes.</p>	<p>Page 6 of 7</p>
--	--------------------

--*

43 Completing CCC-580X (Continued)

C Example of CCC-580X Appendix (Continued)

The following is an example of CCC-580X Appendix, page 7.

*--

<p>CCC-580X Appendix (08-22-07)</p> <p>18. AGREEMENT</p> <p>A The participant agrees:</p> <ol style="list-style-type: none"> (1) That the applicable CCC-580X and any addendum thereto shall be considered an offer to enter into the Milk Income Loss Contract Program Extension on the terms specified on Form CCC-580X and any addendum thereto. The offer, until revoked, may be accepted by CCC provided further, that, liquidated damages may apply in the case of a revocation as specified elsewhere in this Appendix; (2) To provide monthly milk production commercially marketed by all producers in the dairy operation throughout the duration of the program period, to determine the total pounds of milk that will be converted to hundredweight (cwt) used for payment; (3) To submit adequate evidence of production of the dairy operations eligible marketings during the months of each fiscal year designated in the contract; (4) To have all producers involved in the dairy operation, marketing milk during the period specified in the MILCX to sign the contract and indicate shares in the operation; (5) To designate the start month the dairy operation wants CCC to begin issuing payments to the operation; (6) To comply with highly erodible land and wetland conservation provisions and complete Form AD-1026 accordingly; (7) Not to undertake any action which tends to defeat the purposes of this contract, as determined by CCC; (8) Not to reconstitute the dairy operation for the sole purpose of receiving additional Milk Income Loss Contract payments; (9) Notify CCC immediately of any changes that affect the organizational structure of the dairy operation. (10) Any payment or portion thereof due any participant will be made by CCC without regard to any question of title under State law, and without regard to any claim or lien which may be asserted by a creditor, except agencies of the U.S. Government. Offsets for debts owed to agencies of the U.S. Government shall be made prior to making any payments to participants or their assigns. (11) To comply with all terms and conditions contained in this Appendix and the prescribed regulations at 7 CFR Part 1430. <p>B CCC agrees, subject to the availability of funds, to pay to the participant, to the extent required by the applicable CCC regulations, the agreed upon monthly payment, based upon the shares to which the parties have agreed as set forth on Form CCC-580X for a period of years not in excess of the contract period.</p>	<p>Page 7 of 7</p>
---	--------------------

NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a). The authority for requesting the following information is the Farm Security and Rural Investment Act of 2002 (Pub. L. 107-171) and 7 CFR Part 1430 and the U. S. Troop Readiness, Veterans' care, Katrina, Recovery, and Iraq Accountability Appropriations Act, 2007, Pub. L. 110-28. The information requested is necessary for CCC to consider and process the offer to enter into an Extension of Milk Income Loss Contract, to assist in determining eligibility, and to determine the correct parties to the contract. Furnishing the requested information is voluntary. Failure to furnish the requested information will result in a determination of ineligibility for certain program benefits and other financial assistance administered by USDA. This information may be provided to other agencies, IRS, Department of Justice, or other State and Federal Law enforcement agencies, and in response to a court magistrate or administrative tribunal. The provisions of criminal and civil fraud statutes, including 18 USC 286, 287, 371, 641, 651, 1001; 15 USC 714m; and 31 USC 3729, may be applicable to the information provided.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

--*

44 Supporting Documentation

A Production Evidence

Dairy operations entering into CCC-580 or CCC-580X, as applicable, with CCC must provide verifiable production evidence of the operation's eligible marketings during the months of each FY designated in the CCC-580 or CCC-580X, as applicable, during the specified contract period.

The production evidence must be provided to the County Office with any supporting documentation available to assist in verifying the operation's eligible production and commercial milk marketings beginning with the starting month designated in the CCC-580 or CCC-580X and the subsequent months of production thereafter.

Note: County Offices have 60 calendar days from the receipt of the required production evidence to issue payment to the dairy operation. Any dairy operation that cannot provide the required documentation will be ineligible for benefits.

B Verifiable Production Records

Verifiable production evidence must be provided to the County Office before any payment will be issued to a dairy operation. Verifiable production records are evidence that is used to substantiate the amount of production reported that can be verified by CCC through an independent source.

C Acceptable Documentation

Verifiable production evidence includes, but is not limited to, the following:

- milk marketing payment stubs
- tank records
- milk handler records
- daily milk marketings
- copies of any payments received as compensation from other sources.

Note: See subparagraph 13 E for when production evidence is **not** required.

*--Production evidence and other supporting documentation may be received through any of the following:

- mail
- FAX
- in person at the County Office.--*

48 CCC-770 MILCX (Continued)

D Completing CCC-770 MILCX

Complete CCC-770 MILCX according to the following.

Item	Instructions
1	COC designee shall enter the name of the dairy operation.
2	COC designee shall enter the applicable FY.
3	COC designee shall enter the date CCC-580X was submitted to the County Office.
4	COC designee shall enter the contract number assigned to CCC-580X for the dairy operation from the eMILC web-based software.
5	COC designee shall enter the name of the County Office completing CCC-770 MILCX.
6	COC designee shall enter the State where the dairy operation is located.
7A through 7C	COC designee must enter a check (✓) in the appropriate box to designate either “Yes”, “No”, or “NA” as it relates to the questions about the dairy operation.
8A through 8J	COC designee must enter a check (✓) in the appropriate box to designate either “Yes”, “No”, or “NA” as it relates to the questions about the CCC-580 contract requirements for the dairy operation.
9A through 9F	<p>For each applicable month a contract payment is issued, COC designee must enter a check (✓) in the appropriate box to designate either “Yes” or “No” to the question about production evidence and payment processing. The County *--Office employee that prepares this CCC-770 MILCX item shall initial in--* the place provided for each applicable month and indicate the date the task item was completed.</p> <p>Note: Items 9C and 9D must be completed and dated when the payment is issued.</p> <p>Exception: Item 9F must be completed by the second party reviewer upon completion.</p>
10	COC designee, CED designee, or STC designee shall enter any notable remarks about any CCC-770 MILCX review item.
11A through 11B	*--COC designee that completed CCC-770 MILCX, items 1 through 8J shall--* sign as the preparer and indicate date signed.
12A through 12D	As applicable, the CED designee must enter a check (✓) in the appropriate box, enter signature, and indicate date to certify that they “Concur” or “Do Not Concur” that CCC-770 MILCX items have been appropriately verified and updated for each FY * * *.
13A through 13D	As applicable, the STC designee must enter a check (✓) in the appropriate box, enter signature, and indicate date to certify that they “Concur” or “Do Not Concur” that CCC-770 MILCX items have been appropriately verified and updated for each FY * * *.

48 CCC-770 MILCX (Continued)

E Example of CCC-770 MILCX

The following is an example of CCC-770 MILCX.

*--

7. DAIRY OPERATION:							Handbook or Other Applicable References	YES	NO	N/A	Date Completed
A. Was checklist CCC-770 Eligibility completed and eligibility verified for each producer receiving a payment?							3-PL, paragraph 3				
B. Does the dairy operation meet the definition of an eligible dairy operation in accordance with your State's interpretation of a dairy operation under DMLA-III?							11-LD, paragraph 10				
C. If this is a new dairy operation, do they meet the requirements of a new dairy operation?							11-LD, paragraph 10				
8. CONTRACT REQUIREMENTS:											
A. Do all producers in the dairy operation meet the definition of an eligible producer as found in procedure?							11-LD, paragraph 11				
B. To the best of your knowledge has any producer in the dairy operation been convicted under Federal and State law of a controlled substance violation?							11-LD, paragraph 12 1-CM				
C. Was CCC-580X (03-15-06) signed by someone in a representative capacity? If "YES", was the correct indicator such as by or for used?							1-CM, Part 25				
D. If signed in a representative capacity, is proper signature authority on file? If "YES", was the entity ID number, date, and entity share percentage provided on CCC-580X?							1-CM, Part 25				
E. If CCC-580X was not signed in a representative capacity, have all producers who share in the risk of the dairy operation's total production signed, dated, indicated shares, and provided ID numbers on CCC-580X (03-15-06)?							11-LD, paragraph 40				
F. Was the CCC-580X approved by COC or designee that has been granted authority to approve all CCC-580X's on their behalf?							11-LD, paragraph 40				
G. Has the producer been made aware of the requirement to notify the County Office if there is any change in his dairy operation?							11-LD, paragraph 46				
H. If a change has been made to the operation or the start month, was a CCC-580M properly completed, signed by the producer and approved by the COC or designee?							11-LD, paragraph 47				
I. Did the County Office obtain written authorization from the producer requesting the dairy cooperative or handler to provide production evidence directly to the County Office? If "YES", did the written authorization comply with procedure guidelines?							11-LD, paragraph 44				
J. Has CCC-580X Appendix, dated 03-15-06 been provided to applicant?							11-LD, subparagraph 43C				

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

--*

49 CCC-770 MILCX Spot Checks (Continued)

* * *

***--B STC or Designee Spot Check Requirements**

CCC-770 MILCX's certified by a preparer must be spot checked by STC or their designated representative on an FY * * * basis. STC or designee shall:

- *--select a minimum of twenty CCC-770 MILCX's (including eligibility) to spot check per FY

- select a combination of CCC-770 MILCX's that were:

- spot checked by CED according to subparagraph A
- randomly selected, not previously reviewed by CED--*

- randomly spot check up to 5 CCC-770 MILCX's for each FSA employee (including STC's and COC's for the FY in each Service Center

*--**Note:** Spot checks of STC, COC, and/or employees are in addition to the minimum of twenty CCC-770 MILCX's spot checked for FY.--*

- certify completed spot checks on CCC-770 MILCX, item 13 according to the instructions provided in subparagraph 48 D

- submit the results of the spot check to SED.

*--**Note:** DD or State Office representative shall use the Financial Services Report of MILCX Payments Issued to randomly select the appropriate number of State Office required spot checks for FY that were not previously reviewed by CED.

C Other Spot Check Requirements

The following are other spot check requirements.

- SED's may require additional spot check reviews at their discretion provided SED determines that there are apparent internal control deficiencies.

- If STC or designee has completed twenty CCC-770 MILCX's in FY, no additional spot checks are required for that FY.--*

49 CCC-770 MILCX Spot Checks (Continued)**D National Office Report**

At the end of FY, State Offices shall compile a report of spot check results * * * for submission to the National Office. Each report must be categorized by the following:

* * *

- county
- number of CCC-580X's received in County Office
- number of CCC-770 MILCX:
 - *--selected for spot check by CED each quarter--*
 - selected for spot check by DD or designee
 - not concurred by CED or designee
 - not concurred by DD or designee.

Reports of results are due to PSD no later than October 31 of each year. Reports must be submitted to the attention of MILCX by email to psd@wdc.usda.gov.