

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Common Management and
Operating Provisions
1-CM (Revision 3)**

Amendment 40

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Background

This amendment contains changes in policy, procedure, and forms as well as clarifications about signature authority.

B Reasons for Amendment

Subparagraph 676 A has been amended to:

- change “indelible” to “inerasable” for signatures in pencil
- add a note about DAFP forms including “By” and “Title/Relationship” in signature boxes for individuals signing in a representative capacity.

Paragraph 680 has been amended to include scanned signatures with FAXed signatures.

Subparagraph 681 B has been amended to add a note about DAFP forms including “By” and “Title/Relationship” in signature boxes for individuals signing in a representative capacity.

Subparagraph 707 A has been amended to include policy when County Offices shall consider a signature of an individual acting in a representative capacity to be valid, even though there was no proper signature authority on file.

Paragraphs 707 through 711 and 713 have been amended to include new policy, effective April 2, 2009, to use CCC-902E and/or CCC-901 to designate signature authority for entities and joint operations.

Subparagraph 728 A has been amended to reflect that spousal signature requirements do not apply to NRCS.

Subparagraph 728 B has been amended to clarify policy for accepting FSA-211's executed before June 18, 2008, with “All Actions” checked for CCC-926's.

Amendment Transmittal (Continued)

B Reasons for Amendment (Continued)

Exhibit 2 has been amended to add a definition for “scanned signature”.

Exhibit 50 has been amended to:

- include scanned signatures with FAXed signatures
- remove forms no longer restricted from being FAXed.

Exhibit 51 has been amended to add signature authority questions and answers related to the signature authority policy that was effective April 2, 2009.

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Part 25 Signatures and Authorizations

Section 1 Signature Requirements

676 Signatures

A Acceptable Signatures

--All signatures shall be in ink or inerasable pencil. Following are acceptable signatures.--

IF the signature is...	THEN...
written	<p>the written name shall be the name used for:</p> <ul style="list-style-type: none"> • tax reporting • program purposes.
by mark	<p>the mark must be witnessed by either of the following:</p> <ul style="list-style-type: none"> • a person receiving no direct benefit from the action • FSA employee. <p>Note: Witness shall sign by the mark. See paragraph 678 for an example.</p>
printed	<p>the signature must be witnessed by either of the following:</p> <ul style="list-style-type: none"> • a person receiving no direct benefit from the action • FSA employee.
other than in English script	<p>Note: Witness shall sign by the signature.</p>

676 Signatures (Continued)

A Acceptable Signatures (Continued)

IF the signature is...	THEN...
illegible	<p>the person accepting the signature shall:</p> <ul style="list-style-type: none"> • know the correct name of the person signing • initial the document.
by a married woman	<p>she shall sign:</p> <ul style="list-style-type: none"> • her own given name <p>Acceptable example: Mrs. Mary Doe Unacceptable example: Mrs. John Doe</p> <ul style="list-style-type: none"> • that of her husband only when signing: <ul style="list-style-type: none"> • as an attorney-in-fact <p>Example: John Doe by Mary Doe, Power of Attorney.</p> • in a fiduciary capacity. <p>Example: John Doe by Mary Doe, Conservator.</p>

***--Note:** DAFP forms include or will include “By” and “Title/Relationship” in the applicable signature boxes. An indicator, such as “by” or “for”, is **not** required for the revised forms; however, the “Title/Relationship” box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing the revised forms are included in the applicable program handbook.--*

679 Facsimile Signatures for COC's and CED's (Continued)

C Approved Uses

Facsimile signatures may be used when the action represents information to individuals containing previous approval action on:

- notices of allotments, quotas, yields, or payment rates
- notices of measured acreage, excess acreage, deficient acreage, or quota overmarketings
- marketing cards
- circular letters.

D Prohibited Uses

Facsimile signatures shall not be used on:

- letters advising producers of determinations made on reconsideration requests or appeals
- responses to inquiries to individual producers
- individual reports
- CCC-184
- disbursement transaction statement
- any issuance prohibited by handbook instructions or other directives
- forms for any unusual or controversial case
- contracts.

--680 FAXed and Scanned Signatures*A General Authorization**

FAXed and scanned signatures from producers shall be accepted for certain forms and other documents, provided all of the following are met:

- the applicable program form or other document is approved for FAXed and scanned signatures

Note: See Exhibit 50 for program forms and documents not approved for FAXed and scanned signatures.

- all other applicable signature requirements are met.

Important: The authority to accept FAXed and scanned signatures does not alter existing authorities for producers to execute transactions, such as power of attorney, fiduciary capacity, or other approved signature authorities.

FAXed and scanned signatures are:

- signatures received through a FAX machine
- electronically scanned signatures, such as signatures obtained by e-mail or the Internet.

The procedure about accepting FAXed and scanned signatures in this handbook applies only to FSA. Each Agency shall provide separate policy and procedure about accepting FAXed and scanned signatures.

B Prohibited Uses

FAXed and scanned signatures are **not** authorized for any program form or document in Exhibit 50.

C Producer Responsibilities

Producers are responsible for the successful transmission and receipt of information provided to the Service Center through telefacsimile transmission or electronic transmission.

USDA is not responsible for any transmission failures or any other problems that prevent the successful or timely receipt of information provided by producers through telefacsimile transmission or electronic transmission.--*

680 FAXed Signatures (Continued)

D Determining Date for Program Purposes

*--The date and time printed by the FAX machine or electronic device on the applicable program form or document shall be used to determine whether program deadline and filing date requirements are met

Example: Producer signs and dates CCC-633 EZ on August 14, 2000. Service Center receives FAXed or electronic CCC-633 EZ on August 15, 2000. Provided all eligibility requirements have been met, Service Center shall use the LDP rate as of the date printed by the FAX machine or electronic device on CCC-633 EZ (August 15, 2000).

Service Centers shall **not** accept or approve any form or document received through telefacsimile machine or electronic device if the date and time of the FAX cannot be--* verified.

Important: The Danka Omnifax telefacsimile machine cannot be programmed to print the date and time on the pages as transmissions are received. Therefore, Service Centers that use Danka Omnifax machines shall:

- program the machine to print an activity report at least once a day

Note: See Danka Omnifax User's Guide, pages 79 and 80 to program the machine.

- maintain the activity reports for 5 years.

*--E **Prioritizing Forms and Documents With FAXed or Scanned Signatures**

Service Centers shall prioritize and process FAXed or scanned program forms, documents, and information in the same manner as forms and documents received by mail or delivered in person.

FAXed or scanned information shall not be given a higher or lower priority than--* information received by mail or delivered in person.

681 Signatures for UCC-1's, Deeds, and Similar Documents**A Background**

UCC-1, UCC-1F, a real estate deed, or any other form required by State law to transfer a property interest to CCC requires special signature requirements. The examples given in this paragraph have been developed to conform to State laws.

B Acceptable Signatures

The signature of an individual signing on behalf of another individual or entity shall consist of both of the following:

- an indicator, such as “by” or “for”, illustrating that the individual is signing in a representative capacity
- individual’s name, capacity, and name of the entity or individual for which they are signing.

Following are examples of acceptable signatures on State financing statements, real estate deeds, and other documents required to be filed in a State or county filing location.

Note: A husband and wife shall have FSA-211 on file to sign claim settlements on behalf of the other (paragraph 707).

Number of Signatures	Acceptable Signatures
One signature for an individual	<i>Ralph Jones</i> <i>Ralph Jones by Helen Jones</i>
One signature for a corporation	<i>XYZ Corporation by Ralph Jones, President</i>
Two or more signatures	<ul style="list-style-type: none"> • <i>Ralph Jones</i> <i>Alan Jones</i> • <i>Ralph Jones</i> <i>Alan Jones by Ralph Jones</i> • <i>Ralph Jones</i> <i>Alan Jones by Ralph Jones, Power Of Attorney</i> • <i>Ralph Jones</i> <i>Alan Jones by Ralph Jones, Guardian</i>

Notes: Other forms and authorized titles may be acceptable only if approved by DAFP.

*--DAFP forms include or will include “By” and “Title/Relationship” in the applicable signature boxes. An indicator, such as “by” or “for”, is **not** required for the revised forms; however, the “Title/Relationship” box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing the revised forms are included in the applicable program handbook.--*

Section 2 (Withdrawn--Amend. 23)

691-696 (Withdrawn--Amend. 23)

697-706 (Reserved)

Section 3 General Rules of Authority**707 Policy on Evidence of Authority and Signature Limitations****A General Rule for Signature Authority**

Effective April 2, 2009, County Offices shall verify signature authority for all entities and joint operations by reviewing checked box or boxes on forms:

- CCC-902E, Part C, Column F
- CCC-901, Part A, Column 5, as applicable.

Notes: Evidence of signature authority for individuals including spouses and minors has **not** been revised.

This policy was effective on April 2, 2009, and does not apply to signatures secured before the effective date.

This policy does **not** apply to:

- representatives of cotton, rice, or peanut buyers (1-CM, paragraph 731)
- FSFL Program
- TTPP
- GRP
- MILC (producers participating in MILC only)
- FLP's.

Note: County Office employees shall follow signature authority requirements in applicable handbooks for these programs.--*

707 Policy on Evidence of Authority and Signature Limitations (Continued)

A General Rule for Signature Authority (Continued)

*--The following are examples of properly signed CCC-902E's for entities and joint operations.

- Limited Liability Company (J&J LLC)

PART C - MEMBER INFORMATION (Use CCC-902E Continuation if additional space is needed for any information in Part C)					
1. Members - List all members/shareholders of the entity identified in Part A of this form:					
A. Name	B. Tax ID Number (Last 4 digits if already on file)	C. % Share	D. Position and Salary (If applicable)	E. Family Member Relationship (If applicable)	F. Does this member have signature authority for the legal entity? (Yes or No)
John A. Member	1111	50	\$	Brother	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Jane A. Member	2222	50	\$	Sister	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

PART L - CERTIFICATION - (FOR JOINT VENTURES AND GENERAL PARTNERSHIP, A SIGNATURE IS REQUIRED FOR EACH MEMBER)		
<p>I certify that all the information entered on this document and any supporting documentation is true and correct. I understand that furnishing incorrect information will result in forfeiture of payments and may result in the assessment of a penalty. I will timely provide written notification to the Farm Service Agency committees for the county and State listed on this form of any changes in this farming operation. By signing this form I acknowledge that:</p> <ul style="list-style-type: none"> all supporting documentation has been submitted as required I have reviewed and understand all definitions and requirements on Page 6 of this form. all information will be considered in effect continuously unless changes or revisions are submitted. it is my responsibility to timely notify FSA in writing of any changes that may affect these representations, including, but not limited to: the composition of the entity identified in Part A; the farming, ranching or forestry operation of the entity identified in Part A; financial status of the entity identified in Part A. evidence such as tax records, certified public accountant's certification, or other documentation may be required to validate these representations and I will take all necessary actions to provide such materials to the applicable State or county committee if requested by FSA. it is my responsibility to timely notify FSA in writing of any successors who acquire an interest in this farming operation as the result of the death of a member or shareholder. 		
1. Signature (By)	2. Title/Relationship of Individual Signing in the Representative Capacity	3. Date (MM-DD-YYYY)
John A. Member	Member, J&J LLC	04-02-2009

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707 Policy on Evidence of Authority and Signature Limitations (Continued)

A General Rule for Signature Authority (Continued)

●*--Revocable Trust

PART C - MEMBER INFORMATION (Use CCC-902E Continuation if additional space is needed for any information in Part C)					
1. Members - List all members/shareholders of the entity identified in Part A of this form:					
A. Name	B. Tax ID Number (Last 4 digits if already on file)	C. % Share	D. Position and Salary (if applicable)	E. Family Member Relationship (if applicable)	F. Does this member have signature authority for the legal entity? (Yes or No)
John A. Trust	1111	50	\$	Husband	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Jane A. Trust	2222	50	\$	Wife	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			\$		<input type="checkbox"/> YES <input type="checkbox"/> NO
			\$		<input type="checkbox"/> YES <input type="checkbox"/> NO
			\$		<input type="checkbox"/> YES <input type="checkbox"/> NO
			\$		<input type="checkbox"/> YES <input type="checkbox"/> NO
G. I certify that I have signature authority for the entity identified in Part A and that all information in Part C is true and correct.					1. Initials IMT
2. If the entity in Part A is an Estate or Trust, or if any member/shareholder is listed above is an Estate or Trust, list the Executor, Administrator, or Grantor:					2. Date 04-02-2009
A. Name of Estate or Trust John & Jane Revocable Trust			B. Name of Executor/Administrator/Grantor I.M. Trustee		

PART L - CERTIFICATION - (FOR JOINT VENTURES AND GENERAL PARTNERSHIP, A SIGNATURE IS REQUIRED FOR EACH MEMBER)		
<p>I certify that all the information entered on this document and any supporting documentation is true and correct. I understand that furnishing incorrect information will result in forfeiture of payments and may result in the assessment of a penalty. I will timely provide written notification to the Farm Service Agency committees for the county and State listed on this form of any changes in this farming operation. By signing this form I acknowledge that:</p> <ul style="list-style-type: none"> all supporting documentation has been submitted as required I have reviewed and understand all definitions and requirements on Page 6 of this form. all information will be considered in effect continuously unless changes or revisions are submitted. it is my responsibility to timely notify FSA in writing of any changes that may affect these representations, including, but not limited to: the composition of the entity identified in Part A; the farming, ranching or forestry operation of the entity identified in Part A; financial status of the entity identified in Part A. evidence such as tax records, certified public accountant's certification, or other documentation may be required to validate these representations and I will take all necessary actions to provide such materials to the applicable State or county committee if requested by FSA. it is my responsibility to timely notify FSA in writing of any successors who acquire an interest in this farming operation as the result of the death of a member or shareholder. 		
1. Signature (By)	2. Title/Relationship of Individual Signing in the Representative Capacity	3. Date (MM-DD-YYYY)
I.M. Trustee	Trustee, John & Jane Revocable Trust	04-02-2009

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707 Policy on Evidence of Authority and Signature Limitations (Continued)

A General Rule for Signature Authority (Continued)

●*--Corporation (Land Owner Only)

PART A - For each individual or entity who is a member of this entity, list the member's name, social security/employer identification number, address and percentage share of ownership. If a member has both types of identification numbers, list both.				
Name of Legal Entity <u>Land Owner, Inc.</u>				
1. Member's Name	2. SSN or Tax ID Number (Last 4 digits if already on file)	3. Address	4. Percent Share	5. Does this member have signature authority for the legal entity? (Yes or No)
I.M. President	1111	123 Landowner Lane, Anytown, US	33.34%	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
I.M. VPresident	2222	123 Landowner Lane, Anytown, US	33.33%	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
I.M. SecTreasurer	3333	123 Landowner Lane, Anytown, US	33.33%	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			%	<input type="checkbox"/> YES <input type="checkbox"/> NO
			%	<input type="checkbox"/> YES <input type="checkbox"/> NO

PART F - CERTIFICATION - By Signing: - I certify that I have signature authority for the entity identified in Part A and all information entered on this document is true and correct - I understand that furnishing incorrect information will result in forfeiture of payments and benefits. - I will timely provide written notification to the Farm Service Agency committees for the county and State listed on this form of any changes in the information provided.		
1. Representative's Signature (By) <i>I.M. President</i>	2. Title/Relationship of Individual Signing in the Representative President	3. Date (MM-DD-YYYY) 04/02/2009

Notes: Only members selected in CCC-902E, Part C, Column F and/or CCC-901, Part A, Column 5 shall be considered authorized to sign for the entity. County Offices are no longer required to request and maintain evidence of signature authority such as corporate charters, articles of organization, trust agreement, etc.

If an entity or joint operation requests that an individual other than an authorized member be granted authority to act as an attorney-in-fact on behalf of the entity or joint operation, FSA-211/211A shall be executed according to paragraphs 728 and 728.5, and Exhibit 60.

County Offices shall follow instructions in 4-PL for completing CCC-902E and CCC-901.

County Office shall contact the State Office for guidance if there are concerns about questionable member information provided on CCC-902E and/or CCC-901.--*

707 Policy on Evidence of Authority and Signature Limitations (Continued)

A General Rule for Signature Authority (Continued)

County Offices shall verify that a signature authority is on file in the County Office before accepting a signature on any program or related documents on behalf of another. See subparagraph C for special rules for spouses.

Notes: Evidence of signature authority related to non-FSA/CCC forms and documents such as, cash leases, is not required and does not have to be on file.

--Before April 2, 2009, the following types of evidence for authorized signature may-- be acceptable, if dated on or before the signature date. COC may require any of the following for authentication:

- presentation of the original document, such as corporate charter, bylaws, court orders of appointment, trust agreement, last will and testament, articles of partnership, articles of organization, operating agreements
- FSA-211
- notarization
- an affixed official seal.

Example: Documentation, such as corporate charter, indicating who is authorized to sign for a corporation must be on file in the County Office before County Office may accept a signature on any program document for the corporation.

*--County Offices shall consider a signature of an individual acting in a representative capacity to be valid, even though there was not a proper signature authority on file in the County Office at the time the individual signed a contract, application, or other document in a representative capacity, only if **all** of the following apply:

- the contract, application, or other document was acted on and approved by the County Office or COC
- the individual signing the contract, application, or other document did not knowingly or willfully falsify evidence of signature authority or the signature
- documentation of signature authority, considered acceptable according to this handbook, is submitted to the County Office indicating the individual had authority to sign the contract, application, or other document in a representative capacity.--*

County Office may also require the person receiving authority to:

- provide ID
- file a signature with the County Office.

707 Policy on Evidence of Authority and Signature Limitations (Continued)

--B Maintaining Documentation Before April 2, 2009--

The entire document presented does **not** have to be maintained. However, all applicable pages that identify the entity, pertinent authority, and any limitations, etc, **must** be maintained.

Example: If the trust is represented to be an irrevocable trust, procedure in 1-PL requires review of the trust agreement to determine if it contains a provision that would result in the trust being considered a revocable trust for payment limitation purposes (1-PL, subparagraph 362 B).

707 Policy on Evidence of Authority and Signature Limitations (Continued)

C Signature Authority for Spouses

Spouses:

- may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, effective August 1, 1992, unless written notification denying a spouse this authority has been provided to the County Office
- shall not sign FSA-211 on behalf of the other
- shall not sign on behalf of the other as an authorized signatory for partnerships, joint ventures, corporations, or other similar entities

Exception: Spouses may sign on behalf of each other for a husband/wife joint venture with a permanent tax ID number and sole proprietorship, unless written notification denying a spouse authority has been provided to the County Office (subparagraph 710 F or 712 A, as applicable).

Notes: See paragraphs 709 through 711.

See applicable directives for acceptable spouse signatures for FLP loans.

- must have a power of attorney on file or sign personally for claim settlements, such as promissory notes.

Important: A spouse's authority to sign documents on behalf of the other spouse does **not**:

- override the FOIA/PA requirements of 5 U.S.C. 552 and 552A
- entitle a spouse to review or receive Agency records of the other spouse.

Note: See 2-INFO for more information about FOIA/PA requirements and Agency records.

County Office shall not provide Agency records of a producer to that producer's spouse unless written authority to provide such records has been provided to the County Office.

Example: Joe and Jane Black, husband and wife, may sign documents on behalf of each other because no written notification denying such authority has been provided to the County Office. Jane Black has requested a copy of Joe Black's Agency records. County Office shall not provide the records to Jane Black unless Joe Black provides the County Office written authority to release the records to Jane Black.

707 Policy on Evidence of Authority and Signature Limitations (Continued)

D County Office Employees

County Office and Federal employees:

- shall not act as a power of attorney in the County Office where employed on behalf of any person, including family members
- shall not sign on behalf of a spouse in the County Office where employed
- may in unusual situations such as a hardship case, make a written request to SED for waiver
- are not limited from acting in a fiduciary capacity, such as:
 - guardian
 - administrator
 - conservator
 - executor
 - trustee
 - receiver.

Note: This policy does not apply to COC or CMC members. It does apply for former farm loan employees.

E Limited Waiver of Signature Authority

Limited waiver of signature authority requirements may be granted to immediate family members (paragraph 729.5).

707 Policy on Evidence of Authority and Signature Limitations (Continued)**F Entities Granted Signature Authority**

Producers may grant entities, such as lending institutions, farm management companies, farm management corporations, limited liability companies, or other similar entities, authority to sign on their behalf.

Entities granted authority to sign for a producer must designate the individuals who are authorized to sign for the entity using 1 of the following:

- a letter signed by the entity's officer who has authority to designate signature authority for the entity
- FSA-211 signed by the entity's officer who has authority to designate signature authority for the entity.

Example: Jane White appoints the Nationwide Bank to act on her behalf as attorney-in-fact on FSA-211. Nationwide Bank must designate the individuals who are authorized to sign for the bank. Joe Black, Nationwide Bank president, provides the Service Center with a list of individuals who are authorized to sign for Nationwide Bank. The individuals authorized to sign for Nationwide Bank may sign for Nationwide Bank on behalf of Jane White.

G FLP Resources

FLP directives regarding evidence of authority and signature limitations are available in County Offices. FLP:

- maintains copies of applicable entity documents
- can assist in reviewing entity documents.

State Supplements to applicable FLP handbooks address signature requirements for entities under State law. State Supplements to FLP handbooks are cleared according to 1-AS. Therefore, County Offices shall refer to the appropriate State Supplements **before** contacting the Regional OGC with questions.

708 Individual

A Authorized Signatures

Use the following table to determine who may sign for an individual other than the individual him/herself.

IF the person signing for the individual is...	THEN acceptable evidence of authority is...
a spouse	not required (subparagraph 707 B).
1 of the following: <ul style="list-style-type: none"> • administrator • conservator • executor • guardian • trustee • receiver 	either of the following: <ul style="list-style-type: none"> • *--on or after April 2, 2009, checked box or boxes on CCC-902E, Part C, Column F and/or CCC-901, Part A, Column 5, as applicable • before April 2, 2009, 1 of the following--* <ul style="list-style-type: none"> • court orders of appointment with execution order • certificate or letter of administration • trust agreement • last will and testament • certified evidence of probate. <p>The evidence, except for a trust agreement, shall contain the following:</p> <ul style="list-style-type: none"> • signature of an officer of the issuing court • seal affixed by issuing court • certification by an officer of the issuing court that the evidence of authority is in full force and effect.
an attorney-in-fact	a valid power of attorney signed by the grantor. <p>Notes: See Section 4 for power of attorney.</p> <p>See paragraph 707 when the agent granted signature authority is an entity.</p>

708 Individual (Continued)**B Acceptable Signatures for Spouses**

The signature of a spouse on behalf of the other shall consist of both of the following:

- an indicator, such as “by” or “for”, illustrating that the individual is signing in a representative capacity
- 1 of the following:
 - name of individual signing in representative capacity
 - name of individual signing in representative capacity and name of spouse
 - name of individual signing in representative capacity followed by “spouse”.

C Spouse Signature Examples

Following are examples of signatures that may be accepted when one spouse signs on behalf of the other spouse.

Name on Document	Acceptable Signatures
John R. Smith	<ul style="list-style-type: none"> • <i>by Sharon H. Smith</i> • <i>John R. Smith by Sharon H. Smith</i> • <i>by Sharon H. Smith, Spouse</i> • <i>Sharon H. Smith for John H. Smith</i>
John R. Smith Sharon H. Smith	<ul style="list-style-type: none"> • <i>John R. Smith by John R. Smith</i> • <i>John R. Smith</i> <i>Sharon H. Smith by John R. Smith</i>

Notes: Other forms may be accepted only if approved by DAFP.

*--DAFP forms include or will include “By” and “Title/Relationship” in the applicable signature boxes. An indicator, such as “by” or “for”, is **not** required for the revised forms; however, the “Title/Relationship” box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing the revised forms are included in the applicable program handbook.--*

709 General Partnership**A General Rules**

*--Effective April 2, 2009, a general partnership shall provide member information on CCC-902E and/or CCC-901. General partnerships shall check boxes on CCC-902E, Part C, Column F and/or CCC-901, Part A, Column 5, as applicable, to establish signature authority.

Notes: In most States any member of a general partnership may sign for the general partnership and bind all members unless the Articles of Partnership are more restrictive. General partnerships shall only check "NO" in the signature authority column if their intent is to restrict a general partner's authority to sign for the general partnership.

Before April 2, 2009, a partnership must provide the Articles of--* Partnership. If no Articles of Partnership are available, IRS documents such as Form 1065 (Schedule K-1) showing members and their respective shares may be used. A written statement identifying all members and shares of the partnership and signed by all members of the partnership may be used as acceptable documentation the first year the partnership is in effect or if the membership of the partnership has changed and the partnership has not filed any IRS forms.

Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices. Affidavits filed after July 18, 2001, must be witnessed by an FSA employee or notarized to be considered acceptable.

Before November 20, 2006, general partnerships that did not have an individual authorized to act on behalf of the general partnership could execute FSA-211 to appoint an attorney-in-fact to act on behalf of the general partnership and bind all members. FSA-211's executed before November 20, 2006, according to these instructions, shall continue to be honored as acceptable evidence of signature authority by State and County Offices. The general partnership will be required to provide additional documentation only if the structure and/or membership of the general partnership changes.

709 General Partnership (Continued)**A General Rules (Continued)**

Any member of a general partnership may sign for the general partnership and bind all members unless the Articles of Partnership are more restrictive.

Note: This policy is adopted by FSA because the majority of States have laws that provide for this; however, this is **not** the case for any other business enterprise.

A member of a general partnership may execute FSA-211 to appoint an attorney-in-fact to act on behalf of the general partnership and bind all members, unless the Articles of Partnership restrict member's authority.

Note: Certain FSA and CCC forms, such as CCC-502's, require each member's individual signature. Accordingly, each member or individual authorized by the members, **must** sign such forms regardless of whether an individual has authority to act on behalf of the general partnership.

Spouses shall **not** sign on behalf of each other as an authorized signatory for a partnership. Individuals that are appointed as an attorney-in-fact for another individual shall **not** sign for that individual as an authorized signatory for a partnership.

Example: John Smith is a member of ABC partnership. The articles of partnership provide John Smith the authority to sign for the partnership and bind all members of the partnership. John Smith's spouse is not a member of the partnership and shall **not** sign for John Smith as the authorized signatory for ABC partnership. John Smith appointed Bill Brown as his personal attorney-in-fact on FSA-211. Bill Brown shall **not** sign for John Smith as the authorized signatory for ABC partnership.

710 Joint Venture**A General Rules**

*--Effective April 2, 2009, joint ventures shall designate which members are authorized to sign for the joint venture by checking applicable boxes on forms:

- CCC-902E, Part C, Column F
- CCC-901, Part A, Column 5.

All members must initial responses in column F and/or 5, as applicable.

Before April 2, 2009, **all** members of a joint venture were required to sign for the joint--* venture unless an individual is authorized to act on behalf of the joint venture and bind all members.

Joint ventures that do not have an individual authorized to act on behalf of the joint venture may execute FSA-211 to appoint an attorney-in-fact to act on behalf of the joint venture and bind all members.

Important: When there is not an individual authorized to act on behalf of the joint venture, **all** members of the joint venture must sign FSA-211. The members of the joint venture are appointing an attorney-in-fact to act on behalf of the joint venture, not the members of the joint venture as individuals.

Note: Certain FSA and CCC forms, such as CCC-502's, require each member's individual signature. Accordingly, each member, or an individual authorized by the member, must sign such forms regardless of whether an individual has authority to act on behalf of the joint venture.

Spouses shall not sign on behalf of each other as an authorized signatory for a joint venture. (See exception in subparagraph 707 C for a husband/wife joint venture.) Individuals that are appointed as an attorney-in-fact for another individual shall not sign for that individual as an authorized signatory for a joint venture.

Example: Jack Green is a member of JJJ Joint Venture. All members of JJJ Joint Venture signed FSA-211 appointing Jack Green attorney-in-fact for the joint venture. Jack Green's spouse shall **not** sign for Jack Green as the authorized signatory for JJJ Joint Venture. Jack Green appointed Bill Brown as his personal attorney-in-fact on FSA-211. Bill Brown shall **not** sign for Jack Green as the authorized signatory for JJJ Joint Venture.

710 Joint Venture (Continued)**A General Rules (Continued)**

Spouses may sign on behalf of each other's individual interest in a joint venture, unless a written notification denying a spouse this authority is provided to County Office. Individuals that are appointed as an attorney-in-fact for another individual may sign for that individual's interest in a joint venture.

Example: Jill White is a member of WW Joint Venture. No member of WW Joint Venture is authorized to sign for the joint venture and bind all members; therefore, all members must sign documents for the joint venture. Jill White's spouse may sign for Jill White's individual interest in the joint venture. Jill White appointed Mike Jones as her personal attorney-in-fact on FSA-211. Mike Jones may sign for Jill White's individual interest in the joint venture.

FSA payments may be issued to:

- a joint venture with a permanent tax ID number
- individual members of a joint venture, using the individual member's ID numbers, when the joint venture does not have a permanent tax ID number.

B Acceptable Evidence of Signature Authority

Use the following table to determine acceptable evidence of signature authority for a joint venture.

IF the individual signing for the joint venture is...	THEN acceptable evidence of authority is...
a member of the joint venture	<p>a valid power of attorney signed by all members of the joint venture.</p> <p>Note: Before July 20, 2004, certain properly executed affidavits may have been used as evidence of signature authority. Properly completed affidavits on file before July 20, 2004, shall continue to be honored as evidence of signature authority by State and County Offices. Affidavits filed after July 18, 2001, shall be witnessed by an FSA employee or notarized to be considered acceptable.</p>
an agent	<p>a valid power of attorney signed by all members of the joint venture.</p> <p>Notes: See Section 4 for power of attorney.</p> <p>See paragraph 707 when the agent granted signature authority is an entity.</p>

710 Joint Venture (Continued)**C Examples of Signature Requirements for Joint Ventures (Continued)**

Note: Because RST Joint Venture does not have a permanent ID number, payments cannot be issued to the joint venture. When a joint venture does not have a permanent ID number, payments must be issued to the individual members using their respective ID numbers.

Each member (Mr. Jackson, Mrs. Doe, and Mrs. Green) must sign for their individual interest on CCC-509.

D Acceptable Signatures

The signature for an individual authorized to sign for a joint venture shall consist of 1 of the following:

- individual's name
- individual's name and capacity
- individual's name, capacity, and name of the joint venture.

Signatures shall also consist of an indicator, such as "by" or "for", illustrating that the individual is signing in a representative capacity.

E Joint Venture Signature Examples

The following are examples of signatures that may be accepted for joint ventures.

Name on Document	Acceptable Signatures
Bob and Bill Joint Venture	<ul style="list-style-type: none"> • <i>by Joe Black</i> • <i>Joe Black for Bob and Bill Joint Venture</i>
Jones and Smith Joint Venture	<ul style="list-style-type: none"> • <i>by Jim Smith</i> • <i>Mary Brown, Power of Attorney for Jones and Smith Joint Venture</i>

***--Note:** DAFP forms include or will include "By" and "Title/Relationship" in the applicable signature boxes. An indicator, such as "by" or "for", is **not** required for the revised forms; however, the "Title/Relationship" box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing the revised forms are included in the applicable program handbook.--*

F Husband and Wife Joint Ventures

Spouses may sign documents on behalf of each other for a husband and wife joint venture with a permanent tax ID number, effective August 1, 1992, unless written notification denying a spouse this authority has been provided to the County Office.

711 Corporations, Limited Partnerships, Limited Liability Partnerships, Limited Liability Companies, and Other Similar Entities

A Authorization

*--Effective April 2, 2009, corporations, limited partnerships, limited liability partnerships, and limited liability companies shall designate which officers, managers, or members are authorized to sign for their respective entity by checking applicable boxes on forms:

- CCC-902E, Part C, Column F
- CCC-901, Part A, Column 5.

Before April 2, 2009, a copy of any of the following applicable documents would--* authorize an officer, manager, member, or representative to sign:

- the corporate charter, bylaws, articles of organization, operating agreement, or partnership papers executed according to State law, that designates officers, members, or managers as authorized signatories
- resolution by the corporation's board of directors, signed by the corporation's secretary or an officer other than the signatory being extended signature authority

Note: If the intent of the resolution is to extend signature authority to all officers of a corporation, then all officers must sign the resolution.

Exception: For a **1 person corporation**, that person is authorized to sign for the corporation by default if documentation, such as a corporate charter, is on file in the County Office which **both**:

- identifies the "one person"
- validates that 100 percent of the corporation's shares are held by that "one person".
- signed corporate minutes
- letter signed by an authorized representative of the entity designating who may sign for the entity.

Note: This letter may only be used as valid documentation when the entity is **not** receiving monetary benefits from FSA.

Example: XYZ Chemical Company contracts with producers to test their products on special acreages on farms participating in DCP. There are instances when these producers do not have 100 percent risk in all of the base acres. XYZ Chemical Company then, has to be on CCC-509 for a share of the payments even if they are ineligible or do not wish to receive the payments. XYZ Chemical Company is required to sign CCC-509 and therefore, signature authorization is required.

713 Estate, Trust, Conservatorship, or Guardianship**A Required Authorization**

*--Effective April 2, 2009, executor, administrator, trustees, conservator, receiver or guardian shall designate authorized signature authority for the by completing CCC-902E and/or CCC-901 and signing as applicable.

Before April 2, 2009, for an individual to sign as administrator, executor, trustee,--* guardian, receiver, or conservator, evidence of authority consisting of 1 of the following documents, which was executed according to State law, was required:

- court orders of appointment
- court-approved certificate or letter of administration
- trust agreement or last will and testament that established the trust
- similar document approved by regional attorney.

Spouses shall not sign on behalf of each other when the signature required is that of an administrator, trustee, guardian, receiver, or conservator. Individuals that are appointed as an attorney-in-fact for another individual shall not sign for that individual when the signature required is that of an administrator, trustee, guardian, receiver, or conservator.

Example: John Smith is the trustee for the ABC Trust. John Smith's spouse shall not sign for John Smith as the authorized trustee for ABC Trust. John Smith appointed Bill Brown as his personal attorney-in-fact on FSA-211. Bill Brown shall not sign for John Smith as the authorized trustee for ABC Trust.

B Restrictions on Evidence of Authority

Documents presented in subparagraph A, except for trust agreements and documents approved by regional attorney, shall contain the following:

- signature of an officer of the issuing court
- certification by an officer of the issuing court that the evidence of authority is in full force and effect.

C Redelelegation by Individual Authorized by Evidence

Individuals, designated according to subparagraph A or B, may redelegate authority to an agent on FSA-211.

Notes: See Section 4 for power of attorney.

See paragraph 707 when the agent granted signature authority is an entity.

713 Estate, Trust, Conservatorship, or Guardianship (Continued)**D Acceptable Signatures**

The signature for an individual authorized to sign as the representative for an estate, trust, conservatorship, or guardianship, shall consist of:

an indicator, such as “by” or “for”, illustrating that the individual is signing in a representative capacity

the name of the estate, trust, conservatorship, or guardianship, **except** when the name of the estate, trust, conservatorship, or guardianship is shown on the document

the representative’s name and capacity.

E Fiduciary Signature Examples

The following are examples of acceptable signatures when signing in a fiduciary capacity.

Name Printed on Document	Acceptable Signature
Richard L. Smith, Administrator of the Estate of John C. Smith, Deceased	<i>Estate of John C. Smith, Deceased, by Richard L. Smith, Administrator</i> <i>by Richard L. Smith, Administrator</i>
Estate of John H. Smith	<i>by Joseph Smith, Executor of Estate of John H. Smith</i>
Jay S. Smith & Roy L. Smith, Executors of the Estate of John C. Smith, Deceased	<i>by Roy L. Smith, Co-Executor</i>
Harry J. Roe	<i>by John H. Smith, Guardian</i> <i>Harry J. Roe, Minor, by John H. Smith, Guardian</i>

Section 4 Power of Attorney and Rules on Authority

728 Policy for Powers of Attorney

A General Policy

In the Service Center where employed, Service Center employees shall not act as attorney-in-fact on behalf of any producer, including family members (paragraph 707).

Minors may **not** appoint an attorney-in-fact to act on their behalf or be appointed an attorney-in-fact to act on grantor's behalf.

Since August 1, 1992, spouses may sign documents on behalf of each other for FSA and CCC programs in which either has an interest without completing FSA-211 or FSA-211-1, unless written notification denying this authority has been provided to the County Office.

***--Note:** These spousal signature requirements do **not** apply to NRCS.--*

Exceptions: See paragraph 707 for exceptions to spouse's authority to sign on the other's behalf.

From April 17, 1996, to August 25, 2002:

- producers wishing to appoint an attorney-in-fact to act on their behalf for FSA and CCC programs must have completed FSA-211 or FSA-211-1, as applicable
- FSA no longer accepted power of attorney forms other than FSA-211 or FSA-211-1, as applicable, for FSA and CCC programs.

Exception: FSA accepted certain power of attorney forms other than FSA-211 in unique cases when a producer could not complete FSA-211, such as incompetence or incapacitation. Acceptance of power of attorney forms other than FSA-211 in these cases required review and approval by the regional attorney.

Since August 25, 2002:

- producers wishing to appoint an attorney-in-fact to act on their behalf for FSA and CCC programs must complete FSA-211
- FSA-211-1 is obsolete
- FSA shall not accept power of attorney forms other than FSA-211 except in:
 - unique cases when a producer could not complete FSA-211, such as incapacitation
 - cases involving members of the U.S. Armed Forces under active military duty.

728 Policy for Powers of Attorney (Continued)

A General Policy (Continued)

Exception: Producers were authorized to submit non-FSA and durable powers of attorney; such as living wills, from December 17, 2008, until January 14, 2009. Non-FSA and durable powers of attorney submitted from December 17, 2008, until January 14, 2009, will be considered valid if they are reviewed and approved by the regional attorney.

B FSA-211's Executed Before the Food, Conservation, and Energy Act of 2008

The Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246):

- was enacted into law on June 18, 2008
- authorizes FSA to administer several new programs.

FSA-211 and FSA-211A, dated 12-17-08:

- reflect the changes because of the Food, Conservation, and Energy Act of 2008
- include NRCS programs.

--IF on FSA-211 executed before June 18, 2008, grantor checked...--	THEN FSA-211...
Section A, item 1, "All current programs"	is not valid for programs authorized by the Food, Conservation, and Energy Act of 2008.
Section A, item 2, "All current and all future programs"	is valid for programs authorized by the Food, Conservation, and Energy Act of 2008.
Section B:	*--Note: If "All actions" was checked, FSA-211 shall also be considered valid for executing CCC-926.--*
<ul style="list-style-type: none"> • item 1, "All actions" • item 7, "Other" specifies CCC-526 	
Section A, item 2, "All current and all future programs", and the grantor now wants to provide authority for the attorney-in-fact to sign on their behalf for NRCS conservation programs	dated 12-17-08 or later must completed by the grantor.

Notes: FSA-211 is **not** valid for FLP loan purposes.

"All current programs" and "All current and future programs", include programs authorized by the Food, Conservation, and Energy Act of 2008, but **not** yet implemented; such as biomass crop assistance and forest restoration.

"AGI Certification" and "Routing Banking Accounts" have been added as specific transactions and no longer need to be written in as "Other".

Reports, Forms, Abbreviations, and Delegations of Authority

Reports

None

Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		750, 753
AD-2017	Service Center Information Management System (SCIMS) Access Form	Ex. 11.4	141, Ex. 2
CCC-10	Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents		177
CCC-36	Assignment of Payment		211, 934
CCC-37	Joint Payment Authorization		211, 934
CCC-64	Surety Bond (Minor)	677	
CCC-184	CCC Check		679, 779
CCC-501A	Member's Information		753
CCC-502	Farm Operating Plan for Payment Eligibility Review		753
CCC-509	Direct and Counter-Cyclical Program Contract		709, 710
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		72, 753, Ex. 51
CCC-605	Designation of Agent - Cotton		728, 731, Ex. 51
CCC-901	Members Information 2009 and Subsequent Years		707-711, 713, Ex. 51
CCC-902E	Farm Operating Plan for an Entity 2009 and Subsequent Program Years		707-711, 713, Ex. 51
CCC-1099-G	Report of Payments to Producers		276
CRP-1	Conservation Reserve Program Contract		211

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Forms (Continued)

Number	Title	Display Reference	Reference
FFAS-12	Electronic Funds Transfer (EFT) Hardship Waiver Request		728
FSA-155	Request for Farm Reconstitution		Ex. 51
FSA-179	Transfer of Farm Records Between Counties		Ex. 51
FSA-211	Power of Attorney	Ex. 60	Part 25, 178, 709, Ex. 2, 51
FSA-211-1 <u>1/</u>	Power of Attorney for Husband and Wife		728
FSA-211A	Power of Attorney Signature Continuation Sheet	Ex. 60	707, 728
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent	779	
FSA-570	Waiver of Eligibility for Emergency Assistance	802	801
FSA-2001	Request for Direct Loan Assistance		177
FSA-2301	Request For Youth Loan		177
I-151	Alien Registration Receipt Card		178, 932
I-551	Alien Registration Receipt Card		178, 932
IRS 1099-MISC	Miscellaneous Income		122
SF-256	Self-Identification of Handicap	Ex. 13	179
SF-1055	Claim Against the United States for Amounts Due in the Case of a Deceased Creditor	780	
SF-1199A	Direct Deposit Sign-Up Form		728
SF-3881	ACH Vendor/Miscellaneous Payment Enrollment Form		728
UCC-1	UCC Financing Statement		681
UCC-1F	Effective Financing Statement		681
W-7	Application for IRS Individual Taxpayer Identification Number		127

1/ FSA-211-1 is obsolete.

Reports, Forms, Abbreviations, and Redelegations of Authority (Continued)

Abbreviations Not Listed in Exhibit 102

The following abbreviations are not listed in Exhibit 102.

Approved Abbreviation	Term	Reference
APO	Army Post Office	179, 932
CY	current year	208, 212
DBA	doing business as	177
e-FC	electronic funds control	20
EIN	employer ID number	121, 122, 178.5, 178.6, 178.7, 178.8, Ex. 11
FRS	Farm Records Management System	752
FSRIA	Farm Security and Rural Investment Act of 2002	106, 107
HC	highway content	179
IE	Internet Explorer	141
LLC	Limited Liability Company	121, 122, 177, 178, 178.6
MQ	Marketing Quota	208, 209
NSCP	Naval Stores Conservation Program	779, 918
OT	other producer	197
PYBC	Prior Year Business Code	141, Ex. 11.4
RR	rural route	179, 208

Redelegations of Authority

This table lists redelegations of authority in this handbook.

Redelegation	Reference
Authority to act for entities may be redelegated by the representative by filing FSA-211 for an agent to perform for the trust or estate.	730

Definitions of Terms Used in This Handbook (Continued)

*--Limited Resource Farmer or Rancher

A limited resource farmer or rancher is a farmer or rancher that meets the criteria for **both** of the following:

- the farmer or rancher directly or indirectly has gross farm sales not more than \$100,000 in both of the previous 2 years to be increased starting in FY 2004 to adjust for inflation using price paid by farmer index as compacted by NASS
- the farmer or rancher has a total household income at or below the national poverty level for a family of 4, or less than 50 percent of county median household income in both the previous 2 years, to be determined annually using Commerce Department data.

A limited resource farmer or rancher status may be determined by using the web site for USDA Limited Resource Farmer and Rancher Online Self Determination Tool located at http://www.lrftool.sc.egov.usda.gov/--*

Linkage

Linkage is a requirement that producers obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop, to be eligible for certain USDA benefits.

Manager

A manager is an individual chosen or appointed to manage, direct, and administer the affairs of another individual corporation.

Power of Attorney

A power of attorney is either of the following:

- any legal form determined acceptable by the regional attorney
- FSA-211 (includes FSA-211A).

Resolution

A resolution is a determination of policy of a corporation by the vote of its board of directors bearing the signature(s) of the corporate secretary and/or other authorized officers, as applicable.

*--Socially Disadvantaged Farmer or Rancher Except DCP

A socially disadvantaged farmer or rancher except DCP, is a farmer or rancher who is a member of a group whose members have been subject to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

Note: This definition is applicable to all programs **except** DCP.--*

Definitions of Terms Used in This Handbook (Continued)

***--Scanned Signature**

A scanned signature is a signature received on forms and documents which have been electronically scanned and submitted to Service Center via an attachment to an e-mail or the Internet.--*

Socially Disadvantaged Farmer or Rancher for DCP

A socially disadvantaged farmer or rancher for DCP, is a farmer or rancher who is a member of a group whose members have been subject to racial, ethnic, or **gender** prejudice because of their identity as members of a group without regard to their individual qualities.

Note: This definition, which includes gender as a prejudice, is applicable to **only** DCP.

Trustee

A trustee is an appointed individual entrusted with another's property, such as in bankruptcy cases.

***--Forms and Documents Not Approved for FAXed and Scanned Signatures**

This table provides forms and documents for which FAXed and scanned signatures shall **not** be--* accepted.

Number	Title
CCC-36	Assignment of Payment
CCC-37	Joint Payment Authorization
CCC-77	Solicitation, Offer and Award for Janitorial Services
CCC-79	Solicitation for Offers (SFO)
CCC-279	Promissory Note
CCC-576-1	Appraisal/Production Report Noninsured Crop Disaster Assistance Program
* * *	* * *
CCC-694-2	Acknowledgment of Commodity Certificate Purchase
CCC-959	Tobacco Transition Payment Program Assignment of Payment
FSA-211	Power of Attorney (includes FSA-211A)
FSA-669	OFFICIAL BALLOT for FSA Committee Elections
* * *	* * *
FSA-2025	Notice of Approval, Terms and Conditions and Borrower Responsibilities
FSA-2026	Promissory Note
FSA-2029	Real Estate Mortgage or Deed of Trust
FSA-2043	Assignment of Proceeds From the Sale of Dairy Products and Release of Security Interest
FSA-2044	Assignment of Income From Real Estate Security
FSA-2140	Deposit Agreement
FSA-2142	Statement of Deposits and Withdrawals
FSA-2231	Request for Obligation of Funds - Guaranteed Loans
FSA-2313	Notification of Loan Approval and Borrower Responsibilities
FSA-2465	Assignment, Acceptance, and Release (Wool and Mohair)
FSA-2489	Assumption Agreement
FSA-2570	Offer to Convey Security
GSA-276	Lease Amendment
SF-2	Lease for Real Property
* * *	* * *

Signature Authority/Power of Attorney Questions and Answers

--A Signature Authority (Effective Before April 2, 2009, as applicable)--

Q1: When signing documents with pre-printed legal names on them, such as James David Doe, would Jim D. Doe be an acceptable signature?

A1: Yes, according to subparagraph 678 A, signatures may contain variations that do not cause the signature to be in disagreement. Jim D. Doe would be acceptable in this case.

Q2: A County Office is required to review and maintain entity documents to make signature authority determinations. Is it required that County Offices copy the entire entity document and keep them on file?

A2: The entire document does not have to be maintained. However, all applicable pages that identify the entity, pertinent authority, and any limitations, etc. are maintained.

Example: If the trust is represented to be an irrevocable trust, procedure in 1-PL requires review of the trust agreement to determine if it contains a provision that would result in the trust being considered a revocable trust for payment limitation purposes (1-PL, subparagraph 362 B). At a minimum, all pages needed for all programs **must** be maintained.

Q3: During a County Office review, it was discovered that copies of proper signature authority documentation were not on file to validate a customer's signature; for example, on an application, contract, or report. Can the County Office obtain the missing documentation after the fact?

A3: The County Office may secure the documentation, after the fact, to validate the applicable signatures **only** if the respective documentation is valid and was in existence at the time the signature was obtained. If documentation that includes FSA-211 was not in existence, the signature is invalid.

Q4: Can any member of a General Partnership sign on behalf of the partnership without specific authorization?

A4: Yes, any member of a General Partnership may sign on behalf of the partnership and bind all members, unless the articles of partnership are more restrictive (paragraph 709).

Q5: Do trust agreements have to bear signatures or a certification by the officer of the issuing court?

A5: No, trusts are exempt from this requirement (subparagraph 713 B).

Signature Authority/Power of Attorney Questions and Answers (Continued)

--A Signature Authority (Effective Before April 2, 2009, as applicable) (Continued)--

Q6: Several paragraphs in procedure indicate that a properly executed affidavit on file before July 20, 2004, may continue to be used as acceptable signature authority. Why can affidavits no longer be used as acceptable signature authority?

A6: An affidavit is a written declaration of facts confirmed by the oath or affirmation of the party making the declaration or statement of fact and is **not** an instrument that is used to convey authority upon an individual or entity; therefore, we no longer consider them as acceptable evidence for signature authority.

Q7: What constitutes a valid resolution? Do they have to be notarized or witnessed?

A7: A resolution is a determination of policy of a corporation by the vote of its board of directors bearing the signature of the corporation secretary or other authorized officer. Generally, resolutions are clearly stated, however if the intent of a resolution or its authenticity is questionable, a copy of supporting documents, such as by laws and/or corporate charter, may be required to determine its validity.

A resolution does not have to be notarized, but must either bear the corporate seal or a witnessed signature.

Q8: If a trust or an estate appoints co-trustees or co-executors, do we need to obtain both applicable signatures?

A8: Yes, both co-trustee's or co-executor's signature would be required, although County Offices should review applicable documents to determine whether co-trustees or co-executors are authorized to act independently.

Q9: When someone is signing in a representative capacity, is a "by" or "for" required to accompany their signature?

A9: All signature examples in 1-CM about someone signing in a representative capacity note that an indicator, such as "by" or "for", is required to illustrate that the individual is signing in a representative capacity (subparagraphs 681 B, 708 B, 709 D, 710 D, 711 C, 712 A, 713 D, 714 A, 715 D, 716 B, and 728.5 A & B).

Note: DAFP forms include or will include "By" and "Title/Relationship" in the applicable signature boxes. An indicator, such as "by" or "for", is **not** required for the revised forms; however, the "Title/Relationship" box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing the revised forms are included in the applicable program handbook.

Signature Authority/Power of Attorney Questions and Answers (Continued)

--A Signature Authority (Effective Before April 2, 2009, as applicable) (Continued)--

Q10: Are illegible signatures acceptable? If so, how are they to be handled?

A10: Yes; however, if the signature is illegible, the person accepting the signature **must** know the correct name of the person signing and initial the document (subparagraph 676 A).

Q11: What establishes signature authority for an estate, trust, conservatorship, or guardianship?

A11: Signature authority is limited to the specifications of the documents listed in subparagraph 713 A.

Notes: If applicable documentation is not specific, signature authority may be redelegated.

Applicable court orders need to be carefully reviewed.

Q12: 1-DCP, subparagraph 390 E allows producers to submit written leases, rental agreements, or other documents signed by the owner as proof that the producer has the land cash leased for the applicable FY. If a written lease is submitted and the lease was signed by someone other than the owner as the owner's representative, are County Offices required to validate signature authority?

A12: No, FSA signature authorities apply to signatures that we require from our customers on FSA forms or certifications to FSA. FSA requirements do **not** apply to documents signed for other purposes, such as leases, bank documents, and other documents created for other purposes. 1-CM, subparagraph 707 A references program documents, such as a NAP application and related documents such as AD-1026, **must** contain valid signatures.

Q13: Can a general partnership appoint an attorney-in fact on a FSA-211?

A13: Yes, unless the Articles of Partnership or other documents provided by the partnership prohibit it. Any member of the partnership may execute an FSA-211 unless the Articles of Partnership restrict the authority for any member to bind the partnership (paragraph 709).

Q14: Are joint ventures allowed to appoint a power of attorney?

A14: Yes, a joint venture may execute a FSA-211 to appoint an attorney-in-fact; however, all members of the joint venture, including the appointed attorney-in-fact, if a member of the joint venture must sign the FSA-211/FSA-211A.

Signature Authority/Power of Attorney Questions and Answers (Continued)

***--B Signature Authority (Effective April 2, 2009)**

- Q1:** May County Offices continue to accept an entity representative's signature for which they already have valid documentation on file or must the entity file a new CCC-902E to be in compliance with new procedure for any future signature?
- A1:** Yes, County Offices may continue to accept an entity representative's signature for which they already have valid documentation on file, as new signature authority policy and procedure applies only to evidence of signature authority from April 2, 2009, forward.
- Q2:** If XYZ Corp. has previously empowered a third party, via corporate resolution, to sign for the corporation and documentation is already on file for this authorization; are we required to now file an FSA-211 or is the previously submitted documentation adequate for future signatures?
- A2:** We will accept previously submitted documentation which was secured according to this handbook before April 2, 2009.
- Q3:** With this new signature authority policy County Offices no longer have to collect corporation papers and similar documents for signature authority; however, the CCC-902E, Part B, # 2 still requires supporting documentation, such as articles of incorporation, trust papers, etc to show shares. Are we still requiring this documentation?
- A3:** Requesting supporting documentation will still be required to comply with PL policy and procedure. The new policy and procedure applies only to signature authority.
- Q4:** If County Offices do not have a CCC-902E for a trust that owns land but otherwise does not participate; would they still need the trust papers if the trust has to sign a reconstitution form FSA-155 or FSA-179 in order to transfer a farm or reconstitute a small base farm or a DCP contract with zero shares. Would it be acceptable to have them complete the CCC-902E which would meet signature requirements even though we really don't need it for payment purposes?
- A4:** Form CCC-901 is to be used for documenting signature authority for an entity that is not applying for a payment but, is initiating non-payment requests including signing a zero DCP share and requests for reconstitutions.--*

Signature Authority/Power of Attorney Questions and Answers (Continued)

***--B Signature Authority (Effective April 2, 2009)**

- Q5:** If an entity or joint operation has filed a previous version of CCC-902E or CCC-901 that does not contain the signature authority question, then are we to follow previous Part 25, Section 3 policy and require evidence of signature authority, such as corporate documentation, trust agreement, etc.? Or, could the entity re-file the current version of CCC-902E or CCC-901 and answer the signature authority question as applicable?
- A5:** CCC-902E's and CCC-901's filed prior to April 2, 2009, will be required to follow previous 1-CM policy. A subsequent CCC-902E or CCC-901 could be filed on the revised form and comply with the new evidence of signature authorization policy.
- Q6:** When checking the "yes" box on form CCC-902E or CCC-901 regarding signature authority, is the signatory completing the applicable form actually granting signature authority for the entity or joint operation or are they certifying that the person has been granted signature authority via some other document, such as a corporate document, trust agreement, etc.?
- A6:** By checking "YES" on the CCC-902E and/or CCC-901, as applicable, the signatory is certifying that the member(s) checked have authority to sign for the entity based on documentation such as a corporate charter, trust agreement, etc.
- Q7:** On the CCC-902E, Part C, Item 1A-F appears to apply to "members" only; in the case of a trust, that would be the beneficiaries. Where does a trustee who is not a beneficiary indicate that they have signature authority? Is that the purpose of item (G) in that same block? If so, does the trustee list their name in (G), or do they simply initial and date over to the right?
- A7:** The trustee is typically the person completing the CCC-902E/CCC-901 for a trust. This being said, the certifications being signed by the trustee in Item G of the CCC-902E and/or Item F of the CCC-901 shall establish signature authority for a trustee.--*

Signature Authority/Power of Attorney Questions and Answers (Continued)

***--B Signature Authority (Effective April 2, 2009)**

Q8: Are there cases where we would just need the FSA-211 and cases where we would also need evidence of signature authority in addition to the FSA-211?

Example: A corporation lists its shareholders on the CCC-902E, and indicates one or more of them can sign for the entity. Now one of these members with signature authority wants to complete an FSA-211 to delegate signature authority to a third party. According to paragraph 711, County Offices need to review the signature authority documents to see if they allow the entity representative the authority to redelegate. So, in this case, we need not only the FSA-211, but also the evidence of signature authority to make that determination.

A8: New signature authority policy applies only to members of an entity or joint operation; County Offices will still be required to review entity documents to ensure that they allow for redelegation of signature authority (subparagraph 711 B).

Q9: Are County Offices still required to have the articles of incorporation on file to verify shares for payment limitation purposes?

A9: 4-PL, subparagraph 32 E has been amended to remove the requirement that a copy of the articles of incorporation must be furnished in all cases as supporting documentation for a corporation.

Q10: Will County Offices still need to obtain court documents such as last will and testament to establish signature authority for estates?

A10: No, the executor or administrator will complete CCC-902E/CCC-901 for the estate. The certifications being signed by the executor or administrator in Item G of the CCC-902E and/or Item F of the CCC-901 shall establish signature authority for the estate.

Q11: If County Offices already have a CCC-902 on file for 2009 and we have evidence of signature authority on file (i.e. corporate documents), do they need to execute a new CCC-902 with the signature authority boxes checked before accepting a new signature on a document executed after the effective date of this new policy or can they refer to the evidence of signature authority that we already have on file and continue to use that?

A11: We will accept previously submitted documentation which was secured according to this handbook before April 2, 2009. County Offices will not have to execute a CCC-902E *and/or* CCC-901 if valid evidence of signature authority is on file.--*

Signature Authority/Power of Attorney Questions and Answers (Continued)

***--B Signature Authority (Effective April 2, 2009)**

- Q12:** A question regarding the "Yes" or "No" questions on CCC-902E and CCC-901; if a person has an FSA POA in place before filling out the CCC-902E and CCC-901, do they indicate "Yes" on these forms, or do they only check the "Yes" if they believe they have the authority to sign by their entity documentation?
- A12:** If the FSA attorney-in-fact is a member of the entity filing the CCC-902E and/or CCC-901 he/she may check "YES" for any or all members as applicable and initial and date Part C, Item G; by signing the CCC-902E and/or CCC-901 the signatory is certifying that he/she has signature authority for the subject entity.
- Q13:** The new CCC-901 is required anytime there is an embedded entity. The form is developed to be completed and signed by the direct payment entity. In cases where the form will be used to show signature authority for embedded entities will that have to be done and signed by the embedded entity or can the payment entity certify to signature authority for all embedded entities as well?
- A13:** The payment entity may certify with regard to signature authority for all members including embedded entities.
- Q14:** In the situation stated in question 13, would the best course of action be to have the corporation, partnership, trust, etc., complete the CCC-901 member listing and identify who within the entity has signature authority or should County Office revert back to this handbook's policy and procedure for each specific entity to obtain signature authority?
- A14:** The County Office can continue to use existing evidence of signature authority; however they also may execute a new CCC-901 if they choose to do so.
- Q15:** The new signature authority policy has generated many questions, particularly with regard to supporting documentation. The new policy no longer requires County Offices to obtain trust agreements as documentation. Does this change in policy also apply to the statutory requirement that requires an irrevocable trust to provide trust documents in order to establish their irrevocability status for payment limitation purposes?
- A15:** Requesting supporting documentation will still be required to comply with PL policy and procedure; this new policy applies only to signature authority.--*

Signature Authority/Power of Attorney Questions and Answers (Continued)

***--B Signature Authority (Effective April 2, 2009)**

- Q16:** With regard to the certification requirement in Part C, item G of form CCC-902E; the president of a corporation completes a CCC-902E and lists himself, his wife, and two sons as members and certifies that all members have signature authority. The County Office conducted a signature authority review 2 years ago and it was determined that the President, at that time, was the only one with signature authority for the corporation. Should the County Office question the CCC-902E signature certification or accept the authorities as certified?
- A16:** The County Office shall accept the signature authority certification on the CCC-902E as presented by the officer of the corporation. The County Office may however; question the officer completing the CCC-902E with regard to the conflicting information and resolve the issue accordingly.
- Q17:** When a CCC-902E is completed for a trust with co-trustees and there is nothing to determine whether both co-trustees are required to sign documents or have authority to act independently; would the County Office require additional clarification or just accept either trustee's signature as presented?
- A17:** The County Office shall question the trustee completing the CCC-902E to determine if he/she has authority to act independently and dependent on the answer either; accept either the trustee's signature as presented or require both co-trustees to sign if dual signatures are required.--*

C Power of Attorney

- Q1:** Why are we required to identify the special designations; such as "routing payments to financial institutions", "Executing CCC-605", and "Executing CCC-526" on FSA-211? Wouldn't checking "All current programs" and "All actions" suffice?
- A1:** These special designations were intentionally added to procedure in 1-CM for completing FSA-211 to ensure that the grantor is fully aware of the obligations that are associated with these specific transactions; however, with revision of FSA-211 (12-17-08), specific transaction options for "AGI certifications" (item 5) and "routing bank accounts" (item 6) are provided.
- Note:** Because these transaction options are now specifically listed in FSA-211, Section B, if item 1, "All actions" is selected by the grantor, "all actions" includes both routing banking accounts and AGI certifications.
- Q2:** During a County Office review it was discovered that FSA program documents had been signed by a representative and a valid FSA-211 was not on file to grant this authority. Can the County Office obtain a new FSA-211 to retroactively make the signature good?
- A2:** No, FSA-211 is effective **only** from the date FSA-211 is correctly executed, and forward (subparagraph 728 C).