

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

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

Amendment 68

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reason for Amendment

Paragraphs 2 and 3 have been amended to clarify FSA’s general policy and procedure about filing deadlines, using registers, and appointments.

Paragraph 950 has been amended to clarify that certification on CCC-860 is **required** from producers seeking SDA, limited resource, or beginning farmer or rancher waiver. Annual certification is:

- required for limited resource farmers or ranchers
- **not** required for SDA or beginning farmers or ranchers.

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***--2 Managing Operations for Final or Closing Dates for Enrollment, Applications, Filings, Etc., and Using Registers**

A Final or Closing Date

[7 CFR 718.10] Time limitations.

Whenever the final date prescribed in any of the regulations in this title for the performance of any act falls on a Saturday, Sunday, national holiday, State holiday on which the office of the county or State Farm Service Agency committee having primary cognizance of the action required to be taken is closed, or any other day on which the cognizant office is not open for the transaction of business during normal working hours, the time for taking required action shall be extended to the close of business on the next working day. Or in case the action required to be taken may be performed by mailing, the action shall be considered to be taken within the prescribed period if the mailing is postmarked by midnight of such next working day. Where the action required to be taken is with a prescribed number of days after the mailing of notice, the day of mailing shall be excluded in computing such period of time.

If the final date or deadline falls on a:

- workday, the date shall apply
- day on which the applicable County Office is not open for business during normal workhours, extend to COB the next workday.

When computing the final or closing date, exclude the day of mailing if the action required is within a prescribed number of days after the notice is mailed.

B Action Performed by Mail

Consider an action to have been taken within the prescribed period if the final or closing date falls on a:

- workday and the mail displays a USPS postmark no later than that day
- nonworkday and the mail displays a USPS postmark no later than the next workday.

Do **not** view postage meter date-stamping as acceptable evidence of date of mailing. For mail displaying a postage meter date-stamp, the actual date of receipt in FSA minus 7 calendar days for mailing will be used to determine reasonableness. Exceptions to this can be reviewed and approved by CED and DD.--*

***--2 Managing Operations for Final or Closing Dates for Enrollment, Applications, Filings, Etc., and Using Registers (Continued)**

C Action Performed at FSA Office

Actions performed at the FSA office are considered performed or filed the day the document:

- is signed in the County Office
- was delivered in person in the FSA office.

Note: County Offices **must** date stamp documents that are delivered in person to the FSA office and use that date stamp date as the official recording date reflecting official physical receipt of that document.

D Requesting Approval to Use a Register

If individual program provisions or FSA directives do **not** specifically state that a register is prohibited, County Offices can request to use a register to accommodate heavy traffic of persons attempting to signup, report, or file when heavy traffic and workload or computer failure makes processing the prescribed forms and customers by the deadline impracticable or impossible. In these instances, County Offices can request to use a register from the State Office according to State Office guidelines.

Note: SED's have authority to develop guidelines for using registers. SED's can delegate to a State Office employee the authority to approve using registers and establish guidelines.--*

***--2 Managing Operations for Final or Closing Dates for Enrollment, Applications, Filings, Etc., and Using Registers (Continued)**

E Using Registers

If using a register is approved by the State Office according to subparagraph D, the customer **must** request to be placed on a register by the actual deadline prescribed by the program using any of the following means:

- e-mail
- FAX
- mail
- telephone
- visiting the County Office.

Registers are **not** an extension of a deadline. Rather, they are a means by which customers can be determined to have met program requirements by the deadline by contacting FSA and getting on the register by the deadline. Customers who contact FSA to get on the register by the deadline, where and when a register is made available by FSA, will complete necessary program documents and filing requirements when contacted by FSA.--*

***--2 Managing Operations for Final or Closing Dates for Enrollment, Applications, Filings, Etc., and Using Registers (Continued)**

F Using Registers in Approved County Offices

County Offices approved for using a register **must**:

- enter the customer's name on the register and document the method by which the customer requested to be placed on the register
- have each customer provide as much preliminary information as possible about each farm involved in the request to be placed on register

Note: Unless specifically prohibited by individual program policy or directive, any customer on FSN or unit making a valid request to have the customer and farm or unit placed on the register are considered to be filing the request for any and all interested producers on the same FSN's or unit numbers. Only 1 interested owner, operator, or producer **must** request to have the farm or unit placed on the register in order for the farm or unit to meet the deadline.

- schedule an appointment for the customer (and others on the farm or unit that must also sign, enroll, apply, or file) allowing adequate time to process **all** prescribed forms and obtain required signatures by the deadline approved for such using the register

Note: SED's are responsible establishing the deadline and for managing how appointments are scheduled to ensure that the register brings orderly and timely completion of tasks that were intended to be completed by the deadline. The orderly completion should be as soon as possible, given the constraints and resources and time required to accomplish the signup, filing, enrollment, etc. However, at any time, DAFP may choose to impose a final date for completion of all registrant signups, enrollments, filings, etc. In such case, DAFP will notify SED's of this in writing.

- ensure that the producer dates each form with the date it is actually filed and cross-reference the form filing date to the register.

Unless specifically prohibited by individual program policy, County Offices approved for using a register can accommodate producers seeking to file, apply, or enroll a farm or unit located in any administrative or physical county. In such instances, the County Office approved for using a register will coordinate with the appropriate physical or administrative County Office (as applicable).

Offices **must** follow appropriate program directives, for example 1-NAP, 2-NAP, etc., for entering approval dates in the system.--*

3 Using Appointment Process

A Policy

*--County Offices are encouraged to use appointments to enable customers to meet signature deadlines and to file necessary program documents.

B Advantages

Properly handled, the appointment process:

- permits County Offices to prepare for the customer's visit
- eliminates the need for customers and staff to waste time with lines and for customers to have to make multiple trips to the County Office
- improves public relations
- provides a more businesslike atmosphere.

C Cautions

County Offices that use the appointment process **must**:

- ensure that the rules for appointments are well publicized
- give every customer an equal opportunity and chance to make an appointment
- give priority to servicing appointments without ignoring walk-in traffic
- schedule appointments so that enough time is allowed at the end of signup to reschedule producers who had to cancel.--*

Part 33 Socially Disadvantaged, Limited Resource, and Beginning Farmer Certifications

950 Certification Policy

A Background

Certain FSA/CCC programs require customers to indicate that they are claiming to be SDA, limited resource, or beginning farmers or ranchers, to meet applicable eligibility requirements.

See Exhibit 2 for definitions of SDA, limited resource, and beginning farmer or rancher.

B Applicable Forms

Producers requesting eligibility consideration based on SDA, limited resource, or beginning *--farmer or rancher status **must** provide their certification on either of the following:

- FSA-217, for 2008 Farm Bill programs
- CCC-860.

CCC-860 replaces FSA-217 for existing programs and programs authorized under the Agricultural Act of 2014.

Certification on CCC-860 is **required** from producers seeking an SDA, limited resource, or beginning farmer or rancher waiver. Annual certification on CCC-860 is **required** from producers seeking limited resource status waiver by program year. However, after CCC-860 is filed certifying SDA or beginning farmer or rancher status, SDA or beginning farmers or ranchers do **not** need to recertify each year to qualify for a waiver.--*

Notes: The 2012 SURE program shall continue to use FSA-217 for SDA, limited resource, and beginning farmers or ranchers.

FSA-217 and CCC-860 are **not** applicable for FLP's.

C Maintenance

FSA-217 and CCC-860 shall be filed according to 25-AS, Exhibit 22 in file PE 2, Producer Eligibility File, and maintained for a period of 7 years after the year the applicable program files are no longer needed.

950 Certification Policy (Continued)

D Example of FSA-217

The following is an example of a completed FSA-217.

*--

This form is available electronically. (See Page 2 for Definitions.) FSA-217 U.S. DEPARTMENT OF AGRICULTURE (10-03-11) Farm Service Agency		1A. County FSA Office Name and Address (Including Zip Code) Jefferson County FSA Office 209 East Third Avenue Ranson, WV 25438	
SOCIALLY DISADVANTAGED, LIMITED RESOURCE AND BEGINNING FARMER OR RANCHER CERTIFICATION		1B. Telephone No. (Area Code) 304-725-3471	1C. Program Year 2008
(See Page 2 for Privacy Act and Paperwork Reduction Act Statements.)			
2. Applicant's Name and Address <div style="border: 1px solid black; padding: 5px; width: fit-content;"> Chris Hunt PO Box 10 Harpers Ferry, WV 25425 </div>		INSTRUCTIONS: Complete Parts A, B, C and/or Part D as applicable. Read the information relating to false certification below Part D. Return this form to the address in Item 1 above.	
INFORMATION: If a legal entity requests to be considered a "socially disadvantaged", "limited resource", or "beginning" farmer or rancher, at least 50 percent of the persons in the entity must in their individual capacities meet the definition as provided on Page 2 of this form. Farmer or rancher includes; "owners", "operators" and "other producers".			
PART A – CERTIFICATION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER (2003 Act – Includes Gender)			
3. I certify that the following is true by checking the box below:			
<input type="checkbox"/> I am a member (or if applicable, members) 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.			
PART B – CERTIFICATION OF SOCIALLY DISADVANTAGED FARMER OR RANCHER (1990 Act – Excludes Gender)			
4. I certify that the following is true by checking the box below:			
<input type="checkbox"/> I am a member (or if applicable, members) 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.			
<i>Note: Food, Agriculture, Conservation and Trade Act of 1990 (includes racial, ethnic, but not gender).</i>			
PART C – CERTIFICATION OF LIMITED RESOURCE FARMER OR RANCHER			
5. I certify that the following statements are true by checking the appropriate boxes below:			
<input type="checkbox"/> My/our gross direct and indirect farm sales were not more than \$100,000 in both of the previous 2 years. Farm sales limit is subject to change to adjust for inflation using price paid by farmer index as compacted by National Agricultural Statistics Service (NASS).			
AND:			
<input type="checkbox"/> My/our total household income is 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. Income levels are determined annually using Commerce Department data.			
<i>Note: 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/.</i>			
PART D – CERTIFICATION OF BEGINNING FARMER OR RANCHER			
6. I certify that the following statements are true by checking the appropriate boxes below:			
<input checked="" type="checkbox"/> a. I (or if applicable, the entity or joint operation) have not operated a farm or ranch for more than 10 years.			
<input checked="" type="checkbox"/> b. I (or if applicable, the entity or joint operation) substantially participates in the operation.			
<input checked="" type="checkbox"/> c. I (or if applicable, the entity or joint operation) began farming in <u>April/2007</u> . Date (Month/Year)			
PENALTY FOR FALSE CERTIFICATION: Evidence that may be required to validate certification may include tax records, accountant's certification, or other documentation that provides the information required. The penalty for false certification is loss of all benefits for the crop year in which the false certification was made.			
7A. Applicant's Signature (By) /s/ Chris Hunt	7B. Title/Relationship of the Individual Signing in the Representative Capacity	7C. Date (MM-DD-YYYY) 01-21-2010	

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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
AC	area conservationists	141, 177
APO	Army Post Office	179, 932
BP	Business Partner	198, Ex. 11.5
CY	current year	208, 212
DBA	doing business as	177
DMF	Death Master File	Part 34, Ex. 125
e-FC	electronic funds control	20
EIN	employer ID number	121, 122, 178.5, 178.6, 178.7, 178.8, Ex. 10, 11
FRS	Farm Records Management System	752
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
SMR	SCIMS merge role	141, Ex. 11.4

Redelegations of Authority

This table lists redelegations of authority in this handbook.

Redelegation	Reference
--SED may delegate authority to a State Office employee to approve using a register and establish guidelines and timelines.	2--
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

