

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Farm Storage Facility Loan Program
1-FSFL (Revision 1)**

Amendment 3

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reasons for Amendment

Subparagraph 11 A has been amended to clarify that a producer can start construction once a CCC-185 has been conditionally approved by COC.

Subparagraph 13 A has been amended to add new eligible FSFL commodities; buckwheat, spelt, and triticale.

Subparagraph 30 A has been amended to provide that the application fee for an assumption is the fee in effect at the time the assumption is requested.

Subparagraph 34 has been added to provide FSFL procedure if an FSFL applicant requests to use asphalt flooring in structures to store corn, oats, wheat, barley, and grain sorghum harvested as other than whole grain.

Subparagraph 52 A has been amended to clarify when a UCC-1 must be filed.

Subparagraph 53 G has been corrected to reflect that a financial analysis of an FSFL applicant must be performed by a FLP or County Office employee with FLP loan approval authority.

Subparagraph 69 A has been amended to clarify crops of economic significance for crop insurance.

Subparagraph 115 B has been amended to:

- add reference to SFLO
- provide that County Offices must enter the COC approval date and request for obligations within 5 business days of FSFL approval.

Subparagraph 129 F has been amended to remove CCC-186 as an attachment in title information letter.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 129 G has been amended to remove the statement that provides that the CCC representative has examined the loan closing documents.

Subparagraph 130 B has been amended to add that a severance agreement is required for FSFL assumptions.

Subparagraph 130 D has been amended to provide additional options for performing real estate lien searches when a County Recorder is not available.

Subparagraph 133 C has been amended to add that at the final review of cost documents County Offices shall enter the following in CCC-185, item 18, "STC approved the FSFL increase totaling [new loan amount] on [date]."

Subparagraphs 133 E and F have been amended to specific conditions for CCC-191.

Subparagraph 133 G has been added to provide CCC-191.

Subparagraph 135 A has been amended to add that COC's shall obtain approval from STC or STC designee to grant the first 4-month loan approval extension and COC's shall obtain approval from STC to extend the FSFL approval period from 8 months to 12 months.

Subparagraph 146 A has been amended to instruct State Office specialists to contact PSD for instructions when it is necessary to manually prepare CCC-186.

Subparagraphs 146 B and C have been amended to remove instructions for manually preparing a CCC-186. State Office specialists shall contact PSD for instructions if it is necessary to manually prepare CCC-186.

Subparagraph 177 B has been amended to add that County Offices shall process assumptions in APSS according to paragraph 426.

Subparagraph 177 D has been amended to update CCC-298 with required Paperwork Reduction Act and Discrimination Act language, and provide a new box at item 10 H so producers can list new security on the assumption agreement.

Subparagraph 312 A has been amended to add that the application fee for a loan assumption is the fee in effect at the time the assumption is requested.

Subparagraph 340 F has been amended to clarify when CCC-185 may be deleted.

Subparagraph 355 A has been amended to add that the user should enter "Y" when asked if they want to complete the process.

Amendment Transmittal (Continued)

A Reasons for Amendment (Continued)

Subparagraph 367 B has been amended to add that all additional borrowers entered must be in SCIMS.

Subparagraph 439 B has been amended to instruct the user to cancel FSFL according to this paragraph.

Exhibit 2 has been amended to add the definition for resale collateral value.

Exhibit 14 has been amended to add buckwheat, spelt, and triticale as new eligible commodities.

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11 CCC-185 Approval Authorities for Specific Situations (Continued)

A COC Authorized Approval Authority (Continued)

COC's have the authority to approve CCC-185's for FSFL's for \$100,000 or less or \$250,000 or less **after** DD review, **with** STC concurrence in cases where the applicants began specific actions before CCC-185 approval. The applicable actions include the following:

- accepted delivery of equipment or materials
- site preparation in previously disturbed areas
- foundation construction.

***--Note:** Although producers will be proceeding at their own risk, COC can issue an--* approval conditional on STC concurrence if 1 of the 3 actions in this subparagraph is applicable, and use the initial COC approval date and interest rate, if **all** of the following apply:

- CCC-185 was completed and signed by the applicant before starting any of the 3 actions in this subparagraph
- FSFL is \$100,000 or less or between \$100,000.01 to \$250,000 with DD review
- COC is FSFL approval authority
- all applicant eligibility requirements were met when COC issued conditional approval
- concurrence request is received in the State Office within 10 workdays of COC conditional approval.

Example: The producer completes CCC-185 in the County Office on August 20, 2009. On September 4, 2009, a representative from the County Office visits the site to complete FSA-850. It is determined that the producer has completed the site preparation and the forms for the foundation are in place. FSA-850 can still be completed and no adverse impacts are identified based on FSA-850. The producer explains that he or she thought CCC-185 had been approved and construction needed to start so the bin would be completed in time to store the 2009 harvest. COC is the approving authority and determines the actions completed before CCC-185 approval do **not** adversely affect FSFL operation. COC may issue a conditional approval, with STC concurrence, **without** requesting a DAFP waiver, if construction of the facility itself is **not** started until after CCC-185 approval.

***--**The producer can start construction based on COC's conditional approval but the COC approval date for the funding should not be entered into the system until STC has concurred.--*

11 CCC-185 Approval Authorities for Specific Situations (Continued)

A COC Authorized Approval Authority (Continued)

The following must be on file in the County Office **before** COC can approve FSFL:

- CCC-185 completed and signed by the applicant
- \$100 application fee per borrower was received and deposited, as applicable

Note: See paragraph 30.

- the financial analysis for all borrowers and entities was completed
- FSA-850 completed with **no** significant adverse impacts identified.

B STC Authorized Approval Authority

STC's may approve CCC-185's on which construction of the facility was started before approval, provided **all** of the following were on file in the County Office **before starting** construction of the facility itself:

- CCC-185 was completed and signed by the applicant
- \$100 application fee per borrower was received and deposited, as applicable

Note: See paragraph 30.

- all required documentation for financial analysis for all borrowers and entities were submitted and received by the County Office
- FSA-850 has been completed with **no** significant adverse impacts identified.

Note: In these cases:

- DAFP waiver is **not** required
- STC **can** delegate CCC-185 approval process to SED only
- **all** other eligibility requirements **must** be met
- applicant **must** be informed that:
 - approval and funding is **not** guaranteed
 - applicant is starting construction at his own risk and **without** creating any liability on CCC's behalf.

See Exhibit 2 for the definition of construction of FSFL.

13 Eligible FSFL Commodities**A Commodities Authorized Under CCC Charter Act**

Eligible commodities authorized by CCC Charter Act for FSFL's include the following:

- feed grains, harvested as whole grain or other than whole grain include the following:
 - barley
 - corn
 - grain sorghum
 - oats
 - wheat

- *--other grains include the following:
 - buckwheat
 - speltz
 - triticale--*

- oilseeds include the following:
 - canola
 - crambe
 - flaxseed
 - mustard seed
 - rapeseed
 - safflower
 - sesame seeds
 - soybeans
 - sunflower seeds

- peanuts

- pulse crops include the following:
 - chickpeas
 - dry peas
 - lentils
 - dry beans

- rice.

13 Eligible FSFL Commodities (Continued)

B Cold Storage Facilities for FAV's Including Nuts

The following table provides FAV's eligible for cold storage FSFL's that must be grown on cultivated farmland.

Eligible FAV's Including Nuts			
Almonds	Chestnuts	Leeks	Plums
Apples	Chicory/Radicchio	Lemons	Pomegranates
Apricots	Coconuts	Lettuce	Potatoes
Aronia Berries	Corn	Limes	Potatoes, Sweet
Artichokes	Cranberries	Macadamia Nuts	Prunes
Asparagus	Cucumbers	Mangos	Pumpkins
Avocados	Currants	Mushrooms	Radishes
Bamboo Shoots	Dates	Nectarines	Raisins
Bananas	Eggplant	Okra	Rhubarb
Beans	Elderberries	Olives	Rutabaga
Beets	Figs	Onions	Scallions
Blueberries	Garlic	Oranges	Shallots
Broccoli	Ginger	Papaya	Squash
Brussel Sprouts	Grapefruit	Parsnip	Strawberries
Cabbage	Grapes	Peaches	Tangelos
Caneberries	*--Green Peanuts--*	Peas	Tomatoes
Cantaloupes	Hazel Nuts	Pecans	Turnips
Carrots	Herbs	Peppers	Walnuts
Cashews	Honeydew	Pineapple	Water Cress
Cauliflower	Kiwifruit	Pistachios	Watermelon
Celery	Kohlrabi	Plantain	Yams
Cherries			

Note: Caneberries include blackberries and raspberries.

For FAV's, including nuts, **not** currently identified as eligible for cold storage FSFL's and the need has been determined, the State Office shall prepare a written document to justify the addition of the crop and e-mail to DeAnn Allen at deann.allen@wdc.usda.gov.

The justification document should, at a minimum, provide the following:

- general information about the fruit or vegetable, including its use
- cold storage needs
- market for the requested fruit or vegetable.

29 Interest Rate

A FSFL Interest Rate

--[7 CFR 1436.12] The interest rate for FSFL shall be the rate:--

- equivalent to Treasury securities of a comparable term in effect during the month of the initial FSFL approval
- in effect for the FSFL term.

B Monthly Announcements

Interest rates may be different for the 7-, 10-, or 12-year terms and will be:

- updated monthly
- published on FSA's Internet web site
- posted in County Offices
- automatically downloaded to the FSFL interest rate table in the County Office software.

30 Application Fees

A County Office Action

County Offices shall:

- charge FSFL applicants a nonrefundable application fee of \$100 per borrower per FSFL
- collect the application fee when CCC-185 is submitted.

Notes: The application fee is necessary to cover the cost to CCC of making FSFL's. These fees include the following:

- UCC-1 filings
- lien searches
- credit reports.

If the producer elects the partial and final disbursement option, only 1 application fee is required even though there are 2 separate FSFL's.

A spouse is **not** required to pay a separate FSFL application fee if required by State law to sign the FSFL security documents, and is **not** an eligible producer on a farm whose production is used to determine FSFL eligibility.

*--The application fee for assumptions must be collected and is the fee in effect at the time the assumption is requested.

See subparagraph 312 B for the correct program code when an application is accepted in one FY but the loan is not approved until the next FY.--*

30 Application Fees (Continued)**B Multiple Borrowers**

A husband and wife would be considered 2 borrowers and each charged an application fee if both are receiving farm program payments on the farm whose production is used to determine FSFL eligibility.

Note: If a spouse does **not** receive a share of the farm program payment and is only signing CCC-186 because of a State or STC requirement, only 1 fee is required.

Farming entities, excluding joint ventures that are paid under one TIN, will be considered 1 applicant and charged 1 application fee.

A borrower who is requesting a partial disbursement shall be charged 1 application fee even though CCC is disbursing two FSFL's.

31 FSFL Signature Authority Documentation Requirements**A FSFL Signature Authority for Individuals**

FSFLP shall follow FSA signature authority requirements for individuals according to 1-CM.

B Entity Signature Authority for FSFL's

The signature authority for **all** forms and documents for FSFL's for corporations, limited partnerships, limited liability companies, and other similar entities is a copy of any of the following applicable documents:

- 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

33 Lobbying Activity Provisions (Continued)

F County Office Action

County Offices shall follow procedures in this table **each** time FSFL exceeding \$150,000 is requested.

Step	Action
1	Provide the borrower a copy of CCC-674, SF-LLL, and SF-LLL-A with instructions to complete and return the applicable form to the County Office.
2	Disburse FSFL after the applicant or borrower returns the completed CCC-674, SF-LLL, or SF-LLL-A, as applicable, to the County Office.
3	File the original CCC-674, SF-LLL, and SF-LLL-A in the FSFL folder in the County Office.

Examples: A borrower is approved for FSFL totaling \$160,000. FSFL’s for a partial disbursement of \$75,000 and a final disbursement of \$85,000 are made. CCC-674 or SF-LLL is needed for the final disbursement, and both FSFL numbers shall be referenced.

A borrower is approved for FSFL totaling \$400,000. FSFL’s for a partial disbursement of \$200,000 and a final disbursement of \$200,000 are made. CCC-674 or SF-LLL is needed for **each** disbursement.

G Assistance

For situations **not** covered in this paragraph, County Offices shall contact PSD through their State Office price support specialist for additional assistance.

***--34 Asphalt Flooring for FSFL Structures With Commodities Harvested as Other Than Whole Grain**

A Asphalt Flooring

Documentation from a number of land-grant universities, in certain regions, has concluded that asphalt flooring:

- is acceptable for use in storage pads for agricultural commodities
- has proven to be even more resilient than concrete in bunker silos and storage pads
- is successful only if constructed properly.

FSFL applicants requesting to use asphalt flooring in structures to store corn, oats, wheat, barley, and grain sorghum harvested as other than whole grain, shall be:

- advised by the County Office that asphalt flooring must be constructed according to specific specifications in subparagraph B

Note: If not constructed according to the specific specifications, approval and/or FSFL disbursement is not authorized.

- informed that the STC or STC designated SED are the approval authority for FSFL’s with asphalt flooring
- notified that additional security equal to the loan amount is required for all FSFL’s with asphalt flooring used to store CCC Charter Act Commodities harvested as other than whole grain.

B Specifications for Asphalt Flooring

The following specifications must be followed for asphalt flooring for hay, renewable biomass structures and STC or STC designated SED approval of FSFL flooring for corn, oats, wheat, barley, and grain sorghum harvested as other than whole grain:

- 6- to 12-inch well-packed crushed gravel base with drainage both inside and outside the footing to prevent water from getting under the asphalt
- 4 to 6 inches of high-grade asphalt, including 3 to 5 inches of fine material and 1 inch of very fine material--*

***--34 Asphalt Flooring for FSFL Structures With Commodities Harvested as Other Than Whole Grain (Continued)**

B Specifications for Asphalt Flooring (Continued)

- compacted at least twice with a 20-ton roller:
 - first with a vibrating roller
 - second with a finishing roller to remove ripples
- sealed with an asphalt sealer.

Note: COC's or their designee will be responsible for monitoring construction to ensure that the asphalt flooring is constructed according to **all** the specifications in this subparagraph. STC will determine the number of field visits the county shall make to monitor construction.

C Required FSFL Spot Checks of Asphalt Flooring

County Offices are required to periodically conduct collateral checks of all outstanding FSFL's according to 1-FSFL, subparagraph 163 A.

To ensure that asphalt flooring is being properly maintained, County Offices must make a field visit and conduct a collateral check of all FSFL's using asphalt flooring:

- at least once every other year
- and complete CCC-295B to document the field visit.

Note: In addition, County Offices shall annually verify:

- structural and flood insurance
- multi-peril crop insurance.

D STC Action

For FSFL's storing corn, oats, wheat, barley, and grain sorghum harvested as other than whole grain, STC's shall:

- determine with the assistance of their land-grant university and the National Institute of Food and Agriculture if asphalt is a viable option instead of concrete in their State
- advise their County Offices that asphalt flooring is acceptable only if properly constructed
- approve on a case by case basis, CCC-185 requests for using asphalt flooring
- require additional security for FSFL's with asphalt flooring.--*

***--34 Asphalt Flooring for FSFL Structures With Commodities Harvested as Other Than Whole Grain (Continued)**

E COC and County Office Action

For FSFL's storing corn, oats, wheat, barley, and grain sorghum harvested as other than whole grain, COC's and County Offices shall:

- inform FSFL applicants requesting to use asphalt flooring in their structures:
 - that STC approval, on a case-by-case basis is required
 - of construction specifications required for asphalt flooring according to subparagraph B
 - of required additional security required for using asphalt flooring
- submit each CCC-185 to STC for approval before construction.

35-40 (Reserved)

51 CCC-185's (Continued)

I Example of Manual CCC-185-1

The following is an example of a manual CCC-185-1.

<p>This form is available electronically. CCC 185-1 U.S. DEPARTMENT OF AGRICULTURE (08-17-09) Commodity Credit Corporation</p>					<p>FOR COUNTY USE ONLY</p>		
<p align="center">LOAN APPLICATION AND APPROVAL FOR FARM STORAGE AND DRYING EQUIPMENT LOAN PROGRAM CCC-185 CONTINUATION SHEET</p>					<p align="center">1. LOAN IDENTIFICATION NUMBER</p>		
					A. State Code	B. County Code	C. Loan No.
					36	123	2009/00001
<p><i>Privacy Act Statement on Page 2</i></p>					<p>5. Facility Equipment described in Item 4 needed for the storage, drying, or handling of the estimated production of the listed commodities on the farm.</p>		
A. Farm Number	B. Commodities	C. Acres	D. Yield Per Acre	E. Total Production for Each Commodity <i>(Item 5C times Item 5D = Item 5E)</i>			
890	corn	40 X	100 =	4,000			
890	soya	40 X	40 =	1,600			
		X	=				
		X	=				
		X	=				
		X	=				
		X	=				
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		X	=				
		X	=				
		X	=				
		X	=				
		X	=				
		X	=				
					Total: Include this amount in Item 5F, Form CCC-185		
					5,600		
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1436, Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to determine eligibility for CCC financing for farm storage and drying equipment. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for CCC financing under the Farm Storage And Drying Equipment Loan Program.</p> <p>This information collection is exempted from the Paperwork Reduction Act as it is required for the administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F-Administration).</p> <p>The provisions of criminal and civil fraud, privacy and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p>							
<p>The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrimination, write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.</p>							
Debtor's Initials:		JS	Date Initialed:		09-01-09		
Co-Debtor's Initials:			Date Initialed:				

52 Processing CCC-185 Packages

A County Office Action

County Offices shall process CCC-185 packages as follows.

Item	Actions	
1	Collect the \$100 application fee per applicant and accept a completed CCC-185.	
2	Conduct a lien search when there is a sufficient description of facility and *--equipment. Obtain CCC-10, if not already on file. Once eligibility is determined, file UCC-1 on the collateral.--*	
3	IF real estate lien is... required	THEN... inform the applicant that he or she must obtain a CCC-approved attorney or title company for title clearance. The attorney or title company should perform all lien searches.
	not required	County Offices shall conduct a real estate lien search to identify holders of liens on real estate underlying the intended storage facility to determine whether CCC-297's must be obtained.
4	Determine the storage need for increased storage capacity based on exiting storage availability and cropping history.	
5	Obtain and analyze a credit history report.	
6	Complete a financial analysis to verify the applicant has financial ability to: <ul style="list-style-type: none"> • provide downpayment • pay future installments. 	
7	Obtain CCC-190 for waivers of prior liens on collateral, such as the storage structure, if applicable. See Exhibit 16.	
8	Obtain CCC-297 from holders of liens on real estate underlying the intended storage facility, including the borrower. CCC-297 shall be filed with the appropriate county real estate records before FSFL closing. See paragraph 130 and Exhibit 10.	
9	Verify the applicant answered the DCIA question in CCC-185, item 13.	
10	Complete FSA-850.	
11	For FSFL's secured by real estate, complete FSA-851.	
12	Verify whether the site is located in a flood hazard area. Complete FEMA 81-93 for all FSFL's.	
13	Obtain proof of multi-peril crop insurance.	
14	Verify compliance with HEL and WC provisions.	
15	Verify compliance with local land-use laws.	
16	Verify that applicant has not been convicted of growing controlled substances.	
17	Verify completion of CCC-901 and CCC-902.	

53 Financial Planning (Continued)

F Obtaining Verification of Debts and Assets

County Offices shall:

- verify debts and assets only when debt and asset information provided by the applicant is different than that shown on the credit report or through a lien search
- if applicable, prepare FSA-2015 for each applicant’s creditor according to the instructions on FSA-2015
- before requesting information on FSA-2015 from the applicant’s creditors, have the applicant sign FSA-2004 to give FSA the authority to verify their debts and assets.

Note: FSA-2004 shall be filed in the FSFL folder.

G Financial Analysis

The financial analysis of an FSFL applicant shall be performed by either an FLP or County Office employee with FLP loan approval authority. A written recommendation for approval or disapproval, based on the applicant’s credit history and financial information, shall be provided to COC.

If additional information is necessary to evaluate an applicant’s ability to repay FSFL, FSA-2002 and FSA-2003 may be requested.

Note: Use:

- FSA-2002 for 3 years financial history
- FSA-2003 for 3 years production history.

54 Credit History and Credit Reports

A Obtaining Credit Reports

State or County Offices shall:

- request credit reports for all FSFL applicants only from the credit reporting agency under contract with CCC
- obtain a current report of the FSFL applicant's credit history
- ensure that **only** FSFL credit reports are requested from the Agency under contract to supply CCC with FSFL credit reports
- **not** collect the cost of the report from the applicant
- request credit reports before the required financial analysis is completed
- ensure that reports requested for another County Office are processed timely and immediately sent to the requesting office.

Note: FLP Farm Business Plan shall **not** be used to obtain FSFL credit reports. However, if an FLP credit report is available, that report may be used for FSFL purposes if generated within 90 calendar days of both CCC-185 and submission of information required for the financial analysis.

B Analyzing Credit History Reports

The authorized individual performing the financial analysis shall:

- analyze credit reports to detect:
 - patterns of late payments or nonpayments
 - bankruptcy and foreclosures
 - heavy use of short-term or high-interest loans or credit cards
- use pertinent information from the financial statements and credit history reports to prepare recommendations to COC
- protect the hard copy of the credit report according to PII policy.

Section 2 Other Requirements

69 Insurance Requirements

A Multi-Peril Crop Insurance or NAP Requirement

To enhance a borrower's repayment ability, multi-peril crop insurance or NAP is **required** on both of the following:

- commodities stored in the FSFL-funded facility, whether economically significant or **not**
- insurable FSFL commodities of economic significance on all farms operated by the borrower in the county where the storage facility is located.

Notes: Crop of economic significance is defined as any insurable FSFL commodity that contributes 10 percent or more of the total expected value of all crops grown by the FSFL applicant.

--All crops of economic significance, used in the borrower's cash flow, included in the documentation for their financial analysis, and used to determine eligibility-- require crop insurance.

County Offices shall:

- require the producer to provide proof of multi-peril crop insurance and/or verify NAP coverage before disbursement, except if subparagraph D applies
- annually obtain proof of multi-peril crop insurance for each crop year applicable to the entire FSFL term, except for sugar beets because sugar beets are **not** an FSFL commodity.

Note: If multi-peril crop insurance or NAP is **not** available for some of the renewable biomass commodities, then COC minutes must document the unavailability of multi-peril crop insurance or NAP for each FSFL to which this applies.

B Acceptable Forms of Insurance

Acceptable forms of crop insurance are any level of coverage of multi-peril crop insurance, including the catastrophic level, group coverage, and crop revenue coverage offered under the Federal Crop Insurance Program.

69 Insurance Requirements (Continued)

C Acceptable Proof of Insurance

County Offices shall accept proof of insurance, such as the following:

- statements of coverage for the applicable crop year
- applications for insurance for the applicable crop year signed by the agent
- other forms of proof acceptable to CED.

Note: Evidence of insurance or a copy of CCC-471 shall be maintained in the FSFL folder.

D Crop Insurance Waiver

County Offices shall:

- waive the crop insurance requirement if it is too late for the producer to obtain multi-peril crop insurance for the crop year

Note: The waiver will apply to the current crop year only.

- enter the following statement on CCC-185, item 18:

“I agree to purchase multi-peril crop insurance for facility loan commodities during the next available sales period. I understand that my failure to meet this requirement will be construed as a program violation.”

- ensure that producers initial and date the statement on CCC-185 to signify that the statement will be complied with and is understood.

E Failure to Obtain Crop Insurance or NAP Coverage

County Offices shall:

- monitor the borrower’s crop insurance or NAP status
- consider a lack of insurance or NAP to be an FSFL violation
- take action to call FSFL’s when borrowers do **not** maintain insurance or NAP coverage.

Note: Before calling FSFL’s, COC’s may request a waiver for the specified year only, according to subparagraph 2 E.

Part 6 Approving COC CCC-185 Reviews**115 CCC-185 Reviews****A Responsibility**

The approving authority shall determine:

- whether the applicant meets all eligibility requirements
- whether the proposed facility or renovation is eligible and needed
- whether the estimated yields and acreages to calculate needs are reasonable
- whether the environmental conditions of the site would place CCC at risk
- if FSFL is less than \$50,000, whether the structure has resale value

Note: If the value is less than the FSFL amount, additional security is required.

- the type of security to be required
- the conditions of approval.

Note: Conditions of approval will include actions that must be taken or documents that must be provided **before** disbursement and shall **not** include eligibility determinations required by COC or other approving authority.

115 CCC-185 Reviews (Continued)

B Approvals and Disapprovals

COC shall do 1 of the following:

- for FSFL's with the total principal of \$100,000 or less, approve FSFL by signing CCC-185 and document the determinations from subparagraph A in the executive COC minutes
- for FSFL's with a total principal of \$100,000.01 to \$250,000, have DD or State Office designee review FSFL **before** approval

Note: Once the review is complete and all discrepancies are corrected, approve FSFL by signing CCC-185 and document the determinations from subparagraph A in the executive COC minutes.

- for FSFL's where the borrower's **total aggregate FSFL balance** is over \$250,000, have DD or State Office designee, before COC approval, review the most recent FSFL documents to ensure that the producer is financially able to meet all FSFL obligations

Note: STC is the approval authority for an individual FSFL with a total principal of \$250,000.01 to \$500,000.

- disapprove FSFL, documenting why in the executive COC minutes.

DD or State Office designee shall, before approval by COC, review CCC-185 where the principal amount is equal to \$100,000.01 to \$250,000. If the review:

- reveals discrepancies or errors, the file shall be returned to the County Office for correction

Note: After corrections have been made, DD or State Office designee shall again review the file.

- is acceptable, a statement similar to the following shall be entered on CCC-185, item 18:

“From review of the completed documents and review of the financial documents, I
--concur with the recommendation of the FLM/FLO/SFLO, concurring with the--
financial ability of the applicant and I also recommend approval or disapproval of
FSFL to COC.”

Note: DD or State Office designee shall sign and date the statement.

115 CCC-185 Reviews (Continued)

B Approvals and Disapprovals (Continued)

- if FSFL is approved by COC, DD, or STC:
 - enter the COC approval date in the FSFL software according to subparagraph 340 C and queue the FSFL Detail Transmission File according to paragraph 351

Note: It is imperative that County Offices enter the COC approval date and request *--obligations within 5 working days of approval to ensure that proper--* funding is available for disbursement.

- once the requested funding has been received back in the County Office, notify the borrower of FSFL approval using the letter in subparagraph 128 A. The borrower is **not** to be notified of approval before funding is received.

Note: An STC-designated DD, as applicable, is FSFL approval authority for **only** FSFL's specified in subparagraph 2 F.

C Confidentiality of Applicant's Financial Information

For CCC to provide confidentiality of an applicant's financial information, STC's and COC's shall:

- **not** view financial information, such as balance sheets and cash flow statements, provided by applicants
- **not** discuss an applicant's financial information with anyone outside of the State or County Office
- obtain a written and signed recommendation for approval about the applicant's credit history and ability to repay from an FSA employee with FSA/FSFL approval authority
- use the recommendation to determine whether:
 - an applicant's credit history is satisfactory
 - the applicant has the ability to repay debt resulting from FSFL.

Note: The applicant's financial information is to be kept in the applicant's FSFL folder. After a complete review by an FSA employee with FSFL approval authority and COC/FSFL approval, SED may mandate sealing any or all applicants' financial information in a sealed envelope to be kept in the applicant's FSFL folder.

116 Completing Manual CCC-185, Page 2

A Completing CCC-185, Page 2

After careful consideration of CCC-185, supporting documentation, and staff recommendations, the applicable approving committee or designee shall complete CCC-185, page 2 according to the following table.

Item	Instructions
14A	<p>Insert the amount determined according to paragraph 25.</p> <p>Exception: The approving committee may enter the following:</p> <ul style="list-style-type: none"> • an amount that is less than the maximum amount based on the applicant’s request <p>Note: Enter the amount and the notation “as requested by applicant” in item 18.</p> <ul style="list-style-type: none"> • an amount that is less than the maximum amount based on a COC, STC, or STC-designated DD decision <p>Note: Enter the amount and a notation in item 18 explaining reasons for the decision.</p> <ul style="list-style-type: none"> • an amount that is less than the maximum amount based on certain conditions. <p>Note: List the conditions of approval in item 18.</p>
14B	Enter the number of FSFL installments.
14C	Enter a date that is 4 months following the date of approval.
14D	When known, enter the date the approval letter was sent to the applicant.
15	<p>Approving authority shall sign and date.</p> <p>Notes: Only COC, STC, or STC-designated DD, according to subparagraph 2 F, can approve.</p> <p>FSFL approval authority can only be delegated to an STC-designated DD in situations specified in subparagraph 2 F.</p>
16	Enter the County Office name and address.
17	Enter the type of security required by the approving committee, such as “1st lien on the 133-acre parcel where facility is located.”
18	Use for any appropriate remarks, such as conditions of approval.

129 Closing FSFL's Secured by Real Estate (Continued)

F Transmittal of Title Information

To transmit information and documents to approved closing agents or title insurance companies for title clearance and FSFL closing services, County Offices shall issue the following letter or a similar 1 that is approved for use by the regional attorney.

Date _____

(Attorney) _____

Dear _____ :

You have been selected by an applicant for a Commodity Credit Corporation loan to perform the title work and loan closing of this transaction in connection with the loan application identified below. The following documents are enclosed for preparation of a title opinion or a commitment for a mortgagee policy of title insurance and other handling in accordance with 7 CFR Part 1436.

1) Name of applicant - _____
 Address _____
 Telephone number _____

Marital Status (name of spouse, if married) _____

Loan Number _____

2) Proposed insured – Commodity Credit Corporation

The real estate security for the loan – all of the land described in paragraph 3.

Required lien position – CCC requires a first lien on the land described. If that is not possible, a junior lien may be taken that secures the loan amount.

Amount of loan - \$_____ (Calculated with 15% downpayment)

Type of loan – Farm Storage Facility Loan

Type and purpose of financing – The loan is being made to provide financing for the construction and/or installation of a farm storage facility on the land described in paragraph 3.

Interest rate – _____

Repayment period – _____ years

129 Closing FSFL's Secured by Real Estate (Continued)

F Transmittal of Title Information (Continued)

*--

3) Other information and documents attached:

- a) CCC-193, FSFL Mortgage for Real Estate
- b) Legal description of land: (copy of deed Warranty Deed is attached)
- c) CCC-191, Contractor release of liability – for each contractor/ vendor
- d) CCC-299, Title Opinion – Farm Storage Facility Loan Program
- e) CCC-194 Farm Storage Facility Loan Subordination Agreement for lien on real property (if needed)
- f) FSA-2319 or FSA-1927-8, Agreement with prior lienholder(s) of real estate
- g) CCC-190, FSFL Program Lien Waiver for structures
- h) Other documents _____

4) Requirements of title insurance commitment:

a) Alterations and omissions: If the required information is altered or omitted, the approving official is not authorized to accept the commitment, but must return it for completion.

b) Property description: The approved attorney must review the legal description of the land to ensure that the legal description and recital of all encumbrances, reservations, exceptions, and defects are complete and accurate. If a water right is to be included in the security for the loan, the approved attorney must also attach a full legal description of the water right followed by a recital of all encumbrances, reservations, exceptions, and defects. Land of water rights may be described by reference to a legally adequate description contained in the recorded instrument. A copy of this instrument must be provided to CCC for review before closing. If the description of the property is not legally adequate, the deficiency must be listed as a title defect and the necessary curative action must be included on CCC-299, Part B or in the commitment.

c) Encumbrances, reservations, exceptions, and defects mean all matters that would prevent CCC from obtaining the required lien on the property. These include, but are not limited to, liens; taxes and assessments; leases; easements; covenants; conditions; restrictions; reservations; rights relating to mineral oil, gas, geothermal, timber, and water rights; prior sales of part of the property; judgment, probate proceedings, bankruptcy proceedings, or pending court actions in Federal and State courts; other matters of record that affect title to the real property or the ability of the buyer to convey title or the seller to accept title; and legally inadequate property descriptions.

--*

129 Closing FSFL's Secured by Real Estate (Continued)

G FSFL Closing Notification

County Offices shall use the following letter to notify applicants of conditions to be met and information to be provided **before** establishing a date for FSFL closing. The borrower must sign, date, and return this letter to the County Office so FSFL closing can be scheduled.

*--

NOTIFICATION OF LOAN CLOSING

Date

Borrower name

Address

Your Commodity Credit Corporation (CCC) loan under the Farm Storage Facility Loan Program will be closed soon. To schedule a closing date, you must complete and comply with the items below and return this letter to CCC at the above address by ____ date ____.

Your loan approval was based on annual farm income, off-farm income, and farm expenses before the date of loan approval. If these amounts have changed since the time of approval or your farm operation size has changed, please contact the County Office.

If you have incurred any debts since ____ date ____ that have an unpaid balance of more than \$500, please list these debts below:

<u>To whom owed:</u>	<u>Amount:</u>	<u>Security:</u>	<u>Monthly Payment:</u>
----------------------	----------------	------------------	-------------------------

Provide the closing agent with a standard all-peril structural insurance policy insuring the farm storage facility, effective not later than the date of loan closing, and listing CCC as a loss payee. **The structure must be insured for at least the value of this loan.** Failure to provide proof of insurance will delay closing of your loan.

CCC requires an inspection of the storage facility before loan closing. (This inspection was completed ____ date ____.) Periodic inspections will also be done to protect the security interest of CCC.

--*

129 Closing FSFL's Secured by Real Estate (Continued)

G FSFL Closing Notification (Continued)

*--

You will be notified of the time and place of loan closing and any other specific requirements to be met. At loan closing, you will be required to provide payment from your personal funds for the closing costs and the required downpayment. From the documentation we have received, this is estimated to be \$_____. If you are unable to comply with the above requirements, please notify the County Office immediately.

County Executive Director

cc: _____ Attorney at Law

Enclosures:

I certify that the information provided by me on this letter is accurate. I have reviewed the instructions given by the CCC representative and understand that I must meet the conditions outlined.

Signature of applicant

Date

--*

130 CCC-297 (Continued)

B When CCC-297 Is Not Required (Continued)

- the borrower agrees to do either of the following:
 - increase the downpayment on the storage facility from 15 percent to 20 percent
 - provide another form of security acceptable to the Secretary.

Notes: If the borrower increases the downpayment from 15 percent to 20 percent, CCC-297's will **not** be required. The applicant **must** be informed of and request this option when CCC-185 is submitted.

If the applicant requests to use this option, notate in CCC-185, item 18, and have the applicant sign and date. At final closing, proof that the entire 20 percent downpayment was made is required, or the loan cannot be closed until either CCC-297 is provided or additional documentation showing that the 20 percent downpayment has been made is received by the County Office.

This option only applies to FSFL's of \$50,000 or less because all other FSFL's already require additional security and, in most instances when CCC has a mortgage on the underlying real estate, the facility is **not** severed from the real estate.

*--CCC-297 is required for **all** FSFL assumptions.--*

C State Office Action

State Offices shall:

- request changes and instructions to CCC-297 from the regional attorney
- make CCC-297 a State form
- provide a copy to PSD.

D County Office Action

County Offices shall:

- for FSFL's where a real estate lien is:
 - required, have the attorney obtain the properly completed and signed CCC-297

Notes: The attorney should perform all lien searches.

If the County Office knows the real estate lienholders, they may obtain properly completed CCC-297's before FSFL closing.

130 CCC-297 (Continued)

D County Office Action (Continued)

- **not** required, conduct a real estate lien search to identify holders of liens on real estate underlying the intended storage facility and obtain properly executed CCC-297's

Note: See Exhibit 10.

- file CCC-297 before FSFL closing in the appropriate county real estate records unless the regional attorney waives the filing requirement.

Notes: If COC initially approves CCC-185 before receiving the necessary CCC-297's, then ENTER "The receipt of required CCC-297's" on CCC-185, item 18, as a condition of approval.

*--If County Offices are unable to obtain the required real estate lien searches from their County Recorder, the County Office shall use either of the following:

- local title company with moderate fees
- farm loan personnel trained to perform real estate lien searches.--*

E STC Action

STC's may enter into blanket CCC-297's with lenders if CCC-297's are approved by the regional attorney.

131 **Real Estate Lien Instruments****A Security Instruments**

State Offices shall develop a real estate lien instrument in consultation with their regional attorney. The security instrument may be a real estate mortgage, deed of trust, or other type of instrument. The security instrument must be used for all FSFL's to be secured with real estate. CCC-193 is a real estate mortgage available for FSFLP. CCC-193-D is a deed of trust available for FSFLP.

B Signatures

For a lien on real estate, **all** of the following shall sign the real estate lien instrument:

- the borrower, **only** if the borrower has an ownership interest in the land
- all persons or entities having an ownership interest in the applicable real estate
- the borrower's spouse shall also sign the instrument in States where spousal signatures are required by statute.

133 Final Review of Cost Documents

A Acceptable Cost Documents

County Offices shall review:

- final evidence of total cost
- proof of downpayment

Note: CCC-191, signed and dated by the contractor or seller, with the amount of the downpayment listed in items 3(a) **and** 3(b), is considered proof of downpayment.

- payment of amounts in excess of FSFL.

Note: Evidence must be signed and dated by the seller.

B Examples of Acceptable Evidence

The following are examples of acceptable evidence of cost documents:

- a sales document or receipt, which is signed and dated by the seller
- a certification, which is signed and dated by the seller or provider of services
- a canceled check, which is supported by a signed and dated sales document
- a receipt, which is signed and dated by the seller or provider of services
- copies or facsimiles of documents with the seller's original signature and date.

Note: Seller signatures on sales documents are **not** required if CCC-191 is on file for an amount equal to the sales document amounts.

C County Office Action

County Offices shall:

- date-stamp the original evidence, make a copy for the FSFL folder, and return the original evidence to the borrower
- request the applicant to provide any additional information or documentation considered necessary to support costs or downpayment
- verify evidence with sellers, if necessary

133 Final Review of Cost Documents (Continued)

C County Office Action (Continued)

- *--obtain reconsideration of financial analysis by either an FLP or County Office employee with FLP loan approval authority and by the applicable approving authority identified--* in subparagraph 2 F if final review indicates that:

- final costs exceed costs on which original approval was based
- final documentation includes items **not** in the original approval

Example: FSFL for \$95,000 was originally approved by COC. Final costs indicate that the new FSFL amount will be \$101,000. DD review is required before COC can approve the additional FSFL amount.

- if the approving authority determines the borrower eligible for the increased FSFL amount:
 - document this in the COC or STC minutes
 - *--in CCC-185, item 18, ENTER “STC approved the FSFL increase totaling [new loan amount] on [date]”--*
 - request additional funding according to paragraph 355

Note: The interest rate does **not** change.

- ensure that all necessary actions and forms have been completed
- calculate the amount to be disbursed according to paragraphs 25 and 27.

D Trade in Allowances

County Offices shall **not** allow trade in allowances.

Example: The borrower has an old grain dryer valued at \$1,000 to:

- trade in to the storage bin distributor
- use towards the downpayment.

The value of the old grain dryer **cannot** be used towards the downpayment for FSFL.

133 Final Review of Cost Documents (Continued)

E Release of Liability

County Offices shall obtain CCC-191 for storage and handling facility construction projects from the following:

- the primary contractor who either constructs or subcontracts all aspects of the facility construction and presents 1 bill to the borrower for the entire FSFL project
- all contractors and suppliers providing separate bills for supplies, work, or services performed in the construction of FSFL, whether their part of the project is included in the final amount of FSFL.

Notes: CCC-191 will **not** be required for a supplier of goods if the total cost is less than \$100 ***--and** the cost is **not** included in the final FSFL amount. See subparagraph F for additional exceptions.--*

Only one CCC-191 is required from each contractor supplying goods or performing services for each FSFL disbursement. CCC-191 on file does **not** have to reflect that the total amount of the bill has been paid. CCC-191 can show a partial payment has been made. A new CCC-191 is required from the contractor if the contractor has presented bills for both the partial and final disbursement.

Examples: The borrower has paid the cement contractor the required 15 percent of his or her total cement bill as reflected in his or her total/final bill. The 15 percent is entered in CCC-191, items 3(a) and 3(b). As the cement contractor has **not** been totally paid, FSFL disbursement was made to the borrower and cement contractor. A new CCC-191, following disbursement with the contractor's name on the check, is **not** required from the contractor.

The borrower requests both partial and final disbursements. For the:

- partial disbursement:
 - a complete bill and CCC-191 are presented by the cement contractor
 - a partial bill and CCC-191 are presented by the bin contractor for the construction completed
- final disbursement, the final bill and CCC-191 are presented by the bin contractor and electrician.

CCC-191 is necessary to protect CCC and the FSFL applicant from the following:

- mechanic's or other liens
- claims arising against the contractor or subcontractors.

133 Final Review of Cost Documents (Continued)

***--F Releasing Liability Exceptions**

STC is authorized to approve an exception to current CCC-191 policy, on a case-by-case basis, under specified conditions.

The specified conditions include all of the following:

- waiver request is only for supplies from a retail establishment

Note: CCC-191 contains a release of liability and will still be required from anyone performing work on the structure with no exceptions to the cost.

Example: The total bill for the electrician to wire the fans in a grain bin totals \$950. CCC-191 is required because the bill includes services.

- total sales receipt supported amount for FSFL requesting a waiver of the CCC-191 policy is \$1,000 or less

Example: A producer has bills from Lowe's for \$550 and an electrical supply store for \$600. A CCC-191 waiver can only be requested for 1 of these bills because together the total is over \$1,000. A DAFP waiver for the other bill will be required.

- dated sales receipt, identifying all items and costs, supported by a cancelled check or credit card statement.

Note: The dated sales receipt, identifying all items and costs, and supported by a cancelled check must show that the credit card bill has been paid in full.

CCC-191 identifies if a supplier has been paid in full to determine if joint payment is required. If supplier has not been paid in full, CCC-191 is required.

Note: STC can only delegate this approval to SED.--*

133 Final Review of Cost Documents (Continued)

G Example of CCC-191

The following is an example of CCC-191.

*--

<p>This form is available electronically. CCC-191 (04-04-11)</p>			<p>U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation</p>		
<p>FARM STORAGE FACILITY LOAN PROGRAM RELEASE OF LIABILITY</p>					
<p>NOTE: <i>The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1436, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to release liability on a farm storage facility loan. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in an inability to release liability on a farm storage facility loan.</i></p> <p><i>This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration).</i></p> <p><i>The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</i></p>					
<p>1. Applicant's Name and Address (Including ZIP Code) Mark Barns, LLC 1130 Columbia Road Steel, PA 13322</p>			<p>2. Contractor's Name and Address (Including ZIP Code) Perdue Concrete 226 Chick Drive Palmer, PA 13310</p>		
<p>Telephone Number (Including Area Code): 213-665-8800</p>			<p>Telephone Number (Including Area Code): 213-551-0093</p>		
<p>3. CERTIFICATION:</p> <p>I hereby acknowledge the receipt of (a) <u>four thousand</u> dollars (b) (\$ <u>4,000.00</u>) which represents full or partial payment of my contract/purchase invoice dated (c) <u>11-01-XX</u> for construction or improvement work on the (d) <u>permanent concrete floor</u> <u>located in (e) SE 2/3 Sec. 11 Lot 117 Kelly County</u> and which is further described in my contract/purchase invoice. (When payment towards part of the total cost has been made by the loan applicant as evidenced by the final cost data on file in the County FSA Office, the remaining cost will be covered by joint disbursement of the loan.)</p> <p>I hereby release the loan applicant and the Commodity Credit Corporation (CCC) from any claims or liens filed against my business, or me, as an individual, on account of injuries sustained by any worker employed by me or by any subcontractor, arising by virtue of this contract/purchase invoice.</p> <p>I hereby also release the loan applicant and the Commodity Credit Corporation (CCC) from any and all claims, liens, and lien rights, of any kind, nature, or description whatsoever, filed against my business, or me, as an individual, by all who provided labor, materials, supplies, or equipment in the construction or improvement work on the above referenced structure.</p>					
<p>3(f). Signature of Contractor (By) <u>/s/ Terry K. Perdue</u></p>		<p>3(g). Title/Relationship of the Individual if Signing in a Representative Capacity Owner</p>		<p>3(h). Date (MM-DD-YYYY) 11-01-XXXX</p>	
<p>WARNING</p> <p>The statements and representations made above are made in connection with construction financed in whole or in part by the Commodity Credit Corporation (CCC), United States Department of Agriculture (USDA). The statements and representations will be used to determine the release of USDA provided funds. The making of any false statement or misrepresentation herein may be a crime punishable under Title 18 U.S.C. Section 1001 which provides in part: "Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or statement or entry, shall be fined under [Title 18 of the United States Code] or imprisoned not more than five years, or both."</p>					
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.</small></p>					

--*

134 Inspection and Disbursement (Continued)**D Disbursement**

County Offices shall disburse FSFL as follows:

- according to paragraphs 367 and 368
- disburse jointly to the borrower and suppliers unless there is evidence that all amounts due suppliers have been paid.

135 Extension of Approvals**A Extensions That May Be Granted**

FSFL approvals expire 4 months after the date of approval. COC's shall:

- *--obtain approval from STC or STC designee to grant the first 4-month extension if there are bona fide delays in construction
- obtain approval from STC to extend the FSFL approval period from 8 to 12 months--*

Notes: STC may **not** re-delegate this authority.

Extensions become necessary only if the applicant has **not** completed construction or has **not** submitted all documentation required to disburse FSFL. Delays in disbursing FSFL within the control of CCC, such as funds obligation and the need for additional lien waivers discovered during the lien search 5 workdays before closing, do **not** require a request for extension from the applicant.

- grant extensions only if the applicant:
 - submits a written request for an extension within 7 calendar days of notification by the County Office or the FSFL approval period expiration date, whichever is later

Notes: County Offices shall notify borrowers by telephone, e-mail, or letter, 14 workdays before the expiration date that, if necessary, they must request an extension in writing.

Extensions may be approved after the FSFL approval period expiration date if the request for the extension was made in a timely manner.

135 Extension of Approvals (Continued)**A Extensions That May Be Granted (Continued)**

- provides evidence that CCC-185 was made in good faith
- provides evidence that lack of completion is because of reasons beyond his or her control

Examples: The following are examples of reasons beyond the borrower's control:

- delays in the delivery of parts
 - bad weather conditions
 - lack of necessary skilled labor
 - legal delays involving real estate liens.
- grant extensions only for the time necessary to complete the installation
 - **not** grant automatic extensions
 - ensure that extensions can also be granted if the:
 - site preparation and foundation are both completed by the original FSFL approval period extension date
 - applicant provides a binding contract, signed by the applicant and supplier, proving there is a purchase commitment
 - notate a new expiration date on CCC-185, item 18.

B Requests for Extensions Beyond 12 Months

STC's are **not** authorized to grant extensions of FSFL approvals beyond 12 months from the date of original approval. Requests for waivers of this policy may be submitted to DAFP, according to subparagraph 2 B, if the request:

- meets the requirements of subparagraph A
- is submitted according to paragraph 301.

136-145 (Reserved)

Part 8 Disbursing FSFL's

146 Preparing Manual CCC-186

A Manually Preparing CCC-186

* * *

All FSFL's **must** be disbursed through the APSS software according to current FI notices and handbooks. See paragraphs 366, 367, and 368 for step-by-step instructions.

--State Office specialists shall contact PSD for instructions if it is necessary to manually prepare CCC-186. If it is necessary to prepare a manual CCC-186, the State Office-- specialist responsible for FSFL must review for completeness before obtaining any signatures.

* * *

Part 10 Deceased Borrowers and Assumptions

176 Deceased Borrowers

A County Office Action

When it is learned that an FSFL borrower has died, County Offices shall take the following action.

Step	Action
1	Notify the State Office.
2	After instructions are received from the State Office, notify the fiduciary representative of the estate using the notification letter provided by the State Office from the Regional OGC.
3	Follow the course of action to continue FSFL according to instructions provided by the State Office and the Regional OGC.
4	Process assumptions according to paragraphs 177 and 426.

B State Office Action

When notified of a deceased borrower by a County Office, the State Office shall take the following action.

Step	Action
1	Contact the Regional OGC for advice in preparing a letter that notifies the fiduciary representative of the estate that: <ul style="list-style-type: none"> • there is an outstanding CCC loan • FSFL is secured by CCC-186 and, if applicable, a mortgage or deed of trust on real estate.
2	Obtain advice from the Regional OGC as to the course of action CCC should take to continue FSFL.
3	Notify the County Office of OGC’s recommendations and the language of the notification letter.

177 Assumptions

A When Authorized

Assumptions are authorized when either of the following situations occur:

- the borrower requests an assumption to convey the secured property to another eligible producer
- the borrower is deceased and an eligible heir or another eligible producer who is **not** liable for FSFL requests an assumption.

B County Office Action

County Offices shall take the following action.

Step	Action
1	Approve assumptions only for applicants who meet all of the eligibility requirements according to subparagraph 12 A.
2	Obtain new CCC-297's, if applicable.
3	Prepare and record new security documents to protect CCC's interest in the collateral.
4	Request lien search and credit report on new applicants. Pay lien search, filing, and recording fees according to subparagraph 24 I.
5	*--Collect the application fee in effect at the time the assumption is requested--* according to paragraph 30.
6	Prepare a manual CCC-185 to document that the applicant meets the storage need.
7	Include unpaid interest in the assumed FSFL unless the approving committee requires payment of interest to the date of assumption.
8	Use CCC-298 to document the assumption and COC approval.
9	Require the new borrower to pay filing and recording fees according to subparagraph 24 I.
10	Require the new borrower to pay the next installment when it is due.
11	Provide releases of security to the original borrower. The original borrower pays all fees associated with releasing security.
12	Call FSFL and require repayment in full when there is not an eligible producer to assume FSFL.

--Process assumption in APSS according to paragraph 426.--

177 Assumptions (Continued)

C Preparing CCC-298

County Offices shall prepare CCC-298 according to the following instructions.

Item	Instructions
1	Enter the State code.
2	Enter the county code.
3	Enter the loan serial number, including FY.
4	Enter the borrower's name, address, and telephone number that is on the current FSFL.
5	Enter the State where FSFL is administered.
6	Enter the county where FSFL is administered.
7	Enter the legal description of where the equipment is located.
8A	Enter the name, address, and telephone number of the buyer or survivor.
8B	Enter the county where the buyer lives.
8C	Enter the State where the buyer lives.
9A	Enter the date that the original CCC-186 was executed.
9B	Enter the principal amount of original FSFL.
9C	Enter the principal amount that is unpaid.
9D	Enter the date of the last installment.
9E	Enter the interest rate in effect for the original FSFL.
10A	Enter the State where the security instrument is filed.
10B	Enter the county where the security instrument is filed.
10C	Enter the kind of security instrument, such as UCC-1, mortgage, or deed of trust.
10D	Enter the date the instrument was executed.
10E	Enter the name of the office where the instrument was recorded.
10F	Enter the book, volume, or document number.
10G	Enter the page number in the book where the instrument is recorded, if applicable.
11A	Enter the effective date of assumption.
11B	Enter the amount of unpaid principal to be assumed.
11C	Enter the unpaid interest to be assumed, if any.
11D	Enter the total of items 11B and 11C.
11E	Enter the date of the next installment according to the original schedule.
11F	Enter the interest rate applicable to the original FSFL.
12A	The original borrower or representative shall sign and date.
12B-F	The original co-borrower or representative shall sign and date.
13A	The buyer shall sign and date.
13B-F	The co-buyer shall sign and date.
14	The CCC representative shall sign and enter their title.
15	Enter the name, address, and telephone number of the County Office to administer FSFL.

177 Assumptions (Continued)

D Example of CCC-298

The following is an example of CCC-298.

*--

This form is available electronically.

CCC-298 (04-04-11)		U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		1. State Code 55	2. County Code 019		
FARM STORAGE FACILITY LOAN PROGRAM ASSUMPTION AGREEMENT				3. Loan Serial Number 2009/00004			
(See Page 2 for Privacy Act and Public Burden Statements)							
4. Borrower Name and Address (Including Zip Code) Bill Holiday 113 Winter Lane Columbia, WI 55311							
Telephone Number (Include Area Code): 512-301-6612							
The farm storage, handling, or drying equipment (hereinafter called "property," described on Form CCC-186, loan serial number as above) are located as follows:							
5. The State of Wisconsin			6. The County of Brown				
7. Legal Description of Location of Equipment 7 miles east of Landover, WI on state route 550 described in Brown County clerk's book of deeds number 90 page 117.							
The Commodity Credit Corporation (hereinafter called "CCC"), an agency and instrumentality of the United States, made available funds with which to purchase, erect, remodel, construct or install said property through a loan, which is evidenced and secured by a Promissory Note and Security Agreement (Form CCC-186), or by a promissory note and deed of trust or real estate mortgage (hereinafter called "Mortgage"), executed by the Borrower to CCC, in the State and County listed in Items 5 and 6 above. The mortgage provides that if the Borrower sells said property, then CCC may declare the whole of the indebtedness at once due and payable, and take other action as set out in said mortgage. However, the Borrower desires to sell said property to the Buyer listed in Item 8A, 8B, and 8C below (hereinafter called the "Buyer").							
8A. Buyer's Name and Mailing Address (Including Zip Code): Kim Holiday 6550 Blackburn Rd Cheverly, WI 55306			8B. County where Buyer Lives Brown				
Telephone Number (Include Area Code): 512-301-5500			8C. State where Buyer Lives Wisconsin				
9. CCC is the holder of a note and security agreement as follows below:							
A. Date Executed (MM-DD-YYYY) 10-13-2009	B. Amount of Original Loan \$ 35,000.00	C. Principal Unpaid \$ 27,112.00	D. Last Installment Date (MM-DD-YYYY) 08-23-2010	E. Interest Rate 3.45%			
10. The following security instruments were taken on property below:							
A. State Wisconsin	B. County Brown	C. Kind of Instrument UCC-1 Financing Statement	D. Date Executed (MM-DD-YYYY) 07-10-2010	E. Office where Recorded Brown County Clerk	F. Book, Volume, Document Number 2009/90	G. Page Number 117	H. Check if New Security
11. The buyer agrees to assume the loan as follows:							
A. Effective Date (MM-DD-YYYY) 09-30-2010	B. Unpaid Principal \$ 27,112.00	C. Unpaid Interest to be Assumed \$ 186.54	D. Total of Item B and Item C \$ 27,298.54	E. Date of Next Installment (MM-DD-YYYY) 08-23-2011	F. Interest Rate 3.45%		

--*

177 Assumptions (Continued)

D Example of CCC-298 (Continued)

*--

CCC-298 (04-04-11)		Page 2
BORROWER'S AND BUYER'S AGREEMENT CERTIFICATION		
<p><i>In consideration of the assumption of indebtedness and CCC's consent to the assumption and related conveyance of security property, if applicable, the Buyer agrees to jointly and severally assume liability and agrees to pay the entire unpaid indebtedness with the rates and terms stipulated in the debt and security instruments listed above.</i></p> <p><i>The provisions of said debt and security instruments and any outstanding agreements executed or assumed by the present debtors shall remain in full force and effect the same as if they had executed them as of the dates thereof as principal obligors.</i></p>		
12A. Borrower's Signature (By) /s/ Bill Holiday	12B. Title/Relationship of the Individual if Signing in a Representative Capacity Borrower	12C. Date (MM-DD-YYYY) 09-30-2010
13A. Co-Borrower's Signature (By)	13B. Title/Relationship of the Individual if Signing in a Representative Capacity	13C. Date (MM-DD-YYYY)
13A. Co-Borrower's Signature (By)	13B. Title/Relationship of the Individual if Signing in a Representative Capacity	13C. Date (MM-DD-YYYY)
13A. Co-Borrower's Signature (By)	13B. Title/Relationship of the Individual if Signing in a Representative Capacity	13C. Date (MM-DD-YYYY)
13A. Co-Borrower's Signature (By)	13B. Title/Relationship of the Individual if Signing in a Representative Capacity	13C. Date (MM-DD-YYYY)
13A. Co-Borrower's Signature (By)	13B. Title/Relationship of the Individual if Signing in a Representative Capacity	13C. Date (MM-DD-YYYY)
14A. Buyer's Signature (By) /s/ Kim Holiday	14B. Title/Relationship of the Individual if Signing in a Representative Capacity Buyer	14C. Date (MM-DD-YYYY) 09-30-2010
15A. Co-Buyer's Signature (By)	15B. Title/Relationship of the Individual if Signing in a Representative Capacity	15C. Date (MM-DD-YYYY)
15A. Co-Buyer's Signature (By)	15B. Title/Relationship of the Individual if Signing in a Representative Capacity	15C. Date (MM-DD-YYYY)
15A. Co-Buyer's Signature (By)	15B. Title/Relationship of the Individual if Signing in a Representative Capacity	15C. Date (MM-DD-YYYY)
15A. Co-Buyer's Signature (By)	15B. Title/Relationship of the Individual if Signing in a Representative Capacity	15C. Date (MM-DD-YYYY)
15A. Co-Buyer's Signature (By)	15B. Title/Relationship of the Individual if Signing in a Representative Capacity	15C. Date (MM-DD-YYYY)
COMMODITY CREDIT CORPORATION SECURED CREDITOR		
16. Commodity Credit Corporation (Secured Creditor)		17. Name & Address of County FSA Office (Including Zip Code):
By <u>/s/ Sidney Pope, CED</u> (Name and Title)		Brown County FSA Office 11550 Shirley Ct Lakewood, WI 55321 Telephone Number (Include Area Code): 512-301-6005
<p>NOTE: The following statement is made in accordance with the Privacy Act of 1974 (5 USC 552a - as amended). The authority for requesting the information identified on this form is 7 CFR Part 1436, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246). The information will be used to process an assumption agreement on a farm storage facility loan. The information collected on this form may be disclosed to other Federal, State, Local government agencies, Tribal agencies, and nongovernmental entities that have been authorized access to the information by statute or regulation and/or as described in applicable Routine Uses identified in the System of Records Notice for USDA/FSA-14, Applicant/Borrower. Providing the requested information is voluntary. However, failure to furnish the requested information will result in an inability to process an assumption agreement on a farm storage facility loan.</p> <p>This information collection is exempted from the Paperwork Reduction Act, as it is required for administration of the Food, Conservation, and Energy Act of 2008 (see Pub. L. 110-246, Title I, Subtitle F - Administration).</p> <p>The provisions of appropriate criminal and civil fraud, privacy, and other statutes may be applicable to the information provided. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</p> <p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, receipt, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.</small></p>		

--*

178-185 (Reserved)

312 Application Fees

A Collecting Application Fees

An FSFL application fee of \$100 per FSFL applicant shall be collected according to paragraph 30. Deposit the application fee as soon as it is collected. **No other** fees are collected for FSFL's, although applicants are responsible for paying for certain filing fees associated with their FSFL as identified in subparagraph 24 I.

--The application fee for a loan assumption must be collected and is the fee in effect at the time the assumption is requested.--

B Program Code for Application Fees

The program code for **depositing** FSFL application fees is "XXFSFLFEES", where "XX" represents the last 2 digits of the FY in which the FSFL application is expected to be "Approved Pending Funding" by COC.

Examples: An application fee collected for FSFL that is "Approved Pending Funding" by COC between:

- 10-1-09 and 9-30-10 will be deposited using code "10FSFLFEES"
- 10-1-10 and 9-30-11 will be deposited using code "11FSFLFEES".

Notes: The only remittance authorized under program code "XXFSFLFEES" is the \$100 FSFL application fee.

For fees paid for by the County Office and reimbursed by the producer, see paragraph 314.

C Retaining Application Fee Information

County Offices shall record the following in the FSFL folder:

- amount of application fee paid in dollars and cents, for example "\$100.00"
- date application fee was paid and deposited
- CCC-257 number, for example "0468".

D Depositing Application Fees

The FSFL application fee shall be deposited in NRRS using current FI procedure.

313 Issuing Payments for Lien Searches and Recording Fees**A Fees Responsibilities**

CCC is responsible for **paying** fees for:

- credit reports (paid by PSD)
- lien searches on collateral
- recording fees for financing statements on collateral.

Note: A contract for obtaining all FSFL credit reports has been secured. State and County Offices shall **not** pay for these reports. PSD will request payment.

The applicant shall pay all other fees according to subparagraph 24 I.

B Program Code for Paying Fees

The program code for **paying** fees for FSFL lien searches and financing statements is *--“XXFSFLRF”, where “XX” equals the last 2 digits of the FY of the original loan approval.

Examples: Lien search and recording fees shall be coded as follows:

- a fee for filing UCC-1 for FSFL approved in FY 2010 and paid on October 4, 2010, shall be “10FSFLRF”
- a lien search on an individual assuming FY 2007 FSFL paid on September 9, 2010, shall be “07FSFLRF”.

C Paying Fees

County Offices shall submit payment requests for FSFL lien search and recording fees according to current OLP procedures in 1-FI.

314 Reimbursable Fees**A Reimbursable Fee--***

An example of a reimbursable fee is the borrower repaying the County Office for CCC-297 they filed for the producer. According to subparagraph 24 I, the producer is responsible for the cost associated with the filing of CCC-297. Other examples include, but are not limited to, the following:

- *--filing and discharging CCC-297
- filing and recording CCC-297 related to a lien on real estate
- filing a release or discharge of a real estate mortgage--*
- terminating a financing statement using a UCC document.

340 Recording Actions for CCC-185's (Continued)

F Deletions

CCC-185 may be deleted:

- before approval
- after obligation
- *--before note and security amount is verified.--*

Notes: By using this option, any funds that have been obligated will be returned.

Use delete to return obligated funds because of an error. A new FSFL may be entered with the correct information.

Complete CCC-185 **deletion** processing according to the following.

Step	Action	Result
1	On Screen VCA11000: <ul style="list-style-type: none"> • enter the applicant's name, ID number and type, and FSFL number • PRESS "Enter". 	FSFL Menu VFA000 will be displayed.
2	On Menu VFA000: <ul style="list-style-type: none"> • ENTER "5", "Delete CCC-185 Application" • PRESS "Enter". 	Screen VFA12000 will be displayed.
3	On Screen VFA12000: <ul style="list-style-type: none"> • enter the following: <ul style="list-style-type: none"> • date of deletion • reason for deletion, applicant's last name, and FSFL number in remarks • PRESS "Enter". 	A "Warning" will be displayed indicating no re-access when this action is completed. PRESS "Enter". Screen VFA17005 will display the question, "Do you wish to complete this process? (Y or N)".

340 Recording Actions for CCC-185's (Continued)

F Deletions (Continued)

Step	Action	Result
4	On Screen VFA17005: <ul style="list-style-type: none"> • ENTER "Y" or "N", as applicable • PRESS "Enter". 	If the answer is: <ul style="list-style-type: none"> • "Y", CCC-185 will be printed with deletion information in item 18 • "N", Screen VFA12300 will be redisplayed from which the user can PRESS: <ul style="list-style-type: none"> • "Cmd3" to return to the previous screen to make changes • "Cmd7" to end the job and return to Menu VCA005.

341-350 (Reserved)

355 Re-Accessing CCC-185’s to Decrease or Increase Funding (Continued)

A Funding Decrease (Continued)

Step	Action	Result
Changes (Continued)		
3	On Screen VFA10000: <ul style="list-style-type: none"> • change the “Requested Loan Amount” to decreased amount • PRESS “Enter”. 	Screen VFA10500 will be displayed.
4	Complete Screens VFA10500 through VFA11500, according to subparagraph 338 B, and PRESS “Enter”.	Screen VFA17005 will be displayed with the question, “Do you wish to complete this process? (Y or N)”. *--ENTER “Y”.--*
5	Complete the process according to subparagraph 338 B, step 8.	The revised CCC-185 will be printed. Note: Unless the approval process in step 6 is completed, the new FSFL amount on the revised CCC-185 will not apply to this FSFL.
Approval		
6	Approve the revised CCC-185 according to subparagraph 340 C. On Screen VFA12500 in subparagraph 340 C, step 3, correct the “Amount Approved Pending Funding” to decreased “Requested Loan Amount”. Do not change the “COC Approval Date”.	Another revised CCC-185 will be printed showing decreased “Requested Loan Amount” and revised approval information.
Funding		
7	Decreased amounts require no upload-download action.	CCC-186 and disbursement can be processed.

B Funding Increase

To **increase** a funded CCC-185 amount:

- re-access the applicable CCC-185 according to subparagraph 325 C
- ENTER “1”, “Application/Approval Processing”, on Menu VCA005 and PRESS “Enter”
- complete processing according to the following table.

Note: All 7 steps **must** be completed.

355 Re-Accessing CCC-185's to Decrease or Increase Funding (Continued)

B Funding Increase (Continued)

Step	Action	Result
Changes		
1	On Screen VCA11000: <ul style="list-style-type: none"> • enter the applicant's name, ID number and type, and FSFL number • PRESS "Enter". 	FSFL Menu VFA000 will be displayed.
2	On Menu VFA000: <ul style="list-style-type: none"> • ENTER "1", "Application Processing (Re-access for changes)" • PRESS "Enter". 	The following screens will display according to paragraph 338 and allow data changes: <ul style="list-style-type: none"> • Screen VFA10000 • Screen VFA10500 • Screen VFA10800 • Screen VFA11000 • Screen VFA11500.
3	On Screen VFA10000: <ul style="list-style-type: none"> • change the "Requested Loan Amount" to total needed • PRESS "Enter". 	Screen VFA10500 will be displayed.
4	Complete Screens VFA10500 through VFA11500, according to subparagraph 338 B, and PRESS "Enter".	Screen VFA17005 will display the question, "Do you wish to complete this process? (Y or N)".
5	Complete the process according to subparagraph 338 B, step 8.	The revised CCC-185 will be printed. Note: To approve increased funding, continue with step 6.
Approval		
6	Approve the revised CCC-185 according to subparagraph 340 C. On Screen VFA12500 in subparagraph 340 C, step 3, correct the "Amount Approved Pending Funding" to new total "Requested Loan Amount". Enter the new "COC Approval Date".	Another revised CCC-185 will be printed showing increased "Requested Loan Amount" and revised approval information.
Funding		
7	Increased amounts require re-queue and receipt of additional funding according to paragraphs 351 and 352.	After receipt of increased funding, CCC-186 and disbursement can be processed.

Note: The FSFL funding process takes **at least 5** workdays from when the FSFL approval is entered and transmitted for funding to when the obligation is received back in the County Office.

356-365 (Reserved)

367 Disbursement Option 1 - Closing FSFL's Followed by Submitting Payment Requests (Continued)

B Closing FSFL's and CCC-186 Processing (Continued)

Step	Action								
5 <u>1</u> /	<p>On Farm Storage Facility Loan Program Screen VFB10000, no modifications are allowed. Screen VFB10000 is a warning screen for the user to verify the funded amount.</p> <table border="1" data-bbox="386 470 1479 621"> <thead> <tr> <th data-bbox="386 470 967 506">IF...</th> <th data-bbox="967 470 1479 506">THEN PRESS...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 506 967 583">incorrect</td> <td data-bbox="967 506 1479 583">"Cmd7". See paragraph 355 for steps to correct the funded amount.</td> </tr> <tr> <td data-bbox="386 583 967 621">Correct</td> <td data-bbox="967 583 1479 621">"Enter" to continue with closing.</td> </tr> </tbody> </table>	IF...	THEN PRESS...	incorrect	"Cmd7". See paragraph 355 for steps to correct the funded amount.	Correct	"Enter" to continue with closing.		
IF...	THEN PRESS...								
incorrect	"Cmd7". See paragraph 355 for steps to correct the funded amount.								
Correct	"Enter" to continue with closing.								
6 <u>1</u> /	On Verification of Funded Amount Screen VFB10100 , no modifications are allowed. PRESS "Enter" to continue with closing.								
7 <u>1</u> /	<p>On Close and/or Request Payment Screen VFB10200, answer the question, "Do you want to close this loan now? (Y or N)".</p> <table border="1" data-bbox="386 770 1479 1108"> <thead> <tr> <th data-bbox="386 770 967 806">IF the user...</th> <th data-bbox="967 770 1479 806">THEN...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 806 967 919">wants to complete FSFL closing immediately (the same as before centralized check writing)</td> <td data-bbox="967 806 1479 919">ENTER "Y", PRESS "Enter", and go to step 8. See Exhibit 40.</td> </tr> <tr> <td data-bbox="386 919 967 1033">wants to request payment before closing FSFL (disbursement option 2)</td> <td data-bbox="967 919 1479 1033">ENTER "N" and PRESS "Enter". See subparagraph 368 B, step 7 and Exhibit 41.</td> </tr> <tr> <td data-bbox="386 1033 967 1108">does not want to close FSFL or request payment now</td> <td data-bbox="967 1033 1479 1108">PRESS "Cmd7" to exit closing FSFL's.</td> </tr> </tbody> </table>	IF the user...	THEN...	wants to complete FSFL closing immediately (the same as before centralized check writing)	ENTER "Y", PRESS "Enter", and go to step 8. See Exhibit 40.	wants to request payment before closing FSFL (disbursement option 2)	ENTER "N" and PRESS "Enter". See subparagraph 368 B, step 7 and Exhibit 41.	does not want to close FSFL or request payment now	PRESS "Cmd7" to exit closing FSFL's.
IF the user...	THEN...								
wants to complete FSFL closing immediately (the same as before centralized check writing)	ENTER "Y", PRESS "Enter", and go to step 8. See Exhibit 40.								
wants to request payment before closing FSFL (disbursement option 2)	ENTER "N" and PRESS "Enter". See subparagraph 368 B, step 7 and Exhibit 41.								
does not want to close FSFL or request payment now	PRESS "Cmd7" to exit closing FSFL's.								
8 <u>1</u> /	<p>On FSFL - Additional Borrowers Screen VFB10300, answer the question, "Are additional borrowers required to sign the CCC-186 Note and Security Agreement? (Y or N)".</p> <p>Note: FSFL proceeds will be issued only to the contact borrower under *--disbursement option 1, even if additional borrowers are entered. All additional borrowers entered must be in SCIMS.--*</p> <table border="1" data-bbox="386 1367 1479 1522"> <thead> <tr> <th data-bbox="386 1367 967 1402">IF...</th> <th data-bbox="967 1367 1479 1402">THEN ENTER...</th> </tr> </thead> <tbody> <tr> <td data-bbox="386 1402 967 1480">the user wants to add borrowers to CCC-186</td> <td data-bbox="967 1402 1479 1480">"Y" and PRESS "Enter".</td> </tr> <tr> <td data-bbox="386 1480 967 1522">there are no other borrowers</td> <td data-bbox="967 1480 1479 1522">"N" and PRESS "Enter".</td> </tr> </tbody> </table>	IF...	THEN ENTER...	the user wants to add borrowers to CCC-186	"Y" and PRESS "Enter".	there are no other borrowers	"N" and PRESS "Enter".		
IF...	THEN ENTER...								
the user wants to add borrowers to CCC-186	"Y" and PRESS "Enter".								
there are no other borrowers	"N" and PRESS "Enter".								
9 <u>1</u> /	<p>On Farm Storage Facility Loan Program Screen VFB13000, answer the question, "Do you wish to print an additional copy of the Amortization Report?". ENTER "Y" or "N" and PRESS "Enter".</p> <p>Note: The date on the FSFL Amortization Report will be the date the report is prepared.</p>								
10	On FSFL Printer ID Selection Screen VCA97000 , change the printer ID, if needed, and PRESS "Enter". The FSFL Amortization Report will print.								
11 <u>1</u> /	On Farm Storage Facility Loan Program Screen VFA17005 , answer the question, "Do you wish to complete this process? (Y or N)". ENTER "Y" and PRESS "Enter".								

367 Disbursement Option 1 - Closing FSFL's Followed by Submitting Payment Requests (Continued)

B Closing FSFL's and CCC-186 Processing (Continued)

Step	Action	
12	On FSFL Printer ID Selection Screen VCA97000 , change the printer ID, if needed, and PRESS “Enter” . CCC-186 will print.	
13	On Farm Storage Facility Loan Program Screen VCE99910 , answer the question, “Do you want to reprint this form? (Y or N)”.	
	IF...	THEN ENTER...
	the user wants to reprint CCC-186	“Y” .
	CCC-186 printed correctly and another copy is not needed	“N” .
This completes the FSFL closing process. Users are locked out of the closing process for FSFL. Menu VCA005 will be redisplayed.		
Note: Users must immediately disburse FSFL. On Menu VCA005 , ENTER “3” , “Payment Requests” , and PRESS “Enter” . See subparagraph C.		

1/ This step allows users to exit the closing process and correct the funding obligation **before** completing the closing process, to ensure that FSFL's are disbursed with the correct dollar amounts. If County Offices exit the closing process, to re-access, ENTER **“2”** and PRESS **“Enter”** on **Menu VCA005**.

C Processing Payment Requests Before NPS Cutoff

The payment **must** be:

- requested **immediately** after completing the closing process in subparagraph B, step 13
- submitted to NPS

Note: On **Menu VCA005**, ENTER **“3”**, **“Payment Requests”**, and PRESS **“Enter”**.

- completed **before** the NPS **3 p.m. c.t. cutoff**.

The payment request for FSFL closed is submitted to NPS according to the following table.

Step	Action
1	On Menu VCA005 , ENTER “3” , “Payment Requests” , and PRESS “Enter” .
2	On Facility Loans - ID Entry Screen VCA11000 , enter FY and FSFL number and PRESS “Enter” .
3	On Facility Loans - Show Applications Screen VCA11500 , select the producer and PRESS “Enter” .
4	On Facility Loans - Verify Chosen Applicant Screen VCA12000 , verify the correct applicant and PRESS “Enter” .

439 Canceling FSFL Transactions (Continued)

B Disbursement Cancellation for Disbursement Option 1 That Will Be Re-Issued (Continued)

County Offices shall ensure that a receivable is present in NPS **before** processing a disbursement on the new FSFL.

Note: Debt Management Reports will be available listing these receivables. Follow FMD guidance for obtaining Debt Management Reports.

IF CCC-186...	THEN...
has been generated in the FSFL System 36 APSS software and later canceled	a new FSFL must be recorded. APSS will not allow corrections once CCC-186 has been generated.
was printed for FSFL, but the payment was not requested (disbursement option 1 only)	*--FSFL will need to be canceled according to this paragraph.--*

C Disbursement Cancellation for Disbursement Option 2 That Will Not Be Re-Issued

When a forced check is received (disbursement option 2) and the borrower informs the County Office that they **no** longer want FSFL's, use the following table to cancel the disbursement.

Step	Action
1	<p>The County Office shall:</p> <ul style="list-style-type: none"> • write “VOID” on the check and make a photo copy for the file • mail the check marked “VOID” to Treasury at the following address: U.S. DEPT OF TREASURY KANSAS CITY FINANCIAL CENTER (KFC) PO BOX 34668-1068 KANSAS CITY MO 64116-1068 • not use Federal Express to mail checks to Treasury.
2	<p>The County Office shall send an e-mail, to both of the following, requesting that the check be re-issued payable to CCC. The e-mail shall include the producer's name, check number, and address to send the re-issued check:</p> <ul style="list-style-type: none"> • Rhonda Quinlan at rhonda.quinlan@kcc.usda.gov • Mary Grisham at mary.grisham@kcc.usda.gov.
3	<p>The County Office shall cancel FSFL, according to subparagraph A, and create an overpayment receivable.</p>
4	<p>When the overpayment receivable has been created in NPS, and the re-issued check made payable to CCC is received in the County Office, the check must be applied as a collection to the receivable.</p>

439 Canceling FSFL Transactions (Continued)

D Repayment Cancellation

Access and complete FSFL repayment cancellations according to the following table.

Step	Action	Result
1	On Application Selection Menu FAX07001: <ul style="list-style-type: none"> • ENTER “13”, “Price Support” • PRESS “Enter”. 	Price Support Main Menu PCA005 will be displayed.
2	On Menu PCA005: <ul style="list-style-type: none"> • ENTER “15”, “Farm Storage Facility Loan Functions” • PRESS “Enter”. 	Facility Loans Main Menu VCA005 will be displayed.
3	On Menu VCA005: <ul style="list-style-type: none"> • ENTER “9”, “Cancel Transaction” • PRESS “Enter”. 	Screen VCA11000 will be displayed.
4	On Screen VCA11000: <ul style="list-style-type: none"> • enter the applicant’s name, ID number and type, and FSFL number • PRESS “Enter”. 	Screen VGA00005 will display all transactions for the selected FSFL.
5	On Screen VGA00005, ENTER “Y” next to the transaction to be reversed.	The correction posting check-off list will be printed.
6	If the listed transaction is correct, PRESS “Enter”.	The repayment is reversed in the FSFL software.

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

This table lists the required reports in this handbook.

Report Control Number	Title	Reporting Period	Submission Date	Negative Report	Reference
VFB405-R001	FSFL Program Reminders Report	Monthly by DD			415
VAA510-R001	FSFL Repayment Status Report	Quarterly by State Office			414

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		51, Ex. 15
AD-1026A	Supplemental to AD-1026 (Continuation)		Ex. 15
B10	Proof of Claim		186
CCC-10	Representations for Commodity Credit Corporation or Farm Service Agency Loans and Authorization to File a Financing Statement and Related Documents	58	51, 52, 56
CCC-185	Loan Application and Approval for Farm Storage and Drying Equipment Loan Program	51, 116	Text, Ex. 15, 40, 41
CCC-185-1	Loan Application and Approval for Farm Storage and Drying Equipment Loan Program CCC-185 Continuation Sheet	51	
CCC-186	Farm Storage Facility Loan Program Promissory Note and Security Agreement		Text, Ex. 2, 15
CCC-186-1	Farm Storage Facility Loan Program CCC-186-1 Continuation Sheet	147	31, 146, 411, 412
CCC-190	Farm Storage Facility Loan Program Lien Waiver	Ex. 16	52, 56, 127, 129, Ex. 15
CCC-191	Farm Storage Facility Loan Program Release of Liability	133	28, 127, 129
CCC-193	Real Estate Mortgage for Farm Storage Facility Loan Program		31, 127, 129, 131, Ex. 15
CCC-193-D	Farm Storage Facility Loan Deed of Trust for (State of _____)		31, 127, 131

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

Forms (Continued)

Number	Title	Display Reference	Reference
CCC-194	Farm Storage Facility Loan Subordination Agreement (Lien on Real Property)	Ex. 23	127, 129, 131, Ex. 15
CCC-195	Farm Storage Facility Loan (FSFL) Processing Checklist	52	11, Ex. 15
CCC-257	Schedule of Deposit		158, 161, 231, 232, 312, 338, 353, 426
CCC-295A	Farm Storage Facility Loan Program Final Inspection of Facility Before Loan Disbursement	134	28, 127, 186, Ex. 15
CCC-295B	Farm Storage Facility Loan Program Annual Inspection Record	Ex. 25	134, 163, Ex. 15
CCC-296	Farm Storage Facility Loan Program Certification of Attorney	129	127
CCC-297	Severance Agreement	Ex. 10	Text, Ex. 15
CCC-298	Farm Storage Facility Loan Program Assumption Agreement	177	31, 426, Ex. 15
CCC-299	Title Opinion - Farm Storage Facility Loan Program	129	127
CCC-400	Farm Storage Facility Loan Program Agreement for Sale of Loan Collateral	210	31, 186, 197, 209, 211, 233
CCC-471	Non-Insured Crop Disaster Assistance Program (NAP) Application for Coverage (2010 and Subsequent Crop Years)		69
CCC-674	Certification for Contracts, Grants, Loans, and Cooperative Agreements	33	
CCC-901	Members Information 2009 and Subsequent Years		10, 31, 51, 52
CCC-902	Farm Operating Plan for Payment Eligibility Review		10, 12, 15, 51, 52
CCC-902E	Farm Operating Plan for an Entity 2009 and Subsequent Program Years		31
CCC-926	Payment Eligibility Average Adjusted Gross Income Certification		12
FEMA 81-93	Standard Flood Hazard Determination		52, 69, Ex. 15
FSA-13-A	Data Security Access Authorization Form		451
FSA-211	Power of Attorney		31
FSA-578	Report of Acreage		15, 51

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

Forms (Continued)

Number	Title	Display Reference	Reference
FSA-850	Environmental Evaluation Checklist		11, 52, 81-83, 301, Ex. 15
FSA-851	Environmental Risk Survey Form		11, 52, 82, 301, Ex. 15
FSA-853A	Environmental Assessment		82
FSA-1927-8	Agreement With Prior Lien Holder (State of..)		127, 129
FSA-2002	3 Years Financial History		53
FSA-2003	3 years Production History		53
FSA-2004	Authorization to Release Information		51, 53, Ex. 15
FSA-2015	Verification of Debts and Assets		53, Ex. 15
FSA-2037	Farm Business Plan Worksheet Balance Sheet		51, 53
FSA-2038	Farm Business Plan Worksheet Projected/Actual Income and Expense		51, 53
FSA-2319	Agreement With Prior Lienholder		24, 127, 129
FSA-2360	Report of Lien Search		56, Ex. 15
IRS-1098	Mortgage Interest Statement		12, 164
NRCS-CPA-052	Environmental Evaluation Worksheet		82
SF-LLL	Disclosure of Lobbying Activities	33	
SF-LLL-A	Disclosure of Lobbying Activities Continuation Sheet	33	
UCC-1	National Financing Statement		Text, Ex. 15, 16
UCC-3	National Financing Statement Amendment		24, Ex. 15

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

Abbreviations Not Listed in 1-CM

The following abbreviations are not listed in 1-CM.

Approved Abbreviation	Term	Reference
ASG	Application Support Group	440
EA	environmental assessment	81-83
FSA-FS	FSA Financial Services	158
FSFLP	Farm Storage Facility Loan Program	Text, Ex. 2
NIFA	National Institute of Food and Agriculture	16, 17, 20
NRRS	National Receipts and Receivables System	158, 314
OLP	online payment	313, 314
OSHA	Occupational Safety and Health Administration	19-21
REAP	Rural Energy for America Program	32
SEC	State Environmental Coordinator	82, 83
SFLO	Senior Farm Loan Officer	115
SOD	start-of-day	158, 352, 414, 415
SORS	State Office Reporting System	451

Redelegations of Authority

This table lists the redelegations of authority in this handbook.

Redelegation	Reference
CED may be delegated authority by COC to sign all forms or documents, except CCC-185. Federal and non-Federal County Office employees, except those applications in which the person approving has a monetary interest, may be delegated authority by CED. See paragraph 2 for exceptions.	2
DD may be delegated authority by STC to approve CCC-185 if the loan applicant is a COC or County Office employee or relative.	2
STC may redelegate authority for loan approval period extensions up to 8 months.	135
STC may redelegate CCC-185 approval to SED only.	2, 11, 115

Definitions of Terms Used in This Handbook (Continued)

Mitigation Measures (Continued)

- the establishment of vegetative buffer zones between project sites and adjacent land uses
- protective measures recommended by environmental and conservation agencies having jurisdiction or special expertise about the project's impacts
- storm water management plans to control potential downstream flooding effects that would result from a project
- zoning
- reusing existing facilities as opposed to new construction.

No-Action Alternative

A no-action alternative is the alternative of **not** approving an application for financial assistance.

Nonmovable or Nonsalable Collateral

Nonmovable or nonsalable collateral means either of the following:

- collateral COC determines cannot be sold and moved to a new location because of the type of construction
- collateral that has deteriorated to the point that it has no sale recovery value.

Old Growth Timber

Old growth timber is forest materials that would otherwise be used for either of the following:

- a higher-value product, such as timber, lumber, or wood pulp
- any other finished wood products, such as mulch or paper.

Note: See Healthy Forest Restoration Act of 2003, Subsection 102e, paragraphs 2 through 4.

Person

Person means any individual, group of individuals, partnership, corporation, estate, trust, association, cooperative, tribal venture, or other business enterprise, or other legal entity who is, or whose members are, a citizen or citizens of the United States, or a legal resident alien.

Definitions of Terms Used in This Handbook (Continued)

Practicable Alternative

A practicable alternative is an alternative that is capable of attainment within the confines of relevant constraints. The test of practicability, therefore, depends upon the particulars of the situation under consideration and those constraints imposed by environmental, economic, legal, social, and technological parameters. This test, however, is **not** limited by the temporary unavailability of sufficient financial resources to implement an alternative. That is, alternatives cannot be rejected solely on the basis of moderately increased costs. The range of alternatives that must be analyzed to determine whether a practicable alternative exists includes the following categories of alternatives:

- alternative project sites or designs
- alternative projects with similar benefits as the proposed action
- the no-action alternative.

Preparer of Environmental Review Documents

The preparer of environmental review documents is the FSA official who is responsible for:

- reviewing the potential environmental impacts of the proposed action
- completing the appropriate level of environmental review.

Relative

A relative, as defined in 3-PM, Exhibit 2, is an individual who is related to the employee, as father, mother, son, daughter, brother, sister, uncle, aunt, great-uncle, great-aunt, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or who is the grandfather or grandmother of the spouse of the employee, or who is the fiancé or fiancée of the employee.

Renewable Biomass Commodity

Renewable biomass commodity is any organic matter that is available on a renewable or recurring basis used for producing energy in the form of heat, electricity, and liquid solid or gaseous fuels.

*--Resale Collateral Value

Resale collateral value is collateral that can be sold and moved to a new location for which compensation equal to the outstanding loan value can be expected.--*

Satisfactory Credit History

Satisfactory credit history means a history of repaying debts as they came due unless the failure to repay or tardiness in payment was because of circumstances beyond the applicant's control as determined by CCC upon proof submitted by the applicant.

Additional Commodities Eligible for FSFL

Crop Name	Crop Code	Crop Abbr	Unit of Measure
Alfalfa	0027	ALFAL	Varies
Almonds	0028	ALMND	Varies
Apples	0054	APPLE	Varies
Apricots	0326	APRCT	Varies
Aronia Berries	0143	ARONI	Varies
Artichokes	0458	ARTIC	Varies
Asparagus	0104	ASPRG	Varies
Avocados	0106	AVOCD	Varies
Bamboo Shoots	0111	BAMBO	Varies
Bananas	0173	BANAN	Varies
Beans	0047	BEANS	Varies
Beets	0642	BEETS	Varies
Blueberries	0108	BLUBR	Varies
Broccoli	0110	BRCLI	Varies
Brussel Sprouts	0112	BRUSL	Varies
--Buckwheat	0114	BUKWT	Bushels--
Cabbage	0116	CABAG	Varies
Caneberries	6000	CANBR	Varies
Cantaloupes	0759	CANTL	Varies
Carambola (Star Fruit)	0999	CRMBA	Varies

Note: Caneberries includes blackberries and raspberries.

Additional Commodities Eligible for FSFL (Continued)

Crop Name	Crop Code	Crop Abbr	Unit of Measure
Carrots	0120	CARRT	Varies
Cashew	1291	CASHE	Varies
Cauliflower	0124	CLFLW	Varies
Celery	0126	CLERY	Varies
Cherries	0128	CHERY	Varies
Chestnuts	0375	CHENT	Varies
Chicory/Radicchio	0511	CHICO	Varies
Coconuts	0175	COCON	Varies
Corn	0041	SCORN	Varies
Cranberries	0058	CRNBR	Varies
Cucumbers	0132	CUCUM	Varies
Currants	0325	CURRN	Varies
Dates	0496	DATES	Varies
Eggplant	0318	EGGPL	Varies
Elderberries	0032	ELDER	Varies
Figs	0060	FIGS	Varies
Garlic	0423	GARLC	Varies
Ginger	0178	GINGR	Varies
Grapefruit	0030	GFRUT	Varies
Grapes	0053	GRAPE	Varies
Grass (Hay)	0102	GRASS	Tons
Greens	4000	GREEN	Varies
Hazel Nuts	0376	HAZNT	Varies
Herbs	5000	HERBS	Varies
Honeydew	0758	HNYDW	Varies
Kiwifruit	0463	KIWIF	Varies

Additional Commodities Eligible for FSFL (Continued)

Crop Name	Crop Code	Crop Abbr	Unit of Measure
Kohlrabi	0374	KOLRA	Varies
Leeks	0377	LEEKS	Varies
Lemons	0035	LEMON	Varies
Lettuce	0140	LETUC	Varies
Limes	0036	LIMES	Varies
Macadamia Nuts	0469	MACAD	Varies
Mangos	0464	MANGO	Varies
Mushrooms	0403	MUSHR	Varies
Nectarines	0250	NECTR	Varies
Okra	0286	OKRA	Varies
Olives	0501	OLVIE	Varies
Onions	0142	ONION	Varies
Oranges	0023	ORANG	Varies
Other Fruits And Vegetables	0773	OFAV	Varies
Papaya	0181	PAPAY	Varies
Parsnip	0338	PARSN	Varies
Peaches	0034	PEACH	Varies
Peanuts	0075	PNUTS	Varies
Peas	0067	PEAS	Varies
Pecans	0146	PECAN	Varies
Peppers	0083	PEPRS	Varies
Pineapple	9033	PNAPL	Varies
Pistachios	0470	PISTA	Varies
Plantain	0186	PLANT	Varies

Additional Commodities Eligible for FSFL (Continued)

Crop Name	Crop Code	Crop Abbr	Unit of Measure
Plums	0254	PLUMS	Varies
Pomegranates	0467	POMEG	Varies
Potatoes	0084	PTATO	Varies
Potatoes Sweet	0156	SWTPO	Varies
Prunes	0086	PRUNS	Varies
Pumpkins	0147	PUMKN	Varies
Radishes	0148	RADIS	Varies
Raisins	0037	RAISN	Varies
Rhubarb	0335	RHUBR	Varies
Rutabaga	0339	RUBAG	Varies
Scallions	8109	SCALN	Varies
Shallots	0533	SHALL	Varies
--Speltz	0131	SPELZ	Bushels--
Squash	0155	SQASH	Varies
Strawberries	0154	STWBR	Varies
Tangelos	0024	TANGL	Varies
Tangerines	0048	TANGR	Varies
Tomatoes	0087	TMATO	Varies
--Triticale	0158	TRICL	Bushels--
Turnips	0160	TRNIP	Varies
Walnuts	0029	WLNUT	Varies
Water Cress	0613	WACRE	Varies
Watermelon	0757	WATRM	Varies
Yam	0188	YAM	Varies
Yard/Food Waste	8888	WAST	Varies