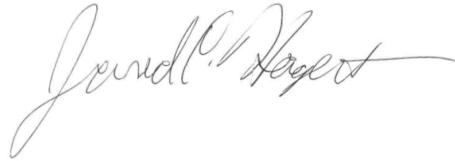


UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

Emergency Commodity Assistance Program 1-ECAP	Amendment 3
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Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Paragraph 97 has been added for Spot Checks.

Exhibits 13 through 17 have been added for Spot Checks.

Page Control Chart		
TC	Text	Exhibits
1, 2	6-3 through 6-6 (add)	1, pages 1, 2 13, pages 1, 2 (add) 14, page 1 (add) 15, pages 1, 2 (add) 16, page1 (add) 17, page 1 (add)

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11	CED Payment Review Checklist
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14	Letter Notifying Applicant of Failure to Provide Documentation for Spot Check
15	National Spot Check Checklist
16	Letter Notifying Applicant of Spot Check Results
17	Letter Notifying Applicant of Spot Check Results with Reduction Applied

--97 Spot Checks*A National Producer Selection**

A selection of producers who were paid through ECAP will be made by the National Office using a statistical sampling method developed by EPAD. This selection is based on payment data for ECAP eligible crops and includes at least 1 application per State, and no more than 5 applications per county. The selection list is posted on the [ECAP SharePoint](#).

The national producer selection list will display the following:

- recording State code
- recording county code
- CCID
- payment amount.

Note: Not all counties will have producers selected for spot check.

B Spot Check Documentation

Applicants will have 30 calendar days to provide the requested information. Applicants must provide documentation for each commodity on FSA-63 ECAP.

Examples of supporting documentation that may be used to support FSA-63 ECAP include the following:

- precision planting, spraying, or harvesting geospatial data or maps
- drone photos with location and notable physical boundaries
- other aerial or ground imagery with the ability to determine date, acres, and crop
- seed receipts showing the amount, variety, and date purchased
- receipts for cleaning, treating, etc., seed planted on the farm
- a written contract or documentation of an oral contract to produce a specific crop
- evidence accepted and approved by RMA or another USDA agency
- receipts showing number and units sold if the sale can be positively identified as sale of the crop for the farm for the year represented
- documentation of payment for custom harvesting indicating acreage, location, and crop year
- records showing the crop was fed to livestock.

Note: CIMS data is not acceptable documentation for a spot check and is not authorized.--*

***--97 Spot Checks (Continued)**

C Producer Notification of Selection for Spot Check

The County Office will send a notification letter to applicants selected for a spot check within 30 days of spot check list being provided from the National Office (Exhibit 13). A Microsoft Word version of this letter is available as a template on the [ECAP SharePoint](#).

D Failure to Provide acceptable Documentation for Spot Check

Failure to timely provide acceptable documentation within 30 calendar days will result in COC determining the participant ineligible for program benefits and the producer will be required to refund all payments issued under ECAP. COC must:

- thoroughly document the decision in the COC minutes
- notify the participant in writing of the ineligibility determination (Exhibit 14)
- afford appeal rights according to 1-APP.

Note: A Microsoft Word version of this letter is available as a template on the [ECAP SharePoint](#).

E Conducting the ECAP Spot Checks

The County Office will complete the ECAP National Spot Check Checklist (Exhibit 15) for each applicant selected. A PDF version is available on the [ECAP SharePoint](#).

The County Office will provide the results of the ECAP National Spot Check Checklists and all documentation to COC within 30 calendar days of applicant providing documentation.--*

*--97 Spot Checks (Continued)

F Discrepancy in Acreage

The following provides guidance when there is a discrepancy in acreage by commodity between the:

- acreage as certified on the FSA-63 ECAP
- actual documentation as determined from the documentation provided by the applicant.

IF determined acreage is...	THEN COC...
equal to or greater than the certified acreage	has no action required.
less than but within 5 percent of the certified acreage	Note: Do not enter the determined acreage in the “COC Adjustment” fields. No additional payment will be issued.
more than 5 percent of the certified acreage	<ul style="list-style-type: none"> • must: <ul style="list-style-type: none"> • determine the producer did not comply with ECAP provisions • adjust the acreage downward to the acreage determined from the documentation provided by the applicant in the “COC Adjustment” field • will also consider whether there is fraud or abuse according to subparagraph I.

G COC Action on Spot Checks

COC will:

- review all spot check findings, facts, and documentation
- issue an administrative determination of eligibility
- afford appeal rights according to 1-APP.

If a spot check finding results in a required adjustment, COC will enter the adjustment in on FSA-63 ECAP, item 12 or item 15.

Note: Make only downward adjustments resulting from a spot check.

Once administrative determination is made, the County Office will:

- notify the producer of the results of the spot check (Exhibit 16 or Exhibit 17)
- load spot check results into recording system by announced deadline.

Note: A Microsoft Word version of these letters are available as a template on the [ECAP SharePoint](#).--*

***--97 Spot Checks (Continued)**

H Quality Reviews on Spot Checks

Once all spot check results have been loaded into the recording system, a quality review will be completed by an SED designee. The quality review samples will be provided by the National Office and must be completed and entered into the recording system by the announced deadline.

I Discovery of Fraud or Abuse

COC will follow 1-CM for applications suspected of fraud or abuse with intent to defeat the purpose of ECAP.--*

Reports, Forms, Abbreviations, and Redelegations 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 (HELIC) and Wetland Conservation (WC) Certification		41, 42
AD-2047	Customer Data Worksheet		7, 41
CCC-576	Notice of Loss and Application for Payment Noninsured Crop Disaster Assistance Program for 2020 and Subsequent Years		24, 25
CCC-901	Member's Information		41, 42
CCC-902	Farm Operating Plan for Payment Eligibility 2009 and Subsequent Program Years		41, 42
CCC-943	75% of Average Gross Income From Farming, Ranching, or Forestry Certification		41, 61
FSA-63 ECAP	Emergency Commodity Assistance Program (ECAP)	41	Text, Ex. 5, 7, 8
FSA-321	Finality Rule and Equitable Relief		44
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		6, 41
FSA-578	Report of Acreage		24, 25, 41, 43, 79
FSA-850	Environmental Screening Worksheet		3
SF-3881	ACH Vendor/Miscellaneous Payment Enrollment Form		41

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

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviations	Term	Reference
ARC	Agriculture Risk Coverage	25, Ex. 2
ARD	acreage reporting date	25
CARS	Crop Acreage Reporting System	25, 42, 43
CPA	certified public accountant	61
CIMS	Comprehensive Information Management System	25
CRM	Customer Relationship Management	7, 25
DBA	doing business as	25
EA	enrolled agent	61
ECAP	Emergency Commodity Assistance Program	Text, Ex. 2, 5, 7, 8
EPAD	Economic and Policy Analysis Division	97
NOFA	Notice of Funding Availability	1, 5
PIIA	Payment Integrity Information Act	5
PLC	Price Loss Coverage	25, 78, Ex. 2
PP	Prevented Planted	78


Delegations of Authority

This table lists delegations of authority in this handbook.

Delegation	Reference
COC may redelegate authority to review and approve FSA-63 ECAP's to CED, in routine cases. Delegations must be documented in the COC meeting minutes.	42

Letter Notifying Applicant of Spot Check Selection

The following is an example of a letter for applicant notification of selection for spot check.

 **Farm Service Agency**
U.S. DEPARTMENT OF AGRICULTURE

[State/County Name Here] State Office / County Service Center
Street Address
Street Address
City, State, ZIP Code
PHONE: xxx.xxx.xxxx

TO NAME
Street Address
City, State, ZIP Code

Month XX, 20XX

Dear Name Here,

This letter is to notify you that you have been randomly selected for spot check of your Emergency Commodity Assistance Program (ECAP) application for 2024.

As a condition of applying and receiving an ECAP payment, you agreed to provide acceptable documentation in support of your commodities and acreage on the FSA-63 ECAP.

Examples of supporting documentation may include, but are not limited to:

- precision planting, spraying, or harvesting geospatial data or maps
- drone photos with location and notable physical boundaries
- other aerial or ground imagery with the ability to determine date, acres, and crop
- seed receipts showing the amount, variety, and date purchased
- receipts for cleaning, treating, etc., for seed planted on the farm
- a written contract or documentation of an oral contract to produce a specific crop
- evidence that was accepted and approved by RMA or another USDA agency
- receipts showing number and units sold if the sale can be positively identified as sale of the crop for the farm for the year represented
- documentation of payment for custom harvesting indicating acreage, location, and crop year
- records showing the crop was fed to livestock

Please submit your documentation to the (Enter County) FSA office at the following address within 30 calendar days:

Any County FSA Office
Any street or PO Box
City, State, ZIP

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Letter Notifying Applicant of Spot Check Selection (Continued)

You must respond to this request for evidence to support your commodity and acreage certification on the FSA-63 ECAP. Failure to timely submit documentation will result in program ineligibility for ECAP, requiring a full refund of all payments made, including interest from the date of disbursement.


Sincerely,

Name
Title

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Letter Notifying Applicant of Failure to Provide Documentation for Spot Check

The following is an example of a letter for failure to provide documentation for spot check.

 **Farm Service Agency**
U.S. DEPARTMENT OF AGRICULTURE

[State/County Name Here] State Office / County Service Center
Street Address
Street Address
City, State, ZIP Code
PHONE: xxx.xxx.xxxx

TO NAME
Street Address
City, State, ZIP Code

Month XX, 20XX

Dear Name Here,

You were previously notified by letter dated (enter date), advising you were selected for spot check of your Emergency Commodity Assistance Program (ECAP) application. You were provided 30 calendar days to provide acceptable documentation to the (enter county) FSA office. As of the date of this letter, FSA has not received documentation to support your commodity and acreage on the FSA-63 ECAP.

As a result, you are determined ineligible for ECAP benefits. You will be notified by separate communication of any amount owed as a result of this determination of ineligibility for failing to respond to FSA's request for documents.

If you believe we have not properly reviewed your application, you may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or the National Appeals Division or request mediation. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

Any County FSA Committee
1235 Street Name.
City, State 11111

If you do not timely file an appeal of this determination, this shall be the final administrative determination with respect to this matter in accordance with regulations at 7 CFR Part 780 and 7 CFR Part 11.

Sincerely,

Name
Title

Farm Service Agency
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National Spot Check Checklist

The following checklist must be completed for each designated Spot Check and provided to SED Designee upon completion of COC determination.

ECAP National Spot Checks

Complete this checklist for each selected Spot Check and provide to SED Designee once complete.

State: _____	
Service Center Name: _____	
County Name: _____	
Producer Name : _____	
Spot Check Application Questions	
1. Was the FSA-63 ECAP signed prior to September 30, 2025?	Yes or No
1.1 If no, no additional action is needed.	
Comment/Corrective Action:	
2. Was applicant notified by letter of spot check selection within 30 days of spot check list provided?	Yes or No
2.1 If yes, date of letter.	
Comment/Corrective Action:	
Documentation Provided Questions	
3. What date was documentation received from the producer?	(MM/DD/YYYY)
3.1 Did the documentation provided substantiate both the commodities and acreage certified on the FSA-63 ECAP?	Yes, No
3.2 If no, was the discrepancy the commodity or acreage?	Commodity, Acreage, Both
3.3 What Commodity(s) contained the discrepancy?	
3.4 How many acres are over reported on the FSA-63 ECAP for the applicable commodity(s)?	
COC Action Questions	
4. If a discrepancy was found, has COC entered reduction in item 12 or 15 (COC Adjustment) of FSA-63ECAP both on paper and in software?	Yes, No, N/A
4.1 If no, when will adjustment be loaded in software?	(MM/DD/YYYY)
Note: Action in item 6 and 9 must be completed prior to submission of this checklist.	
5. Has the COC issued spot check determination letter?	Yes or No

National Spot Check Checklist (Continued)


ECAP National Spot Checks

State: _____
Service Center Name: _____
County Name: _____
Producer Name: _____

5.1 If yes, what date was letter issued?	(MM/DD/YYYY)
6. Are spot check review, documentation, and results recorded in COC minutes?	Yes or No
6.1 Date of COC minutes or action between minutes.	(MM/DD/YYYY)
7. If a discrepancy was found and a final determination letter issued, does the applicant appear on the ECAP Pending Overpayment Report?	Yes, No, N/A
7.1 If yes enter the overpayment amount.	
7.2 If yes, has pending overpayment been transferred to a receivable?	Yes or No
7.3 If yes, enter the receivable ID number.	
Additional Comments:	

Letter Notifying Applicant of Spot Check Results

The following is an example of a letter for applicant notification of completed spot check.

 **Farm Service Agency**
U.S. DEPARTMENT OF AGRICULTURE

[State/County Name Here] State Office / County Service Center
Street Address
Street Address
City, State, ZIP Code
PHONE: xxx.xxx.xxxx

TO NAME
Street Address
City, State, ZIP Code

Month XX, 20XX

Dear Name Here,

Thank you for your participation in the Emergency Commodity Loss Assistance Program (ECAP). You were notified on (insert date) that you were selected for a spot check for the commodities and acreage certified on the FSA-63 ECAP application. Thank you for responding and providing the required documentation for review.

The spot check has been completed. The records you provided substantiated all of the commodities and acres reported on the FSA-63 ECAP. There will be no reduction in acres or refunds required.

If you have additional questions concerning this review, please contact us at the number above.

Sincerely,

Name
Title

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Letter Notifying Applicant of Spot Check Results with Reduction Applied

The following is an example of a letter for applicant notification of completed spot check with a reduction applied.

USDA Farm Service Agency
U.S. DEPARTMENT OF AGRICULTURE

[State/County Name Here] State Office / County Service Center
Street Address
Street Address
City, State, ZIP Code
PHONE: xxx.xxx.xxxx

TO NAME
Street Address
City, State, ZIP Code

Month XX, 20XX

Dear Name Here,

Thank you for your participation in the Emergency Commodity Assistance Program (ECAP). You were notified on (insert date) that you were selected for a spot check for the commodities and acreage certified on the FSA-63 ECAP application. Thank you for responding and providing the required documentation for review.

The spot check has been completed. The records you provided did not substantiate all the commodities and acreage certified on the FSA-63 ECAP. The FSA-63 ECAP will be adjusted for (insert commodity or acres) determined not eligible for ECAP. You will be notified by separate letter of any amounts owed as a result of the adjustment.

If you believe we have not properly reviewed your application, you may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee to the FSA State Committee or the National Appeals Division or request mediation. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

Any County FSA Committee
1235 Street Name.
City, State 11111

If you do not timely file an appeal of this determination, this shall be the final administrative determination with respect to this matter in accordance with regulations at 7 CFR Part 780 and 7 CFR Part 11.

Sincerely,

Name
Title

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