

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

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**Livestock Disaster Assistance Programs**  
**1-LDAP**

**Amendment 24**

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**Approved by:** Deputy Administrator, Farm Programs



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**Amendment Transmittal**

**A Reasons for Amendment**

Subparagraphs 73 I, 200 F, and 296 E have been amended to provide that CCC-926 is **required** as supporting documentation to determine compliance with average AGI compliance, if CCC-926 was filed before September 1, 2011, and CCC-931 is required to be filed as supporting documentation to determine compliance with average AGI compliance if CCC-926 was **not** filed before September 1, 2011.

Subparagraphs 75 D, 201 D, and 297 D have been amended to reference CCC-931's when DD's conduct initial reviews.

Subparagraphs 171 P, 171 Q, 242 P, and 242 Q have been amended to remove references to obsolete subparagraph references.

Subparagraphs 435 B and 460 B have been amended to provide that certification information should be recorded in the web-based eligibility system and that:

- CCC-926 is on file for 2009-2011 applications according to 3-PL (Rev. 1), if CCC-926 was filed before September 1, 2011
- CCC-931 is on file for 2011 applications according to 3-PL (Rev. 1), if CCC-926 was **not** filed before September 1, 2011.

**Amendment Transmittal (Continued)**

<b>Page Control Chart</b>		
<b>TC</b>	<b>Text</b>	<b>Exhibit</b>
	2-85, 2-86 2-97, 2-98 4-45, 4-46 4-47, 4-48 4-119 through 4-122 5-35 through 5-38 5-201, 5-202 5-205, 5-206 7-161, 7-162 8-17, 8-18	1, pages 1, 2

## 73 Application for Payment (Continued)

**H Proof and Reasonableness of Livestock Inventory (Continued)**

**Example:** John Brown certified to 125 head of adult beef cows on his FSA-approved 2007 LCP application. The 125 head of adult beef cows certified on the 2007 LCP application may be used in combination with purchase and sales reports, birth and death records, and other verifiable documents providing evidence of beef cattle for Mr. Brown to determine the beef cattle inventory when the deaths occurred. However, the 2007 LCP application data by itself is **not** sufficient evidence of livestock inventory when the deaths occurred in 2009.

**Note:** None of the documents listed in this subparagraph, by themselves, may be sufficient evidence to determine the reasonableness of the number of livestock in inventory when the deaths occurred. COC's shall ensure that the documents submitted by participants provide verifiable evidence that supports the reasonableness of the number of livestock inventory when the deaths occurred, as certified by the participant.

COC's shall determine the reasonableness of the livestock inventory and claimed losses using the following guidelines, when appropriate, for calving, farrowing, and kidding:

- 90 percent calving rate
- 103 to 105 percent for sheep
- 150 to 180 percent kidding rate
- 8.5 pigs per litter farrowing rate.

**Example:** A participant reports a livestock inventory of 150 beef cows, 5 beef bulls, and 155 beef calves when the deaths occurred. The normal calving rate would yield 135 (150 times 90 percent) calves. Based on the normal calving rate, 155 calves for 150 cows do not appear reasonable. COC should question the livestock inventory if it is not supported by verifiable documentation.

## 73 Application for Payment (Continued)

**I Supporting Documents**

All supporting documents must be completed by the participant and on file in the County Office before FSA-914 may be approved.

For 2008 calendar year losses, the participant must have provided the following to the County Office by no later than September 13, 2009:

- proof of death documentation
- copy of contract growers contracts
- proof of normal mortality documentation.

For 2009 and subsequent year calendar year losses, the participant **must** provide the following supporting documentation to the County Office by no later than 30 calendar days after the end of the calendar year for which benefits are requested:

- proof of death documentation
- copy of contract growers contracts
- proof of normal mortality documentation.

Additional supporting documents including, but not limited to, the following must be completed by the participant and be on file in the County Office before FSA-914 can be approved:

- CCC-502, applicable for 2008 calendar year
- CCC-901 applicable for 2009 and subsequent years
- AD-1026 applicable for 2008, 2009, 2010, 2011
- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008
- CCC-926 or other acceptable document according to 4-PL to determine compliance with average AGI provisions for:
  - \*--2009 and 2010
  - 2011, if CCC-926 was filed before September 1, 2011
- CCC-931 or other acceptable documentation according to 4-PL to determine compliance with average AGI provisions, if CCC-926 was **not** filed before September 1, 2011.--\*

## 75 Acting on FSA-914 (Continued)

**B Disapproving FSA-914 (Continued)**

If all program eligibility requirements are **not** met, or it is determined that the information on FSA-914, or any additional supporting documentation provided by the participant, is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-914
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in the COC minutes.

**C Verifying Data With Other Agencies, Organizations, or Facilities**

When contacting agencies, organizations, or facilities to verify data provided by a participant or third party, the County Office shall be specific in the information requested. The request should include, but is not limited to, the following:

- participant's name and address
- animal kind and type
- reason the request is being made
- information that is being requested.

**D DD Review and Report of Initial FSA-914's**

\*--DD shall review the first five FSA-914's for calendar years 2008 and/or 2009 before--\* approval where:

- proof of death is provided according to subparagraph 73 E, before COC or CED may approve any such FSA-914
- reliable records are provided along with verifiable beginning and ending inventory records as proof of death according to subparagraph 73 F, before COC may approve FSA-914
- third party certification is used to prove death according to subparagraph 73 G, before COC may approve any such FSA-914.

**\*--Note: Only COC is authorized to act on FSA-914's where reliable records are provided according to subparagraph 73 F and third party certification is used to prove loss.--\***

## 75 Acting on FSA-914 (Continued)

**D DD Review and Report of Initial FSA-914's (Continued)**

For 2010 and subsequent calendar years, DD shall review the first 5 FSA-914's each calendar year before approval where:

- proof of death is provided according to subparagraph 73 E, before COC or CED may approve any such FSA-914
- reliable records are provided along with verifiable beginning and ending inventory records as proof of death according to subparagraph 73 F, before COC may approve FSA-914
- third party certification is used to prove death according to subparagraph 73 G, before COC may approve any such FSA-914.

**Note: Only COC is authorized to act on FSA-914's where reliable records are provided according to subparagraph 73 F or third party certification is used to prove loss.**

The review shall include ensuring that:

- separate FSA-914's are submitted by participant and administrative county
- signature requirements, including power of attorney, are met
- proof of death is provided and verifiable, according to subparagraph 73 E, when applicable
- reliable records are provided along with verifiable beginning and ending inventory records as proof of death according to subparagraph 72 F, when applicable
- third party certifications, if applicable, meet all requirements according to subparagraph 73 G
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- supporting data required for payment eligibility is properly completed and on file; such as \*-CCC-901; CCC-926 or CCC-931, as applicable; CCC-502; AD-1026; and accurate-\* subsidiary and SCIMS data.

**171 Eligibility Criteria (Continued)****N Waiver for Calendar Year 2008 only for LFP**

Producers are eligible for LFP only if either crop insurance or NAP coverage has been obtained for the grazing land incurring losses for which assistance is being requested.

The 2008 Farm Bill was enacted June 18, 2008. Sales closing dates for CAT and application closing deadlines for NAP for the 2008 crop year for all insurable and noninsurable grazing land had passed. A waiver was authorized to allow producers to pay a buy-in fee, or receive a waiver, by September 16, 2008, for grazing land for which the producer did not obtain crop insurance or NAP coverage for 2008.

**O Waiver of Buy-In for Socially Disadvantaged, Limited Resource, or Beginning Farmers or Ranchers**

Producers who meet the requirements of a socially disadvantaged, limited resource, or beginning farmer or rancher do **not** have to meet RMPR and are not required to pay the buy-in fee for 2008 and subsequent years.

The waiver for socially disadvantaged, limited resource, or beginning farmer or rancher provides that producers who are socially disadvantaged, limited resource, or beginning farmers or ranchers do not have to meet RMPR and, therefore, are not required to pay the buy-in fee.

In the case of an eligible livestock producer that is a socially disadvantaged farmer or rancher or limited resource or beginning farmer or rancher, the Secretary may:

- waive the requirement to purchase a policy or plan of insurance or obtain coverage under the noninsured crop disaster assistance program
- provide disaster assistance under this subpart at a level that the Secretary determines to be equitable and appropriate.

Producers who meet the requirements of a socially disadvantaged, limited resource, or beginning farmer or rancher shall complete FSA-217 according to 1-CM, paragraph 950.

**171 Eligibility Criteria (Continued)****P 2008 Equitable Relief**

The Secretary may, on a case-by-case basis, provide equitable relief to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet RMPR for the grazing land incurring the loss.

In the case of an eligible livestock producer that suffered losses on grazing land during the 2008 calendar year, the Secretary will take special consideration to provide equitable relief in cases in which the eligible livestock producer failed to meet RMPR because of the enactment of this title after the closing date of the sales periods for crop insurance under the Federal Crop Insurance Act, and the noninsured crop disaster assistance program and the livestock producer made a good faith effort to comply.

**Note:** See 7-CP \* \* \* to determine whether a producer made a good faith effort to comply.

Equitable relief shall not be granted to producers in instances of:

- scheme or device
- intentional decision made to not insure a covered crop under policy or plan of insurance or under NAP
- lack of good faith in reporting acreage
- sanctions placed on the producer by RMA or FSA
- the producer was prohibited from insuring acreage because the producer did not timely pay the crop insurance premiums in a prior year
- violations of HEL and WC provisions
- violations of controlled substance provisions.

Equitable relief requests must be initiated by the participant.

It is the participant's responsibility to provide evidence, to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.

## 171 Eligibility Criteria (Continued)

**P 2008 Equitable Relief (Continued)**

STC shall:

- review each request for equitable relief and clearly document in the STC minutes the justification for granting or denying equitable relief
- include the following information in the STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by the producer.

COC shall:

- review each equitable relief request and clearly document the justification for recommending equitable relief, along with all supporting documentation to STC
- document the justification for recommending equitable relief in the COC minutes according to 7-CP \* \* \* before submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

**Q 2009 and Subsequent Years Equitable Relief**

STC's may, on a case-by-case basis, provide equitable to an eligible livestock producer that is otherwise ineligible or unintentionally fails to meet 2009 and subsequent year RMPR for the grazing land incurring loss when the determination has been made that the producer made a good faith effort to comply.

**Note:** See 7-CP \* \* \* to determine whether a producer made a good faith effort to comply.

STC's shall not grant equitable relief to a producer that failed to meet 2009 and subsequent year RMPR because of any of the following reasons:

- scheme or device
- producer intentionally chose not to insure a covered crop under a policy or plan of insurance or under NAP
- a lack of good faith in reporting acreage or production
- sanctions placed on the producer by RMA or FSA

## 171 Eligibility Criteria (Continued)

**Q 2009 and Subsequent Years Equitable Relief (Continued)**

- violations of HEL and WC provisions
- violations of controlled substance provisions.

Equitable relief requests must be initiated by the participant. It is the participant's responsibility to provide evidence, to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional.

It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.

Producers granted relief for **not** meeting 2009 and subsequent year RMPR must pay an administrative fee of \$250 per crop.

**Note:** There is **no** limit on the amount of administrative fees that can be collected from producers for equitable relief.

Producers must visit their administrative county to pay the appropriate fees and complete FSA-754 and/or FSA-755.

STC shall:

- review each request for equitable relief and clearly document in the STC minutes the justification for granting or denying equitable relief
- include the following information in the STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by the producer.

COC shall:

- review each equitable relief request and clearly document the basis for recommending equitable relief, along with all supporting documentation to STC
- document the basis for recommending equitable relief in COC minutes according to 7-CP \* \* \* before submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

**200 Applying for Benefits (Continued)****F Supporting Documents (Continued)**

- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008
- CCC-926, or other acceptable document according to 4-PL to determine compliance with average AGI provisions for:
  - \*--2009 and 2010
  - 2011, if CCC-926 was filed before September 1, 2011
- CCC-931 or other acceptable documentation according to 4-PL to determine compliance with average AGI provisions, if CCC-926 was **not** filed before September 1, 2011--\*
- copy of contract grower contracts
- evidence that participant is prohibited by the Federal agency from grazing the normal permitted livestock on the managed rangeland because of a fire.

**201 Acting on FSA-925****A Approving FSA-925**

COC or CED **must** act on **all** completed and signed FSA-925's submitted.

**Note:** CED's may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

**Important:** DD review of initial FSA-925's **must** be completed according to subparagraph D before FSA-925's may be approved or disapproved.

FSA-925 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-925 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-925 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-925 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on FSA-925, COC can enter "98" in item 18 for adult beef cows and then approve FSA-925 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows not used in the calculation of LFP benefits.

**\*--201 Acting on FSA-925 (Continued)**

**A Approving FSA-925 (Continued)**

Before approving FSA-925, COC or CED **must**:

- ensure that **all** program eligibility requirements are met
- be satisfied with **all** the following:
  - livestock claimed are eligible livestock according to subparagraph 171 E
  - risk management purchase requirements have been met or a waiver has been approved
  - all forage information entered on the application meets eligibility requirements according to paragraph 171
  - participant is an eligible livestock producer according to subparagraph 171 H
  - reasonableness of the number and type of livestock claimed
  - all signature requirements are met.

**Note:** See subparagraph B when:

- COC or CED questions any data provided by participant
- disapproving FSA-925.--\*

**\*--201 Acting on FSA-925 (Continued)****B Disapproving FSA-925**

COC or CED **must** act on all completed and signed FSA-925's submitted.

**Note:** CED's may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-925.

**Important:** DD review of initial FSA-925's must be completed according to subparagraph D before FSA-925's may be approved or disapproved.

FSA-925 shall be approved or disapproved as certified by the participant. When more than 1 type of livestock is claimed, FSA-925 shall be approved or disapproved based on all livestock claimed. However, COC does have authority to make adjustments to certain information reported on FSA-925 when documentation warrants making adjustments.

**Example:** Jim Brown files FSA-925 that includes 100 adult beef cows reported in item 14. COC has documentation that only 98 adult beef cows meet eligibility requirements as eligible covered livestock in inventory on the beginning date of the qualifying drought. In this case, on FSA-925, COC can enter "98" in item 18, for adult beef cows and then approve FSA-925 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows not used in the calculation of LFP benefits.

If it is determined that any information provided on FSA-925 is not reasonable or is questionable, additional verifiable documentation or evidence shall be requested from the participant, in writing, to support the data provided. Other agencies, organizations, or facilities may also be contacted to verify information provided by participants.

**Important:** See subparagraph C when contacting other agencies, organizations, or facilities to verify information provided by participants.

**Exception:** COC's shall **not** require tax records; however, participant may voluntarily provide tax records.

If all program eligibility requirements are **not** met, it is determined that the information on FSA-925 or any additional supporting documentation provided by participant is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-925
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in COC minutes, if disapproved by COC.--\*

**201 Acting on FSA-925 (Continued)****C Verifying Data With Other Agencies, Organizations, or Facilities**

When contacting agencies, organizations, or facilities to verify data provided by a participant, the County Office shall be specific in the information requested. The request should include, but is not limited to, the following:

- participant's name and address
- animal kind and type
- why the request is being made
- what information is being requested.

**D DD Review and Report of Initial FSA-925's**

DD's shall review the first five FSA-925's submitted, for both qualifying drought conditions and fire conditions, in each Service Center before approval. The review shall include the following:

- ensuring that separate FSA-925's are submitted by participant and physical location County Office
- signature requirements, including power of attorney, are met
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- supporting data required for payment eligibility is properly completed and on file; such as \*-CCC-901; CCC-926 or CCC-931, as applicable; CCC-502; AD-1026; and accurate--\* subsidiary and SCIMS data.

Within 10 workdays of completing the review, DD shall provide a written report to SED describing the review findings, including a list of errors discovered, and the overall status of the implementation of LFP in the County Office.

DD review of the initial FSA-925's and supporting documentation submitted is critical to ensuring LFP is being administered according to the procedures provided in this handbook and the regulations in 7 CFR Part 760, Subparts B and D.

Reviewing the initial FSA-925's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of LFP that may be resolved by additional training, clarified procedures, or modified software
- prevents numerous participants from being impacted by erroneous LFP administration
- allows corrections to be made in a timely manner before erroneous payments are issued.

## 242 Eligibility Criteria (Continued)

**P Equitable Relief for 2008 (Continued)**

- actual use of the crop that differs from IU was uninsurable.

**Example:** Certain insurance policies, such as Crop Revenue Coverage, insure corn **only** intended as grain. If the corn is intended for silage, the coverage will **not** attach.

**Note:** 7-CP \* \* \* was used to determine whether a producer made a good faith effort.

Equitable relief shall **not** be granted by STC to a producer who failed to meet 2008 RMPR because of 1 of the following reasons:

- producer intentionally chose **not** to insure a covered crop under RMA or NAP
- a lack of good faith in reporting acreage or production
- ineligibility determinations rendered under RMA or NAP regulations
- producer was prohibited from insuring acreage because the producer did **not** timely pay the crop insurance premiums in a prior year
- relief request was after May 18, 2009.

Equitable relief requests must be initiated by the participant. It is the participant's responsibility to provide evidence to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.

Producers granted relief by STC for **not** meeting 2008 RMPR must pay a \$100 per crop administrative fee.

**Note:** The administrative fee is \$100 per crop, but **not** more than either of the following:

- \$300 per producer per administrative county
- \$900 total per producer for all counties less any previously paid fees for CAT and/or NAP.

Producers **must** visit their administrative county to pay the appropriate fees and complete CCC-752 or CCC-753.

## 242 Eligibility Criteria (Continued)

**P Equitable Relief for 2008 (Continued)**

STC's shall do the following for 2008 relief cases acted on by STC:

- review each request for equitable relief and clearly document in STC minutes the justification for granting or denying equitable relief
- include the following information in STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - ELAP Program
  - action taken by the producer.

COC shall do the following for relief cases to be submitted to STC:

- review each equitable relief request and clearly document the justification for recommending equitable relief, along with all supporting documentation to STC
- document the justification for recommending equitable relief in COC minutes according to 7-CP \* \* \* **before** submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

The American Recovery and Reinvestment Act authorized an additional waiver for a second buy-in. This waiver allowed producers another opportunity to pay a buy-in fee to be eligible for ELAP.

Since producers were given a second opportunity to pay a buy-in fee to meet 2008 RMPR, all STC relief provisions were suspended.

**Important:** For requests for relief cases submitted after May 18, 2009, State and County Offices shall follow 7-CP for submitting equitable relief cases to DAFP.

## 242 Eligibility Criteria (Continued)

**Q Equitable Relief for 2009 and Subsequent Years**

The 2009 crop year sales closing dates for crop insurance and application closing dates for NAP coverage had occurred **before** enactment of the Food, Conservation, and Energy Act of 2008 for some crops. Pub. L. 110-398 amended the Food, Conservation, and Energy Act of 2008 to allow a waiver of RMPR for producers who did **not** meet RMPR.

Producers were given the opportunity to buy-in until January 12, 2009, for crops that had a sales closing date before August 14, 2008, and for which crop insurance was not purchased.

**Note:** The application closing date for NAP was extended until December 1, 2008; therefore, this provision did **not** apply to NAP crops.

Equitable relief may be granted by STC on a case-by-case basis, to an eligible producer that failed to meet 2009 and subsequent years RMPR when the determination has been made that the producer made a good faith effort to comply.

**Note:** See 7-CP \* \* \* to determine whether a producer made a good faith effort to comply.

STC shall **not** grant equitable relief to a producer that failed to meet 2009 and subsequent years RMPR because of any of the following reasons:

- producer intentionally chose **not** to insure a covered crop under RMA or NAP
- a lack of good faith in reporting acreage or production
- ineligibility determinations rendered under RMA or NAP regulations
- producer's inability to insure acreage because of **not** paying premiums with crop insurance in a prior year
- violations of HEL and WC provisions
- violations of controlled substance provisions.

## 242 Eligibility Criteria (Continued)

**Q Equitable Relief for 2009 and Subsequent Years (Continued)**

Equitable relief requests **must** be initiated by the participant.

Producers granted relief for **not** meeting 2009 and subsequent years RMPR shall pay a \$250 per crop administrative fee.

**Note:** There is **no** limit on the amount of administrative fees that can be collected from a producer for equitable relief.

Producers **must** visit their administrative county to pay the appropriate fees and complete FSA-754 and/or FSA-755.

STC shall:

- review each request for equitable relief and clearly document in STC minutes the justification for granting or denying equitable relief
- include the following information in STC minutes when granting or denying equitable relief:
  - producer's name
  - program year
  - program
  - action taken by producer.

COC shall:

- review each equitable relief request and clearly document the basis for recommending equitable relief, along with all supporting documentation to STC
- document the basis for recommending equitable relief in COC minutes according to 7-CP \* \* \* **before** submitting equitable relief cases to STC.

**Note:** FSA-321 shall **not** be completed according to 7-CP.

It is the participant's responsibility to provide evidence to the satisfaction of FSA, that the failure to meet RMPR was unintentional. It is not FSA's responsibility to provide documentation that a failure to meet RMPR was or was not intentional. It is the participant who has failed to meet RMPR and who is seeking relief for that failure who must provide evidence as to intent, to the satisfaction of FSA.

**\*--296 Application for Payment (Continued)**

**D Printing and Reviewing FSA-918 or FSA-930**

Once the automated system becomes available, all manual FSA-918's or FSA-930's shall be loaded into the automated system. After all information is entered into the automated system, County Offices shall:

- print an automated FSA-918 or FSA-930
- attach the manual FSA-918 or FSA-930 to the applicable automated FSA-918 or FSA-930
- conduct a second party review of all data on the automated FSA-918 or FSA-930 to ensure that all data is the same on both the manual and automated FSA-918 or FSA-930.

**Important:** The individual conducting the second party review shall not be the same individual who entered the data into the automated system.--\*

## 296 Application for Payment (Continued)

**E Supporting Documents**

All supporting documents **must** be completed by the participant and on file in the County Office:

- no later than December 10, 2009, for 2008 calendar year losses
- no later than 30 calendar days after the end of the calendar year for which benefits are requested for 2009 and subsequent calendar year losses
- before FSA-918 or FSA-930 may be approved.

Supporting documents include, but are not limited to, the following:

- FSA-578
- CCC-901 applicable for 2009 and subsequent calendar years
- AD-1026 applicable for 2008, 2009, 2010, or 2011 calendar year
- CCC-526 or other acceptable document according to 1-PL to determine compliance with average AGI provisions for 2008 calendar year
- CCC-926, or other acceptable document according to 4-PL to determine compliance with average AGI provisions for:
  - \*--2009 and 2010
  - 2011, if CCC-926 was filed before September 1, 2011
- CCC-931 or other acceptable documentation according to 4-PL to determine compliance with average AGI provisions, if CCC-926 was **not** filed before September 1, 2011--\*
- proof of death documentation
- copy of contract growers contracts
- copy of insurance documents to show that risk management purchase requirements have been met
- copies of cash or share lease agreements to show risk in grazing lands.

## \*--297 Acting on FSA-918 or FSA-930 (Continued)

**B Disapproving FSA-918 or FSA-930**

COC or CED **must** act on all completed and signed FSA-918's or FSA-930's submitted.

**Note:** CED's may delegate approval authority to program technicians for routine cases. Program technicians shall **not** be delegated authority to disapprove any FSA-918 or FSA-930.

**Important:** DD review of initial FSA-918's or FSA-930's must be completed according to subparagraph D before FSA-918's or FSA-930's may be approved or disapproved.

FSA-918 or FSA-930 shall be approved or disapproved as certified by the producer. When more than 1 type of livestock, honeybees, or farm-raised fish is claimed on FSA-918 or FSA-930, FSA-918 or FSA-930 shall be approved or disapproved based on all livestock, honeybees, or farm-raised fish claimed. However, COC does have authority to make adjustments to certain information reported on FSA-918 or FSA-930 when documentation warrants making adjustments.

**Example:** Jim Brown executes FSA-918 that includes 100 adult beef cows reported in item 16. COC has documentation that only 98 adult beef cows meet the eligibility requirements as eligible livestock in inventory on the beginning date of the eligible flood. In this case, in FSA-918, item 18, COC can enter "98" for adult beef cows and then approve FSA-918 for the 98 eligible adult beef cows. Jim Brown would be provided appeal rights according to 1-APP for the 2 adult beef cows not used in the calculation for ELAP benefits.

If it is determined that any information provided on FSA-918 or FSA-930 is not reasonable or is questionable, additional verifiable documentation or evidence shall be requested from the participant, in writing, provided. Other agencies, organizations, or facilities may be contacted to verify information provided by participants.

**Important:** See subparagraph C when contacting other agencies, organizations, or facilities to verify information provided by participants.

**Exception:** COC's shall **not** require tax records; however, participant may voluntarily provide tax records.

If all program eligibility requirements are **not** met, it is determined that the information on FSA-918 or FSA-930 or any additional supporting documentation provided by participant is **not** accurate or reasonable, then the following actions shall be taken:

- disapprove FSA-918 or FSA-930
- notify participant of disapproval
- provide participant applicable appeal rights according to 1-APP
- thoroughly document reason for disapproval in COC minutes, if disapproved by COC.--\*

**297 Acting on FSA-918 or FSA-930 (Continued)****C Verifying Data With Other Agencies, Organizations, or Facilities**

When contacting agencies, organizations, or facilities to verify data provided by a producer, the County Office shall be specific in the information requested. The request should include, but is not limited to, the following:

- participant's name and address
- animal kind and type
- why the request is being made
- what information is being requested.

**D DD Review and Report of Initial FSA-918's or FSA-930's**

DD's shall review the first five FSA-918's and FSA-930's submitted, for eligible losses, in each Service Center before approval. The review shall include the following:

- ensuring that FSA-918's or FSA-930's are submitted by participant and County Office
- signature requirements, including power of attorney, are met
- no State or County Office developed forms, worksheets, applications, or other documents are being used to obtain or collect the data required from participants
- supporting data required for payment eligibility is properly completed and on file; such as \*-CCC-901; CCC-926 or CCC-931, as applicable; CCC-502; AD-1026; and accurate-\* subsidiary and SCIMS data.

Within 10 workdays of completing the review, DD shall provide a written report to SED describing the review findings, including a list of errors discovered, and the overall status of the implementation of ELAP in the County Office.

DD review of the initial FSA-918's and FSA-930's and supporting documentation submitted is critical to ensuring ELAP is being administered according the procedures provided in this handbook and the regulations in 7 CFR Part 760, Subparts B and C.

Reviewing the initial FSA-918's and FSA-930's and supporting documentation in a timely manner:

- identifies possible weaknesses in the administration of ELAP that may be resolved by additional training, clarified procedures, or modified software
- prevents numerous participants from being impacted by erroneous ELAP administration
- allows corrections to be made in a timely manner before erroneous payments are issued.

**\*--Section 5 Issuing LFP Payments**

**435 Overview**

**A Supporting Files for Integrated Payment Processing**

The LFP payment process is a web-based integrated process that reads a wide range of information from other program determinations and values to determine whether a payment should be issued, the amount of the gross payment, reductions, and net payment amount. For payments to be calculated correctly, all supporting files must be updated correctly, including the following.

<b>Type of Information</b>	<b>How Information Is Used for Payment Processing</b>	<b>Source</b>
FSA-925 Data	To compute the payment amount for the producer.	Web-based LFP Application Software
Payment Eligibility Information	To determine whether the producer and members of a joint operation (for 2009 and future) are eligible for payment for the year in which FSA-925 was filed.	Web-based Eligibility System
General Name and Address Information	To determine the producer's business type and general name and address information.	SCIMS
Entity and Joint Operation Information	<p>To determine the following for the year in which FSA-925 is filed:</p> <ul style="list-style-type: none"> <li>• member contribution value</li> <li>• substantive change value</li> <li>• for 2008 LFP members and members share of the following:                             <ul style="list-style-type: none"> <li>• general partnership</li> <li>• joint ventures</li> </ul> </li> <li>• for 2009 and subsequent year LFP members and members share of the following:                             <ul style="list-style-type: none"> <li>• general partnership</li> <li>• joint ventures</li> <li>• entities.</li> </ul> </li> </ul>	Entity and joint operation control county mainframe record.
Combined Producer Information	To determine whether the LFP producer or members of entities or joint operations are combined with other producers to ensure the payment limitation is controlled properly.	Combined Producer System
Available Payment Limitation	To determine payment limitation availability.	Payment Limitation System
Financial Related Information	Calculated payment information is provided to NPS. Determined overpayment amount is provided to NRRS.	NPS or NRRS

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## 435 Overview (Continued)

**B Actions To Be Completed Before Issuing Payments**

The following provides actions that must be completed **before** issuing payments. COC, CED, or designee shall ensure that the actions are completed.

Step	Action
1	Ensure that FSA-925 has been approved and approval date has been recorded into the applicable software according to paragraph 365.
2	Ensure that AD-1026 is on file for the applicable year for producers seeking benefits and that the eligibility information is recorded in the web-based Eligibility System.
3	Ensure that the following is on file for legal entities: <ul style="list-style-type: none"> <li>• CCC-502 for 2008 LFP according to 1-PL</li> <li>• CCC-901 for 2009 through 2011 LFP according to 4-PL.</li> </ul>
4	For producers seeking benefits, ensure that the certification information is recorded in the web-based Eligibility System and that the following is on file: <ul style="list-style-type: none"> <li>• CCC-526 for 2008 LFP according to 3-PL</li> <li>•*--CCC-926 for 2009 through 2011 LFP according to 3-PL (Rev. 1), if CCC-926 was filed before September 1, 2011</li> <li>• CCC-931 for 2011 LFP, according to 3-PL (Rev. 1), if CCC-926 was <b>not</b> filed before September 1, 2011.--*</li> </ul>
5	Ensure that all eligibility determinations have been updated according to the determinations made by COC for producers and members of joint operations. <p><b>Notes:</b> See:</p> <ul style="list-style-type: none"> <li>• 3-PL for 2008 LFP</li> <li>• 3-PL (Rev. 1) for 2009 through 2011 LFP.</li> </ul>
6	Ensure that the joint operation and entity files are updated correctly for the applicable year. See 2-PL.
7	Ensure that member contribution and substantive change values are updated according to 4-PL. <p><b>Note:</b> Applies to 2009 through 2011 LFP only.</p>
8	Ensure that combined producer files are updated correctly for the applicable year. <p><b>Notes:</b> See:</p> <ul style="list-style-type: none"> <li>• 3-PL for 2008 LFP</li> <li>• 3-PL (Rev. 1) for 2009 through 2011 LFP.</li> </ul>
9	Ensure that all adjustments to payment limitation have been updated for the producer or member. <p><b>Notes:</b> See:</p> <ul style="list-style-type: none"> <li>• 3-PL for 2008 LFP</li> <li>• 3-PL (Rev. 1) for 2009 through 2011 LFP.</li> </ul>
10	Ensure that all assignment and joint payees have been updated in Financial Services if CCC-36, CCC-37, or both that are filed for 2008 through 2011 LFP.

**\*--Section 2 Issuing LIP Payments**

**460 Overview**

**A Supporting Files for Integrated Payment Processing**

The LIP payment process is a web-based integrated process that reads a wide range of information from other program determinations and values to determine whether a payment should be issued, the amount of the gross payment, reductions, and net payment amount. For payments to be calculated correctly, all supporting files **must** be updated correctly, including the following.

<b>Type of Information</b>	<b>How Information Is Used for Payment Processing</b>	<b>Source</b>
FSA-914 Data	To compute the payment amount for the producer.	Web-Based LIP Application Software
Payment Eligibility Information	To determine whether the producer and members of a joint operation (for 2009 and future) are eligible for payment for the year in which FSA-914 was filed.	Web-Based Eligibility System
General Name and Address Information	To determine the producer’s business type and general name and address information.	SCIMS
Entity and Joint Operation Information	To determine the following for the year in which FSA-914 is filed: <ul style="list-style-type: none"> <li>• member contribution value</li> <li>• substantive change value</li> <li>• for 2008-2011 LIP, members and members share of the following:                             <ul style="list-style-type: none"> <li>• general partnership</li> <li>• joint ventures</li> <li>• entities (starting with 2009 LIP).</li> </ul> </li> </ul>	Entity and Joint Operation Control County Mainframe Record
Combined Producer Information	To determine whether the LIP producer or members of entities or joint operations are combined with other producers to ensure that the payment limitation is controlled properly.	Combined Producer System
Available Payment Limitation	To determine payment limitation availability.	Payment Limitation System
Financial Related Information	Calculated payment information is provided to NPS. Determined overpayment amount is provided to NRRS.	NPS or NRRS

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## 460 Overview (Continued)

**B Actions To Be Completed Before Issuing Payments**

The following provides actions that must be completed **before** issuing payments. COC, CED, or designee shall ensure that the actions are completed.

Step	Action
1	Ensure that FSA-914 has been approved and approval date has been recorded in the system according to paragraph 102.
2	Ensure that: <ul style="list-style-type: none"> <li>• AD-1026 is on file for the applicable year for producers seeking benefits</li> <li>• eligibility information is recorded in the web-based eligibility system.</li> </ul>
3	Ensure that the following is on file for legal entities: <ul style="list-style-type: none"> <li>• CCC-502 for 2008 LIP, according to 1-PL</li> <li>• CCC-901 for 2009-2011 LIP, according to 4-PL.</li> </ul>
4	For producers seeking benefits, ensure that that certification information is recorded in the web-based eligibility system and that the following is on file: <ul style="list-style-type: none"> <li>• CCC-526 for 2008 LIP, according to 3-PL</li> <li>• CCC-926 for 2009-2011 LIP, according to 3-PL (Rev. 1).</li> <li>•--CCC-926 for 2009 through 2011 LFP according to 3-PL (Rev. 1), if CCC-926 was filed before September 1, 2011</li> <li>• CCC-931 for 2011 LFP, according to 3-PL (Rev. 1), if CCC-926 was <b>not</b> filed before September 1, 2011.--*</li> </ul>
5	Ensure that all eligibility determinations have been updated according to the determinations made by COC for producers and members of joint operations.  <b>Note:</b> For 2008 LIP, according to 3-PL; for 2009-2011 LIP, according to 3-PL (Rev. 1).
6	Ensure that the joint operation and entity files are updated correctly for the applicable year (2-PL).
7	Ensure that member contribution and substantive change values are updated according to 4-PL.  <b>Note:</b> Applies to 2009-2011 LIP <b>only</b> .
8	Ensure that combined producer files are updated correctly for the applicable year.  <b>Note:</b> For 2008 LIP, according to 3-PL; for 2009-2011 LIP, according to 3-PL (Rev. 1).
9	Ensure that all adjustments to payment limitation have been updated for the producer or member.  <b>Note:</b> For 2008 LIP, according to 3-PL; for 2009-2011 LIP, according to 3-PL (Rev. 1).
10	Ensure that all assignments and joint payment requests have been updated in NPS if CCC-36, CCC-37, or both that are filed for 2008-2011 LIP.

## Reports, Forms, Abbreviations, and Redelegations of Authority

### Reports

None

### Forms

This table lists all forms referenced in this handbook.

Number	Title	Display Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification		Text
CCC-36	Assignment of Payment		311, 460
CCC-37	Joint Payment Authorization		311, 460
CCC-257	Schedule of Deposit		1
CCC-502	Farm Operating Plan for Payment Eligibility Review		Text
CCC-526	Payment Eligibility Average Adjusted Gross Income Certification		Text
CCC-752	Supplemental Agricultural Disaster Assistance Buy-In for Insurable Crops		171, 242
CCC-753	2008 Supplemental Agricultural Disaster Assistance Buy-In for Noninsurable Crops		171, 242
CCC-770 ELIG 2002	Eligibility Checklist - 2002 Farm Bill		Ex. 9, 13, 20
CCC-770 ELIG 2008	Eligibility Checklist - 2008 Farm Bill		Ex. 9, 13, 20
CCC-901	Members Information 2009 and Subsequent Years		Text
CCC-926	Average Adjusted Gross Income (AGI) Statement		Text
CCC-931	Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information		Text
FSA-217	Socially Disadvantaged, Limited Resource and Beginning Farmer or Rancher Certification		171
FSA-321	Finality Rule and Equitable Relief		171
FSA-325	Application for Payment of Amounts Due Persons Who Have Died, Disappeared, or Have Been Declared Incompetent		Text
FSA-578	Report of Acreage		200, 242, 253, 296
FSA-754	Supplemental Agricultural Disaster Assistance Relief for Insurable Crops		171, 242
FSA-755	Supplemental Agricultural Disaster Assistance Relief for Noninsurable Crops		171, 242

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

## Forms (Continued)

Number	Title	Display Reference	Reference
FSA-770 ELAP	Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program Checklist	Ex. 20	282
FSA-770 LFP	Livestock Forage Disaster Program Checklist	Ex. 13	184, 200
FSA-770 LIP	Livestock Indemnity Program Checklist	Ex. 9	43, 73
FSA-914	Livestock Indemnity Program Application	76	22, 40, 41, 42, 45, 71-73, 75, Parts 3 and 8, Ex. 7, 9
FSA-918	Emergency Loss Assistance for Livestock Application	298	Part 5, Ex. 20
FSA-918-1	Emergency Loss Assistance for Livestock Payment Calculation Worksheet	300	242, 252, 253
FSA-925	Livestock Forage Disaster Program Application	202	Parts 4 and 7, Ex. 13
FSA-925-1	Estimated Livestock Forage Disaster Program Payment Calculation Worksheet	203	436
FSA-926	Livestock Indemnity Program Third Party Certification	74	73
FSA-930	Emergency Loss Assistance for Farm-Raised Fish/Honey Bees Application	299	Part 5, Ex. 20