

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

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

Amendment 75

Approved by: Acting Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 676 has been reorganized to add policy on signature methods including, ink, electronic and digital signatures.

Subparagraph 677 A has been amended to clarify the general rule for the number of signatures required when the eligible producer is a minor.

Paragraph 680 has been withdrawn and the information has been moved to paragraph 676.

Subparagraphs 728 B, C, and D have been amended to include a note that **the FSA-211 is not acceptable to the IRS for signing CCC-941.**

Exhibit 50 has been amended to provide forms and documents for which electronic signatures will **not** be accepted.

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Part 25 Signatures and Authorizations**Section 1 Signature Requirements****676 Signatures*****--A Signature Methods (Ink, Electronic and Digital)**

Ink signatures are commonly referred to as “wet signatures”. A wet signature is where the parties to the document write their names with their own hand on a paper document by ink pen. This is the traditional method of signing.

Electronic signature is defined in the US Federal ESIGN Act as an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. It is the act of authenticating, acknowledging or adopting an electronic transaction.

Common types of electronic signatures are faxed and scanned signatures, which are signatures received through a fax machine and electronically scanned signatures, such as signatures provided by e-mail or the Internet.

Digital signatures include an embedded “certificate of authority.” Digital signatures are based on public key infrastructure and are a result of a cryptographic operation that guarantees signer authenticity, data integrity, and nonrepudiation of signed documents. Digital signatures use the digital certificate to validate the signer’s identity and cannot be copied, tampered or altered. When a digital signature is used, the certificate indicates who the person is and includes a date-and-time stamp to assure authenticity. Besides being easily transportable, it can also add assurance that the content of the message or document that has been sent is unchanged.

Note: Although the terms digital signatures and electronic signatures are sometimes used interchangeably, they are **not** the same. Digital signatures are a very specific type of electronic signature. Electronic signatures (e-signatures) that are not digital signatures (such as those used in the Farm Business Plan), use a single-factor authentication system, are not easily transportable, and do not provide the same level of signature and document integrity as a digital signature.--*

676 Signatures (Continued)

*--B Acceptable Ink Signatures

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

IF the signature is...	THEN...
written	the written name shall be the name used for: <ul style="list-style-type: none"> • tax reporting • program purposes.
by mark	the mark must be witnessed by either of the following: <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	the signature must be witnessed by either of the following: <ul style="list-style-type: none"> • a person receiving no direct benefit from the action • FSA employee.
other than in English script	Note: Witness shall sign by the signature.
illegible	the person accepting the signature shall: <ul style="list-style-type: none"> • know the correct name of the person signing • initial the document.
***	***

676 Signatures (Continued)***--C Acceptable Electronic Signatures**

The following are descriptions of acceptable electronic signatures.

- If a traditional wet ink signature on a piece of paper is scanned into an electronic device, the scanned version is regarded as an electronic signature. Likewise, if a picture is taken of a document with a traditional wet ink signature, that is regarded as an electronic signature.
- Faxed and scanned signatures from producers shall be accepted for certain forms and other documents, provided both of the following are met:
 - the applicable program form or other document is approved for faxed and scanned signatures
 - all other applicable signature requirements are met.

Following are important considerations for faxed and scanned signatures.

- 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.
- See Exhibit 50 for program forms and documents not approved for faxed and 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.
- Producers are responsible for the successful transmission and receipt of information provided to the Service Center through telefacsimile or electronic transmission.--*

676 Signatures (Continued)

***--C Acceptable Electronic Signatures (Continued)**

- 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.
- 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 13, 2020. Service Center receives faxed or electronic CCC-633 EZ on August 14, 2020. 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 14, 2020).

- 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.

Note: 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.

D Acceptable Digital Signatures

The following are descriptions of acceptable digital signatures.

- Agency officials when the official's LincPass card is used.
- Producers using Level-2 eAuthentication, when available for the specific document.
- Producers using other authorized methods meeting the certificate of authority standards confirming the authenticity of the signature.

OneSpan is an authorized method of digital signature. Box is a temporary agency solution, beginning in 2020, for remotely collaborating with customers. It is not the official document repository and documents should only be added temporarily to obtain a signature, then promptly removed from Box to be stored in the Digital Records Management System and/or printed to file according to agency policy. Box with OneSpan can be used to obtain a single signature from an individual with signature authority or to obtain signatures on multiple documents.--*

676 Signatures (Continued)

***--E General Guidance for All Signature Methods**

The following apply to all 3 methods of signatures.

If the signature is by a married woman, then she shall sign:

- her own given name

Examples: Acceptable: Mrs. Mary Doe
Unacceptable: Mrs. John Doe

- her spouse's name only when signing:

- as an attorney-in-fact

Example: John Doe by Mary Doe, Power of Attorney

- in a fiduciary capacity.

Example: John Doe by Mary Doe, Conservator.

Many 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 those forms; however, the "Title/Relationship" box shall be completed accordingly for individuals signing in a representative capacity. Instructions for completing those forms are included in the applicable program handbook.

Note: A graphic image of a signature placed on a document and not verified by secure software is generally discouraged because it is not enforceable unless accompanied by an email or other contemporaneous evidence of the signer's intent to accept the agreement.--*

676 Signatures (Continued)

F Person Underage

See paragraph 677 for minor's signature.

G Unacceptable Signatures

Altered signatures shall not be accepted, unless:

- the person signing affixes a new signature
- unusual circumstances warrant a hardship or limited case waiver.

Note: Signatures received with terminology such as “without prejudice”, “without recourse”, or similar language, are not considered acceptable, as this is considered an attempt to limit the terms of the form or document being signed.

H Notification of Policy for Spouses

Each year, County Offices shall notify all owners, operators, tenants, and sharecroppers of the policy affecting spousal signatures. Notification will be through each of the following:

- first County Office newsletter of FY
- local news releases the beginning of FY.

677 Minor's Signature**A General Rule for Minor's Signature**

--When the eligible producer is a minor who is capable of signing and understanding,--
County Offices shall obtain **both** of the following on the applicable program documents:

- the eligible minor's signature
- the signature of 1 of the eligible minor's parents.

Exceptions: A minor's signature may be accepted without obtaining the signature of 1 of the parents, if any of the following apply:

- a right of majority has been conferred by court proceedings or statute
- CCC-64 is provided to protect the Government from any loss for which the minor would be liable if the minor were an adult
- a financially responsible adult cosigns the loan note
- the minor is obtaining an FLP youth loan and the parent's signature is not required according to FLP procedure.

By signing the applicable document, the parent is liable for the actions of the minor with respect to the applicable program and may be liable for refunds, liquidated damages, or other penalties assessed because of program violations on the part of the minor regardless of whether the parents have an interest in the applicable program.

677 Minor's Signature (Continued)

B Authorized Signatures

An authorized adult who is a court-appointed guardian may sign on behalf of a minor.

Note: See paragraph 713 for signature example for guardians.

C Distributing CCC-64

Distribute CCC-64 as follows:

- the original in the appropriate program folder
- copies to principal and sureties.

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 (Withdrawn--Amend. 75)

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 wanting 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 wanting 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: <ul style="list-style-type: none"> • item 1, “All actions” • item 7, “Other” specifies CCC-526 	*--Note: If “All actions” was checked, FSA-211 shall also be considered valid for executing CCC-926.--*
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 be completed by the grantor.

*--Notes: FSA-211 is **not** valid for FLP loan purposes and is not acceptable to IRS for signing CCC-941 (durable POA’s are acceptable for signing CCC-941).--*

“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”.

728 Policy for Powers of Attorney (Continued)

C FSA-211’s Executed Before the Agricultural Act of 2014

The Agricultural Act of 2014 (Pub. L. 113-79):

- was enacted into law on February 7, 2014
- authorizes FSA to administer several new programs.

FSA-211 and FSA-211A, dated 11-2-14:

- reflect the changes because of the Agricultural Act of 2014
- include NRCS programs.

IF on FSA-211 executed before February 7, 2014, grantor checked...	THEN FSA-211...
Section A, item 1, “All current programs”	is not valid for programs authorized by the Agricultural Act of 2014.
Section A, item 2, “All current and all future programs”	is valid for programs authorized by the Agricultural Act of 2014.
Section B: <ul style="list-style-type: none"> • item 1, “All actions” • item 7, “Other” specifies CCC-526 	Note: If “All actions” was checked, FSA-211 shall also be considered valid for executing CCC-926.

*--Notes: FSA-211 is **not** valid for FLP loan purposes and is not acceptable to IRS for signing CCC-941 (durable POA’s are acceptable for signing CCC-941).--*

“All current programs” and “All current and future programs”, include programs authorized by Agricultural Act of 2014, but **not** yet implemented, such as biomass crop assistance and forest restoration.

See subparagraph B for FSA-211’s executed before June 18, 2008, for NRCS purposes.

728 Policy for Powers of Attorney (Continued)

D FSA-211’s Executed Before the Agriculture Improvement Act of 2018

The Agriculture Improvement Act of 2018 (Pub. L. 115-334):

- was enacted into law on December 20, 2018
- authorizes FSA to administer several new programs.

FSA-211 and FSA-211A, dated 11-2-14:

- reflect the changes because of the Agriculture Improvement Act of 2018
- include NRCS programs.

IF on FSA-211 executed before December 20, 2018, grantor checked...	THEN FSA-211...
Section A, item 1, “All current programs”	is not valid for programs authorized by the Agriculture Improvement Act of 2018.
Section A, item 2, “All current and all future programs”	is valid for programs authorized by the Agriculture Improvement Act of 2018.
Section B: <ul style="list-style-type: none"> • item 1, “All actions” • item 7, “Other” specifies CCC-526 	Note: If “All actions” was checked, FSA-211 will also be considered valid for executing CCC-926.

***--Notes:** FSA-211 is **not** valid for FLP loan purposes and is not acceptable to IRS for signing CCC-941 (durable POA’s are acceptable for signing CCC-941).--*

“All current programs” and “All current and future programs”, include programs authorized by Agriculture Improvement Act of 2018, but **not** yet implemented.

See subparagraph B for FSA-211’s executed before June 18, 2008, for NRCS purposes.

***--Forms and Documents Not Approved for Electronic Signatures**

This table provides forms and documents for which electronic signatures will **not** be accepted.

Number	Title	Deputy Area
FSA-211 <u>1</u> /	Power of Attorney (includes FSA-211A)	DAFP
FSA-669 <u>1</u> /	OFFICIAL BALLOT for FSA Committee Elections	DAFO
FSA-2025	Notice of Approval, Terms and Conditions and Borrower Responsibilities	DAFLP
FSA-2026	Promissory Note	DAFLP
FSA-2029	Real Estate Mortgage or Deed of Trust	DAFLP
FSA-2043	Assignment of Proceeds From the Sale of Dairy Products and Release of Security Interest	DAFLP
FSA-2044	Assignment of Income From Real Estate Security	DAFLP
FSA-2140	Deposit Agreement	DAFLP
FSA-2313	Notification of Loan Approval and Borrower Responsibilities	DAFLP
FSA-2465	Assignment, Acceptance, and Release (Wool and Mohair)	DAFLP
FSA-2489	Assumption Agreement	DAFLP
FSA-2570	Offer to Convey Security	DAFLP
GSA-276	Lease Amendment	DAFLP

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