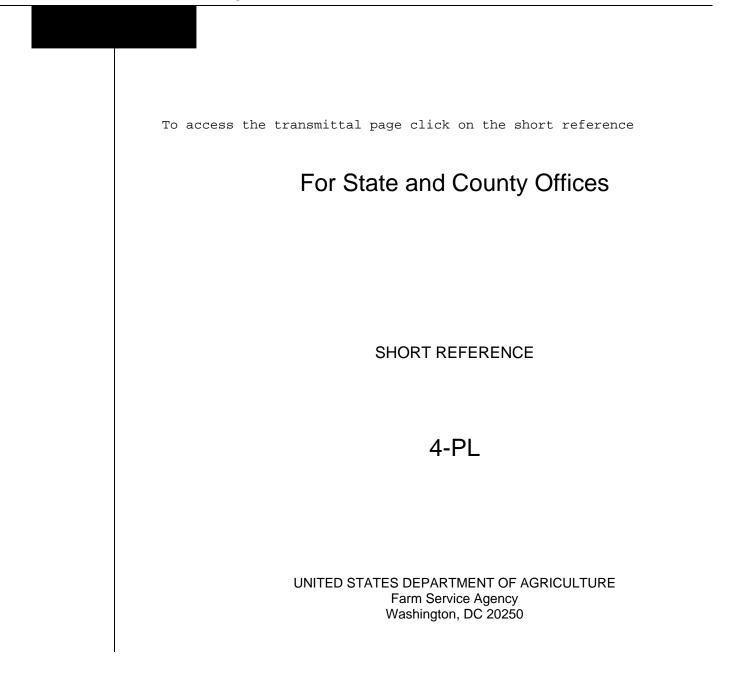


Payment Eligibility, Payment Limitation, and Average Adjusted Gross Income



UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency Washington, DC 20250

Payment Eligibility, Payment Limitation, and	
Average Adjusted Gross Income	
4-PL	Amendment 21

Approved by: Acting Deputy Administrator, Farm Programs

U. Cinq Cimm

Amendment Transmittal

A Reasons for Amendment

Subparagraph 31 D has been amended to provide an updated diagram to illustrate procedures for revising CCC-902 through the Business File process.

Subparagraph 167 D has been amended to provide revised instructions for the required actions that must be completed by the FSA reviewing authority before submitting an IRA or employee profit sharing plan to the Regional Attorney for review.

Subparagraph 188 F has been added to provide guidance for the requirements that must be met for pass-through income to be considered income from farming, ranching or forestry operations for average AGI compliance purposes.

Subparagraph 190 E has been amended to include CCC-931 C and CCC-933 average AGI compliance certification as required forms for participants in CRP.

Subparagraph 195 C has been amended to reference the Memorandum of Agreement between NRCS, FSA, and CCC (Exhibit 14) for the implementation of common provisions, including payment eligibility and payment limitation provisions, through September 30, 2013.

Subparagraph 196 E has been added to provide instructions and actions required for all approved waivers of average AGI limitation for conservation programs.

Subparagraph 200.5 H has been amended to revise the final date for the approval of CRP contracts under the 2008 farm bill as extended from "**before** October 1, 2012" to "**before** October 1, 2013."

Paragraphs 476 through 479 have been amended to:

- provide revised instructions for accessing EYRT
- explain new EYRT report capabilities
- illustrate access and usage of new EYRT reports.

Amendment Transmittal

A Reasons for Amendment (Continued)

Exhibit 14 has been amended to include the Memorandum of Agreement between NRCS, FSA, and CCC which describes the duties and responsibilities of NRCS and FSA for the implementation of common provisions, including payment eligibility and payment limitation provisions, through September 30, 2013.

Page Control Chart		
ТС	Text	Exhibit
1,2	2-33, 2-34	1, pages 1, 2
	2-34.5, 2-34.6 (add)	14, pages 1-6
	4-251, 4-252	
	6-6.3, 6-6.4	
	6-9, 6-10	
	6-19 through 6-22	
	6-36.9, 6-36.10	
	6-39, 6-40	
	8-101 through 8-104	
	8-104.5, 8-104.6 (add)	
	8-105, 8-106	
	8-117, 8-118	
	8-119 through 8-122 (add)	
	8-123 (add)	

Part 1 Introduction

1	Handbook Purpose and References	1-1
2	Sources of Authority	1-2
3	Legislative History of Payment Eligibility and Payment Limitation Provisions.	1-3

4-10 (Reserved)

Part 2 General Provisions

Section 1 Program Applicability

11	Applicable Programs	2-1
	Specific Rules for MAL's and MLG's	2-2
	Specific Rules for CRP	2-3
14	Payment Limits	2-4
	(Reserved)	

Section 2 General Administration

21	Annual Notice to Producers	2-21
22	Public Information and Casual Advice	2-23
23-30	(Reserved)	

Section 3 Producer Filing Requirements

31	Filing Requirements	2-31
32	Documentation	2-34.5
33	FLP Participants	2-37
	General Form Requirements	2-38
	(Reserved)	

Section 4 General Application Rules

41	Custom Services	2-51
42	Denial of Program Benefits	2-52
43	Joint and Several Liability	2-57
44	Two or More Rules Apply	2-57
	(Reserved)	

Part 2 General Provisions (Continued)

Section 5 Farming Operations

51	Determining Farming Operations	2-71
52	Interest in Farming Operations	2-76
53	Total Value of a Farming Operation	2-78
54	Changes in Farming Operations	2-85
55	Applying Substantive Change Rule	2-90
56	Substantive Change Rule for Persons	2-92
57	Substantive Change Rule for Joint Operations	2-93
58	Substantive Change Rule for Legal Entities	2-95
59-60	(Reserved)	

Section 6 Actively Engaged Determinations

Subsection 1 Actively Engaged Considerations

61	General Considerations	2-111
62	Landowner Exemption	2-114
	Landlord	2-115
64	Percent of Cropland Factor	2-117
	(Reserved)	

Subsection 2 Specific Rules for Contributions

71	Significant Contribution of Capital, Equipment, and Land	2-141
72	Specific Rules for Capital	2-142
73	Specific Rules for Equipment	2-144
74	Specific Rules for Land	2-147
75	Significant Contribution of Active Personal Labor or Management	2-150
76	Specific Rules for Active Personal Labor or Management	2-151
77	Inputs for Commensurate Contributions	2-152
78	Determining Commensurate Contributions	2-153
79	Determining Contributions at Risk	2-155
80-90	(Reserved)	

Section 7 Cash-Rent Tenant

91	Cash-Rent Tenant Rule	2-171
92	Cash-Rent Tenant Example	2-173
93-95	(Reserved)	

Part 2 General Provisions (Continued)

Section 8 Notification of Interests

96	Entity Responsibilities	2-181
97	Notification Exceptions	2-182
98	Required Information	2-183
99	Completing CCC-901's	2-184
100	Nondisclosure Results	2-191
101-10	05 (Reserved)	

Part 3 Foreign Person Provisions

106	Foreign Person Rule Applicability	3-1
107	Foreign Person Identification	3-2
108	Foreign Entity Identification	3-5
109	Foreign Person Payment Eligibility	3-7
110	Requesting Benefits for Nonforeign Shares	3-8
111	Foreign Person Rule Notification Letter Examples	3-11
112-11	15 (Reserved)	

Part 4 Eligibility Determinations for Farming Operations

Section 1 General Determinations

116	Spouses	4-1
117	Minor Children	4-3
118	Indian Tribes	4-5
119	States, Political Subdivisions, and Agencies	4-8
120	Completing CCC-902E's for Public Schools	4-12
121	Clubs, Societies, and Fraternal and Religious Organizations	4-28
122	Completing CCC-902E's for Charitable/Tax-Exempt Organizations	4-29
123-12	25 (Reserved)	

Section 2 Persons

126	Actively Engaged in Farming Determinations	4-61
127	Sharecroppers	4-62
128	Incapacitated Persons	4-63
129	Case Examples	4-64
130	Completing CCC-902I	4-65
130.5	Business File Equivalent of CCC-902I	4-76
131	Completing CCC-902I Short Form	4-76.9
132	Business File Equivalent of CCC-902I Short Form	4-82
133-13	35 (Reserved)	

Part 4 Eligibility Determinations for Farming Operations (Continued)

Section 3 Joint Operations

136	General Partnerships, Joint Operations, and Joint Ventures	4-101
137	Eligibility Determinations	4-102.6
138	Family Members in a Joint Operation	4-103
139	Joint Operation Case Examples	4-107
140	Completing CCC-902E's for Joint Operations	4-108
141	Completing CCC-902E Continuations	4-115
142-145 (Reserved)		

Section 4 Corporations, LLC's, LLP's, and LP's

146	Determination of Ownership Interest	4-151
147	Eligibility Determinations.	4-153
148	Corporation, LLC, LLP, and LP Case Examples	4-158
148.5	Member Contribution Share	4-158.9
149	Completing CCC-902E's for Corporations, LLC's, LLP's, and LP's	4-159
150-15	55 (Reserved)	

Section 5 Estates

156	Actively Engaged in Farming Determinations	4-201
157	Case Examples	4-203
158	Completing CCC-902E's for Estates	4-205
159-16	65 (Reserved)	

Section 6 Trusts

166	Revocable and Irrevocable Trusts	4-251
167	Trust Eligibility Determinations	4-252
168	Trust Actively Engaged in Farming Determinations	4-253
169	Trust Case Examples	4-254
170	Completing CCC-902E's for Trusts	4-255
171-17	75 (Reserved)	

Part 5 Payment Limitation by Direct Attribution

176	Program Payment and Benefit Limitations	5-1
177	Payment Reductions	5-1
178	Exceptions for Inheritance and Estates	5-1
179	Payment Attribution	5-2
	Ownership Interest for Direct Attribution Purposes	5-4
181	Interest Notification	5-4
182-18	35 (Reserved)	

Part 6 Adjusted Gross Income (AGI)

186	Average AGI Limitations	6-1
187	Applying Average AGI Limitations	6-3
188	AGI Definitions and Determinations	6-5
189	Average AGI Compliance Certification	6-6.3
190	Rules for Special Cases	6-9
191	Determining AGI and Average AGI	6-11
192	Average AGI Limitations and Payment Eligibility	6-15
193	Average AGI Compliance Reviews	6-17
194	Commensurate Reductions	6-19
195	Average AGI and NRCS Programs	6-20
196	Waiving Average AGI Limitation for Conservation Programs Only	6-21
197	Calculating Average AGI for 2009 and Subsequent Years	6-23
198	(WithdrawnAmend. 12)	
199	Verifying Average AGI Certifications	6-29
200	Disclosing Information	6-30
200.5	Average AGI Compliance Certification and Consent to Disclosure of	
	Tax Information	6-34
201	CCC-929, Average Adjusted Gross Income (AGI) Supplemental	6-37
202	Review and Validation Process	6-38
203	Average AGI Compliance Reports	6-39
203.4	Reconciliation Process of Participants and CCC-931 or CCC-933	6-39
203.5	Average AGI Amounts Are Above Threshold Levels	6-40.5
203.6	Average AGI Amounts at or Below Threshold Levels	6-42
203.7	FSA Review and Compliance Determinations	6-42
203.8	Average AGI Compliance Review Process	6-43
203.9	Payment Refunds and Collections	6-47
204	Notification Letters for AGI Compliance	6-49
205	(Reserved)	

Part 7 Payment Eligibility and Payment Limitation Determinations

Section 1 COC Responsibilities

206 COC Determinations	7-1
207 Completing CCC-903's	7-3
208 COC Requirements to Make Timely Determinations	7-9
209-215 (Reserved)	
216 Redelegating Authority	7-17
217 Relief and Incorrect Determinations	7-18
218-225 (Reserved)	

Part 7 Payment Eligibility and Payment Limitation Determinations (Continued)

Section 2 County Office Responsibilities

Subsection 1 Multiple State and County Producers

226	Responsibilities of County Office Receiving CCC-902	7-25
227	Control County Responsibilities	7-26
228	Interaction Between Counties	7-27
229	Producers With Multiple State Interests	7-29
230-23	5 (Reserved)	

Subsection 2 State Office Determinations

236	Required State Office Determinations	7-41
237	Required Documentation	7-44
238-24	0 (Reserved)	

Subsection 3 Notifying Producers of Determinations

241	Notifying Producers of COC Determinations	7-51
242	Payment Eligibility and Payment Limitation Determinations	7-52
243	Default Determinations	7-53
244	Proper Determinations	7-54
245	Notification Letters	7-56
246-25	0 (Reserved)	

Subsection 4 Filing

251	Filing Payment Limitation Documentation	7-65
252-25	5 (Reserved)	

Section 3 DD Responsibilities

256	Monitoring COC Determinations	7-71
	Corrective Actions	7-73
258	DD Disagreement With COC Determinations	7-74
259,	260 (Reserved)	

Section 4 STC Responsibilities

261	STC Authority	7-79
	State Office Specialist Responsibilities	7-81
263-26	5 (Reserved)	

Section 5 National Office Responsibilities

266	General Responsibilities	7-87
267-40	0 (Reserved)	

Table of Contents (Continued)

		Page No.
Part 8	End of Year Reviews for 2009 and Subsequent Years	
Section 1	Selections and Notifications	
401	Responsibilities of County Office Receiving CCC-902	8-1
402	Selection Process	8-2
403	Producer Notification	8-4
404-4	10 (Reserved)	
Section 2	Documentation	
411	Required Documentation	8-15
412	Failure to Provide Documentation	8-18
413, 4	14 (Reserved)	
Section 3	Conducting Reviews	
415	Responsibilities	8-25
416-4	20 (Reserved)	
421	Completing and Documenting Reviews	8-33
422	(WithdrawnAmend. 6)	
423-4	40 (Reserved)	
Section 4	CCC-902EYR's	
441	County Office Action for Submitting CCC-902EYR	8-81
442	State Office Action for Submitting CCC-902EYR	8-83
443-4	75 (Reserved)	
Section 5	EYRT System	
476	Introduction	8-101
477	Payment Limitation EYRs Screen	8-103
478	EYRT for Entering Participant Information	8-105
479	EYRT for Reports by State and Program Year	8-117
480-5	00 (Reserved)	
Part 9	ARCT	
Section 1	Overview and Access	
501	Introduction	9-1
502-5	10 (Reserved)	

Part 9 ARCT (Continued)

Section 2 AGI Responsibilities

511	AGI Reconciliation Actions	9-21
512	ARCT AGI Reconciliation - Producer Search	9-22
513	ARCT AGI Reconciliation - Producer Details	9-25
514	ARCT AGI Reconciliation - Producer Reports	9-27
515-52	25 (Reserved)	

Section 3 AGI Compliance Review

526	AGI Compliance Review Actions	9-51
527	ARCT AGI Compliance Review - Producer Search	9-52
528	ARCT AGI Compliance Review - Produce r Details	9-54
529	ARCT AGI Compliance Review - Producer Reports	9-56
530-54	40 (Reserved)	

Section 4 Tools and Help Guides

541	ARCT Tools	9-71
-----	------------	------

Exhibits

- 1 Reports, Forms, Abbreviations, and Redelegations of Authority
- 2 Definitions of Terms Used in This Handbook
- 3 Menu and Screen Index
- 4 Direct Attribution
- 5-7 (Reserved)
- 8 IRS-3210, Document Transmittal
- 9 Payment Eligibility and Payment Limitations for Disaster Assistance Programs
- 10 Impact of Food, Conservation, and Energy Act of 2008 on CRP-1 Payment Eligibility and Payment Limitation
- 11 2009 and 2010 Schedule for Average AGI Compliance Actions
- 12 2011 and 2012 Schedule for Average AGI Compliance Actions
- 13 Example of IRS Letter of Explanation
- 13.5 Explanation of the IRS Rejection Message, "Not found on master file", and Recommended FSA Actions
- 14 Memorandum of Agreement
- 15-20 (Reserved)
- 21 AGI Compliance Review Checklists
- 22-29 (Reserved)
- 30 ARCT Help Guide

1 Handbook Purpose and References

A Purpose

This handbook provides instructions and uniform methods to:

- apply direct attribution for payment limitation purposes
- determine payment eligibility for each program participant.

The provisions of this handbook apply to various programs administered by State and County Offices for the 2009 and subsequent crop years, program years, and FY's.

B Related Handbooks

This table lists all handbooks related to payment eligibility and payment limitation.

IF the questions or concern is about	THEN see
acreage compliance determinations	2-CP.
appeals	1-APP.
audits and investigations	9-AO.
claims and withholdings	58-FI.
common land units	8-CM.
common management and operating procedures	1-CM.
cotton price support payments	7-CN.
crop disaster assistance	5-DAP.
CRP	1-CRP and 2-CRP.
DIPP	3-LD.
direct and counter-cyclical payments	1-DCP and 2-DCP.
directives management	1-AS.
ECP	1-ECP.
*EFRP	1-EFRP. *
farm, tract, and crop data	3-CM.
finality rule and equitable relief	7-CP.
grain and oil seeds price support programs	2-LP Grains and Oilseeds.

1 Handbook Purpose and References (Continued)

B Related Handbooks (Continued)

IF the questions or concern is about	THEN see
honey price support programs	2-LP Honey.
lamb meat adjustment assistance program	10-LD.
livestock assistance programs	*1-LDAP*
marketing assistance, loan, and LDP programs	8-LP.
milk income loss contract programs	11-LD.
noninsured crop disaster assistance	1-NAP.
peanut price support programs	2-LP Peanuts.
person determination for 2008 prior years payment limitation	1-PL.
quality control	1-COR.
record operations	25-AS.
rice price support programs	2-LP Rice.
special programs and trade adjustment assistance	1-SP and 1-TAP.
State and County organization and administration	16-AO.
subsidiary files	2-PL.
*SURE Program	1-SURE
web-based subsidiary files	3-PL (Rev. 1)*

2 Sources of Authority

A Statutory Reference

Authority for administering payment eligibility and payment limitation provisions is provided by Food Security Act of 1985, Sections 1001, 1001A, 1001B, 1001C, and 1001 D, as amended.

B Regulatory Reference

Authority for administering payment eligibility and payment limitation provisions is provided by 7 CFR Part 1400. References from CFR applicable to each paragraph will be provided and updated through amendments.

A Introduction

Since their establishment in 1970, the payment limitation provisions have been expanded to:

- apply to more programs
- include provisions for payment eligibility based on whether a person or legal entity is actively engaged in farming, a cash-rent tenant, or a foreign person
- include a limitation on average AGI as a condition of eligibility.

Information on the legislative history of the payment eligibility and payment limitation provisions is provided in subparagraphs B through N.

B Agricultural Act of 1970

The Agricultural Act of 1970:

- established the first payment limitation provisions
- provided that the amount of payments that a person could be entitled to receive under each of the annual programs for the 1971, 1972, or 1973 crop could **not** exceed \$55,000
- required the Secretary to reduce the amount of set-aside acreage required on farms when the total amount of payments that would have been earned would be reduced by the payment limitation
- required the Secretary to issue regulations defining the term "person"
- provided that payment limitation would **not** apply to lands owned by States, political subdivision, or agencies thereof so long as such lands were farmed primarily in the direct furtherance of a public function.

C 7 CFR Part 795

7 CFR Part 795 provided:

- the definition of person
- the provisions for determining whether multiple persons or other entities constitute 1 or separate persons
- the provisions for changes in farming operations
- the provisions for determining whether an agreement is a share lease or a cash lease
- the custom farming rules
- provisions for scheme or device
- computation of reduction in set-aside acreage because of the limitation.

D Agriculture and Consumer Protection Act of 1973

The Agricultural and Consumer Protection Act of 1973 extended and amended the Agricultural Act of 1970, as it relates to payment limitation, to provide that the:

- amount of payments that a person was entitled to receive under each of the annual programs for the 1974 through 1977 crops could **not** exceed \$20,000
- rules for determining whether corporations and their stockholders could be considered separate were to be based on ownership of more than 50 percent of the stock of the corporation.

E Food and Agriculture Act of 1977

The Food and Agricultural Act of 1977 extended and amended the payment limitation provisions to require that the amount of payments that a person could be entitled to receive under the:

- 1978 wheat, feed grains, and upland cotton programs could **not** exceed \$40,000
- 1978 rice programs could **not** exceed \$52,250
- 1979 wheat, feed grains, and upland cotton programs could **not** exceed \$45,000
- 1979 rice program could **not** exceed \$50,000
- 1980 and 1981 wheat, feed grains, upland cotton, and rice programs could **not** exceed \$50,000.

F Agriculture and Food Act of 1981

The Agricultural and Food Act of 1981 extended and amended the payment limitation provisions to require that the:

- amount of payments that a person was entitled to receive under the 1982 through 1985 wheat, feed grains, upland cotton, and rice programs could **not** exceed \$50,000
- total amount of disaster payments that a person was entitled to receive for wheat, feed grains, upland cotton, and rice could **not** exceed \$100,000 for each of the 1982 through 1985 crops.

G Food Security Act of 1985

The Food Security Act of 1985:

- extended and amended the payment limitation provisions
- required that the term payments **not** include the following:
 - MAL's
 - LDP's
 - NL ("Findley") payments.

H Omnibus Budget Reconciliation Act of 1987

The Omnibus Budget Reconciliation Act of 1987 amended the Food Security Act of 1985 to:

- define person
- provide that a State, political subdivision, and agencies thereof were to be considered 1 person
- •*--provide that spouses could be separate persons if the spouses could show that each--* spouse brought separate farming operations into the marriage and had maintained separate farming operations throughout the marriage
- include cash-rent tenant provisions that combined the cash-rent tenant with the landowner in certain situations
- require that producers be "actively engaged in farming" to be eligible for specific payments
- limit payment to foreign persons
- limit the creation of entities to qualify as separate persons for payments.

I Disaster Assistance Act of 1988

The Disaster Assistance Act of 1988 established payment limitation provisions for LFP.

*--J Pub. L. 101-217

Pub. L. 101-217, dated December 11, 1989, amended the cash-rent tenant provisions of--* the Food Security Act of 1985 for:

- 1989, to provide relief in cases where the cash-rent tenant provisions had been violated and the landowner did **not** consent to or knowingly participate in the cash-rent tenants failure to meet the cash-rent tenant provisions
- 1990, to **no** longer require that the landowner and cash-rent tenant be combined.
 - **Note:** Instead, the cash-rent tenant is determined ineligible for payment if the cash-rent tenant provisions are **not** met.

K The Food, Agriculture, Conservation, and Trade Act of 1990

The Food, Agricultural, Conservation, and Trade Act of 1990 extended and amended the provisions of the Omnibus Budget Reconciliation Act of 1987 to provide:

- a total \$75,000 limitation on "Findley" payments, MLG's, and LDP's, excluding honey
- a \$200,000 limitation on honey MLG's and LDP's
- a \$200,000 limitation on honey loan forfeiture
- separate limitations for wool and mohair payments of:
 - \$200,000 for the 1991 marketing year
 - \$175,000 for the 1992 marketing year
 - \$150,000 for the 1993 marketing year
 - \$125,000 for the 1994 and subsequent marketing years
- •*--the Secretary discretionary authority to implement a rule allowing spouses to be--* considered separate persons if certain requirements were met
- greater scrutiny of irrevocable trusts
- that initial determinations be made by State Offices for farm operations consisting of 6 or more persons.

The Federal Agriculture Improvement and Reform Act of 1996 amended the provisions of the Food Security Act of 1985 to:

- provide a \$40,000 limitation per FY on the total of SL payments made to a person under 1 or more PFC's
- provide a \$50,000 limitation on the total of NL payments made to a person under 1 or more PFC's (this limitation applied to the 7-year life of PFC)
- provide a \$75,000 limitation on the amount of LDP's and MLG's a person may receive
- apply the payment eligibility and payment limitation requirements and restrictions of the 1985 Act to payments made under LDP's, MLG's, and PFC's.

M The Farm Security and Rural Investment Act of 2002

The Farm Security and Rural Investment Act of 2002 amended the provisions of the Food Security Act of 1985 to provide a:

- \$40,000 limitation per crop year on the total direct payments made to a person under 1 or more CCC-509's on covered commodities other than peanuts
- separate \$40,000 limitation per crop year on the total direct payments for peanuts made to a person under 1 or more CCC-509's
- \$65,000 limitation per crop year on the total counter-cyclical payments made to a person under 1 or more CCC-509's on covered commodities
- separate \$65,000 limitation per crop year on the total counter-cyclical payments for peanuts made to a person under 1 or more CCC-509's

Par. 3

M The Farm Security and Rural Investment Act of 2002 (Continued)

- \$75,000 limitation per crop year on the amount of LDP's and MLG's for loan commodities other than peanuts, wool, mohair, and honey
- separate \$75,000 limitation per crop year on the amount of LDP's and MLG's for peanuts, wool, mohair, and honey
- \$2.5 million average AGI limitation as an eligibility requirement for a person and entity to receive any benefits listed above and benefits from all conservation programs administered by USDA.

N The Food, Conservation, and Energy Act of 2008

The Food, Conservation, and Energy Act of 2008 amended the provisions of the Food Security Act of 1985 and resulted in the following:

- person now means a natural person (individual) and does not include a legal entity
- <u>legal entity</u> now means an entity created under Federal or State law that owns land or an agricultural commodity, product, or livestock
- if ownership interest in land or commodity is transferred because of the death of a program participant and the new owner succeeds to the contract of the prior owner, the new owner, if otherwise eligible, may receive payments the previous owner would have been entitled to receive under the contract, even if receiving the payments results in total payments in excess of the applicable limitation
- payments are limited by direct attribution (Exhibit 4) to persons and legal entities
- the permitted entity rule was **repealed**; payments can be received through any number of legal entities with **no** designation required

N The Food, Conservation, and Energy Act of 2008 (Continued)

- spouses have separate payment limitations
- program payments issued to a minor child are attributed to the parents
- States, local government, political subdivisions, and agencies thereof, are **no** longer eligible for payments, **except** for direct, counter-cyclical, and ACRE payments earned on State-owned land that is used to support public schools; under this exception, total program payments are limited to \$500,000 annually

Note: If the State has a population of less than 1.5 million, total program payments are **not** limited.

- a program participant may be ineligible for all program payments for up to 5 years if fraud is determined
- for commodity programs (including DCP, price support, NAP, and disaster assistance programs), AGI limitation for eligibility was changed to an average nonfarm AGI of \$500,000 (see Exhibit 9)

Note: If average farm AGI exceeds \$750,000, the participant is **not** eligible for direct payments.

- for conservation programs, an average nonfarm AGI of \$1 million or less applies
 - **Note:** If the average nonfarm AGI exceeds \$1 million, the participant may be eligible if at least 66.66 percent of the average AGI is derived from farming, ranching, and forestry operations, as defined; however, the AGI limitation may be waived on a case-by-case basis if the Secretary determines that environmentally sensitive land of special significance would be protected.
- the definition of income from farming, ranching, or forestry operations was expanded to include the following:
 - producing fish and aquaculture for food
 - packing, processing, shedding, storing, and transporting agricultural commodities
 - producing livestock products
 - farm-based production of renewable bio-energy
 - providing operational inputs to farmers, ranchers, and foresters
- the 3-year period for calculating an average AGI is the 3 taxable years preceding the most immediately preceding complete taxable year for which program benefits are requested

N The Food, Conservation, and Energy Act of 2008 (Continued)

- a \$40,000 limitation per crop year applies to direct payments made, directly or indirectly, to a person or legal entity under 1 or more CCC-509's on covered commodities
- a separate \$40,000 limitation per crop year applies to direct payments for peanuts made, directly or indirectly, to a person or legal entity under 1 or more CCC-509's
- a \$65,000 limitation per crop year applies to counter-cyclical payments made, directly or indirectly, to a person or legal entity under 1 or more CCC-509's on covered commodities
- a separate \$65,000 limitation per crop year applies to counter-cyclical payments made, directly or indirectly, to a person or legal entity under 1 or more CCC-509's on peanuts
- no limitations apply to LDP's or MAL's on loan commodities, including honey, mohair, peanuts, and wool
- a \$100,000 limitation per crop year applies to the total payments made, directly or indirectly, to a person or legal entity under NAP.

O The Food, Conservation, and Energy Act of 2008, as Amended for 2010 and Subsequent Crop, Program, and FY's

The Food, Conservation, and Energy Act of 2008, as amended for 2010 and subsequent crop, program, and FY's, provides the following:

- changes to "actively engaged in farming" provisions to allow a legal entity, such as a corporation or limited partnership, to be considered "actively engaged in farming" and fully eligible for payment, if the total of direct DCP payments received both directly and indirectly by the stockholders and members does **not** exceed \$40,000; **and** at least 50 percent of the ownership interest in the legal entity is held by stockholders/members who are collectively providing a significant contribution of active personal labor and/or active personal management to the farming operation
- an average AGI validation process using IRS tax data
- effective for 2010 through 2012 crop, program, and FY's, June 1 of the current year will be used as the date for determining:
 - minor child for applying minor child rules
 - ownership interest in a legal entity for applying direct attribution for payment limitation purposes.

P The Consolidated and Further Continuing Appropriations Act of 2012

The Consolidated and Further Continuing Appropriations Act of 2012 amended the provisions of the Food Security Act of 1985 and the Food, Conservation, and Energy Act of 2008, and provided a \$1,000,000 average AGI limitation that:

- represents the total amount of the average AGI (including all income, both farm and nonfarm) of the person or legal entity
- is based on the same 3-year period as the other average AGI limitations
- applies only to 2012 direct payments under DCP and ACRE
- is in addition to the \$500,000 average nonfarm AGI, the \$750,000 average farm AGI, and the \$1,000,000 average nonfarm AGI limitations.

*--Q The American Taxpayer Relief Act of 2012

The American Taxpayer Relief Act of 2012 amended the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246) and extended all payment eligibility and payment limitation provisions, including AGI limitations, for the 2013 crop, program, and FY's.--*

4-10 (Reserved)

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Part 2 General Provisions

Section 1 Program Availability

11 Applicable Programs

A General Applicability

[7 CFR 1400.1 (a) and (b)] This table provides the rules in this handbook that apply to USDA-administered programs. See Exhibit 9.

	Applicable Rules				
	Actively Engaged	Cash-Rent	Direct	Foreign	
Program or Payment	in Farming	Tenant	Attribution	Person	AGI
Conservation Programs		•			
AWEP			Х		Х
CBWP			Х		Х
CCPI			Х		Х
CRP			Х	Х	Х
CSTP			Х		Х
ECP			Х		X <u>1</u> /
EFRP			Х		X
EQIP			Х		Х
FRPP			Х		Х
GRP			Х		Х
WHIP			Х		Х
WRP			Х		Х
DCP/ACRE Payment	Х	Х	Х	Х	Х
Disaster Assistance Progr	rams				
ELAP			Х		Х
LFP			Х		Х
LIP			Х		Х
NAP			Х		Х
SURE			Х		Х
ТАР			Х		Х
Price Support Programs					
LDP's				Х	Х
Loans				Х	
MILC			Х	Х	Х
MLG's				Х	Х
Other					
AMA			Х		Х
TAAF			Х		Х

- **Note:** Foreign persons are ineligible for payment under certain programs. The procedure for these programs reference the definition of <u>foreign person</u> provided in 4-PL, Part 3. However, the foreign person rule, as provided in Part 3, **only** applies to the programs or payments listed in this table.
- 1/ Only for certain apportionments that specifically identify AGI as a requirement.

11 Applicable Programs (Continued)

* * *

12 Specific Rules for MAL's and MLG's

A Foreign Person Requirements

[7 CFR 1400.1 (a) (2)] Regular MAL's are denied if the producer does not meet the foreign person requirements in Part 3.

B AGI Provisions

LDP's and MLG's are subject to the AGI provisions of this handbook.

13 Specific Rules for CRP

A Applicability of this Handbook

The provisions in this handbook apply to participants with CRP-1's approved on or after October 1, 2008.

B Applicability of 1-PL

Persons and entities with CRP-1's that are **not** subject to the provisions of this handbook are subject to the provisions of 1-PL.

14 Payment Limits and Rules

A Person or Legal Entity Payment Limitations

[7 CFR 1400.1] This table contains the applicable limitations for a person or legal entity for programs that are subject to the provisions of this handbook.

	Limitation (in Dollars)
Program Payment Type	2009 Through 2013
Commodity Programs	
Counter-cyclical and ACRE payments on covered	65,000 <u>1</u> /
commodities except peanuts.	
Counter-cyclical and ACRE payments on peanuts.	65,000 <u>1</u> /
Direct payments on covered commodities except peanuts.	40,000 <u>2</u> /
Direct payments on peanuts.	40,000 <u>2</u> /
Conservation Programs	
CRP annual rental payment and incentive payment.	50,000
CSTP (all contracts for FY 2009-2013)	200,000
ECP (per disaster)	200,000
EFRP (per disaster)	500,000
EQIP (all contracts for FY 2009-2013)	300,000
GRP	50,000
WHIP	50,000
WRP	50,000
Disaster Assistance Programs	
ELAP, LFP, LIP, and SURE	100,000
NAP	100,000
TAP	100,000
Price Support Programs	
LDP, MAL, and MLG	No limits.
Other Programs	
TAAF	10,000 <u>3</u> /

- 1/ Under ACRE, this amount will be a combined limitation for counter-cyclical and ACRE payments. If a person or legal entity has a direct or indirect interest in payments earned on a farm participating in ACRE, this limitation will reflect an increase for the amount that the direct payments were reduced.
- 2/ If the person or legal entity has a direct or indirect interest in payments earned on a farm that is in ACRE, this limitation will reflect a 20 percent reduction in direct payments on each farm that is participating in ACRE.
- 3/ TAAF payments and counter-cyclical payments received by a person or legal entity for the same program or FY are limited to combined total of \$65,000 if counter-cyclical payments are received for covered commodities or peanuts; or a total of \$130,000 if counter-cyclical payments are received for both covered commodities and peanuts.

15-20 (Reserved)

Section 2 General Administration

21 Annual Notice to Producers

A When to Provide Information

Annually advise all producers of the payment eligibility and payment limitation requirements in this paragraph. Use a newsletter and all other practical means available.

Note: It may be appropriate to provide the information in subparagraph B more than once during a calendar year, if there is more than 1 program operating in the county for which the rules in subparagraph B apply (Exhibit 4).

B Information to Provide

Notify producers, at **least** annually, of the following:

- payments and benefits under certain programs are subject to some or all of the following:
 - payment limitation by direct attribution
 - payment limitation amounts for the applicable programs
 - actively engaged in farming requirements
 - cash-rent tenant rule
 - foreign person rule
 - average AGI limitations
- no program benefits subject to limitation will be provided until:
 - **all** required forms for the specific situation are provided
 - necessary payment eligibility and payment limitation determinations are made

21 Annual Notice to Producers (Continued)

B Information to Provide (Continued)

- payment eligibility and payment limitation determinations may be initiated by COC or requested by the producer
- after 2009, a farm operating plan is **not** required to be filed annually, if the farming operation continues to be conducted as reflected on the farm operating plan and supporting documents are on file in the County Office
- if any changes occur that could affect an actively engaged in farming, cash-rent tenant, foreign person, or average AGI determination, producers **must** timely **not**ify the County Office by filing revised farm operating plans and/or supporting documentation, as applicable

Note: Failure to timely notify the County Office may adversely affect payment eligibility.

- there are statutory provisions that require entities, earning program benefits that are subject to limitation, to provide the names, addresses, and TIN's of the entities' members to COC
- all applicable payment eligibility and payment limitation forms submitted by producers are subject to spot check through the end-of-year review process

Note: Explain what information the producer **must** provide to COC.

- a determination of **not** actively engaged in farming results in the producer being ineligible for any payment or benefit requiring a determination of actively engaged in farming
- noncompliance with AGI provisions, either by exceeding the applicable limitations or by failure to submit a certification statement, will result in the determination of ineligibility for **all** program benefits subject to AGI provisions; program benefits shall be reduced in an amount that is commensurate with the direct and indirect interest held by an ineligible person or legal entity in any legal entity, general partnership, or joint operation that receives benefits subject to the average AGI limitations.

22 Public Information and Casual Advice

A Providing Information to the Public

Provide applicable pages from this handbook to any producer who requests information on any program provisions about payment eligibility, payment limitation, and average AGI compliance determinations.

B Casual Advice Rule

Casual advice shall **not** be given on:

- possible determinations
- how to set up a farming operation to obtain additional payments.

23-30 (Reserved)

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Section 3 Producer Filing Requirements

31 Filing Requirements

A If 1 or More Producers Fail to File

[7 CFR 1400.2 (e)] If 1 or more producers on a contract or application for benefits fail to *--file the applicable CCC-902, CCC-926, CCC-931, or CCC-933 and related forms, the--* producers **not** filing the applicable forms will be ineligible to receive program benefits subject to eligibility and limitation applicable to that contract or application.

This failure to file will **not** affect the eligibility of other producers who meet all filing requirements.

Note: Shares **cannot** be adjusted to circumvent the ineligibility of the producer who failed to file the applicable forms and related documentation.

*--B Deadline for Filing CCC-901, CCC-902, CCC-926, CCC-931, or CCC-933, and Related Forms

CCC-901, CCC-902, CCC-926, CCC-931, or CCC-933, and related forms may be filed at--* any time.

Encourage producers to file these forms:

- according to the deadlines established for each applicable program for which payments are requested
- as timely as practicable.

31 Filing Requirements (Continued)

B Forms and Updates

--All participants in programs subject to the provisions of this handbook are required to submit a completed CCC-902, CCC-926, CCC-931, or CCC-933, and CCC-901, as applicable,-- for payment eligibility and payment limitation purposes.

A valid CCC-902 and, if applicable, CCC-901 filed by the producer are considered to be continuous certifications used for all payment eligibility and payment limitation determinations applicable for the program benefits requested.

Producers are **not** required to annually submit new CCC-902's or CCC-901's for payment eligibility and payment limitation purposes unless a change in the farming operation occurs that may affect the determination of record.

Producers have the responsibility to:

- •*--ensure that all CCC-902's, CCC-926's, CCC-931's, or CCC-933's, and related forms--* on file in the County Office are correct at all times
- timely notify the County Office of any changes in the farming operation that may affect the determinations of record by filing a new or updated CCC-902 or CCC-901, as applicable.

Changes that may affect the determinations include, but are **not** limited to, a change of:

- shares of a contract, which **may** reflect:
 - a land lease from cash-rent to share-rent
 - a land lease from share-rent to cash-rent

Note: The producer would be subject to the cash-rent tenant rule.

- a modification of a variable/fixed bushel-rent arrangement
- the size of the producer's farming operation by the addition or reduction of cropland that may affect the application of a cropland factor
- the structure of the farming operation, including any change in the member's shares

31 Filing Requirements (Continued)

--B Forms and Updates (Continued)--

- the contributions of farm inputs of capital, equipment, active personal labor, or active personal management
- the acquisition of farming interests **not** previously disclosed on CCC-902, including the farming interests of a spouse or minor child
- financial status that may affect the 3-year average for the determination of average AGI or other change that affects eligibility under the average adjusted income limitation.

C Documenting Changes

Changes to a farming operation may be documented on 1 of the following, depending upon the nature and extent of the changes:

• a photocopy of the previously filed CCC-902

Note: The producer should initial and date **each** change.

• CCC-902 Continuation

Note: CCC-902 Continuation may be used to document changes affecting owned or leased land in the producer's farming operation.

- a new CCC-902
- a new CCC-901, if membership in an embedded entity changes.

If changes are documented using CCC-902 photocopy or CCC-902 Continuation, the CCC-902 photocopy or CCC-902 Continuation shall **also** be signed and dated by the producer.

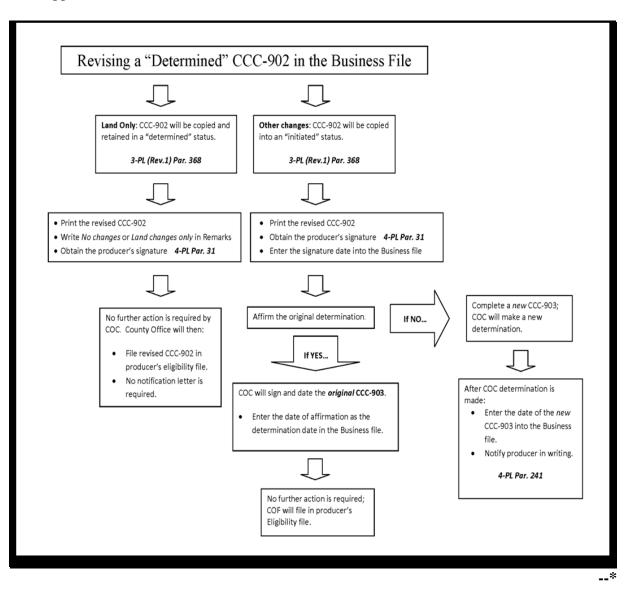
Note: If a new CCC-902 is submitted:

- applicable determinations **must** be made and the producer notified according to Part 7
- flag the producer as "awaiting determination" according to 3-PL (Rev. 1), subparagraph 26 B until all determinations are finalized.

31 Filing Requirements (Continued)

*--D Revising CCC-902 using the Business File Application

The following is a diagram illustrating procedures for revising CCC-902 using the Business File application.



32 Documentation

A Introduction

This paragraph provides guidelines on documentation needed to support COC determination.

B Adequate Documentation

COC shall require adequate documentation to support the applicable CCC-902 and CCC-926, CCC-931, or CCC-933.

Definition: <u>Adequate documentation</u> means whatever documentation is required by the reviewing authority to make proper actively engaged in farming, attribution, and average AGI compliance determinations.

C Documentation Not Required

The reviewing authority should avoid requiring documents that are extremely personal if the determination can reasonably be made without the documents. COC may:

- accept documents with redacted information that is **not** relevant to the actively engaged in farming and average AGI determinations
- accept income tax returns to make the determination if **voluntarily** provided by the producer
- request income tax returns to verify compliance with all average AGI limitations.

D Lease Information

It is **not** anticipated that amounts paid for land leases or equipment leases will be needed unless the equipment or land is leased from another member with an interest in the farming operation.

32 Documentation (Continued)

E Documentation That May Be Used

*--Supporting documents may include legal documentation such as:

• articles of incorporation

* * *

- financial agreements, including letters of credit
- land and equipment leases
- land ownership records
- operating agreements
- partnerships agreements
- trusts agreements--*

Note: A copy of the trust agreement **must** be provided by the trust unless the trust is revocable.

• any other information, including income tax returns, needed to apply the payment eligibility and payment limitation rules.

32 Documentation (Continued)

F Scrutiny of Trusts

All trusts that receive payments shall be carefully scrutinized to ensure that the trusts are legitimate legal entities and have **not** been created solely for evading payment limitation provisions.

County Offices shall:

• require trusts to provide a copy of the trust agreement unless the trust is a revocable trust

* * *

• determine whether provisions are included in the trust agreement that would require the trust to be considered a revocable trust according to paragraph 166.

G Determination Deadline

Additional information may be requested at COC's option. However, this will **not** extend the 60-calendar day period for making a determination. If the file, as submitted by the producer, does **not** support a favorable finding, COC shall make a determination based on the file as it

--exists. See subparagraph 206 B for the start of the 60 calendar day period to make determinations.--

H Returning Documentation

Any legal documentation obtained should be returned to the producer as soon as possible. Keep photocopies for the payment limitation file if needed to support COC's determination.

A Information Exchange

- *--FLM or appropriate farm loan staff shall be provided access to copies of the following--* information on any program participant that is also an FLP borrower:
 - submitted CCC-901
 - new or updated CCC-902 and supporting documentation submitted
 - the resultant CCC-903
 - written notice of determination for payment eligibility and payment limitation purposes
 - written notice of selection for end of year review for payment eligibility and payment limitation compliance purposes
 - written notice of **any** determination that may adversely affect payment eligibility and payment limitation.
 - **Note:** This includes all farming interests of the FLP borrower, whether as a person, member, or interest holder in a legal entity or joint operation.

B Discrepancies

If representations made for program payment eligibility/limitation purposes and representations made for FLP purposes are found to be different, **and** have the appearance of adversely affecting payment eligibility or the application of any determination previously made, the discrepancies shall be resolved:

- by the program participant/FLP borrower to the satisfaction of COC and FLP reviewing authority
- **before** any further disbursement of **any** program benefits subject to the regulations at 7 CFR Part 1400 and provisions of this handbook.

A Availability

34

All forms required to be filed by a producer are available:

- at the local County Office or Service Center
- online at or http://www.sc.egov.usda.gov.
- * * *

B CCC-901 and CCC-902 Requirements

This table provides an overview of CCC-901 and CCC-902 requirements.

IF the participating producer is	THEN require	Paragraph Reference
a person	• CCC-902I	130
	CCC-902I Short Form	
	• Automated CCC-902.	130.5
a general partnership or joint venture	• CCC-901	99
a corporation, LLC, LLP, LP,	Automated CCC-902	130.5
association, or any other similar legal	• CCC-902E	149
entity	CCC-902E Continuation.	
an estate		158
a trust		167

C CCC-902 Continuation

CCC-902 Continuation may be used:

- as a continuation sheet for leased or owned land
- to update a previously filed CCC-902 according to paragraph 31
- with CCC-902E and CCC-902I.
- **Note:** A copy of the Producer Farm Data Report (3-CM, paragraph 250) printed for the producer, may be used to record the land in the farming operation **only** with the addition of information on lease terms, rental rate, and whether the land interest was the same as previous year. Producer **must** sign and date the Producer Farm Data Report **after** the information is added.

34 General Form Requirements (Continued)

D Forms for Conservation, Price Support, Disaster and Livestock Assistance, TAAF, and Other Program Payment Eligibility and Payment Limitation Purposes

For persons and legal entities who are participants in conservation, price support, disaster assistance, and other programs, CCC-901 and CCC-902 will be used to collect information for the application of the following:

- direct attribution
- minor child rules
- rules for foreign persons.

CCC-901 is required for all legal entities for the application of direct attribution of payments for payment limitation purposes.

Complete only the applicable parts of CCC-902I, CCC-902I Short Form, or CCC-902E for information on minor children and foreign persons who are applicants, or members of applicants, that request program benefits. Do **not** make a determination of "actively engaged in farming".

Note: If using business file application, it is not necessary to complete manual form.

Designate these forms similarly to the following examples:

- "For CRP purposes only"
- "For ECP purposes only"
- •*--"For EFRP purposes only"--*
- "For MAL and LDP purposes only"
- "For TAAF purposes only".

Note: This requirement only applies to a new program participant who has **not** previously submitted these forms to FSA for participation in other programs.

COC will:

- make the required determinations based on this information
- provide written notification to the participant according to Part 7
- update subsidiary files according to 3-PL (Rev. 1), Part 3
- record entities and joint operations according to 2-PL.

35-40 (Reserved)

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41 Custom Services

A Definition of Custom Services

<u>Custom services</u> mean the hiring of a contractor or vendor that is in the business of providing such specialized services or to perform services for the farming operation in exchange for the payment of a fee for such services performed.

B Applicability

If a person, joint operation, or legal entity receives custom services in the farming operation:

- make actively engaged in farming determinations according to Part 4
- the ability to meet the cash-rent tenant provisions may be adversely affected on land that is cash-rented in the farming operation.
 - **Note:** The equipment used to perform the custom services **cannot** be considered a significant contribution of equipment toward meeting the actively engaged in farming requirements because the person, joint operation, or legal entity does **not** exercise completed control over the equipment.

*--C Exceptions

The Custom Services provision does not apply to farming operations in which all the--* land is owned.

* * *

42 Denial of Program Benefits

A Introduction

Detecting schemes, fraudulent representations, and other equally serious actions of persons and legal entities to circumvent payment eligibility and payment limitation provisions is **essential** for producer compliance.

This paragraph provides rules and guidelines for detecting and determining schemes or devices, fraudulent representations, and other actions to circumvent payment eligibility and payment limitation provisions. Determining actions to circumvent payment eligibility and payment limitation provisions by a person or legal entity may result in the person or legal entity being ineligible for program benefits for 2 to 5 years.

B Consequences of Scheme, Device, or Fraud Determination

When the reviewing authority determines that a person or legal entity:

- adopts a scheme or device designed to evade, or has the affect of evading, the payment eligibility and payment limitation provisions, the person or legal entity shall be **ineligible** for the crop year determined and the succeeding crop year for **all** program benefits subject to limitation
- perpetuates or commits fraud, or other equally serious actions, for the benefit of the person or legal entity, or for the benefit of any other person or legal entity, to circumvent any payment eligibility and payment limitation provision, the person or legal entity shall be **ineligible** for **5 years** for **all** program benefits subject to limitation.

C Detecting Schemes, Devices, and Fraudulent Activities

State and County Office personnel shall be aware of their responsibilities in detecting and reviewing suspected schemes or devices or other questionable activities. To assist in detecting, State and County Offices, as appropriate, shall:

- compare automated multi-County producer files with information reported on CCC-902's to identify unreported farming interests
- use other system-generated reports and queries to identify possible schemes or devices
- closely scrutinize joint operations having individual members who are also stockholders, members, etc., of a member entity
- request OIG's assistance through the State Office, as appropriate.

D Schemes or Devices

[7 CFR 1400.5] Acts, such as the following, may be considered a scheme or device:

- concealing information that affects the application of the payment limitation provisions
- submitting false or erroneous information
- creating fictitious entities to conceal interest of a person or legal entity in a farming operation.

Note: Fraudulent intent is **not** required for determining scheme or device.

E COC or STC Scheme or Device Determinations

This table provides required action after COC or STC determination.

IF COC or State Office				
determines	THEN the			
a scheme or device was adopted to evade, or that had	State or County Office, as appropriate, shall:			
the purpose of evading, the provisions of this handbook	• obtain DD concurrence of COC's determination			
	Note: DD shall initial the determination in COC minutes.			
	• notify all County Offices in which the scheme or device participants have an interest of the determination			
	• notify the scheme or device participants of the determination			
	• obtain a refund of all payments received by the scheme or device participants for the year in which the scheme or device was adopted			
	• not make payments to the scheme or device participants in the succeeding year.			
a scheme or device was not adopted to evade, or that had the purpose of evading, the provisions of this handbook	program participants may be eligible to receive program benefits if all other applicable requirements are met.			

F Fraud or Equally Serious Activities

[7 CFR 1400.5] Acts, such as the following, may be considered fraud or the equivalent:

- knowingly engaged in, or aiding in, creating a fraudulent document
- failure to disclose information relevant to administering the payment eligibility and payment limitation provisions
- other actions of the person or legal entity determined by the Deputy Administrator to circumvent the payment eligibility and payment limitation provisions.

G COC or STC Fraud or Equally Serious Activity Determinations

This table provides the required actions after COC or STC determination.

IF COC or	
STC	
determines	THEN the
	 State or County Office, as appropriate, shall: obtain DD concurrence of the COC's determination (DD must initial the COC minutes) notify all County Offices in which the participants affected by this determination have an interest
	by this determination for the year or years in which such activities were determined to have been perpetrated, including the pro rata share of program payments issued to the participants through interests held in any other legal entities and joint operations
	 deny any program payments, both directly and indirectly to the participants, under any program subject to the payment limitation provisions for a period of time not to exceed 5 years
	• deny any program payments, subject to the payment limitation provisions, to any person or legal entity that is a cash-rent tenant on land owned or controlled by the participants to which this determination applies for a period of time not to exceed 5 years.
fraud or other	program participants may:
equally serious	
actions were	• not have their payment eligibility adversely affected for a period of
not committed	time in excess of 2 years
to circumvent	
the payment limitation provisions	• be eligible for program payments and benefits under programs subject to limitation only if all other payment eligibility and
provisions	payment limitation requirements have been met.

43 Joint and Several Liability

A Rule

Any legal entity, including joint ventures and general partnerships, and any member of a legal entity determined to have knowingly participated in a scheme or device, or any such other equally serious actions, to evade, or that has the purpose of evading, the payment limitation provisions shall be jointly and severally liable for amounts as follows:

- determined payable as the result of such actions
- necessary to recover the payments.

B Release

Any person or legal entity that cooperates with the Secretary to enforce the payment eligibility and payment limitation provisions may be partially or fully released from liability, as determined by the Executive Vice President, CCC.

C Other Applicable Statutes

FSA determined liability is in **addition** to any liability that may arise under a criminal or civil statute.

44 Two or More Rules Apply

A Rule

If 2 or more rules seem to be applicable, apply the rule that is **most** restrictive.

45-50 (Reserved)

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Section 5 Farming Operations

51 Determining Farming Operations

A Definition of Farming Operation

A farming operation means a business enterprise engaged in producing agricultural products.

B Description of Farming Operation

A person's, legal entity's, or joint operation's farming operation consists of the acreage on all farms in all counties in which the person, legal entity, or joint operation has an interest in the agricultural products or proceeds from the agricultural products produced. This includes all acreage in which the person, entity, or joint operation is a producer, regardless of whether the acreage is:

- rented on a crop-share basis
- rented on a cash-lease basis
- owned by the producer.
 - **Note:** Exclude owned acreage that has been cash-rented to a cash-rent tenant, if the landowner has no interest in any crop or crop proceeds from the acreage for the year.

Exception: The farming operation of a landowner includes only the acreage owned by the landowner, if **both** of the following apply:

- land owned by different landowners is combined into 1 farm with other tracts so the claimed share of the crops or crop proceeds is proportionate to size and value of the land and CAB's contributed
- the landowner is **not** also a tenant on the farm.

C Multiple Farming Operations

A person or legal entity may have more than 1 farming operation if the person or legal entity has an interest in 1 or more joint operations. Each interest in a joint operation will be an additional farming operation for the person or legal entity.

D Example 1, Farms Operated

This table shows the **farms operated** by Sam Brown.

Farm 1	Farm 2
Owner-Sam Brown	Owner-Pete Smith
Rental-None	Rental-Crop share
Farm 3	Farm 4
Owner-Henry Black	Owner-Two Buddies Partnership
Rental-Crop share	Partners: • Pete Smith
	Henry Black
	Rental-Crop share

This table **defines** the farming operation of each person involved in this example.

IF the determination is for	THEN the farming operation consists of		
Sam Brown	all farms.		
Pete Smith	Farm 2.		
Henry Black	Farm 3.		
Two Buddies Partnership	Farm 4.		
	Note: This is a second farming operation for Pete Smith and Henry Black.		

Note: None of the persons or legal entities has any other farming interests.

E Example 2, Tracts Operated

This table shows the **tracts operated** by Sam Brown.

Farm 9	Farm 9		
Tract 1	Tract 2		
Owner-Sam Brown	Owner-Pete Smith		
Rental-None	Rental-Cash lease		
Farm 9	Farm 9		
Tract 3	Tract 4		
Owner-Henry Black	Owner-Two Buddies Partnership		
Rental-Cash lease	Partners: • Pete Smith		
	Henry Black		
	Rental-Cash lease		

This table **defines** the farming operation of each person involved in this example.

IF the determination is for	THEN the farming operation consists of				
Sam Brown	all of the land in Farm 9.				
Pete Smith	none of the land in Farm 9.				
	Note: Pete Smith has no farming operation.				
Henry Black	none of the land in Farm 9.				
	Note: Henry Black has no farming operation.				
Two Buddies Partnership	none of the land in Farm 9.				
	Note: Two Buddies Partnership has no farming				
	operation.				

Note: None of the persons or legal entities has any other farming interests. All ownership tracts are combined as 1 farm, Farm 9.

F Example 3, Tracts Operated

This table shows the **tracts operated** by Brown and Black Partnership. Both tracts have 100 acres of corn base acres. Sam Brown receives a pro rata crop share regardless of where the crop is planted.

Farm 10	Farm 10		
Tract 1	Tract 2		
Owner-Sam Brown	Owner-Brown and Black		
Rental-Crop Share	Partnership		
Operator-Brown and Black	Rental-N/A		
Partnership			

This table **defines** the farming operation of each person involved in this example.

IF the determination is for THEN the farming operation consists o	
Sam Brown	the acreage in tract 1 of Farm 10.
Brown and Black Partnership	Farm 10.

Note: None of the persons or legal entities has any other farming interests. Both ownership tracts are combined as 1 farm, Farm 10.

F Example 4, Tracts and Farms Operated or Subleased

This table shows the **tracts and farms operated or subleased** by Sam Brown.

Farm 18	Farm 18
Tract 5	Tract 6
Operator-Sam Brown	Subleased to Bill Jones for cash
Owner-Sam Brown	Owner-Pete Smith
Rental-N/A	Rental-Cash lease to Sam Brown
Farm 18	Farm 19
Tract 7	
Subleased to Richard Alexander for cash	Operator-Sam Brown
Owner-Henry Black	Owner-Two Buddies Partnership
Rental-Cash lease to Sam Brown	Partners: • Pete Smith
	Henry Black
	Rental-Crop share

This table **defines** the farming operation of each person involved in this example.

IF the determination is for	THEN the farming operation consists of
Sam Brown	the acreage in tract 5 of Farm 18 and all of Farm 19.
Bill Jones	the acreage in tract 6 of Farm 18.
Richard Alexander	the acreage in tract 7 of Farm 18.
Two Buddies Partnership	Farm 19.

Note: None of the persons or legal entities has any other farming interests. Pete Smith and Henry Black have no individual farming operation.

52 Interest in Farming Operations

A Examples of Interest in a Farming Operation

The following are considered interests in a farming operation:

- general partners of LP's when LP is a producer in the farming operation
- grantors of revocable trusts when the trust is a producer in the farming operation.
- landlords, including landowners, have an interest in the farming operation containing the acreage owned or leased, whether or **not** the landlord has an interest in the production or proceeds from the production
- landowners have an interest in the farming operation containing the land owned, whether or **not** the landowner has an interest in the production or proceeds from the production
- members of a joint operation when the joint operation is a producer in the farming operation
- producers who share in the production or proceeds of the production from the farming operation

52 Interest in Farming Operations (Continued)

B Examples of No Interest in a Farming Operation

The following are **not** considered interests in a farming operation:

- beneficiaries of trusts when the trust is a producer in the farming operation
- grantors of irrevocable trusts when the trust is a producer in the farming operation
- heirs to estates when the estate is a producer in the farming operation
- limited partners of LLP when LLP is a producer in the farming operation
- members of associations when the association is a producer in the farming operation
- stockholders in a corporation when the corporation is a producer in the farming operation
- trustees and personal representatives of trusts or estates when the trust or estate, respectively, is a producer in the farming operation.

C Most Restrictive Rule

Applying a more restrictive rule may apply if a person or legal entity has an interest in another person's or legal entity's farming operation.

53 Total Value of a Farming Operation

A Introduction

The total value of a farming operation **must** be computed when determining whether:

- the contributions made by the person or legal entity are significant
- contributions are commensurate with the claimed share of profits or losses from the farming operation.

B Definition

<u>Total value of a farming operation</u> means the total of the costs, excluding the value of active personal labor and active personal management that is contributed by a member of the farming operation, needed to carry out the farming operation for the year for which the determination is made.

C Example 1

The following is the **scenario** for this example.

Partnership ABC has 3 equal partners, A, B, and C. Partnership ABC farms 2,000 acres of cropland growing corn and various vegetables. All of the land that Partnership ABC farms has a rental value equal to \$42 per acre.

Partner A contributes land with a total rental value of \$24,000 to the partnership. Partner A cash-rents this land from a landowner with no interest in Partnership ABC's farming operation. Partner A's contributions to Partnership ABC also include equipment with a rental value of \$12,000 and \$12,000 of capital. None of Partner A's contributions are acquired as the result of a loan.

Partner B contributes land with a total rental value of \$12,000 to the partnership. Partner B cash-rents this land from a landowner with no interest in Partnership ABC's farming operation. Partner B's contributions to Partnership ABC also include equipment with a rental value of \$12,000 and \$24,000 of capital. None of Partner B's contribution are acquired as the result of a loan.

Partner C contributes land with a total rental value of \$12,000 to the partnership. Partner C owns this land. Partner C's contributions to Partnership ABC also include equipment with a rental value of \$12,000 and \$24,000 of capital. None of Partner C's contributions are acquired as the result of a loan.

Partnership ABC rents land from other landowners for a 1/3 share of the crop with a value of \$36,000. Partnership ABC contributes owned equipment with a rental value of \$21,000 and \$99,000 of capital to the farming operation.

Each of the partners share equally in the labor and management of this farming operation and no additional labor or management is hired.

2 - 2 - 09

C Example 1 (Continued)

This table shows the **contributions** made by the partners and Partnership ABC and the total value of the farming operation.

	Land	Capital	Equipment	Labor	Management	Total
Partner A	24,000	12,000	12,000	Active	Active	48,000
Partner B	12,000	24,000	12,000	Active	Active	48,000
Partner C	12,000	24,000	12,000	Active	Active	48,000
Partnership ABC		99,000	21,000			120,000
Total	84,000 <u>1</u> /	159,000	57,000	0	0	300,000

1/ Includes the rental value of the land contributed by the share-rent landlord. Crop-share rent for the land is valued at \$36,000.

The total value of the farming operation was **determined** as follows.

The rental value of all the land involved in this farming operation is \$84,000. This rental value is derived by the following inputs:

- Partner A's contribution of cash-rented land with a value of \$24,000
- Partner B's contribution of cash-rented land with a value of \$12,000
- Partner C's contribution of owned land with a rental value of \$12,000
- share-rented land with a value of \$36,000 that is **not** attributed to any 1 partner or to the partnership.
- **Note:** If land is owned, a rental value that is normal for the area **must** be used when determining its value.

C Example 1 (Continued)

The total amount of capital needed by this farming operation is equal to \$159,000. This figure is arrived at by taking the total expenditures necessary to conduct this farming operation and subtracting any equipment and land costs that will be expended by the partnership. The capital is derived by the following inputs:

- Partner A's contribution of \$12,000 of capital
- Partner B's contribution of \$24,000 of capital
- Partner C's contribution of \$24,000 of capital
- Partnership ABC's contribution of \$99,000 of capital.

The rental value of all of the equipment used on this farming operation is \$57,000. This rental value is derived by the following inputs:

- Partner A's contribution of owned equipment with a rental value of \$12,000
- Partner B's contribution of leased equipment with a rental value of \$12,000
- Partner C's contribution of owned equipment with a rental value of \$12,000
- Partnership ABC's contribution of owned equipment with a rental value of \$21,000.

Note: If equipment is owned, a rental value that is normal for the area **must** be used when determining its value.

Each partner is equally providing active personal labor and active personal management; therefore, no value is affixed to these contributions in determining the total value of the farming operation.

The total value of this farming operation is equal to \$300,000.

D Example 2

The following is the **scenario** for this example.

Partnership ABC has 3 equal partners, A, B, and C. Partnership ABC farms 1,500 acres of cropland growing cotton and soybeans.

Partner A contributes land with a total rental value of \$5,000 to the partnership. Partner A cash-rents this land from a landowner with no interest in Partnership ABC's farming operation.

Partner B contributes land with a total rental value of \$5,000 to the partnership. Partner B cash-rents this land from a landowner with no interest is Partnership ABC's farming operation.

Partner C contributes land with a total rental value of \$5,000 to the partnership. Partner C owns this land.

Partnership ABC contributes land with a total rental value of \$69,000 to the farming operation. Partnership ABC owns this land. Partnership ABC contributes owned equipment with a rental value of \$57,000 and \$159,000 of capital to the farming operation. The capital is borrowed from a local bank and is **not** secured by any of the partners individually.

Partnership ABC will hire all of the labor needed to conduct this farming operation. The labor cost for this operation will be \$30,000.

Each of the partners share equally in the management of this operation and no additional management is hired.

D Example 2 (Continued)

This table shows the contributions made by the partners and Partnership ABC.

	Land	Capital	Equipment	Labor	Management	Total
Partner A	5,000	0	0		Active	5,000
Partner B	5,000	0	0		Active	5,000
Partner C	5,000	0	0		Active	5,000
Partnership ABC	69,000	159,000	57,000	30,000		315,000
Total	84,000	159,000	57,000	30,000		330,000

The total value of the farming operation was **determined** as follows.

The rental value of all of the land involved in this farming operation is \$84,000. This rental value is derived by the following inputs:

- Partner A's contribution of cash-rented land with a value of \$5,000
- Partner B's contribution of cash-rented land with a value of \$5,000
- Partner C's contribution of owned land with a rental value of \$5,000
- Partnership ABC's contribution of owned land with a rental value of \$69,000.

Note: If land is owned, a rental value that is normal for the area **must** be used when determining its value.

D Example 2 (Continued)

The total amount of capital needed by this farming operation is equal to \$159,000. This figure is arrived at by taking the total expenditures necessary to conduct this operation and subtracting any equipment, land, and labor costs that will be expended by the partnership. The capital for this operation is being provided by Partnership ABC.

The rental value of all of the equipment used on this farming operation is \$57,000. Partnership ABC is contributing owned equipment with a rental value of \$57,000.

Note: If equipment is owned, a rental value that is normal for the area **must** be used when determining its value.

All of the labor for this farming operation is hired by Partnership ABC and will cost \$30,000.

Each partner will equally provide active personal management; therefore, no value is affixed to this contribution in determining the total value of the farming operation.

The total value of this farming operation is equal to \$330,000.

A Background

The Food Security Act of 1985, as amended by the Food, Conservation, and Energy Act of 2008, requires that the Secretary **not** approve, for purposes of applying payment limitations, any change in a farming operation that will increase the number of persons or legal entities for payment, unless the Secretary determines that the change is bona fide and substantive.

B Rule [7 CFR 1400.104]

COC may **not** approve any change in a farming operation, including, but not limited to, establishing a new farming operation containing any person or legal entity that was a member of the previous year's farming operation, that will otherwise increase the number of persons or legal entities to which payment limitation is applied for the current year, unless a substantive change in the farming operation occurs for the current year.

Note: The comparison for substantive change purposes is between the current year's operation and the previous year's operation.

C Substantive Change Requirements

Change	Requirement		
Family Member	*Adding a family member to a farming operation, according to the adult family member provision as specified in paragraph 138, allows recognizing the added family member*		
Land Rental	For a landowner only , a change from cash-rent to share-rent.		

If bona fide, the following are considered substantive changes.

54 Changes in Farming Operations (Continued)

Requirement				
An increase through acquiring base acres not previously involved in the				
farming operation. The increase in base acres:				
• must be at least 20 percent or more of the total base acres involved in the farming operation				
• will be applicable for the increase of only 1 person or legal entity to the farming operation.				
A State Office specialist may approve additional persons or legal entities based on the magnitude and complexity of the change in the farming				
operation represented and if the increase in base acres supports additional persons or legal entities to the farming operation. See subparagraph D.				
A change in ownership by sale or gift of equipment or land from a person or legal entity previously engaged in the farming operation to a person or legal entity who has not been engaged in this operation is considered substantive, only if:				
• the transferred amount is commensurate with the new person's or legal entity's share of the farming operation				
• the sale or gift of land or equipment was based on fair market value of the land or equipment				
• the former owner has no control over the sold or gifted land or equipment				
• the transaction was not financed by the former owner				
• preference was not given to the former owner to re-purchase the land or equipment at a later date.				
The addition of equipment not previously involved in the farming				
operation may be considered substantive, if the rental value of the additional equipment contributed is commensurate with the new person's or legal entity's share of the rental value of all equipment used in the farming operation.				

C Substantive Change Requirements (Continued)

Note: Substantive changes **must** be "arms length" business transactions. Documents **must** be provided to support any of the changes in this subparagraph.

54 Changes in Farming Operations (Continued)

D Increase in Base Acres

If base acres are increased more than 20 percent and the producer requests to add more than 1 additional person or legal entity for payment limitation the:

- producer **must**:
 - submit written request for additional persons or legal entities
 - include the reasons why additional persons or legal entities for payment limitation purposes are to be recognized
 - provide any other relevant documentation to support the request
- COC must:
 - document the request in the COC minutes
 - forward the request with comments or recommendations to the State Office
 - include all documentation provided by the producer
- State Office specialist designated to act on these requests **must**:
 - timely review requests and all supporting documentation
 - obtain STC comments, if determined necessary, on the request
 - approve or disapprove the requests
 - record all requests and determinations in the STC minutes
 - notify COC/County Office, in writing, of the determination
 - instruct COC/County Office to provide written notification of the determination to the producer, and include appeal rights if considered adverse.

54 Changes in Farming Operations (Continued)

E Considerations for Approving or Disapproving an Increase of Additional Persons or Legal Entities for Payment Limitation Purposes

State Office specialists are to consider at least all of the following:

- the amount of the increase in base acres
- the crops grown by the farming operation
- the diversity of the farming operation
- relationship of the existing members to the new members
- the programs for which the operation will be a participants
- other relevant information specific or unique to the request.

F Nonsubstantive Changes

The following are considered nonsubstantive changes:

- a decrease in the amount of land
- the dissolution of a legal entity
- any change **not** considered substantive for which the rules would require a more restrictive application of the payment limitation.

G Example 1 of Nonsubstantive Change

Situation: Three persons each have separate and unrelated farming operations, which if continued unchanged, qualify for 3 limits for payment limitation purposes. The 3 persons propose a farming operation by forming a corporation in which each are equal stockholders in the entity. The entity would lease, for cash, a portion of the cropland previously operated by each of the persons. A total of 4 limits would result for payment limitation purposes.

Determination: Forming this legal entity and leasing the land formerly operated by the persons would **not** constitute a bona fide and substantive change. Continue to recognize the 3 persons as determined previously for payment limitation purposes. The new legal entity would **not** be considered eligible for payment.

Explanation: The same land is farmed by the same equipment and the same persons as the previous year. The stockholders hold total ownership of the legal entity and each stockholder produced agricultural products or participated in programs subject to limitation in the previous year.

54 Changes in Farming Operations (Continued)

H Example 2 of Nonsubstantive Change

Situation: A corporation operates land that it owns. A general partnership, consisting of the stockholders of the corporation, leases land owned by unrelated parties that was previously operated by the corporation. The corporation farm manager and other employees complete the farming activities for both operations with equipment owned by the corporation. Records are kept of time spent by the employees and equipment use for each of the farming operations. The corporation's bookkeeper prepares separate payrolls for the employees that reflect the time for each employee on each farming operation. Invoices prepared on behalf of the corporation are issued to the general partnership for the equipment use and cropping expenses to represent its share of the operating expenses. Separate limitation was requested for the corporation and each of the members of the general partnership.

Determination: Changes in bookkeeping for the manner records are kept does **not** constitute or demonstrate a substantive change. Continue to recognize **only** the corporation for payment limitation purposes.

Explanation: The members of the general partnership, who hold total ownership of the corporation, are farming the same land with the same equipment previously operated by the corporation. Only a single farming operation of the corporation exists even though separate books are kept in an effort to represent a separate farming operation of the general partnership.

*--I If Substantive Change Is Not Met

If there is an increase in the number of persons or legal entities subject to limitation in a farming operation that results in applying the substantive change provisions and a substantive change is **not** met:

- continue to recognize the persons or legal entities for payment limitation purposes that were recognized in the previous year
- consider the new persons or legal entities who did **not** meet the substantive change ineligible for payment.
- **Note:** The eligible person's or legal entities' shares **cannot** be adjusted to circumvent the ineligibility of the new person or legal entity.--*

*--55 Applying the Substantive Change Rule

A Determining Whether Substantive Change Rule Applies

Substantive change rule applies when both are present:

- increase in the number of limitations for payment
- commonality between the new farming operation in the current year and a farming operation in the previous year.

B Commonality Between Farming Operations

Elements of commonality include:

- interest in legal entities
- land
- legal entities
- persons/individuals.--*

55 Applying the Substantive Change Rule

C When Substantive Change Rule Applies

This table illustrates when a substantive change is **required**.

Substanting about as mula	
Substantive change rule only applies for	if
a new person beginning to farm as an individual or as a member of a joint operation	the person was part of a legal entity that farmed in the previous year and the individual will farm some of the same land the entity farmed in the previous year.
a new joint operation	some, but not all, of the members of the new joint operation farmed in the previous year.
an existing joint operation	 *1 or more new members of the existing joint operation* did not farm in the previous year and there is an overall increase in the number of limits. Note: If there is no overall increase within the joint operation, substantive change is still required if any of the departing members continue to farm on the
	of the departing members continue to farm on the same land farmed by the joint operation in the previous year.
a new legal entity	1 or more members of the legal entity farmed in the previous year and the legal entity will farm some of the land farmed by its members in the previous year.

D When Substantive Change Rule Does Not Apply

This table illustrates when substantive change rule does **not** apply.

Substantive change rule does not apply for	and
the new person beginning to farm as an individual	the person was not part of any farming operation in the previous year.
a new joint operation	none of the members farmed or were associated with any farming operation in the previous year.
a new legal entity	none of the shareholders farmed or were associated with any farming operation in the previous year.
an existing legal entity	1 or more shareholders were added.
	Note: The legal entity remains restricted to 1 limitation regardless of the number of shareholders.
* * *	* * *

--Note: The substantive change rule does not apply to spouses.--

*--56 Substantive Change Rule for Persons

A Example 1

Situation: In the previous year, Corporation AB, comprised of Person A and Person B, each with an equal share, produced program crops and participated in program subject to payment limitation.

For the current year, Corporation AB and Person A will each operate part of the land that was in the previous year's farming operation of Corporation AB. Both Corporation AB and Person A will be participating on programs subject to payment limitation in the current year.

Determination: Substantive change will be **required** for the current year because:

- Person A represents an additional payment limitation as compared to the previous year
- Person A has an interest in Corporation AB that produced program crops and participated in programs subject to payment limitation in the previous year
- Person A will operate land that was part of the farming operation if Corporation AB in the previous year.

B Example 2

Same as in Example 1, except Person A, as an individual, will operate all of the land that was farmed by Corporation AB in the previous year. Person A will participate in programs subject to payment limitation. Corporation AB will no longer be farming and has dissolved.

Determination: Substantive change will not be required for the current year because:

- Person A does not represent an additional payment limitation as compared to the previous year
- Corporation AB is no longer farming in the current year.--*

* * *

*--57 Substantive Change Rule for Joint Operations

A Example 1, Joint Operation Existed in the Previous Year

Situation: In the previous year, General Partnership ABC, comprised of Persons A, B, and C, each with an equal share, participated in programs subject to payment limitation. Person D conducted a separate farming operation and participated in programs subject to payment limitation.

For the current year, Person D became a member and the partnership that is now Partnership ABCD; all with equal shares. Partnership ABCD will operate all of the land operated in the previous year by all of the current members. Partnership ABCD will participate in programs subject to payment limitation in the current year.

Determination: Substantive change is **not** required for the current year because:

- Person D participated in programs subject to payment limitation in the previous year
- Person D, by joining the existing partnership, does **not** represent an additional payment limitation for the current year.

B Example 2, Joint Operation Existed in the Previous Year

Situation: Same as Example 1, except Person D did **not** farm and was **not** part of a farming operation in the previous year. Person D became a member of Partnership ABCD, all with equal shares. Partnership ABCD will operate part of all the land operated in the previous year and participated in programs subject to payment limitation in the current year.

Determination: Substantive change is **required** for the current year because:

- Person D represents an additional payment limitation as compared to the previous year
- Person D neither farmed nor was part of a farming operation in the previous year.--*

Par. 57

*--57 Substantive Change Rule for Joint Operations (Continued)

C Example 1, New Joint Operation

Situation:

Situation: In the previous year, Dad participated in programs subject to payment limitation on his own individual farming operation.

In the current year, Dad and adult Son form a 70/30 general partnership named DS Farms. Son did **not** have any farming interest in the previous year. DS Farms will farm all of the land that Dad farmed individually in the previous year and participate in programs subject to payment limitation.

Determination: Substantive change is **required** for the current year because:

- DS Farms is a new farming operation
- DS Farms will operate all of the land farmed by 1 of the members in the previous year
- forming DS Farms represents an increase in the number of limitations from the previous year.

D Example 2, New Joint Operation

Situation: In the previous year, JT Farms Inc., comprised of brothers Jake and Tim with equal shares, conducted a farming operation and participated in programs subject to payment limitation.

In the current year, JT Farms Inc. stopped farming. Jake and Tim formed a 50/50 general partnership named Switch Grass Farms and will lease all the farm equipment need from JT Farms Inc. Switch Grass Farms will operate all of the land farmed in the previous year by JT Farms and will participate in programs subject to payment limitation.

Determination: Substantive change is **required** for the current year because:

- Switch Grass Farms is a new joint operation
- Switch Grass Farms will operate all of the land operated in the previous year by a farming operation in which both members were associated
- forming Switch Grass Farms represents an increase in the number of payment limitations from the previous year.

Note: Substantive change is **required** to recognize an increase in limitations. If substantive change is **not** met, only 1 limitation will be recognized.--*

* * *

*--58 Substantive Change Rule for Legal Entities

A Example 1, New Legal Entity

Situation: In the previous year, Persons A and B participated in programs subject to payment limitation on their respective, individual farming operations. Person C did **not** have any farming interests.

For the current year, Persons A, B, and C formed corporation ABC Inc. ABC Inc. will operate part of the land operated in the previous year by Person A and will participate in programs subject to payment limitation.

Determination: Substantive change is **required** for the current year because:

- ABC Inc. represents an additional payment limitation as compared to the previous year
- Persons A and B, both interest holders in ABC Inc., participated in programs subject to payment limitation in the previous year
- ABC Inc. will operate part of the land farmed by Person A in the previous year.

B Example 2, New Legal Entity

Situation: In the previous year, Persons A and B participated in a programs subject to payment limitation on their respective, individual farming operations. Person C did **not** have any farming interests.

For the current year, Persons A, B, and C form corporation ABC Inc. ABC Inc. will operate only the land operated in the previous year by Person Z and will participate in programs subject to payment limitation. Person Z retired from farming.

Determination: Substantive change is **not** required for the current year because:

- ABC Inc. did **not** participate in programs subject to payment limitation in the previous year
- ABC Inc. will **not** operate any land that was part of the farming operations of Persons A or B in the previous year.--*

*--58 Substantive Change Rule for Legal Entities (Continued)

C Example 3, Existing Legal Entity

Situation: Smith Family Farms Inc., comprised of all family members, participated in programs subject to payment limitation the previous year.

In the current year, 2 additional family members become stockholders in Smith Family Farms Inc. The additional stockholders did **not** have any farming interest in the previous year. Smith Family Farms Inc. will farm all of the land it operated in the previous year and will participate in programs subject to payment limitation.

Determination: Substantive change is **not** required because the addition of 1 or more stockholders to Smith Family Farms Inc. does **not** represent an increase in the number of payment limitations from the previous year.--*

59-60 (Reserved)

Section 6 Actively Engaged Determinations

Subsection 1 Actively Engaged Considerations

61 General Considerations

A Introduction

For a person or legal entity to be considered actively engaged in farming, the participant **must** make a significant contribution of certain farming inputs. This paragraph lists and defines significant contributions.

B General Provisions

In general, for a person or legal entity to be considered actively engaged in farming, **all** the requirements of this table **must** be met.

Item	Requirement
1	Significant "left-hand" contributions to the farming operation of 1 or a
	combination of the following:
	• capital
	• equipment
	• land.
	Note: See paragraph 127 for exception.
2	Significant "right-hand" contributions to the farming operation of 1 or a combination of the following:
	• active personal labor
	active personal management.
	Note: See paragraph 62 for exception.
3	A claimed share of the profits or losses from the farming operation that is commensurate with contributions to the farming operation.
4	Contributions that are at risk.

C Definition of Capital

For payment limitation purposes, <u>capital</u> means the funding provided by a person or legal entity to the farming operation for the operation to conduct farming activities.

61 General Considerations (Continued)

D Definition of Land

For payment limitation purposes, <u>land</u> means farmland consisting of cropland, pastureland, wetland, or rangeland that meets the specific requirements of the applicable program.

E Definition of Equipment

For payment limitation purposes, <u>equipment</u> means the machinery and implements used by the farming operation to conduct activities of the farming operation. This includes:

- machinery and implements for:
 - land preparation, planting, cultivating, or harvesting of the crops involved
 - establishing and maintaining conservation cover crops or conservation use acreages
 - conducting livestock operations
- irrigation equipment that is:
 - **not** of a permanent nature
 - commonly used in the area.

F Definition of Active Personal Labor

<u>Active personal labor</u> means personally providing physical activities necessary in a farming operation. These activities include physical activities:

- involved in land preparation, planting, cultivating, harvesting, and marketing of agricultural commodities
- required to establish and maintain conserving cover crops or conserving use acreages
- required in livestock operations.

61 General Considerations (Continued)

G Active Personal Management

Active personal management is personally providing:

- the general supervision and direction of activities and labor involved in the farming operation
- services, whether performed on-site or off-site, reasonably related and necessary to the farming operation, including any of the following:
 - supervision of activities necessary in the farming operation
 - business-related actions that include discretionary decision making
 - evaluation of the financial condition and needs of the farming operation
 - assistance in structuring or preparing financial reports or analyses for the farming operation
 - consultations in or structuring of business-related financing arrangements for the farming operation
 - marketing and promoting agricultural commodities produced by the farming operation
 - acquiring technical information used in the farming operation
 - any other management functions necessary to conduct the farming operation and for which the operation would ordinarily be charged a fee.

H Hybrid Seed Producers

The existence of a hybrid seed contract for a producer shall **not** be taken into account when making an actively engaged in farming determination with respect to the producer. However, all other actively engaged in farming provisions shall apply.

62 Landowner Exemption

A Actively Engaged Rule

A landowner shall be considered actively engaged in farming with respect to the owned land if **all** of the following requirements are met.

Item	Requirement
1	The landowner contributes owned land to the farming operation for which the
	landowner receives rent or income for the use of the land, based on the land's
	production or the operation's operating results.
2	The landowner's share of the profits or losses from the farming operation is
	commensurate with the landowner's contribution to the operation.
3	The landowner's contributions are at risk.

B Applicability of Rule

This rule applies to landowners who:

- are persons
- are persons with a life estate in the land
- are legal entities, such as corporations, trust, or estates
- have an undivided interest in the land

* * *

• are members of a joint operation if the joint operation holds title to the land.

Note: This rule applies to joint operations only if 1 of the following applies:

- the members submit documentation to show the title to the land owned by the joint operation will revert to the individual members after dissolution of the joint operation according to each member's share in the joint operation
 - **Note:** This requirement is considered met if the documentation provides that upon dissolution of the joint operation, the land will be sold and the proceeds divided according to each member's share in the joint operation.
- if there is no documentation otherwise and the Regional Attorney advises that State law provides that upon dissolution of the joint operation the land will be sold and the proceeds divided according to each member's share in the joint operation.

63 Landlord

A Actively Engaged Rule

A landlord who is **not** a landowner shall be considered to be actively engaged in farming under the same rules as any other person or legal entity that is **not** a landowner.

Notes: If the landlord provides leased or rented land to an operation in return for a share of the crop, the land will be considered a contribution. Other contributions, as applicable, are required.

See paragraph 91 for cash-rent tenant requirements.

B Example 1

Situation: Landowner A cash leases land to Person B. Person B subleases the land to Operator C. Person B contributes land and does **not** contribute a significant amount of active personal labor or active personal management to the farming operation.

Determination: Person B is **not** actively engaged in farming. Person B **cannot** be considered to be actively engaged in farming because of the landowner provision, since Person B is a landlord and **not** a landowner. Landowner A is **not** actively engaged on this farming operation since cash-rent is received for using the land. A separate determination will be made for Operator C.

63 Landlord (Continued)

C Example 2

Situation: Person D cash leases land from Landowner E. Person D subleases the land to Producer C on a share-rent basis. Person D contributes the land and active personal management to the farming operation.

Determination: Because Person D cash-rents the land from Landowner E, Person D:

- is a cash-rent tenant
 - **Notes:** A cash-rent tenant is eligible to receive program payments on the cash-rented land, if the cash-rent tenant provides a significant contribution of either of the following:
 - active personal labor and capital, equipment, or land
 - active personal management and equipment.

See paragraph 91 for cash-rent tenant requirements.

• is **not** the landowner and **cannot** be considered actively engaged in farming because of the landowner provision.

Because Person D has provided a significant contribution of land and management, Person D can be considered actively engaged in farming. However, Person D is **ineligible** to receive program payments on the cash-rented land, because the necessary contributions for a cash-rent tenant were **not** made.

A separate determination will be made for Producer C.

Landowner E is **not** considered actively engaged in farming for this farming operation.

64 Percent of Cropland Factor

A Introduction

In some cases, producers may only be eligible for payment for a portion of the cropland in the farming operation. Therefore, FSA shall determine the percentage of the farming operation that is eligible for payment. This is determined based on the percent of cropland.

B When to Use the Percent of Cropland Factor

Use percent of cropland factor when a producer:

- does **not** provide a significant contribution of active personal labor or active personal management to the entire farming operation
- is actively engaged in farming and eligible for payment on a portion of the land in the farming operation because of the landowner provision
- is a cash-rent tenant and is **ineligible** for payment for the cash-rented land.
- **Note:** The automated system does **not** handle cases where the producer is actively engaged on some, but **not** all farming operations.

C Applying the Percent of Cropland Factor

*--The cropland factor **only** applies to programs subject to the actively engaged in farming requirements and the cash-rent rule.--*

64 Percent of Cropland Factor (Continued)

*--D Determining the Factor

Determine a "percent of cropland" factor according to this table.

Step	Action	
1	List the total cropland acres for each farm in the producer's farming operation and	
	total the acres.	
2	List the cropland acres owned by the producer on each of those farms and total the	
	acres.	
	Note: Also include cropland acres that are not cash-rented and for which the	
	producer meets the requirements to be eligible for payment.	
3	Divide the result of step 2 by the result of step 1.	
4	Multiply the factor from step 3 times the producer's payments earned on each	
	farm.	
5	Pay the producer the adjusted payment allowed for each farm as determined by	
	step 4.	
	Note: This adjusted payment may also represent the ownership percentage of the	
	partners, stockholders, or members of a corporation or similar entity, that	
	met the requirements of actively engaged in farming if total contributions	
	of active personal labor and/or active personal management to the farming	
	operation are considered significant.	

--*

64 **Percent of Cropland Factor (Continued)**

E Example 1

Farm 20	
Tract 1 - 100 acres	
Operator - Sam Brown	
Owner - Sam Brown	
Rental - N/A	
Farm 20	
Tract 2 - 100 acres	
Operator - Sam Brown	
Owner - Pete Smith	
Rental - Cash lease	

In this example, Sam Brown hires all labor and management necessary to conduct the farming operation.

Result: The farming operation for Sam Brown is the entire acreage on Farm 20. There is no farming operation for Pete Smith because he does **not** have an interest in any crop or crop proceeds.

Because Sam Brown does **not** provide a significant "right hand" contribution to the farming operation, he may only be considered actively engaged in farming under the landowner exemption for that portion of the farming operation represented by land he owns.

Sam Brown owns 50 percent of the cropland in his farming operation. Therefore, payments to Sam Brown would be subject to a 50 percent of cropland factor.

F Example 2

This example is the same as example 1, **except** the tracts are **not** combined as 1 farm. In this example, Sam Brown hires all labor and management necessary to conduct the farming operation.

Farm 21	
100 acres	
Operator - Sam Brown	
Owner - Sam Brown	
Rental - N/A	
Farm 22	
100 acres	
Operator - Sam Brown	
Owner - Pete Smith	

Result: The farming operation for Sam Brown is the entire acreage on Farm 21 and Farm 22. There is **no** farming operation for Pete Smith because he does **not** have an interest in any crop or crop proceeds.

Rental - Cash lease

Because Sam Brown does **not** provide a significant "right hand" contribution to the farming operation, he may only be considered actively engaged in farming under the landowner exemption for that portion of the farming operation represented by land he owns.

Sam Brown owns 50 percent of the cropland in his farming operation. Therefore, payments to Sam Brown would be subject to a 50 percent of cropland factor.

64 **Percent of Cropland Factor (Continued)**

G Example 3

In this example, Sam Brown hires all labor and management necessary to conduct the farming operation.

Farm 23
100 acres
Operator - Sam Brown
Owners - Sam Brown and Pete Smith (undivided joint interest)
Rental - Cash lease

Result: Because Sam Brown does **not** provide a significant "right hand" contribution to the farming operation, he may only be considered actively engaged in farming under the landowner exemption for that portion of the farming operation represented by land he owns.

Because Sam Brown has an undivided ownership interest in the entire acreage in his farming operation, the percent of cropland owned is 100 percent. Accordingly, Sam Brown is actively engaged in farming on 100 percent of his farming operation and is eligible to receive 100 percent of the payment earned.

H Example 4

In this example, Sam Brown and Pete Smith each have a 50 percent share in the partnership. The partnership and the members do **not** have any other farming interests. Sam Brown shares in the pro rata share of all crops, regardless of where the crops are planted. The partnership agreement stipulates that upon dissolution, the land ownership will revert to the members according to their current shares of the partnership. The partnership hires all labor and management necessary to conduct the farming operation.

Farm 24
Tract 1 - 100 acres
Operator - Brown and Smith, a general partnership
Owner - Sam Brown
Rental3333 crop share
Farm 24
Tract 2 - 100 acres
Owner - Brown and Smith, a general partnership
Rental - N/A

Result: The partnership's farming operation is the entire acreage in Farm 24.

Sam Brown's farming operation is the acreage in tract 1.

Because the members of the partnership do **not** provide a significant "right-hand" contribution to the farming operation, the members of the partnership are only considered to be actively engaged in farming under the landowner exemption for that portion of their farming operation represented by owned land. Therefore, a 50 percent of cropland factor of would apply to payments made to the partnership.

A percent of cropland factor of 1.000 would apply to Sam Brown since he is considered to be actively engaged in farming on his entire farming operation.

I Example 5

64

This example is similar to example 4, **except** the tracts are **not** combined as 1 farm. In this example, Sam Brown and Pete Smith are members of Brown and Smith Partnership. Neither the partnership nor the members have any other farming interests. The partnership agreement stipulates that upon dissolution, the land ownership will revert to the members according to their current shares of the partnership. The partnership hires all labor and management necessary to conduct the farming operation.

Farm 25	
100 acres	
Operator - Brown and Smith, a general partnership	
Owner - Sam Brown	
Rental3333 crop share	
Farm 26	
100 acres	
Operator - Brown and Smith, a general partnership	
Owner - Brown and Smith, a general partnership	

Rental - N/A

Result: The partnership's farming operation consists of Farm 25 and Farm 26. Sam Brown's farming operation consists of the acreage in Farm 25, **only**. Because neither member of the partnership provides a significant "right hand" contribution to the farming operation, the members of the partnership may **not** be considered actively engaged in farming on the entire farming operation under the person or joint operation provisions. The members of the partnership, as landowners of Farm 26, are considered actively engaged in farming under the landowner exception.

Sam Brown, as individual landowner of Farm 25, is considered actively engaged in farming under the landowner exception. This is 100 percent of Sam Brown's individual farming operation. Sam Brown's interest in the partnership is a separate farming operation.

The partnership owns 50 percent of the cropland in its farming operation. Therefore, the members of the partnership are actively engaged in farming on 50 percent of the partnership's farming operation and are entitled to receive 50 percent of the partnership's earned payment on each farm in the farming operation.

64 Percent of Cropland Factor (Continued)

J Example 6

In this example, Brown, Smith, Black, and Jones Partnership is made up of the 4 individual landowners. The partnership and the members of the partnership do **not** have any other farming interests. Each farm is of equal size and value. The contributions of each partner are commensurate and at risk. Each landowner contributes their land to the partnership, so no rent will be paid. All payments go to the partnership.

The partnership hires all labor and management necessary to conduct the farming operation.

Farm 27 100 acres Operator - Brown, Smith, Black, and Jones, a general partnership Owner - Sam Brown Rental - N/A

Farm 28 100 acres Operator - Brown, Smith, Black, and Jones, a general partnership Owner - Pete Smith Rental - N/A

Farm 29
100 acres
Operator - Brown, Smith, Black, and Jones, a general partnership
Owner - Henry Black
Rental - N/A

Farm 30	
100 acres Operator - Brown, Smith, Black, and Jones, a general partnership	
Owner - Bill Jones	
Rental - N/A	

Result: The farming operation for the partnership consists of all the acreage in Farms 27, 28, 29, and 30. Because the members do **not** provide "right hand" contributions, the members of the partnership are **not** actively engaged in farming under the person or joint operation provisions. However, each person is actively engaged in farming with respect to the actual land owned under the landowner exception.

Because the members of the partnership are **not** actively engaged in farming on the entire farming operation, only that portion earned with respect to the owned land may be paid. The percent of cropland owned by each owner is 25 percent. Accordingly, a 25 percent of cropland factor would be applied to the partnership's payment on each farm.

65-70 (Reserved)

2 - 2 - 09

Subsection 2 Specific Rules for Contributions

71 Significant Contribution of Capital, Equipment, and Land

A Introduction

When a significant contribution of capital, equipment, or land is required, use the rule in this paragraph to determine what is considered significant.

B Rules for Significant Contributions

This table shows the general rules for determining when a significant contribution is provided to a farming operation by a person or legal entity.

Item	Rule		
Capital	The capital must have a value equal to at least 50 percent of the		
	person's or legal entity's commensurate share of the total capital necessary to conduct the farming operation, excluding outlays of		
	capital for land or equipment.		
Equipment	The equipment must have a rental value equal to at least		
	50 percent of the person's or legal entity's commensurate share of		
	the total rental value of the equipment necessary to conduct the		
	farming operation.		
Land	The land must have a rental value equal to at least 50 percent of		
	the person's or legal entity's commensurate share of the total rental		
	value of the land necessary to conduct the farming operation.		
	Note: Share-rented land is a contribution of the landlord, not the		
	share-renter.		
Any combination of	The combined contribution of capital, equipment, and land must		
capital, equipment,	have a value equal to 30 percent of the person's or legal entity's		
and land.	commensurate share of the total value of the farming operation.		

72 Specific Rules for Capital

A Introduction

For capital to be a significant contribution to the farming operation, the capital contributed **must** meet the requirements of this paragraph.

B General Rule

The capital **must** be contributed directly to the farming operation from a fund and account separate and distinct from that of any other person or legal entity with an interest in the farming operation.

Capital contributions to a farming operation **do not** include:

- the value of labor or management
- outlays for land or equipment.

C Source of Capital

The capital may be a direct out-of-pocket input of either of the following:

- a specified sum by the person, legal entity, joint operation, members of a joint operation, or combined State producer
- an amount borrowed by the person or legal entity.
- **Note:** Current year advance program payments, such as advance direct payments, are **not** considered a capital contribution for purposes of meeting the requirements of actively engaged in farming. The applicant is **not** eligible to receive advance program payments until **after** the determination of actively engaged in farming is made by COC or reviewing authority.

72 Specific Rules for Capital (Continued)

D Borrowed Capital

Capital used as a significant contribution may be borrowed. The rules in this table apply to borrowed capital.

IF the farming operation is conducted by either			
of the following	THEN borrowed capital must		
 a person a joint operation, *in which the* capital is contributed by a member of the joint operation rather than by the joint operation itself 	 be contributed directly to the farming operation by the applicable person or member not have been acquired as a result of a loan made to, guaranteed by, co-signed by, or secured by any other person, legal entity, or joint operation: that has an interest in the farming operation in whose farming operation this person or joint operation has an interest. 		
 * * * a legal entity 	• be contributed directly to the farming operation by the legal entity or joint operation		
 a joint operation, *in which the capital is contributed by the joint operation rather than by a member* 	 not have been acquired as a result of a loan made to, guaranteed by, co-signed by, or secured by any person, legal entity, or joint operation: that has an interest in the farming operation, except all members of the joint operation , or all shareholders of the legal entity, to which the loan is made in whose farming operation this legal entity or joint operation has an interest. 		
	Note: See example in subparagraph 139 C.		

73 Specific Rules for Equipment

A Introduction

To be credited as a significant contribution to the farming operation, owned or leased equipment **must** meet the requirements of this paragraph.

B Leased Equipment

The equipment may be leased from any person, legal entity, or joint operation; however, use the following table to determine if restrictions apply.

IF the equipment is leased from	THEN the
another person, legal entity, or joint operation that has an interest in the farming operation a joint operation that has 1 or more members in common with the producer	 producer must: be able to prove to COC that the equipment was leased at a fair market value
to whom the equipment is leased	• make the payment within the time determined by COC to be reasonable and customary for the area, taking into consideration whether the equipment is leased by the hour, day, or acre, or on an annual basis.
a person, legal entity, or joint operation	restrictions provided in this table do not apply.
not otherwise indicated in this table	

73 Specific Rules for Equipment (Continued)

C Financing Rules for Equipment

The restrictions on financing for equipment in this table apply to both owned and leased equipment contributed for credit as a significant contribution.

IF the farming operation	
is conducted by either of	
the following	THEN the equipment must
• a person	• be contributed directly to the farming operation by the applicable person or member
•*a joint operation, in	
which the equipment*	• not have been acquired as a result of a loan made to,
is contributed by a	guaranteed by, co-signed by, or secured by any other
member of the joint	person, legal entity, or joint operation:
operation rather than by	
the joint operation itself	• that has an interest in the farming operation
	• in whose farming operation this person or joint operation has an interest.
* * *	• be contributed directly to the farming operation by the
• a lagal antity	legal entity or joint operation
• a legal entity	• not have been accurated as a result of a loop mode to
•*a joint operation, in	• not have been acquired as a result of a loan made to, guaranteed by, co-signed by, or secured by any person,
which the equipment is	legal entity, or joint operation:
contributed by the joint	legal entity, of joint operation.
operation rather than by a member*	• that has an interest in the farming operation, except members of the joint operation, or all the shareholders of the legal entity, to which the loan is
	made
	• in whose farming operation this legal entity or joint operation has an interest.
	Note: See example in subparagraph 139 C.

73 Specific Rules for Equipment (Continued)

D Effects of Borrowed Capital on Equipment Contribution

If any capital was borrowed by the person, legal entity, or joint operation from any other person, legal entity, or joint operation with an interest in the farming operation, the cash-leased equipment will **not** be considered as a significant contribution unless the person, legal entity, or joint operation can prove to COC that sufficient capital was available from another source to pay the cash lease.

E Occasional Exchange of Equipment

The occasional exchange of equipment, including labor, with a neighbor will **not** affect the contribution determination if each person or legal entity has adequate equipment, through ownership or lease, to conduct their farming operation in a manner normally acceptable for the area.

74 Specific Rules for Land

A Introduction

To be considered a significant contribution to the farming operation, owned or cash leased land **must** meet the requirements of this paragraph.

B Leased Land

The land may be leased from any person, legal entity, or joint operation.

If the land is leased from another person, legal entity, or joint operation that has an interest in any crop or crop proceeds in the farming operation, the producer **must**:

- be able to prove to COC that the land was leased at a fair market value
- make the payment within the time determined by COC to be reasonable and customary for the area.

Note: Share-rented land is a contribution of the landlord, **not** the share-renter.

74 Specific Rules for Land (Continued)

C Financing Rules for Land

The restrictions in this table apply to both owned and leased land contributed for credit as a significant contribution.

IF the farming operation is conducted by either of the following	THEN the land must
• a person	• be contributed directly to the farming operation by the applicable person or member
•*a joint operation, in which the land is contributed by a member of the joint operation rather than by the joint operation itself	 not have been acquired as a result of a loan (including land acquired by Contract of Deed, Deed of Trust, Land Contract, or other similar arrangement) made to, guaranteed by, co-signed by, or secured by any other person, legal entity, or joint operation: that has an interest in the farming operation
	• in whose farming operation this person or joint operation has an interest.
 a legal entity	• be contributed directly to the farming operation by the legal entity or joint operation
 a joint operation, in which the land is contributed by the joint operation rather than by a member 	• not have been acquired as a result of a loan (including land acquired by Contract of Deed, Deed of Trust, Land Contract, or other similar arrangement) made to, guaranteed by, co-signed by, or secured by any person, legal entity, or joint operation:
	• that has an interest in the farming operation, except members of the joint operation, or all the shareholders of the legal entity, to which the loan is made
	• in whose farming operation this legal entity or joint operation has an interest.
	Note: See example in subparagraph 139 C.

74 Specific Rules for Land (Continued)

D Effects of Borrowed Capital on Land Contribution

If any capital was borrowed by a person, legal entity, or joint operation from any other person, legal entity, or joint operation with an interest in the farming operation, cash leased land will **not** be considered a significant contribution **unless** the person, legal entity, or joint operation can prove to COC that sufficient capital was available from another source to pay the cash lease.

E Recording Land Contributions

All land involved in a farming operation is to be recorded in the following:

- CCC-902 Continuation, Part A
- CCC-902E, Part E
- CCC-902I, Part C
- •*--CCC-902I Short Form, Part C.--*

A Introduction

[7 CFR 1400.3] When a significant contribution of active personal labor or active personal management is required, use the rules in this paragraph to determine what is considered significant.

B Rules on Significant Contribution

This table shows the general rules for determining when a significant contribution is provided to a farming operation by a person or legal entity.

Item	Rule
Active personal	The active personal labor must be an amount that is the smaller of:
labor.	
	• 1,000 hours per either FY or crop year
	• 50 percent of the total hours that would be required to conduct a
	farming operation comparable in size to this person's or legal
	entity's commensurate share in the farming operation.
Active personal	The contribution of active personal management must be critical to the
management.	profitability of the farming operation, taking into consideration the
	person's or legal entity's commensurate share in the farming
	operation.
Any	Combined contributions of active personal labor and active personal
combination of	management must have a critical impact on the profitability of the
labor and	farming operation in an amount at least equal to the significant
management.	contribution of either consideration when taken alone.

Note: If a member of a joint operation receives a guaranteed payment for any part of a contribution of labor or management, **exclude** all of the specific type of contribution for which payment is received.

76 Specific Rules for Active Personal Labor or Management

A Introduction

It is difficult to measure a significant management contribution. The required hours of labor will be different in 1 type of farming operation than another. In some cases, it is difficult to distinguish between labor and management.

B Basis for Decisions

Decisions **must** be based on COC's best judgment considering the:

- requirements in this Section
- intent of significant contribution provisions is to provide program benefits to bona fide farmers, personally providing meaningful inputs on the farm.

Note: COC's are given discretion to make the subjective decisions required.

C Requiring Proof

If necessary, COC may require proof of who provides:

• labor equal to 50 percent or more of the person's or legal entity's commensurate share of the labor required

Note: Proof of labor exceeding 1,000 hours is not required.

- management input critical to the overall profitability of the farming operation
- a satisfactory contribution of a combination of labor and management.

77 Inputs for Commensurate Contributions

A Introduction

For a farming input to be considered toward satisfying the requirements of commensurate contributions, the requirements of this paragraph **must** be met.

B Rules for Commensurate Contributions

After the requirements for significant contributions have been met, apply the rules in this table when determining commensurate contributions.

Farming Input General Rule		General Rule	Requirements	
•	Capital	Include if	IF the contribution was acquired as a	THEN the
•	Equipment	contributed	result of a loan to the	loan must
•	Land	directly to the farming operation by the person or legal entity.	 farming operation in which the person or legal entity has an interest person, legal entity, or farming operation: 	• bear the prevailing interest rate
			• by the farming operation or any of its members, beneficiaries, or related entities	• have a repayment schedule normal for the area.
			 that was guaranteed or secured by the farming operation or any of its members, beneficiaries, or related entities 	
•	Labor	Include all	If a member of a joint operation receives	a guaranteed
•	Management	contributions of labor and management, including	payment for any part of a labor or manage contribution, exclude all of the specific ty contribution for which payment is receive	/pe of
		hired labor and hired management.	Note: "Draws" or advances for a member effect on the member's share of the or proceeds of the partnership are a guaranteed payment.	e partnership

78 Determining Commensurate Contributions

A Introduction

Use the guidelines in this paragraph to determine whether contributions are commensurate with shares.

B General Rule

Total contributions that are "within reason" of being equal to the claimed share of profits and losses shall be considered commensurate.

Note: COC's shall not establish a specific tolerance for "within reason."

C Determining Contributions

Use the steps in this table to determine each person's or legal entity's contributions to a farming operation.

Step	Action	
1	Determine the total amount of each farming input needed to conduct the farming operation.	
2	Determine the type and amount of farming inputs provided by the person or legal entity that meet the requirements in paragraph 77.	
3	Determine the percentage of each input required to conduct the farming operation provided by the person or legal entity.	
4	Does the person or legal entity provide the same percentage of all inputs required to conduct the farming operation?	
	• If yes, consider the person or legal entity as providing that percentage of the farming inputs required to conduct the farming operation.	
	• If no, determine the value of the inputs provided by the person or legal entity relative to the total amount of farming inputs required to conduct the farming operation.	
5	Determine whether the person's or legal entity's contributions to the farming	
	operation are commensurate with the person's or legal entity's claimed share of	
	the farming operation. See subparagraph D.	

78 Determining Commensurate Contributions (Continued)

D Determining Commensurate Shares

Use the steps in this table to determine whether contributions to a farming operation are commensurate with the claimed share of the profits or losses.

C (
Step	Review and Determination		
1	Review the person's or legal entity's claimed share of the profits or losses of the farming operation.		
	For a joint operation, review the member's claimed share of the profits or losses of the farming operation.		
2	Are the person's or legal entity's total contributions to the farming operation commensurate with the claimed share of the profits or losses of the farming operation?		
	For a joint operation, are the member's total contributions to the farming operation commensurate with the claimed share of the profits or losses of the farming operation? If:		
	• yes, go to step 5		
	• no, go to step 3.		
3	Are the contributions by the person or legal entity that COC considers pertinent to the farming operation commensurate with the claimed share of the profits or losses of the farming operation?		
	For a joint operation, are the contributions of the member that COC considers pertinent to the farming operation commensurate with the claimed share of the profits or losses of the farming operation? If:		
	• yes, go to step 5		
	 no, go to step 5 		
4	Determine the person or legal entity to be not actively engaged in farming.		
	If a member of a joint operation, then determine the member of the joint operation		
	to be not actively engaged in farming.		
5	Determine the person or legal entity to be actively engaged in farming if all other provisions have been satisfied.		
	If a member of a joint operation, then determine the member to be actively engaged in farming if all other provisions have been satisfied.		

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78 Determining Commensurate Contributions (Continued)

E DD Responsibility

DD is responsible for:

- verifying that no "tolerance" for commensurate contributions is established in any county
- maintaining reasonable uniformity between counties
- ensuring that the integrity of the program is maintained.

79 Determining Contributions at Risk

A Introduction

In addition to other requirements for a person or legal entity to be considered actively engaged in farming, the contributions made by the person or legal entity **must** be at risk.

B General Rule

For a producer's contribution to be considered at risk, there **must** be a possibility that the producer could suffer loss.

C Specific Rules for At Risk

Apply the rules in this table when determining whether contributions are at risk.

IF producer is a	THEN the
person	person's contributions to the farming operation must be at risk.
joint operation	members' contributions to the farming operation must be at risk.
legal entity	legal entity's contributions to the farming operation must be at risk.

80-90 (Reserved)

(through 2-170)

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91 Cash-Rent Tenant Rule

A Definition of Cash-Rent Tenant

<u>Cash-rent tenant</u> means a producer who rents land from another producer or landowner under either of the following conditions:

- for a fixed cash amount
- guaranteed crop share as the amount of the commodity to be paid in rent.

B Other Situations of Applicability

Cash-rent tenant provisions also apply to:

- tenants who rent land for zero dollars or farm the land in exchange for compensation other than cash, such as:
 - controlling weeds on land **not** owned
 - barter arrangements
- producers who have use of the land and there is **not** a lease agreement in place, such as:
 - individual operating land owned by his or her revocable trust
 - 1 spouse operating land owned by the other spouse.
- *--Note: In spousal operations, or if the grantor of a revocable trust is operating the land--* held by the trust, cash-rent tenant provisions will be considered to be met if both benefit from the land.

For these situations:

- record the arrangement in farm records as land leased for cash
- COC must determine whether the cash-rent tenant provisions have been met by the producer.

91 Cash-Rent Tenant Rule (Continued)

*--C Payment Eligibility Requirements

[7 CFR 1400.301(a)] In addition to meeting the requirements to be considered actively engaged in farming, a cash-rent tenant will be eligible to receive payments on cash-rented land if the cash-rent tenant makes either of the following:

- a significant contribution of active personal labor to the farming operation
- a significant contribution of equipment **and** a significant contribution of active personal management to the farming operation.
- **Note:** The spousal provision in subparagraph 116 A for determining actively engaged in farming can also be used by spouses in meeting these requirements.

D Partial Eligibility

If a producer meets all requirements to be considered actively engaged in farming, but fails to meet the cash-rent tenant provisions in subparagraph C, the producer will be:

- eligible to receive payments on land in the farming operation that is **not** cash-rented
- subject to a reduction in payments with the application of a cropland factor according to paragraph 64.--*

91 Cash-Rent Tenant Rule (Continued)

E Specific Rules for Equipment

Use the rules in this table if a significant contribution of equipment is necessary to meet the requirements of the cash-rent tenant rule.

IF the cash-rent tenant	THEN	
provides the harvesting	the rental value of harvesting equipment is included when	
equipment	determining whether a significant contribution of equipment is met.	
meets both of the following requirements:	the rental value of harvesting equipment is not included when determining whether a significant contribution of equipment is met.	
• custom harvesting is used in the cash-rent tenant's farming operation	Note: The rental value of harvesting equipment would still be considered in making actively engaged in farming determinations.	
• the custom harvester has no interest in the farming operation	Example: Person A, a cash-rent tenant, owns or leases all equipment for the farming operation except equipment needed for harvesting. Harvesting is custom hired. The custom harvester has no interest in the farming operation.	
	The rental value of harvesting equipment shall not be included in determining the total rental value of equipment needed to conduct the farming operation for cash-rent tenant rule purposes.	
leases the equipment from the landlord	the lease and payment must meet the requirements of subparagraph 73 B.	
leases the equipment from the landlord, or the same	both of the following conditions must be met:	
person or legal entity that is providing hired labor to the farming operation	• contracts for leasing the equipment and the hired labor must be 2 separate contracts that reflect the fair market value of the leased equipment and the hired labor	
	• cash-rent tenant must exercise complete control over using a significant amount of the equipment during the current crop year.	
	Note: <u>Complete control</u> means exclusive access and use by the tenant.	

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92 Cash-Rent Tenant Example

A Example 1

Situation: Person A cash leases land from Landowner B. Person A subleases the land to Producer C on a share-rent basis. Person A contributes the land and active personal management to the farming operation.

Determination: Because Person A cash-rents the land from Landowner B, Person A is:

- a cash-rent tenant
- **not** the landowner and **cannot** be considered actively engaged in farming because of the landowner provision.

Because Person A has provided a significant contribution of land and management, Person A can be considered actively engaged in farming. However, Person A is **ineligible** to receive program payments on the cash-rented land, because the necessary contributions for a cash-rent tenant were **not** made.

A separate determination will be made for Producer C.

Explanation: Landowner B is **not** considered to be actively engaged in farming for this farming operation, but may be considered actively engaged in farming for another farming operation.

B Example 2

Situation: A joint operation consists of Persons A, B, C, and D; all with equal shares. All land is cash-rented by the joint operation. Members A and B provide all of the equipment, Members C and D provide all the capital, all necessary labor is hired by the joint operation, and active personal management is provided equally by the members.

Determination: Only Members A and B meet the cash-rent tenant rule requirements because they provide management and equipment. Therefore, payment to the joint operation is limited to the amount represented by the shares held by Members A and B.

Explanation: Since all labor is hired by the joint operation, significant contributions of both equipment and active personal management are **required**. Members C and D do **not** provide any contributions of equipment and; therefore, do **not** meet the requirements of the cash-rent tenant rule required for payment eligibility.

92 Cash-Rent Tenant Example (Continued)

C Example 3

Situation: Same as subparagraph B, **except** the joint operation provides all capital, equipment, and hired labor. Active personal management is equally provided by the members.

Determination: All members meet the cash-rent tenant rule requirement.

Explanation: Since all labor is hired by the joint operation, significant contributions of **both** equipment and active personal management of the members are required. A significant equipment contribution was provided by the joint operation and active personal management was provided by the members.

D Example 4

Situation: Same as subparagraph C, **except** the joint operation has all of the land custom farmed by unrelated persons and legal entities.

Determination: All members are ineligible for payment on the land cash-rented by the joint operation.

Explanation: Significant active personal labor contributions by the members, or a significant equipment and active personal management contribution, were **not** provided to the operation as required for payment eligibility.

92 Cash-Rent Tenant Example (Continued)

E Example 5

Situation: A local Future Farmers of America chapter requests program payments on land that is cash-rented from an unrelated party. The chapter members are providing active personal labor and active personal management to the farming operation.

Determination: The National Future Farmers of America is a Federally chartered corporation with its purpose to create, foster, and assist subsidiary chapters composed of students enrolled in vocational agriculture in public schools. The corporation may **not** issue stock, or declare or pay any dividend.

All the partners, stockholders, or members with an ownership interest are providing active personal labor, active personal management, or a combination of active personal labor and active personal management (7 CFR 1400.204).

Even though the chapter members may be providing active personal labor and/or active personal management, they do **not** have the **required** ownership interest in the corporation. Consequently, Future Farmers of America chapters **cannot** be considered to have met the cash-rent tenant rule requirements on the rented land.

93-95 (Reserved)

2 - 2 - 09

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Section 8 Notification of Interests

96 Entity Responsibilities

A Introduction

The Food Security Act of 1985, as amended by the Food, Conservation, and Energy Act of 2008, requires the entity to provide the information in subparagraph B. These requirements (Exhibit 4) ensure that USDA can adequately control payment limitation by direct attribution.

B Responsibility for Providing Information

The legal entity receiving payment is responsible for obtaining the name, address, and TIN of each member, person, and legal entity, including persons and legal entities in each lower level of embedded legal entities.

A Introduction

All legal entities receiving payment, including embedded legal entities must submit the documentation required in subparagraph 98 A, **unless** an exception in subparagraph B applies.

B Exception

Notification requirements do **not** apply if the legal entity is tax exempt under Internal *--Revenue Code, Section 501(c).--*

- **Notes:** Approval by IRS shall be indicated by providing COC with a copy of either of the following:
 - IRS determination letter notifying the organization or legal entity of approval as a tax exempt entity for the year
 - copy of the organization's or legal entity's most recently filed IRS-990.

Documentation **not** effective for the current year may be accepted if COC is satisfied the status for the current year is the same as supported by the documentation.

98 Required Information

--A Rule [7 CFR 1400.107]--

Each legal entity that submits a contract for a program or an application for payment **must** provide COC the name, address, and TIN of each person and embedded legal entity that holds or acquires any interest, directly or indirectly, in the entity earning payment. This information will be recorded on CCC-901 or CCC-902E. See paragraph 99.

B Information Deadline

Provide the information to COC when CCC-902E is filed.

If the required information is **not** filed in the County Office according to paragraph 31, the entity will be **ineligible** to receive program payments.

99 Completing CCC-901's

A Who Must Complete CCC-901's

*--Each legal entity that submits a contract for a program or an application for payment **must**--* provide the member's information required on CCC-901.

Exception: CCC-901 is **not** required if **all** the first level members are persons.

Note: New CCC-901's are **not** required to be filed in subsequent years unless there are changes in the operation.

B Filling Responsibility

The legal entity that is earning payment is responsible for obtaining and providing the required information to COC.

C Deadline for Submitting CCC-901's

The legal entity earning payment shall provide the completed CCC-901 to COC when CCC-902E is filed.

D Filing and Distribution

File the original CCC-901 in the legal entity's payment limitation folder and give a copy to the payment entity.

*--E Completing CCC-901's for 2009 and Subsequent Years

Complete the CCC-901 according to this table.

Item	Instruction
1 and 2	Enter name of the county and State where the farming operation is located. If
	in more than 1 county, enter the name of the county that has been designated as
	the administrative county.
3	Enter current program year, or the year for which this information is applicable.
Part A	Enter name of the legal entity earning the payment.
1	Enter the names of the members making up the legal entity listed in part A; this
	could be a person or a legal entity.
2	Enter TIN's of the members.
3	Enter address of each member of the legal entity.
4	Enter percent share of the legal entity that each member owns.
5	Check:
Part B	 "Yes", if member has signature authority for this entity "No", if member does not have signature authority for this entity. If any member listed in Part A, item 1 is a legal entity; that is, part of another partnership, corporation, etc., enter name of the embedded legal entity. If more than 1 member is a legal entity, use a separate, supplemental sheet to provide
	the requested information for each embedded legal entity.
1	Enter names of the members making up the legal entity listed in Part B. (This could be a person or a legal entity.)
2	Enter TIN's of the members.
3	Enter address of each member of the entity.
4	Enter percent share of the legal entity that each member owns.
5	CHECK (✓):
	• "Yes", if member has signature authority for this entity
	• "No", if member does not have signature authority for this entity.

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*E	Completing CCC-901's for 2009 and Subsequent Years (Continued)	

Item	Instruction
Part C	If any member listed in Part B, item 1 is a legal entity; that is, part of another
	partnership, corporation, etc., enter name of the embedded legal entity. If more
	than 1 member is a legal entity, use a separate, supplemental sheet to provide
	the requested information for each embedded legal entity.
1	Enter names of the members making up the legal entity listed in Part C; this
	could be a person or legal entity.
2	Enter TIN's of the members.
3	Enter address of each member.
4	Enter percent share of the legal entity that each member owns.
5	Check:
	• "Yes", if member has signature authority for this entity
	• "No", if member does not have signature authority for this entity.
Part D	If any member listed in Part C, item 1 is a legal entity; that is, part of another
	partnership, corporation, etc., enter name of the embedded legal entity. If more
	than 1 member is a legal entity, use a separate, supplemental sheet to provide
	the requested information for each embedded legal entity.
1	Enter names of the members making up the legal entity listed in Part D. (This
	could be a person or legal entity.)
2	Enter TIN's of the members.
3	Enter address of each member.
4	Enter percent share of the legal entity that each member owns.
5	Check:
	• "Yes", if member has signature authority for this entity
	• "No", if member does not have signature authority for this entity.

Item	Instruction		
Part E	If none of the members listed Parts A through D is a minor, check "N/A" (not		
	applicable), then go to Part F.		
1	If any member listed in Parts A through D is a minor, provide	the following	
through	information about that member:		
5			
	• minor's name		
	• minor's date of birth		
	• name of the minor's parent or guardian		
	• address of the parent or guardian		
	• TIN of the parent or guardian.		
	Note: If complete TIN is already on file, only the last 4 d	igits are required.	
6		THEN	
	IF any minor listed in Part E	CHECK (✓)	
(a)	is a producer on a farm and the parent or guardian has no	"Yes".	
	interest		
	a producer on a farm and the parent or guardian has an	"No".	
	interest in the farming operation		
(b)	maintains a separate household from the parent or guardian	"Yes".	
	and personally carries out all farming activities with respect		
	to the minor's own farming operation, including maintaining		
	separate accounting		
	does not maintain a separate household from the parent or	" No ".	
	guardian and does not personally carry out all farming		
	activities with respect to the minor's own farming operation,		
(a)	including maintaining separate accounting	" V aa"	
(c)	who is represented by a court-appointed guardian or	"Yes".	
	conservator, lives in a household other than the parents' households, and has a vested ownership in the farm		
	who is represented by a court-appointed guardian or	"No".	
		INU .	
	conservator, does not live in a separate household other than the parents' households, and does not have a vested		
	ownership in the farm		
(d)	If "Yes" is checked for all items (a) through (c), write the nam	Le of the minor in	
(u)	the space provided.		
	and space provided.		

*--E Completing CCC-901's for 2009 and Subsequent Years (Continued)

Item	Instruction	
Part F		
1	An individual member, or an authorized representative of the entity in Part A, shall sign the certification.	
2	If an authorized representative for the entity in Part A signs this document, use this field to show the individual's representative capacity. (For example, "agent" or "attorney-in-fact.")	
3	Enter date CCC-901 was signed.	
	*	

*--E Completing CCC-901's for 2009 and Subsequent Years (Continued)

Par. 99

F Example CCC-901

The following is an example of a completed CCC-901.

CCC-901 U.S. DEPARTMENT OF AGRICULTURE			1. County				
(04-01-09)	Commodity Credit Corporation		Erath				
БЛІ		MATION	2. State				
MEMBER'S INFORMATION 2009 and Subsequent Years			тх				
			3. Program Year 2009				
NOTE: The primary authority t	for requesting and sofe	uarding the information described on this form			+ 2000		
(Pub. L 110-246). Ádc in determining eligibilit result in a determinatic result of this form may information under Sect This information collec Energy Act of 2006 (Pi	litionally, the authority fit y for program benefits. no of ineligibility for prog be released to USDA e tion 1619 of the Food, C tion is exempted from th ub. L. 110-246, Title I, S	or requesting this information is for 7 CFR Part Furnishing the requested information is volunt ram benefits and other financial assistance ao mployees, USDA contractors, or authorized U conservation and Energy Act or 1974, the E-G ne Paperwork Reduction Act, as it is required f ubtille F – Administration). The provisions of TURN THIS COMPLETED FORM TO YOUR	1400. The information is ne ary. Failure to furnish the re- ministered by USDA. The in SDA cooperators who are bo overnment Act of 2002, and r or the administration of the F criminal and civil fraud, priva-	cessary for CC quested informa formation collec ound to safegua related authoriti food, Conservat	C to as: tion wil ted as rd the es. ion, and		
and percentage share of		this entity, list the member's name, social sec r has both types of identification numbers, list		number, address	;		
Name of Legal Entity							
1. Member's Name	2. SSN or Tax ID	3. Address	4. Percent	5. Does this me	mher b		
Wender 3 Name	Number (Last 4 digits if already on file)	Adress	Share	Does this member have signature authority fo the legal entity? (Yes or No)			
Curtis Ludlow	3875	85 Ludlow Lane Glen Rose, TX 74444	45 %	YES			
Christi Ludlow	3877	12716 Main Apt. 47 Dallas, TX 71111	45 %	YES			
Charles Ludlow	1532	2342 Burke Rd	9 %	YES			
Ludlow Enterprise Co.	4433	Glen Rose. TX 74444 2342 Burke Rd Glen Rose. TX 74444	1 %	YES	N		
		Glell Rose, TX 74444	%	YES	ΠN		
each member of such en entity, provide the reques	ity. If a member has bo	Part A, who is an entity, list such embedded en th types of identification numbers, list both. If a entity on supplemental sheets.	• •				
Member's Name	SSN or Tax ID Number (Last 4 digits if already on file)	Address	Percent Share	Does this me signature au the legal (Yes or	thority f entity?		
Curtis Ludlow	3875	85 Ludlow Ln Glen Rose. TX 74444	20 %	YES			
Christi Ludlow	3877	12716 Main Apt. 47 Dallas. TX 71111	20 %	YES			
Charles Ludlow	1532	2343 Burke Rd Glen Rose. TX 74444	50 %	YES			
CH Ludlow LLC	4434	2343 Burke Rd Glen Rose. TX 74444	10 %	YES	\boxtimes		
			%	YES			
		rimination in all its program and activities on th parental status, relicion, sexual orientation, ce					

--*

F Example CCC-901 (Continued)

*__

		ed in Part A): Ludlow				Page 2 of 2
PART C - Embedded Entities: For any member listed in Part B, who is an entity, list such embedded entity's name and list the requested, information for each member of such entity. If a member has both types of identification numbers, list both. If more than one member, listed in Part B is an entity, provide the requested information for each entity on supplemental sheets.						
Name of Embedded						
1. Member's Name	2. SSN or Tax ID Number. (Last 4 digits if already on file)	Ac	3. Idress	4. Percent Share		5. Does this member have signature authority for the legal entity? (Yes or No)
Charles Ludlow	1532	2343 Burke Rd Glen Rose, TX 74	444	100) %	YES NO
					%	
					%	
					%	
					%	
	member has both t		t such embedded entity's nam s, list both. If more than one n			
1. Member's Name	2. SSN or Tax ID Number. (Last 4 digits if already on file)	Ac	3. Idress	4. Percent Share		5. Does this member have signature authority for the legal entity? (Yes or No)
					%	
					%	
					%	
					%	
Part E. Minor Members or Sha	areholders – For a	ny Member or Shareholder w 3.	vho is a minor, provide the foll	lowing:		5.
Minor's Name	Date of Birth	Parent's or Guardian's Name	4. Parent's or Guardian's .	Address		rent or Guardian's SSN or Tax ID Number Last 4 digits if already on file)
6. Separate Status of Minors (a) Is any minor a producer on a farm in which the parent or guardian has no interest? (b) Does any minor maintain a separate household from the parent or guardian and personally carry out farming YES NO						
Activities with respect to the minor's farming operation, including maintaining separate accounting? (c) Does any minor who is represented by a court-appointed guardian or conservator responsible for the minor YES NO						
 live in a household other than the parents' household(s), and 2) have a vested ownership in the farm? (d) If any minor with an interest in this farming operation can answer "YES" to Items 6(a)-6(c), list that minor's name: 						
 PART F- CERTIFICATION - By Signing: I certify that I have signature authority for the entity identified in Part A and all information entered on this document is true and correct I understand that furnishing incorrect information will result in forfeiture of payments and benefits. I will timely provide written notification to the Farm Service Agency committees for the county and State listed on this form of any changes in the information provided. 						
1. Representative's Signature (By)	2	2. Title/Relationship of Individ	dual Signing in the Represent	ative 3.	Date	(MM-DD-YYYY)
Charles Ludlaw		President, Ludlan o	Ctd.			4/07/2009

100 Nondisclosure Results

A COC Responsibilities

If the legal entity fails to provide COC with the name, TIN, and **a**ddress of each applicable person and legal entity, COC shall:

- deny any payment earned by the legal entity
- notify the legal entity of the denied payment and reason for denial
- **not** be responsible for notifying the members
- permit the legal entity to cancel the applicable contract or application according to applicable program procedures.

101-105 (Reserved)

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106 Foreign Person Rule Applicability

A Introduction

Before making **any** actively engaged in farming or other eligibility determinations, it **must** be established whether persons or legal entities, projected to share in applicable program benefits, are foreign persons.

B Program Applicability

Apply the provisions in this part to any type of payment, loan, and benefit made for 1989 and subsequent crop years for the programs listed in paragraph 11.

Note: Unless otherwise specified, **all** other provisions of this handbook are applicable in determining payment eligibility for foreign persons.

C Person Applicability

The provisions in this part are applicable to foreign persons as defined in paragraphs 107 and 108.

- **Note:** The provisions in this part are **not** applicable to a citizen of the U.S., lawful alien, or legal entity that is **not** subject to this part that is:
 - in lawful possession, through a lease or otherwise, of a farm owned by a person or legal entity who is subject to this part
 - successor-in-interest to a program contract or agreement for a farm owned by a person or legal entity who is subject to this part.

D COC Determination

COC shall make the initial determination of foreign or nonforeign status for persons, legal entities, or other similar entities based on documentation provided.

107 Foreign Person Identification

A Definition

Foreign person means someone who is **not** a:

- citizen of the U.S.
- lawful alien possessing a valid Permanent Resident or Resident Alien Card (I-551).

B Proof of Citizenship

If COC questions the citizenship of a person, acceptable proof of citizenship **must** be provided. Proof of citizenship includes the following:

- birth certificate
- nationalization and citizenship papers
- certificate of citizenship
- verification through the nearest Immigration and Naturalization Service office.

107 Foreign Person Identification (Continued)

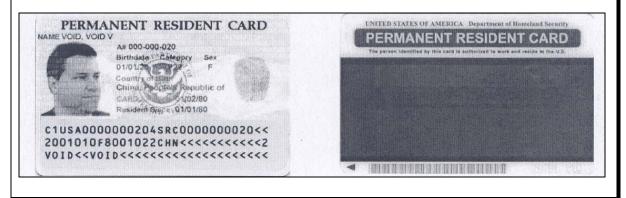
C Forms of Identification

The following are the front and back views of the Permanent Resident and Resident Alien Cards (I-551) currently in use.

- Special attention **must** be taken to ensure that proper identification of lawful aliens is made.
- Note visual inspection of I-551 on CCC-902.
- Request to photocopy I-551 if there is any question of its validity.

The **Permanent Resident Card** (1-551):

- began being issued in November 2004
- displays the seal of the Department of Homeland Security
- contains a detailed hologram on the front of the card
- is personalized with an etching displaying the following:
 - bearer's photo
 - name
 - signature
 - date of birth
 - alien registration number
 - card expiration date
 - card number.



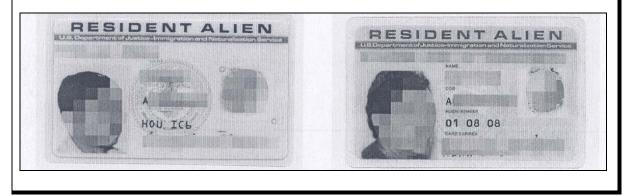
107 Foreign Person Identification (Continued)

C Forms of Identification (Continued)

The **Resident Alien Card** (I-551) is:

- no longer issued
- valid indefinitely or until the expiration date
- commonly referred to as a "green card"
- is the replacement for the Alien Registration Recipient Card (I-151).

Recipients of the Resident Alien Card (I-551) are lawful permanent residents.



A Definition

<u>Foreign entity</u> means a corporation, trust, estate, or other similar organization, that has more than 10 percent of its beneficial interest held by persons who are **not**:

- citizens of the U.S.
- lawful aliens possessing valid Permanent Resident or Resident Alien Cards (I-551).

B Determining Beneficial Interest

In determining whether beneficial interest is held, the beneficial ownership shall be based on the higher amount of interest on either of the following dates:

- date applicable program contract or agreement is executed
- beginning harvest date for the commodity as determined by STC.

Note: All interest in an entity, including interest in an embedded entity, shall be taken into account.

108 Foreign Entity Identification (Continued)

C Entity Ownership Share

Use this table to determine a person's or legal entity's ownership interest in a foreign entity.

	THEN the ownership percentage held by a	
IF ownership is of	person or legal entity shall be based on	
1 class of stock or	their outstanding share of ownership compared to the total	
other similar unit	outstanding unit of ownership.	
more than 1 class of	the fair market value of all outstanding stock.	
stock or other similar	stock or other similar	
unit	Note: To determine the fair market value, follow paragraph 146.	

Note: The value of different classes of stock or other unit of ownership can be determined by COC, STC, or DAFP, but shall be determined by the earliest level **before** referring to the next higher level of authority.

D Less Than 10 Percent Interest

DAFP may determine that an ownership interest of 10 percent or less shall be considered beneficial interest.

E Entity's Responsibility

The entity shall inform COC of any increase in ownership by a member that occurs after the beneficial interest has been determined.

Note: If there has been an increase in foreign ownership after a payment, loan, or benefit has been made, the entity **must** refund the payment, loan, or benefit.

109 Foreign Person Payment Eligibility

A Introduction

This paragraph provides the requirements to determine a foreign person eligible to receive payments, loans, or benefits subject to the foreign person rule for the programs listed in paragraph 11.

B Contribution Requirements

--In addition to any other applicable requirements, the following significant contributions-- **must** be provided by a person or legal entity considered to be a foreign person.

Foreign Person	Who Must Make the Contribution	What Significant Contribution Must Be Provided
Person	Person.	 *All of the following:* active personal labor capital land.
Entity	Each foreign person who is a stockholder or other type of member.	Active personal labor.

Note: The eligibility determination will apply to **all** program benefits associated with payments, loans, and benefits subject to the foreign person rule, with respect to any commodity produced, or land set aside from production, for that crop year.

C Active Personal Labor Exception for CRP

Labor that is custom hired may be **excluded** when determining both the amount of labor necessary to conduct the farming operation and whether the foreign person has provided a significant contribution of active personal labor, if **both** of the following apply:

- the foreign person receives **only** CRP payments
- COC determines, and State Office concurs, that such labor is **always** custom hired in the county.

Note: Exceptions shall be producer specific and documented on CCC-903 or attachment.

A Introduction

Entities that have been determined ineligible for payment, loan, or benefit because of the foreign person rule may receive the amount of payment that represents the percentage interest of the entity that is owned by U.S. citizens or lawful aliens.

Note: This provision is also applicable to foreign stockholders, etc. of an entity if some, but **not** all, of the foreign persons provide a significant contribution of active personal labor.

B Requesting Payment

To receive the eligible portion of payment, loan, or benefit, the entity **must**:

- provide a written request for payment to COC that includes the percentage of foreign ownership (subparagraph C)
- receive an approval determination letter from COC (subparagraph D).
- *--Note: CCC-902E and CCC-901 are considered acceptable written requests for the eligible portion of payments, loans, or benefits representative of the percentage of interest that is owned by U.S. citizens or lawful aliens.--*

110 Requesting Benefits for Nonforeign Shares (Continued)

C Example Letter From Entity

This is an example letter from a foreign entity, with foreign persons holding more than 10 percent, requesting percentage of eligible payments.

То:	County Committee	
From:	Corporation/ Entity	
10 percen	g to program provisions dealing with foreig t beneficial ownership of an entity, the foll penefits is made.	
	below are the foreign persons holding a be cent ownership of the entity:	eneficial interest that totals more than
Na	ame	Percent of Ownership
		Total:
held by U	nation provided above indicates that S. citizens and/or lawful aliens. We form e of benefits that the entity is eligible to re-	ally request payment of this
Signature	Date	_
Title		-

110 Requesting Benefits for Nonforeign Shares (Continued)

D Example COC Approval Letter

This is an example letter notifying a foreign entity, with more than 10 percent foreign ownership, of COC approval of request for payment.

Dear Producer:

The _____ County FSA Committee has reviewed your request for payment of eligible benefits. It is our finding that _____ percent of the beneficial ownership is held by foreign persons and ineligible for payment.

Based on this determination, _____ percent of payments earned by your entity will be eligible to be paid.

[Give appeal rights according to 1-APP.]

This determination has been based on the facts as submitted. Any unrevealed circumstances could require the application of a more restrictive rule.

Sincerely,

County Executive Director

111 Foreign Person Rule Notification Letter Examples

A Introduction

This paragraph provides example notification letters to foreign persons.

B Letters to Eligible Foreign Persons

Insert the following statement in notification letters to foreign persons determined eligible for payments and other benefits:

"Based on the information you (your representative) provided, the _____ County FSA Committee has determined you to be a foreign person eligible to receive certain program benefits."

Note: Insert the statement following the actively engaged in farming and person determinations.

111 Foreign Person Rule Notification Letter Examples (Continued)

C Example Letter to Ineligible Foreign Persons

This is an example notification letter to foreign persons determined ineligible for payments and other benefits.

Dear Producer: Based on the information you (your representative) provided, the ______ County FSA Committee has determined you are a foreign person ineligible to receive certain program benefits. These benefits include payments and loans. [Give appeal rights according to 1-APP.] This determination has been based on the facts as submitted. Any unrevealed circumstances could require the application of a more restrictive rule. Sincerely, County Executive Director

D Letter to Ineligible Foreign Entities

Insert the following statement in notification letters to ineligible foreign entities:

"Foreign entities that have been determined ineligible to receive certain benefits may request payment of the percentage of entity ownership held by U.S. citizens and/or lawful aliens. The request **must** be in writing and include the percentage of foreign ownership."

112-115 (Reserved)

Part 4 Eligibility Determinations for Farming Operations

Section 1 General Determinations

116 Spouses

A Actively Engaged in Farming Rule for Spouses

Use this table for actively engaged in farming determinations involving spouses.

IF the spouses are both	THEN
farming together:	if 1 spouse is determined actively engaged in farming, the
	other is credited with significant contributions of active
• in a joint operation	personal labor and active personal management to the same
• as an entity	farming operation. The requirements of significant
	contribution of capital land, or equipment, commensurate
	share and risk remain applicable.
	Note: This also includes the spouse's estate.
involved in separate	each spouse must independently meet all applicable
farming operations	requirements to be considered actively engaged in farming.

B Determinations for Spouses Example 1

- *--Situation: Spouse A and Spouse B have a joint farming operation comprised of 500 acres of rented land. In addition, Spouse B has 100 percent interest in Corporation X that is participating in CRP and earning annual payments.
 - Spouse A and Spouse B jointly own all the equipment and provide all the capital for their farming operation.
 - Spouse A contributes at least 50 percent of the active personal labor and a significant contribution of active personal management for the joint farming operation. Spouse B does not provide active personal labor or active personal management.
 - Spouse A's and Spouse B's share of the profits or losses from the farming operation are commensurate with their contributions and the contributions are at risk.

Determination: Spouse A is considered to be actively engaged in farming because he or she is making both a left hand and right hand contribution. Spouse B is also making a left hand contribution, but is not making a right hand contribution. However, by using the actively engaged rule for spouses, Spouse B is credited with contributing labor and management; therefore, Spouse B is considered to be actively engaged. Spouse A and Spouse B are each eligible to receive their respective share of the total program payments and benefits received by the joint operation and subject to limitation. Any contributions necessary for payment eligibility credited to Spouse B are **only** applicable to the joint operation and do **not** apply--* to the Corporation X farming operation.

C Determinations for Spouses Example 2

- *--Situation: Spouse M and Spouse N have a joint farming operation comprised of 700 acres of owned and cash-rented land. Spouse N is an heir to the estate of his or her father who died in the previous year. Spouse N is a full-time employee at the local FSA office.
 - Spouse M and Spouse N jointly own all of the equipment and provide all of the capital necessary for the farming operation.
 - Spouse M contributes the majority of the active personal labor and the active personal management for the farming operation.
 - Spouse N contributes active personal labor and active personal management, whenever able, to the farming operation, but the amount is **not** commensurate with his or her share.
 - The estate owns land, of which Spouse N is an heir, and meets the requirements to be considered actively engaged in farming under the landowner provision.
 - Spouse M and Spouse N's shares of the profits or losses from the farming operation are commensurate with their contributions to the farming operation and the contributions are at risk.

Determination: Spouse M, Spouse N, and the estate are all considered actively engaged in farming. Through the special provision for spouses, Spouse N is credited as making significant contributions of active personal labor and/or active personal management to the farming operation since Spouse M is considered to have met the requirement of actively engaged in farming. Both Spouse M and Spouse N made significant contributions of capital and equipment, and consequently, both met the requirements of the cash-rent tenant rule as well. In addition to his or her share of the program payments received through this joint farming operation, Spouse N will also be attributed payments earned by his or her father's estate according to his or her share held as an heir.--*

117 Minor Children

A Definition of Minor Child

[7 CFR 1400.101] <u>Minor child</u> means a person that is **not** 18 years of age on or before April 1 of the current year.

--Effective beginning with the 2010 crop, program, and FY's, June 1 of the applicable-- year shall be the date used for the determination of minor child.

Notes: Court action conferring majority on such person does **not** change this person's status as a minor child.

Person A's payments will continue to be attributed to his/her parent for the applicable crop year, program year, or FY even though the age of majority is reached during the year.

B Payments to a Minor Child

Payments issued to a minor child:

- are attributed to the parent or court-appointed person who is responsible for the child
- that is a beneficiary of a trust or heir of an estate, are attributed to the parent or court-appointed person who is responsible for the child.
- **Exception:** If both parents are receiving program payments, the minor child payments will be attributed to the parent receiving the larger amount in program payments.

If a revocable trust, program payments will be attributed **only** to the grantor of the revocable trust.

117 Minor Children (Continued)

C Exception to Rule

Payments to a minor child will not be attributed to a parent or court-appointed person for payment limitation purposes if **both** of the following requirements are met:

- the minor child is a producer on a farm
- neither the minor child's parents nor court-appointed person has any interest in the minor child's farm or production from that farm.

D Exception Restrictions

Either of the following **must** be met for the minor child to remain under the exception in subparagraph C:

- the minor child meets **all** of the following:
 - has established and maintains a separate household from the parent or court-appointed person
 - personally carries out the farming activities in his or her operation
 - maintains a separate accounting for his or her farming operation
- the minor child meets **all** of the following:
 - does **not** live in the same household as his or her parents
 - is represented by a court-appointed person responsible for the minor child
 - has ownership of the farm vested in him or her.

118 Indian Tribes

A Definition

<u>Indian tribe</u> means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established under the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the U.S. because of their status as Indians.

B Rule

*--Indian tribes are not included under the <u>person</u> or <u>legal entity</u> definitions for applying the payment eligibility and payment limitation provisions. Therefore, no limitations or restrictions are imposed on Federally-recognized Indian tribes for receiving program payments or benefits.

Note: This exemption only applies to Indian tribes.--*

.

118 Indian Tribes (Continued)

*--C Applying the Rule

This table provides rules applicable to Indian Tribes and Native Americans.

IT the fermion			
IF the farming			
operation is			
conducted by THEN			
the tribe on land	• payments are not subject to limitation		
the tribe owns,			
rents, or otherwise	• AGI limitations do not apply		
acquires			
	• earnings and payments will not be attributed to each individual member of the tribe.		
	Note: CCC-902E is required to collect land information for the		
	farming operation.		
individual Native	• a BIA official must certify that no 1 member, directly or		
Americans or	indirectly, will receive more than the limitation in CCC-902E,		
groups of Native	item 18, "Remarks" or statement attached to CCC-902E		
Americans			
represented by BIA	• individual members are considered actively engaged in farming		
on allotted land	because of land ownership		
	• a BIA official must provide a statement to certify that all		
	members are in compliance with AGI limitations.		
individual Native	• actively engaged in farming requirements, cash-rent tenant		
American	rules, and AGI limitations apply		
	• payments are subject to limitation		
	• earnings and payments will be attributed to the individual.		
a legal entity	 earnings and payments will be attributed to the individual. actively engaged in farming requirements, cash-rent tenant 		
comprised of			
members that are	rules, and AGI limitations apply		
Native Americans	 normants to the legal antity are subject to limitation 		
	• payments to the legal entity are subject to limitation		
	• earnings and payments will be attributed to each partner,		
	stockholder, or member with an ownership interest.		
	Note: Not applicable to Alaska Native village or regional		
	corporation established under the Alaska Native Claims		
	Settlement Act.		
	Settlement Let		

4-29-09

4-PL Amend. 2

A Rule [7 CFR 1400.102]

States, including agencies, divisions, or political subdivisions thereof, are ineligible for program payments, **except** as provided in subparagraph B.

B Exceptions to Rule

- **Exception 1:** DCP and ACRE payments issued with respect to land owned by the State and used to support public schools are authorized, but limited to \$500,000 annually.
- Note: The term public school includes State universities.
- Exception 2: DCP and ACRE payments made to States under Exception 1 are not limited if
 *--State has a population of less than 1.5 million using the most recent U.S. Census Bureau data.
- **Note:** For 2009, States that met the criteria were Alaska, Delaware, Hawaii, Idaho,--* Maine, Montana, North Dakota, New Hampshire, Rhode Island, South Dakota, Vermont, and Wyoming.
 - *--For 2010 and future years, or until further notice, the States that meet the criteria are Alaska, Delaware, Hawaii, Maine, Montana, North Dakota, New Hampshire, Rhode Island, South Dakota, Vermont, and Wyoming.--*

C Written Verification

If the requirements in subparagraph B are met and the payments are **not** issued directly to a public school, written verification **must** be obtained from the State Board of Education, or other authorized official, that payments are used solely for the support of public schools.

119 States, Political Subdivisions, and Agencies (Continued)

D Action by Noncontrol County

Noncontrol County Offices shall follow this table for payments authorized according to subparagraph B, Exception 1, to a State producer.

Step	Action		
1	Notify State producers before the end of applicable signup that:		
1	 State producers may agree to a method of disbursing program payments 		
	 a drawing will be conducted to select the payment order in which participating eligible State producers will receive program payments, if no alternative payment method is agreed upon by the State producers 		
	• State producers shall contact the control County Office by the end of signup to give the alternative payment method agreed upon by all affected parties, if applicable		
	• the method used for selection will apply for CCC-509's.		
2	Send the following to the control County Office for all eligible participating State producers and participating legal entities in which the State producer has an interest:		
	• CCC-509's		
	• CCC-902E's		
	•*CCC-926's or CCC-931's*		
3	Notify affected producers of the results of the drawing conducted by the control County Office no later than 1 week after the drawing is held.		
	Note: Notify the control County Office of any cancellations.		

119 States, Political Subdivisions, and Agencies (Continued)

E Letter to Combined State Producers

Send this letter to State producers subject to subparagraph B, Exception 1, no later than 30 calendar days **before** the end of signup.

Producer's Name Date Street City, State ZIP Code Dear Producer: A State, including all political subdivisions and agencies thereof, is only eligible for payments under DCP or ACRE if the payments are used solely for the support of public schools. Total payments cannot exceed \$500,000 annually. To be eligible for payment, each legal entity must be determined actively engaged in farming and in compliance with highly erodible land conservation and wetland conservation provisions. If you intend to participate in DCP and/or ACRE, you **must** enroll by [end of signup date]. No later than [end of signup date], all State producers should develop a method for disbursing program payments subject to limitation and inform the control County Office [give office name and address]. If no method is given, the control County Office will conduct a drawing, open to the public, on [second Friday after signup] at 10:00 a.m., for selecting the order in which participating State producers will receive payments subject to limitation. These payments are earned on State-owned land and used solely for the support of public schools. If a drawing is conducted, you will be notified of the results. Sincerely, County Executive Director

119 States, Political Subdivisions, and Agencies (Continued)

F State Drawing, Control County

Control County Offices shall use this table if it is necessary to conduct a drawing for State producers. The drawing shall be open to the public and conducted at 10 a.m. on the second Friday **after** the end of signup or such other date is announced.

Step	Action	
1	Determine the number of State producers by counting each eligible contract or application subject to the same limitation and assign a number to each.	
	Note: Include only timely filed contracts or applications in which the State producer has an interest.	
2	Select by drawing the numbers assigned in step 1 until a payment order has been established for all State producers. For CCC-509's, use the calculated direct payment amount to determine when the limitation has been reached for direct payments.	
	Note: For both the direct and counter-cyclical payments, allocate the amounts to producers in the same order as determined by the drawing and issue payment when appropriate.	
3	Notify the noncontrol County Offices of the results of the drawing.	
	Note: Include a list of payment and designation order as determined in step 2 that indicates each producer's earnings subject to the applicable limitation.	
4	Update the list in step 3 if any producers cancel their contract or application.	
	• Subsequent final payments subject to the applicable limitations shall be made in the order listed.	
	• Total payments for direct, counter-cyclical, and ACRE payments shall not exceed \$500,000 for program payment limitation amount.	

*--120 Completing CCC-902E's for Public Schools

A Completing CCC-902E's

Complete CCC-902E according to this table.

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Item	Instruction		
1 - 2	Enter name of the control county and State for this farming operation. The		
	control county most often is the administrative county for the entity's or joint		
	operation's farming operation.		
3	Enter crop year for which this certification applies.		
Part A			
1	Enter name of the general partnership, joint venture, Indian Tribe, corporation,		
	LP, LLC, trust, estate, charitable/tax-exempt organization, public school,		
	city/county/State-owned entity, or other similar entity.		
2	Enter TIN of the entity or joint operation in Item 1.		
	Enter Th' of the entry of joint operation in item 1.		
	Note: If complete TIN is already on file, only last 4 digits are required .		
3	Enter month and year the entity or joint operation was formed. This is not		
	applicable to public schools, city/county/State-owned entities, or Indian Tribes.		
Part B			
1	CHECK (\checkmark) box that defines the type of entity or joint operation in Part A. If		
	"Other" is checked (\checkmark), specify or describe.		
2	Note: Supporting documentation, such as articles of incorporation, trust papers		
	for an irrevocable trust, partnership agreement, and evidence of heirship,		
	are required for each type of operation represented, except for public		
	schools, States, State entities, and counties.		
ļ			

A Completing CCC-902E's (Continued)

Item		Instruction	
Part C	If additional space is needed for any information in Part C, complete and attach		
	for CCC-902E Continuation.		
1		ng for each member of the entity or joint operation.	
A	Member's name.		
В	Last 4 digits of n	nember's TIN.	
	Note: If comple	te TIN is already on file, only last 4 digits are required .	
С	Percent share of	or interest in the operation.	
D		on in and salary or bonus from the operation.	
E	Member's family	relationship to the first member listed in 1A.	
	IF entity is	THEN show	
	an estate	member's relationship to the deceased individual.	
	a trust	beneficiary's relationship to the grantor.	
F	CHECK (\checkmark) eith	er of the following, as applicable:	
	 "Yes", if the member has signature authority for entity in Part A "No", if the member does not have signature authority for entity in Part A. Note: For joint operations, joint ventures, and general partnerships, each member must initial the response in Column F. 		
G	If individual completing CCC-902E has signature authority for entity in Part A,		
1 and 2	and all informati	on in Part C is true and correct, enter initials in item G1 and the	
	date in item G2.		
2	If entity in Part A is an estate or trust, or if any member in Part C is an estate or		
A and B	trust, enter the name of estate or trust in item 2A and enter the name of the		
		istrators, or grantors in item 2B. If there is more than	
	1 executor, administrator, or grantor, provide the additional information in the		
	space provided or attach additional sheets.		

A Completing CCC-902E's (Continued)

Item	Instruction			
3	If any member in item 1A is an entity or joint operation:			
	 complete CCC-901 and attach a copy CHECK (✓) box, if CCC-901 has been completed and attached 			
	• complete CCC-902E for each embedded entity or joint operation			
	• CHECK (✓) box if, CCC-902E's are attached for members who are entities and joint operations.			
4	If any of the member in Part C has interest in other farming operations conducted under a name other than the name listed in Part A, provide the following information.			
Α	Member's name.			
В	Name of farming interests.			
С	TIN of the other farming operation. Note: If complete TIN is already on file FSA, only last 4 digits are required .			
D	County/State where the interest is located.			

Item	Instruction			
Entity's	Enter name of the entity or joint operation in Part A at the top of the page.			
Name				
5	IF	THEN		
	none of the members listed	CHECK (\checkmark) "N/A" (not applicable), and go to		
	in Part C, item 1, is a minor	item 6.		
	any member listed in Part C,	provide the following information about that		
	item 1, is a minor	member.		
A	Minor's name.			
В	Minor's date of birth.			
C	Name of the minor's parent or			
D	Address of the parent or guard	lian.		
E	Parent or guardian's TIN.			
	*	eady on file FSA, only last 4 digits are red	quired.	
F	CHECK (\checkmark) the following, as	applicable.		
			THEN	
			CHECK	
1	IF any minor in item 5A(✓)is a producer on a farm and the parent or guardian has no interest"Yes".			
1	*			
	is a producer on a farm and the parent or guardian has an interest in "No". the farming operation			
2	maintains a separate household from the parent or guardian and "Yes".			
2	1	1 0	105.	
	personally carries out all farming activities with respect to the minor's own farming operation, including maintaining separate accounting			
		nousehold from the parent or guardian	"No".	
		out all farming activities with respect to	1.0	
		ation, including maintaining separate		
	accounting			
3	who is represented by a court-appointed guardian or conservator, lives "Yes".			
	in a household other than the	parents' households, and have a vested		
	ownership in the farm			
	who is represented by a court-appointed guardian or conservator, does "No".			
	1	ld other than the parents' household, and		
	does not have a vested owners	-		
4		ns F1 through F3, for the minor that has a		
	in the farming operation of the entity or joint operation in Part A, enter the name			
	of the minor in the space prov	ided.		

Item	Instruction	
6A	CHECK (\checkmark) either of the following, as applicable:	
	• "Yes", if all individual members and shareholders in embedded entities and joint operations listed in Part C are U.S. citizens; go to Part D	
	• "No", if any individual members and shareholders in embedded entities and joint operations listed in Part C is not a U.S. citizen; go to 6B.	
6B	For each member or shareholder who is an alien lawfully admitted into the U.S., list that member's name and indicate whether this person possesses a valid I-551.	
	CHECK (✓) "No" for any non-U.S. citizen who does not possess I-551.	
FSA Only	FSA shall CHECK (\checkmark) " Yes " or " No ", indicating that I-551 was presented, and initial CCC-902E.	
Part D	If additional space is needed for this Part, complete and attach CCC-902E Continuation.	
1 A through E	Enter percentages of capital (money), land, equipment, hired labor, and hired management that is provided by the joint operation or entity in Part A (not by the members or shareholders directly).	
	If all labor and management is provided by the members and no labor or management is hired, enter " 0% ".	
2 A through H	If any member provides capital, land, or equipment to the farming operation	
	Use Items 2D and 2F to indicate if a member contributes owned land or equipment to the entity or joint operation's farming operation.	
	If any member provides hired labor, labor they do themselves, hired management or management they do themselves, enter the member's name and percentage of each contribution in Items 2G and 2H.	
	CHECK (\checkmark) applicable box, if a member provides 1000 or more hours of active personal labor to the farming operation in Part A.	

Item	Instruction		
Entity's	Enter name of the entity or joint operation in Part A at the top of the page.		
Name			
Part E	If additional space is needed for this Part, complete and attach CCC-902E		
1	Continuation.		
1	Enter the following information for all land that is operated by the farming operation in Part A.		
A	Farm number, State, and county where located.		
В	Name of the entity, joint operation or member who contributes the land.		
C	CHECK (\checkmark) applicable box to show whether land is owned, leased to someone,		
	or leased from someone.		
D	Name of the individual, entity, or joint operation to whom or from whom the		
	land is leased.		
E	Acres owned or rented on the farm.		
F	Per acre amount of cash-rent or percentage of the crop shared with the landlord.		
	Note: If land is cash leased from an:		
	• unrelated individual or entity, enter " cash "		
	• individual or entity that has an interest in the crop or crop proceeds, include the rental rate in \$ per acre.		
G	CHECK (\checkmark) box if the farming operation in Part A had this same land interest in		
	the prior crop year.		

A Completing CCC-902E's (Continued)

Item	Instruction		
Part F			
1	CHECK (\checkmark) all sources of capital for the farming operation in I	Part A that apply.	
	If "Other" is checked (\checkmark), specify.		
2		THEN	
	IF farming operation in Part A	CHECK (✔)	
	acquired any contributions of capital, equipment, or land	"Yes" and go to	
	through loans or credit arrangement	item 3.	
	did not acquire any contributions of capital, equipment, or " No " and go to		
	land through loans or credit arrangement	Part G.	
3	used loans or credit to finance this farming operation, or to	"Yes" and	
	acquire/purchase land or equipment, and such financing was	complete	
	acquired from, guaranteed by, co-signed by, or secured by an	items 3A	
	individual, joint operation, or entity with an interest in the	through 3E.	
	farming operation		
4	used loans or credit to finance this farming operation, or to	"No" and go to	
	acquire/purchase land or equipment, and such financing was	Part G.	
	not acquired from, guaranteed by, co-signed by, or secured by		
	any other individual, joint operation, or entity		

A Completing CCC-902E's (Continued)

Item	Instruction			
Part G	All percentages are based on annual rental values.			
1	Enter percent of all equipment used in this farming operation that is owned by the entity or joint operation in Part A.			
	If no equipment used in this farming operation is owned by the entity or joint operation in Part A, enter " 0% ".			
2A through 2C	Enter information for all equipment used in the farming operation that is leased by the joint operation or entity in Part A. For each type of equipment leased, enter the following:			
	 A percent of total equipment used in the farming operation B name of the party or entity from whom equipment is leased C type of equipment leased. If leased equipment is not used in this farming operation, enter "0%" and go to 			
	Part H.			
2D	If joint operation or entity in Part A leased equipment equipment was leased from an individual or entity that farming operation of the joint operation or entity in P	at has an interest in the		
	IF the equipment was	THEN CHECK (✓)		
	If the equipment wasIf the equipment wasleased from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A"Yes" and go to item 3.			
	not leased from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A			
3	If joint operation or entity in Part A leased equipment from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A, copies of lease agreements may be required for compliance purposes. Go to Part H.			

A Completing CCC-902E's (Continued)

Item	Instruction		
Entity's	Enter name of the entity or joint operation in Part A at the top of the page.		
Name			
Part H			
1	Using custom services by the farming operation in Part A does not apply:		
	• to services for chemical and fertilized	er application	
	• to harvesting crops		
	• if all the land in the farming operati	on is owned.	
	IF custom farming services will	THEN CHECK (✔)	
	not be used in this operation	"No" and complete all i	
	be used in the farming operation	"Yes" and complete iter through 1D.	
1A	Type of custom service, including but r cultivating, chemical application, insect	t/pest scouting, etc.	anting,
1B	Farm numbers the service will be applied		
1C	Total number of acres for which custon	n services will be used.	
1D	Name of the custom farming service pro-	ovider. Go to Part I.	
Part I			
1	Enter percent or number of hours of act	ive personal labor donat	ed to the farming
	operation in Part A by family members	or neighbors for which	payment is not
	issued and is not owed.		1
			THEN
	IF		CHECK (✓)
2A	none of the hired labor for the farming		"No".
	originated from the source of leased equ		((X 7
	any of the hired labor for the farming o	1	"Yes".
	originated from the source of leased equ	uipinent in Part G	
	Note: Acceptable documentation of equipment lease and hired labor agreements may be required for		
	compliance purposes.		
2B	none of the hired labor for the farming operation in Part A was included in the custom services shown in Part H included in the custom services services shown in Part H inc		
	any of the hired labor for the farming operation in Part A was included in the custom services shown in Part H Part J.		
	included in the custom services shown in Part H Part J.		
	Note: Acceptable documentation of equipment lease and hired labor agreements may be required for compliance purposes.		

Item	Instruction
Part J	
1	For each member or shareholder of the farming operation in Part A that is contributing active personal management, list the person's name and identify the type of management duties provided to the farming operation in Part A. The duties/activities must be performed on a regular basis, must be identifiable and documentable, and must be separate and distinct from the management
	activities performed by any other members or shareholders.Note: These specific requirements are not applicable to heirs of estates or to the beneficiaries of trusts.
2	Enter name of any person, other than a member or shareholder, that will be providing hired management and briefly describe the types of management duties hired for the farming operation in Part A, including management by an administrator or trustee who receives compensation for this service or activity.
3	Enter name of any person, other than a member or shareholder, that will be providing other management and briefly describe the types of management duties provided for the farming operation in Part A, including management by an administrator or trustee who does not receive compensation for this activity If entity is an estate or trust, list management provided by the executor, administrator, or trustees. Go to Part K.
Part K	Enter any additional and relevant information about this farming operation and/or the members and shareholders that could not be entered in any other part. Include references to any and the number of CCC-902E Continuation pages completed and attached. Go to Part L.
Part L	
1	*An individual member, or an authorized representative of the legal entity identified in Part A, must sign the certification. If a joint operation, each member of the joint operation indentified in Part A must sign the certification*
2	If the individual members sign the document, this field should be left blank. *If an authorized representative for the legal entity in Part A signs* CCC-902E, use this field to show the individual's representative capacity. (For example, "agent" or "attorney-in-fact.")
3	Enter date CCC-902E was signed.

B Example CCC-902E

Following is an example of CCC-902E completed for a public school.

	tronically. S. DEPARTMENT OI			1. Count	У	age 5 for Privacy Act Statemen 3. Program Year
3-26-09)	Commodity Cree	lit Corporation		Brazos	;	
		AN FOR AN ENTITY It Program Years		2. State		2009
or "actively engaged in farmi	ng" and other payr	nent eligibility/limitation d	eterminations	TX		
				I from the Fa	rm Service Agency (FSA)	under one or more programs
ing the tax identification nur nefits directly as an individu outs to a farming operation s A to determine payment eli	mber listed in Part ual must complete such as land, capit gibility and limitatio	A. This form also collect: a CCC-902I with respect al, equipment, labor, and	s information about t to that individual's o management by the	the member peration. F	s of such entity. An indivi ayment eligibility is based	es program benefits directly dual who receives program I upon the contribution of certe ion on this form will be used by
ART A - ENTITY INFORI		7-0-4-1			O T Id fif No	and an owned of
Farming Entity's Name and /ixon Valley USD#427 27 Wixon Rd		Zip Code)			 Tax Identification Nu identification number i only the last 4 digits ar 	is already on file with FSA, e required)
/ixon Valley, TX 7888	38				3. Date of Formation (A	2400 M-DD-YYYY) -10-1973
ART B - TYPE OF OPEI	RATION (Select	only one)				
Select appropriate type of		- /	Part A:			
General Partnership	· _	d Partnership	Estate			tate-owned Entity
Joint Venture	=	d Liability Company		ax-exempt		ato-owned Linky
Sole Proprietorship/DBA	Revoo	able/Living Trust	Organization	· ·	=	
Corporation		cable Trust	Public Scho		Other:	
Supporting documentation shareholders, members an						
entity and the authority of it					s, and counties, to verify i	ine legal status of the
ART C - MEMBER INFC				l space is	needed for any infor	mation in Part C)
Members - List all member	rs/shareholders of	the entity identified in Pa	rt A of this form:			
A.		B. C.	D.		E.	F.
Name		D Number % Share 4 digits if	Position and		Family Member Relationship	Does this member have signature authority for the
		dy on file)	(If applica	able)	(if applicable)	legal entity? (Yes or No)
ublic School o members			\$			YES NO
			\$			
			φ			
			\$			YES NO
			\$			
			\$			
			\$			
	atura authority 6	nr the entity identified is	\$ \$ \$ \$	linformati	an in	YES NO YES NO YES NO YES NO
		r the entity identified in	\$ \$ \$ \$	l informati	on in	YES NO YES NO YES NO YES NO 1. Initials 2. Date
. I certify that I have sign Part C is true and correc	et.		\$ \$ \$ \$ Part A and that al	-		YES NO YES NO YES NO YES NO YES NO YES NO 1. Initials 2. Date DUI 1/07/20
. I certify that I have sign	et.		\$ \$ \$ \$ Part A and that al	an Estate c	r Trust, list the Executor, .	YES NO YES NO YES NO YES NO YES NO YES NO 1. Initials 2. Date DUI 1/07/20
<i>I certify that I have sign</i> <i>Part C is true and correc</i> If the entity in Part A is an I	et.		\$ \$ \$ \$ \$ \$ \$ \$ Part A and that al er is listed above is	an Estate c	r Trust, list the Executor, .	YES NO YES NO YES NO YES NO YES NO YES NO 1. Initials 2. Date DUI 1/07/20
 I certify that I have sign Part C is true and correct If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with 	ct. Estate or Trust, or / member/sharehol this CCC-902E.	if any member/sharehold der of the entity identified Additionally, a CCC-902E	\$ \$ \$ Part A and that all er is listed above is B. Name of Exe d in Part A is an entit must be completed	an Estate c cutor/Admir ty, a CCC-9 and submit	r Trust, list the Executor, . iistrator/Grantor 01, Member's Informatic ted for each embedded ei	YES NO YES NO YES NO YES NO YES NO 1. Initials 2. Date DUU 107/20 Administrator, or Grantor: Dr, must also be completed an
 I certify that I have sign Part C is true and correct If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with Check if CCC-90 	ct. Estate or Trust, or member/sharehol this CCC-902E. / 01 is attached.	if any member/sharehold der of the entity identified \dditionally, a CCC-902E	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ Part A and that al and that al black if CCC-902E is al \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	an Estate c cutor/Admir ty, a CCC-9 and submit ttached for a	r Trust, list the Executor, . iistrator/Grantor 01, Member's Information ted for each embedded er an embedded entity.	YES NO YES NO YES NO YES NO 1. Initials 2. Date JUU 1/07/20 Administrator, or Grantor:
<i>I certify that I have sign</i> <i>Part C is true and correct</i> If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with	ct. Estate or Trust, or member/sharehol this CCC-902E. / 01 is attached.	if any member/sharehold der of the entity identified \dditionally, a CCC-902E	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ Part A and that al and that al black if CCC-902E is al \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	an Estate c cutor/Admir ty, a CCC-9 and submit ttached for a	r Trust, list the Executor, . iistrator/Grantor 01, Member's Information ted for each embedded er an embedded entity.	YES NO Initials 2. Date JUU 1.07/20 Administrator, or Grantor: 1.07/20 pn, must also be completed an ntity. 1.000 g operations. 1.000
I certify that I have sign Part C is true and correct If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with ☐ Check if CCC-90	rt. Estate or Trust, or member/sharehol this CCC-902E. / 01 is attached. omplete this item f	if any member/sharehold der of the entity identified \dditionally, a CCC-902E	\$ \$ \$ Part A and that all er is listed above is B. Name of Exe d in Part A is an entii must be completed ck if CCC-902E is al der identified in Part	an Estate c cutor/Admir ty, a CCC-9 and submit tached for a C that has Tax ID N	r Trust, list the Executor, . iistrator/Grantor 01, Member's Information ted for each embedded er an embedded entity.	YES NO YES NO YES NO YES NO YES NO 1. Initials 2. Date DUU 1/07/20 Administrator, or Grantor: Dr, must also be completed an tity. g operations. D. County(iac) and State(or
I certify that I have sign Part C is true and correct If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with Check if CCC-9 Other farming interests: C A.	rt. Estate or Trust, or member/sharehol this CCC-902E. / 01 is attached. omplete this item f	if any member/sharehold der of the entity identified Additionally, a CCC-902E Cher or any member/sharehold B.	\$ \$ \$ Part A and that all er is listed above is B. Name of Exe d in Part A is an entii must be completed ck if CCC-902E is al der identified in Part	an Estate c cutor/Admir ty, a CCC-9 and submit tached for a C that has Tax ID N	r Trust, list the Executor, . istrator/Grantor 01, Member's Information ted for each embedded en an embedded entity. an interest in other farmin C. lumber of farming interest	Image: Constraint of the formation of the f
I certify that I have sign Part C is true and correct If the entity in Part A is an I Name of Estate or Trust Embedded Entities – If any submitted concurrent with	rt. Estate or Trust, or this CCC-902E. / 01 is attached. omplete this item f	if any member/sharehold der of the entity identified Additionally, a CCC-902E Cher or any member/sharehold B. Name of Farmin	\$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	an Estate c cutor/Admir ty, a CCC-9 and submit tached for a C that has Tax ID N (Last	r Trust, list the Executor, . iistrator/Grantor 01, Member's Informatic ted for each embedded et an embedded entity. an interest in other farmin C. Lumber of farming interest d digits if already on file)	Image: Constraint of the formation of the f

B Example CCC-902E (Continued)

	s or Shareholders –	For any M	ember or Sh	areholder wh	o is a m	inor, pro	vide t	he follow	ing: D	🛾 N/A				
م Minor's		B. Date c Birth		C ent's or Guarc	lian's Na	ame	Pa	rent's or	D. Guardian's	Address		Parent or (or Tax (Last 4 digits	ID Nu	mber
. Separate Status (1) Is any mino	of Minors: r a producer on a far	m in which	the parent of	or guardian ha	s no int	erest?				Пү	ES			
	ninor maintain a sepa ith respect to the mir									ΠY	ES			
(3) Does any m	ninor who is represer household other that	nted by a co	ourt-appointe	ed guardian o	conser	vator res	spons	sible for th	ne minor	Πv	ES	NO NO		
(4) If any mind	or with an interest in	this farming	g operation of	can answer "Y	ES" to I	tems F(1) thre	ough F(3)), list that m	ninor's na	ime:			
A. Citizenship St U.S. Citizen?	tatus - Is each Memi	ber and Sha	areholder of	the entity or j	oint ope	ration id	entifie	ed in Part	A, and any	y embed	ded er	ntity identifi	ied in F	Part C a
YES, all m	embers/shareholder	s are US Ci	itizens - Go	to Part D] NO, o	ne or mo	ore m	embers/s	hareholder	rs is not	a US (Citizen - Co	omplete	e Item 6B
B. For each mem	ber or shareholder (o	direct or em	ibedded) wh	o is not a US	Citizen,	provide	the f	ollowing:						
1) Name of Individ	ual					'his indiv /alid For			Form I-			A USE ONI d to FSA		C Initials
						YES		NO		YES		NO		
						YES		NO		YES		NO		
						YES		NO		YES		NO		
] YES] YES		NO NO] YES] YES	—	NO NO		
 For the farming the following info entity; land and equ 	ARY OF CONTRI operation of the en rmation for contribut ujament owned and/or d tailed information about	i <mark>tity identi</mark> ions to be r <i>ash leased l</i>	fied in Part nade by the by the legal er	A, what perce entity identifie tity and used in	PERA entages ed in Pa the farm	YES	se pe	NO all inputs	should refle	YES	d dire	NO ectly by the	y by the	legal
. For the farming the following info entity; land and equ entity. (Provide del	operation of the en rmation for contribut upment owned and/or of	itity identii ions to be r sash leased h these contri	fied in Part nade by the by the legal er	A, what perce entity identifie tity and used in	PERA entages ed in Pa the farm	YES	ose pe tion; la D.	NO all inputs	should refle by the legal	YES	d dire tal pro f mana	NO ectly by the	y by the d by the	legal
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B Example CCC-902E (Continued)

A. Farm No. and	al space, complete CC B. Land Leased or		C. C. ck as appl		D. Name of Person or Entity	E. Acres	F. Rental Rate \$	G. Check here if
Location (County and State)	Contributed By	Owned	Leased To	Leased From	Whom Land is Leased to and/or From (<i>Includes names</i> <i>landowners and landlords</i>)	of Owned Leased	per Acre/ % or Crop Share	same land interest was held last year
arm No.: 200 ocation: Brazos/TX	Wixon Valley USD#427				George Jones	15.0	25%	
arm No.: ocation:								
arm No.:								
ocation: arm No.:								
ocation:								
arm No.: ocation:								
 Will such loan or credit farming operation ident YES. Complete Ite A Type of Contribution 	tified in Part A (Such ems 3(A) through 3(E)	interest m	aybeasa NO.Got	a landowne o Part G.	C arantor's Name Cred Affil	Deration or ent D t Source or Gu iation or Intere Farming Opera	uarantor's st in the	E Percent of Total Capital
farming operation ident YES. Complete Ite A Type of Contribution PART G - EQUIPMEN Owned Equipment:	Iffed in Part A (Such ams 3(A) through 3(E) Name of Loan of Name of Loan of It (All percentages Enter the percent of identified in Part C b	interest m are bas ALL equip y the entity formation	ay be as a NO. Got	a landowne o Part G. Gua nual ren ed by the f	er or other tenant)? C arantor's Name Cred Affil tal values.) Cred carming operation of the entity i carming operation of the entity i carming to be used in the farming	D t Source or Gu iation or Intere Farming Opera dentified in Pa	uarantor's st in the tion	E Percent of Total Capital 9 9 9 0 9 0 9 0 0 9 0 0 9 0 9 0 9 0 9
farming operation ident TYES. Complete Ite A Type of Contribution PART G - EQUIPMEN Owned Equipment: C. Leased Equipment: A. Percent of Total Equipm	T (All percentages Enter the percent of identified in Part C b Enter the percent of identified in Part C b Enter the following in leased equipment is ent Name	interest m are bas ALL equip y the entity formation	ay be as a NO. Go t ource ed on ar ment own y: for ALL le h this farm jual/Entity	a landowne o Part G. Gua ed by the f ased equip operation	er or other tenant)? C arantor's Name Cred Affil tal values.) Cred carming operation of the entity i carming operation of the entity i carming to be used in the farming	D t Source or Gu iation or Interer Farming Opera dentified in Pal operation of t	uarantor's st in the tion	E Percent of Total Capital 9 ed on the farms 0 % d in Part A. If ual/Entity the d from have an
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B Example CCC-902E (Continued)

NO. GO TO PART I	by the entity identified in Part A on the farms YES. Complete Items 1A throu			
A. Type of Services	B. Farm Number(s)	C. Number of Acres		D. Name of Provider
	DED BY MEMBERS/SHAREHOLDERS the information for contributions of labor to t			d by the members or shareholders
see in Fait C.	Туре			Amount
	tage or the number of hours to be donated b	y family members or others		0 %
for which no payr	nent will be issued or owed.			hrs
B. Will any of the hired labor for t	f "YES", acceptable documentation to prove the farming operation identified in Part A be f "YES", acceptable documentation to prove	included in the custom serv	ices shown in Pa	rt H?
ART J - MANAGEMENT Inter all managerial duties and/or a hareholder(s) of the entity or joint of Active personal management: List the specific managerial dutie The duties/activities must be p	ctivities required for the farming operation ir operation; or by hired management.	/ by each member or share!	nolder.	rsonally by member(s) or
ART J - MANAGEMENT nter all managerial duties and/or a hareholder(s) of the entity or joint of Active personal management: List the specific managerial dutie The duties/activities must be p activities performed by any oth	ctivities required for the farming operation ir operation; or by hired management. s/activities that will be performed personally erformed on a regular basis; be identifial	y by each member or share! Sole and documentable; an	nolder.	rsonally by member(s) or
ART J - MANAGEMENT nter all managerial duties and/or a hareholder(s) of the entity or joint of Active personal management: List the specific managerial dutie The duties/activities must be p activities performed by any oth (This requirement is not applicable A.	ctivities required for the farming operation in operation; or by hired management. es/activities that will be performed personally erformed on a regular basis; be identifial iter member(s) or shareholder(s).	/ by each member or sharef ble and documentable; an <u>of Trusts.)</u> B.	nolder.	rsonally by member(s) or
ART J - MANAGEMENT nter all managerial duties and/or a hareholder(s) of the entity or joint of Active personal management: List the specific managerial dutie The duties/activities must be p activities performed by any oth (This requirement is not applicable A.	ctivities required for the farming operation in operation; or by hired management. s/activities that will be performed personally erformed on a regular basis; be identifian er member(s) or shareholder(s). le to the heirs of Estate or the beneficiaries of the heirs of Estate or the beneficiaries of the heirs of the heirs of Estate or the beneficiaries of the heirs of the hei	/ by each member or sharef ble and documentable; an <u>of Trusts.)</u> B.	nolder.	rsonally by member(s) or

B Example CCC-902E (Continued)

heck all of the following that apply:		
CCC-902 Continuation attached for additional inf	ormation for Part E - Land	
CCC-902E Continuation attached for additional in	nformation for the following Parts:	
Part C – Member information		
Part D – Summary of Contributions		
Part F – Capital Part G – Equipment		
Part H – Custom Services		
ART L - CERTIFICATION - (FOR JOINT VENT	URES AND GENERAL PARTNERSHIP, A SIGNATURE IS REQUIRED	FOR EACH MEMBER)
certify that all the information entered on this docu	ment and any supporting documentation is true and correct. I unders	tand that furnishing incorrect
	may result in the assessment of a penalty. I will timely provide written listed on this form of any changes in this farming operation. By signin	
all supporting documentation has been submitted	15 reauired	
I have reviewed and understand all definitions an	d requirements on Page 6 of this form.	
I have reviewed and understand all definitions an all information will be considered in effect contin it is my responsibility to timely notify FSA in write	d requirements on P age 6 of this form. nuously unless changes or revisions are submitted. ing of any changes that may affect these representations, including, bu	
I have reviewed and understand all definitions an all information will be considered in effect contin it is my responsibility to timely notify FSA in writi	d requirements on P age 6 of this form. nuously unless changes or revisions are submitted.	
I have reviewed and understand all definitions an all information will be considered in effect contin it is my responsibility to timely notify FSA in writt of the entity identified in Part A; the farming, rand Part A. evidence such as tax records, certified public acco	d requirements on P age 6 of this form. nuously unless changes or revisions are submitted. ing of any changes that may affect these representations, including, bu	status of the entity identified in idate these representations and I
I have reviewed and understand all definitions and all information will be considered in effect contin- it is my responsibility to timely notify FSA in writh of the entity identified in Part A; the farming, rand Part A. evidence such as tax records, certified public acco- will take all necessary actions to provide such ma it is my responsibility to timely notify FSA in writh	d requirements on Page 6 of this form. nuously unless changes or revisions are submitted. ing of any changes that may affect these representations, including, bu ching or forestry operation of the entity identified in Part A; financial so nuntant's certification, or other documentation may be required to valu	status of the entity identified in idate these representations and I L.
I have reviewed and understand all definitions an all information will be considered in effect contin it is my responsibility to timely notify FSA in writh of the entity identified in Part A; the farming, ran Part A. evidence such as tax records, certified public acco will take all necessary actions to provide such ma	d requirements on P age 6 of this form. mously unless changes or revisions are submitted. ing of any changes that may affect these representations, including, bu ching or forestry operation of the entity identified in Part A; financial countant's certification, or other documentation may be required to valu terials to the applicable State or county committee if requested by FSA	status of the entity identified in idate these representations and I L.
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B Example CCC-902E (Continued)

ccc	S-902 E (03-26-09)	Page 6 of 6
	DEFINITIONS	
The f	following definitions apply to Form CCC-902E.	
1.	ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipment, or land, or combination thereof to to operation; and 2) significant contributions of active personal labor or active personal management, or a combination thereof, to the farming operation as a Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity's claimed share of the profit and loss of the farming operation. Failure to meet these requirement in the determination of ineligibility for payments under programs specified in 7 CFR Part 1400.	lescribed. ntity must be
2.	INTEREST IN A FARMIING OPERATION – a person or legal entity is considered to have an interest in a particular farming operation if the person or owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on the operation; or is a member of a joint of either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced on that operation.	
3.	JOINT OPERATION - is a general partnership, joint venture, or similar organization.	
4.	PERSON - is a natural person (an individual) and does not include a legal entity.	
5.	ACTIVE PERSONAL LABOR – a person is considered to be providing active personal labor with respect to a farming operation if that person is direct personally providing physical activities necessary to conduct the farming operation, including land preparation, planting, cultivating, harvesting, and marl agricultural commodities in the farming operation. Other qualifying physical activities include establishing and maintaining conserving covers and those activities necessary for livestock production for the farming operation.	ceting of
6.	ACTIVE PERSONAL MANAGEMENT – a person is considered to be providing active personal management with respect to a farming operation if th directly and personally providing the general supervision and direction of activities and labor involved in the farming operation; or providing services (we performed on-site or off-site) reasonably related and necessary to the farming operation.	
7.	CAPITAL – with respect to a farming operation is the funding provided by a person or legal entity to the farming operation in order for such operation to farming activities. To be considered a countable contribution for a person or legal entity, the capital must have been derived from a fund or account separ distinct from that of any other person or entity involved in such operation. Countable capital does not include the value of any labor or management whic contributed to the farming operation. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the person Capital does not include advance program payments.	ate and h is
8.	CONTRIBUTION – with respect to a farming operation is the provision of land, capital or equipment assets, and providing active personal labor, or acti management to the farming operation in exchange for, or the expectation of, deriving benefits based solely on the success of the farming operation.	ve personal
9.	CUSTOM SERVICES – with respect to a farming operation is the hiring of a contractor or vendor that is in the business of providing such specialized so perform services for the farming operation in exchange for the payment of a fee for such services performed.	ervices to
10.	ENTITY - is a corporation, joint stock company, limited liability company, association, limited partnership, limited liability partnership, irrevocable trust trust, estate, charitable organization, or other similar organization including any such organization participating in the farming operation as a partner in a g partnership, participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization.	
11.	EQUIPMENT – with respect to a farming operation is the machinery and implements needed by the farming operation to conduct activities of the farmin including machinery and implements involved in land preparation, planting, cultivating, harvesting or marketing of the crops produced by the farming op Equipment also includes machinery and implements needed to establish and maintain conserving covers.	
12.	FAMILY MEMBER - a person is considered to be a family member of another person in the farming operation of that person is related to the other as a ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.	lineal
13.	FARMING ENTITY - is the entity, including a combination of entities, conducting a farming operation at one or more locations.	
14.	FARMING OPERATION - is a business enterprise engaged in the production of agricultural products which is operated by a person or formal or inform which is eligible to receive payments, directly or indirectly.	al entity
15.	LAND – with a respect to a contribution to a farming operation is agricultural land consisting of cropland, pastureland, wetland, or rangeland which meet requirements of the applicable program for which payments or benefits are sought.	s the specific
16.	SUPPORTING DOCUMENTATION – is any information that supports the relevant representations made such as, but not limited to: articles of incorporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a deceased individual; affidavit of heirship office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lending security agreement; and financial st	approved by
17.	All other terms utilized in this form shall be defined pursuant to 7 CFR Part 1400.	

*

121 Clubs, Societies, and Fraternal and Religious Organizations

A Rule [7 CFR 1400.103]

Charitable organizations, including clubs, societies, fraternal, and religious organizations, shall be considered separate and distinct farming operations from the members of the organization or any other legal entity.

B Exceptions to Rule

If the land operated by the organization, or the production from the operation, may transfer to a legal entity that exercises control over the organization, the payments to the organization shall be attributed to the parent organization.

- **Note:** If parent organization's TIN is used by the organization, the payments to the organization shall be attributed to the parent organization.
- **Important:** The fact that an organization has a separate TIN does **not** mean that it qualifies for a separate limitation. If there is any indication that 1 organization exercises control over another organization and land or proceeds transfer to the parent organization, the payments shall be attributed to the parent organization and payments limited accordingly.

Example: If land owned by a church within a diocese would transfer to the diocese upon closure of the church, payments to the church would be attributed to the diocese.

C Example of Determinations for Charitable Organizations

Situation: A charitable organization forms other charitable organizations that are represented to be separate organizations. The other organizations have separate TIN's and each is recognized by IRS as qualifying as a charitable organization. However, there is evidence that the parent organization continues to exercise control over the other organizations, and that the land, or proceeds from the land, may transfer to the parent organization.

Result: All payments will be attributed to the parent organization.

A Completing CCC-902E's

For detailed instructions on completing CCC-902E's, see subparagraph 120 A.

B Example CCC-902E

Following is an example of CCC-902E completed for a charitable/tax-exempt organization.

This form is available electronica	lly.					e 5 for Privacy Act Statement.)
	RTMENT OF AGRICULTUR nmodity Credit Corporation	ε		1. Count Dallas	У	3. Program Year
	TING PLAN FOR AN			2. State TX		2009
For "actively engaged in farming" and	l other payment eligibility	/limitation dete	erminations.			
This form is to be completed for an extra trare subject to the regulations at using the tax identification number lis benefits directly as an individual mus inputs to a farming operation such as FSA to determine payment eligibility. PART A - ENTITY INFORMATIC	7 ČFR Part 1400. This fo ted in Part A. This form t complete a CCC-902I w land, capital, equipment and limitation of payment	rm collects far also collects ir ith respect to , labor, and m	ming and other in: nformation about to that individual's op anagement by the	formation a he member peration. P	bout the entity that receives is of such entity. An individu ayment eligibility is based u	s program benefits directly ial who receives program ipon the contribution of certain
1. Farming Entity's Name and Addre Dallas Wildlife Preservation	ss (Include Zip Code)				2. Tax Identification Num identification number is	ber (if the taxpayer already on file with FSA,
89797 I-20 E	Cochery				only the last 4 digits are	
Dallas, TX 75555					3. Date of Formation (MN	
PART B - TYPE OF OPERATIO	N (Select only one)					
1. Select appropriate type of operation		identified in P	art A:			
General Partnership	Limited Partnership		Estate		City, County or Sta	te-owned Entity
Joint Venture	Limited Liability Cor	npany	Charitable/Ta	x-exempt		
Sole Proprietorship/DBA	Revocable/Living Tr	rust	Organization		Other:	
Corporation 2. Supporting documentation (such a	Irrevocable Trust		Public Schoo			
PART C - MEMBER INFORMAT 1. Members - List all members/share A.	•		A of this form:	l space is	needed for any inform	nation in Part C)
Name	Tax ID Number (Last 4 digits if already on file)	% Share	D. Position and (If applica		Family Member Relationship <i>(if applicable</i>)	Does this member have signature authority for the legal entity? (Yes or No)
501(c)(3) Tax Exempt Entity			\$			YES NO
No members			\$			
			\$			
			\$			
			\$			
			\$			
G. I certify that I have signature of Part C is true and correct.		2		-		1. Initials 2. Date 1.100 1.100
 If the entity in Part A is an Estate of A. Name of Estate or Trust 	or Trust, or if any membe	r/shareholder	is listed above is a B. Name of Exec			dministrator, or Grantor:
Embedded Entities – If any memb submitted concurrent with this CC Check if CCC-901 is at Other forming integration	CC-902E. Additionally, a tached.	CCC-902E m	ust be completed if CCC-902E is at	and submit ached for a	ted for each embedded ent an embedded entity.	ity.
4. Other farming interests: Complete A. Member's name		B. B. B. B.		Tax ID N	C. Lumber of farming interest digits if already on file)	operations. D. County(ies) and State(s) where farming interest(s) are located
The U.S. Department of Agriculture (USDA) prohit parental status, religion, sexual orientation, genetic all programs.) Persons with disabilities who requir and TDD). To file a complaint of discrimination, wi SDA is an equal opportunity provider and employ	: information, political beliefs, rep e alternative means for communic ite to USDA, Director, Office of C	risal, or because a. cation of program i	ll or part of an individual information (Braille, large	's income is de e print, audiota,	rived from any public assistance pro pe, etc.) should contact USDA's TAF	gram. (Not all prohibited bases apply to RGET Center at (202) 720-2600 (voice

B Example CCC-902E (Continued)

. Winor Weinbers of a	Shareholders –	For any M	ember or Sh	nareholder wh	o is a minor, prov	/ide the follow	ing: 🛛 N	'A		
A. Minor's Nar	me	B. Date c Birth		C ent's or Guarc	lian's Name	Parent's or	D. Guardian's Ado			ardian's SSN) Number
. Separate Status of N								⊥		
(1) Is any minor a p	roducer on a far	m in which	the parent	or guardian ha	s no interest?		L	YES		
(2) Does any minor Activities with re								YES		
	sehold other tha	n the parer	nts' househo	old(s), and b)∣	have a vested of	wnership in the	e farm?	YES	L NO	
(4) If any minor wit	th an interest in	this farming	g operation	can answer "Y	ES" to Items F(1) through F(3)	, list that minor	's name:		
A. Citizenship Status U.S. Citizen?	s - Is each Memt	er and Sh	areholder of	the entity or j	oint operation ide	entified in Part	A, and any em	bedded en	ntity identified	in Part C a
YES, all member	ers/shareholders	are US C	itizens - Go	to Part D	NO, one or mo	re members/s	hareholders is	not a US C	Citizen - Com	plete Item 6B
B. For each member of	or shareholder (d	lirect or en	nbedded) wh	no is not a US	Citizen, provide	the following:				
1) Name of Individual					(2) This indiv valid Forr		Form I-551		USE ONLY	CCC Initials
					YES			is 🗌 i	ю	
					YES				NO	
						<u> </u>				
		PUTION			YES				NO	
	ration of the en ion for contributi ent owned and/or c	tity identi ons to be r ash leased l	fied in Part made by the by the legal er	A, what perce entity identifientity and used in	YES YES YES PERATION eta in Part A. The the farming operat	NO NO NO	Will be contril should reflect the	S C F	NO NO NO ctly by the E	y the legal
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B Example CCC-902E (Continued)

(For additiona	s an interest in the o I space, complete CC	rop or cr	o p proce e ntinuation	g operation e ds, inclu e	de the rental rate in \$/a to this form)	in Part A. <i>If</i>	land is ca nn F; oth	erwise enter "	cash."
A. Farm No. and Location (County and State)	B. Land Leased or Contributed By	Cheo	C. kasappli	Leased	D. Name of Person or Whom Land is Leas and/or From (<i>includes</i> i landowners and landl	sed to names of	E. Acres Owned or	F. Rental Rate \$ per Acre/ % or Crop Share	same land interest was
l 589 .ocation:	Dallas Wildlife Preservation Society		To	From			Leased 400.0	100%	held last year
arm No.: 523	Dallas Wildlife Preservation Society						318.9	100%	
arm No.: ocation:									
arm No.: ocation:									
Farm No.: .ocation:									
A Type of Contribution		3	NO. Go to		C arantor's Name	Credit Sour Affiliation Farmi		t in the	E Percent of Total Capital
									9
2. Leased Equipment:	Enter the percent of identified in Part C b	ALL equip y the entity formation	ment own∉ ∉: for ALL le:	ed by the f ased equip	arming operation of the ment to be used in the f	-			0 %
A. Percent of Total Equipme Used in the Farming Opera	ent Name	B. of Individu nent is Lea	ual/Entity		C. Type of Equipment	t Leased	ec		
0	%								
	%							L YES	NO
3. Lease Agreements: I	f Item 2D is "YES," co	pies of lea	se agreer	ment and d	ocumentation may be re	equired for co	ompliance	purposes. GO	TO Part H.

B Example CCC-902E (Continued)

. Will custom services be utilized by the NO. GO TO PART I	entity identified in Part A on the farm			
A. Type of Services	B. Farm Number(s)	C. Number of Acres	Nam	D. e of Provider
Nowing established cover - CRP	1589	400.0	Elmo Rice	
Nowing established cover - CRP	623	318.9	Bill Evant	
ART I - LABOR NOT PROVIDED E or the farms listed in Part E, enter the inf sted in Part C:				e members or shareholders
sted in Part C.	Туре			Amount
. Other labor: Enter the percentage o		by family members or other	s	0%
for which no payment w	ill be issued or owed.			hrs
B. Will any of the hired labor for the far	", acceptable documentation to prove			purposes.
inter all managerial duties and/or activitie hareholder(s) of the entity or joint operati	on; or by hired management. vities that will be performed personall ned on a regular basis; be identifia	y by each member or share	holder.	
The duties/activities must be perform activities performed by any other me (This requirement is not applicable to th	on; or by hired management. /ities that will be performed personall ned on a regular basis; be identifia mber(s) or shareholder(s).	y by each member or share ble and documentable; au <u>of Trusts.)</u>	holder.	
Enter all managerial duties and/or activitie hareholder(s) of the entity or joint operati Active personal management: List the specific managerial duties/activ The duties/activities must be perform activities performed by any other me	on; or by hired management. /ities that will be performed personall ned on a regular basis; be identifia mber(s) or shareholder(s).	y by each member or share ble and documentable; a	holder.	
Enter all managerial duties and/or activitie hareholder(s) of the entity or joint operati Active personal management: List the specific managerial duties/activities The duties/activities must be perform activities performed by any other me (This requirement is not applicable to the A.	on; or by hired management. /ities that will be performed personall ned on a regular basis; be identifia mber(s) or shareholder(s).	y by each member or share ble and documentable; au of Trusts.) B.	holder.	
Enter all managerial duties and/or activitie hareholder(s) of the entity or joint operati Active personal management: List the specific managerial duties/activities The duties/activities must be perform activities performed by any other me (This requirement is not applicable to the A.	on; or by hired management. vities that will be performed personall ned on a regular basis; be identifia mber(s) or shareholder(s). e heirs of Estate or the beneficiaries	y by each member or share ble and documentable; au of Trusts.) B.	holder.	

B Example CCC-902E (Continued)

heck all of the following that apply:			
CCC-902 Continuation attached for ac	ditional information for Part E -	Land	
CCC-902E Continuation attached for	additional information for the fol	lowing Parts:	
Part C – Member information			
Part D – Summary of Contributio	ns		
Part G – Equipment			
Part H – Custom Services			
•		AL PARTNERSHIP, A SIGNATURE IS REQUIRED FO	· · · · · · · · · · · · · · · · · · ·
formation will result in forfeiture of pay	ments and may result in the as.	rting documentation is true and correct. I understand sessment of a penalty. I will timely provide written no	tification to the Farm
rvice Agency committees for the county	and State listed on this form of	f any changes in this farming operation. By signing th	is form I acknowledge that:
all supporting documentation has been.	submitted as required		
	initions and requirements on P	age 6 of this form	
I have reviewed and understand all def all information will be considered in e	ffect continuously unless chang	es or revisions are submitted.	t limited to: the composition
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far	ffect continuously unless chang SA in writing of any changes th		
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified	ffect continuously unless chang SA in writing of any changes th ming, ranching or forestry ope public accountant's certificatio	tes or revisions are submitted. hat may affect these representations, including, but no ration of the entity identified in Part A; financial statu n, or other documentation may be required to validate	us of the entity identified in
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified will take all necessary actions to provide	ffect continuously unless chang SA in writing of any changes th ming, ranching or forestry ope public accountant's certificatio le such materials to the applica	es or revisions are submitted. hat may affect these representations, including, but no. pration of the entity identified in Part A; financial statu	us of the entity identified in e these representations and I
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified will take all necessary actions to provide	ffect continuously unless chang SA in writing of any changes th ming, ranching or forestry ope public accountant's certificatio le such materials to the applica	tes or revisions are submitted. hat may affect these representations, including, but no. ration of the entity identified in Part A; financial statu n, or other documentation may be required to validate uble State or county committee if requested by FSA	us of the entity identified in e these representations and I
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified, will take all necessary actions to provid it is my responsibility to timely notify F member or shareholder.	ffect continuously unless chang SA in writing of any changes th ming, ranching or forestry ope public accountant's certificatio le such materials to the applica	yes or revisions are submitted. iat may affect these representations, including, but no- irration of the entity identified in Part A; financial statu- n, or other documentation may be required to validate ible State or county committee if requested by FSA s who acquire an interest in this farming operation as	us of the entity identified in e these representations and I s the result of the death of a
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I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified will take all necessary actions to provide it is my responsibility to timely notify F member or shareholder. 1. Signature (By) (avier Salas) OTE: The primary authority for requesting a Additionally, the authority for request determining eligibility for program benefine ineligibility for program benefine ineligibility for program benefine	ffect continuously unless chang SA in writing of any changes if ming, ranching or forestry ope public accountant's certificatio le such materials to the applica SA in writing of any successor. Execu- and safeguarding the information de- ing this information is 7 CFR Part 14 refas. Furnishing the requested info is and other financial assistance ad thorized USD cooperators who are	es or revisions are submitted. at may affect these representations, including, but no. aration of the entity identified in Part A; financial statu- n, or other documentation may be required to validate ble State or county committee if requested by FSA s who acquire an interest in this farming operation as 2. Title/Relationship of Individual Signing in the Representative Capacity stilee Director scribed on this form is the Food. Conservation, and Energy Act 00 and 7 CFR Part 1410. The information requested is necess rmation is voluntary. Failure to furnish the requested information ministered by USDA. The information collected as a result of this often of the often often of the often of the often often of the often often of the often of the often of the often often of the often often of the often often of the often often of the often often of the often often often often of the often often often often of the often often of the often often often often often of the often often often often often often often often of the often of	us of the entity identified in e these representations and I s the result of the death of a 3. Date (MM-DD-YYYY) 4/09/8009 6/008 (Pub. L 110-246). sary for CCC to assist in on will result in a determination of s form may be released to USDA
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified j will take all necessary actions to provie it is my responsibility to timely notify F member or shareholder. 1. Signature (By) Xavier Salas	ffect continuously unless chang SA in writing of any changes if ming, ranching or forestry ope public accountant's certificatio le such materials to the applica SA in writing of any successor. SA in writing of any successor Execu- and safeguarding the information de- ing this information is 7 CFR Part information is 7 CFR Part effs. Furnishing the requested info ts and other financial assistance add thorized USDA cooperators who are overmment Act of 2002, and related add from the Papenvork Reduction Act	ees or revisions are submitted. In any affect these representations, including, but no- paration of the entity identified in Part A; financial statu- n, or other documentation may be required to validate tible State or county committee if requested by FSA s who acquire an interest in this farming operation as 2. Title/Relationship of Individual Signing in the Representative Capacity stribe Director scribed on this form is the Food, Conservation, and Energy Act 00 and 7 CFR Part 1410. The information requested is necess ministered by USDA. The information collected as a result of this bound to safeguard the information under Section 1619 of the authorities. rt, as is required for the administration of the Food, Conservation	us of the entity identified in e these representations and I s the result of the death of a 3. Date (MM-DD-YYYY) 4(09)8009 5072008 (Pub. L 110-246). Sary for CCC to assist in on will result in a determination of is form may be released to USDA Food, Conservation, and Energy on, and Energy Act of 2008 (Pub.
I have reviewed and understand all def all information will be considered in e it is my responsibility to timely notify F of the entity identified in Part A; the far Part A. evidence such as tax records, certified j will take all necessary actions to provie it is my responsibility to timely notify F member or shareholder. 1. Signature (By) Xavier Salas	ffect continuously unless chang SA in writing of any changes if ming, ranching or forestry ope public accountant's certificatio le such materials to the applica SA in writing of any successor. SA in writing of any successor. Execu- se and safeguarding the information de- ing this information is 7 CFR Part 14 refts. Furnishing the requested info thorized USDA cooperators who are overnment Act of 2002, and related Activation). The provisions of criminal	es or revisions are submitted. In any affect these representations, including, but no- irration of the entity identified in Part A; financial statu- n, or other documentation may be required to validate bile State or county committee if requested by FSA is who acquire an interest in this farming operation as 2. Title/Relationship of Individual Signing in the Representative Capacity etice Director Scribed on this form is the Food, Conservation, and Energy Act 00 and 7 CFR Part 1410. The information requested is necess rmation is voluntary. Failure to furnish the requested informative inistered by USDA. The information collected as a result of thin bound to safeguard the information under Section 1619 of the authorities. rt, as is required for the administration of the Food, Conservation be the applicable to the conservation of the Food, Conservation of the Food, Conservation for the same applicable to the authorities.	us of the entity identified in e these representations and I s the result of the death of a 3. Date (MM-DD-YYYY) 4(09)8009 5072008 (Pub. L 110-246). Sary for CCC to assist in on will result in a determination of is form may be released to USDA Food, Conservation, and Energy on, and Energy Act of 2008 (Pub.

B Example CCC-902E (Continued)

C	ccc	-902 E (03-26-09)	DEFINITIONS	Page 6 of 6
1	The f	following definitions apply to Form CCC-902E.		
1		ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipment, or land, or combination thereof to the farming operation; and 2) significant contributions of active personal labor or active personal management, or a combination thereof, to the farming operation as described. Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity to be actively engaged in farming operations of the person or legal entity sclaimed share of the profit and loss of the farming operation. Failure to meet these requirements will result in the determination of ineligibility for payments under programs specified in 7 CFR Part 1400.		as described. al entity must be
2		INTEREST IN A FARMING OPERATION – a person or legal entity is considered to have an interest in a particular farming operation if the person or legal entity owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on the operation; or is a member of a joint operation that either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced on that operation.		
3		JOINT OPERATION - is a general partnership, joint ventu	ure, or similar organization.	
4		PERSON - is a natural person (an individual) and does not	include a legal entity.	
5		personally providing physical activities necessary to conduc	b be providing active personal labor with respect to a farming operation if that person is din t the farming operation, including land preparation, planting, cultivating, harvesting, and n alifying physical activities include establishing and maintaining conserving covers and the operation.	narketing of
6	i.		nsidered to be providing active personal management with respect to a farming operation i d direction of activities and labor involved in the farming operation; or providing services ary to the farming operation.	
7	r.	farming activities. To be considered a countable contributio distinct from that of any other person or entity involved in su	ing provided by a person or legal entity to the farming operation in order for such operatio on for a person or legal entity, the capital must have been derived from a fund or account se uch operation. Countable capital does not include the value of any labor or management w may be a direct out-of-pocket input of a specified sum or an amount borrowed by the pers	parate and hich is
8	.		the provision of land, capital or equipment assets, and providing active personal labor, or e expectation of, deriving benefits based solely on the success of the farming operation.	active personal
9		CUSTOM SERVICES – with respect to a farming operation perform services for the farming operation in exchange for the farming operation in exchange for the farming operation in exchange for the farming operation of the farming operation in exchange for the farm	on is the hiring of a contractor or vendor that is in the business of providing such specialize the payment of a fee for such services performed.	d services to
1	0.		bility company, association, limited partnership, limited liability partnership, irrevocable t ration including any such organization participating in the farming operation as a partner ir scable trust, or as a participant in a similar organization.	
1	1.		machinery and implements needed by the farming operation to conduct activities of the far ration, planting, cultivating, harvesting or marketing of the crops produced by the farming to establish and maintain conserving covers.	
1	2.	FAMILY MEMBER – a person is considered to be a famil ancestor, lineal descendant, sibling, spouse, or otherwise by	y member of another person in the farming operation of that person is related to the other a marriage.	as a lineal
1	3.	FARMING ENTITY - is the entity, including a combination	on of entities, conducting a farming operation at one or more locations.	
1	4.	FARMING OPERATION - is a business enterprise engage which is eligible to receive payments, directly or indirectly.	ed in the production of agricultural products which is operated by a person or formal or inf	formal entity
1	5.	LAND – with a respect to a contribution to a farming operat requirements of the applicable program for which payments	tion is agricultural land consisting of cropland, pastureland, wetland, or rangeland which m or benefits are sought.	eets the specific
1	6.	corporate meeting minutes; stock certificates; organizational	n that supports the relevant representations made such as, but not limited to: articles of inc l papers; trust agreement; last will or testament or a deceased individual; affidavit of heirsh lease agreement; purchase agreement; land deed; lending security agreement; and financia	ip approved by
1	7.	All other terms utilized in this form shall be defined pursuan	nt to 7 CFR Part 1400.	
				*

123-125 (Reserved)

126 Actively Engaged in Farming Determinations

A Rule [7 CFR 1400.201]

A person shall be considered to be actively engaged in farming if **all** of the requirements in this table are met.

Item	Requirement		
1	The person makes a significant contribution to the farming operation of both of the		
	following:		
	• capital, equipment, land, or a combination thereof		
	• active personal labor, active personal management, or a combination thereof.		
2	The person's share of the profits or losses from the farming operation is		
	commensurate with the person's contribution to the farming operation.		
3	The person's contributions are at risk.		

B Other Participants That Use This Rule

This rule also applies to a person who is a:

- partner in a general partnership
- participant in a joint venture.

C Military Personnel

[7 CFR 1400.213] COC may determine a person who is called to active duty in the military during the program year actively engaged in farming according to this table.

IF the person is called to active	
duty in the military	THEN COC
before the determination is made	must determine that the person was making a conscious
	effort to be, and would have been determined to be,
	actively engaged in farming if not for being called to
	active duty in the military.
after the determination is made	shall allow the determination to be in effect for the
	program year.

127 Sharecroppers

A Rule [7 CFR 1400.209]

A sharecropper shall be considered actively engaged in farming if **all** of the requirements in this table are met.

Item	Requirement		
1	The sharecropper makes a significant contribution of active personal labor to the		
	farming operation for which the sharecropper receives a specified share of the		
	crop produced on the farm.		
2	The sharecropper's share of the profits or losses from the farming operation is		
	commensurate with the contribution to the operation.		
3	The sharecropper's contributions are at risk.		

Note: To be considered actively engaged in farming under this provision, the person may:

- **not** receive wages for labor and be considered a sharecropper for this purpose
- be provided housing and "draw" cash advances to be deducted later from proceeds of the crop.

B Example

Situation: Person Y provides labor for Landowner Z on 500 acres of rice in exchange for a share of the crop. Person Y **only** contributes active personal labor to the farming operation and receives a cash advance that will be set off from the proceeds of the crop after harvest. Landowner Z provides Person Y with housing.

Determination: Person Y is considered to be actively engaged in farming since Person Y is a sharecropper and the requirements in subparagraph A are met. Landowner Z is considered to be actively engaged in farming since Landowner Z is a landowner.

128 Incapacitated Persons

A Introduction

This paragraph describes the requirements for a person who dies or becomes incapacitated during the program year to be determined actively engaged in farming,

B Rule [7 CFR 1400.210]

COC may determine a person who dies or becomes incapacitated during the program year actively engaged in farming according to this table.

IF the person dies or	
becomes incapacitated	THEN COC
before the determination is	must determine that the person would have been determined
made	to be, actively engaged in farming, if not for the person's
	death or incapacitation.
after the determination is	shall allow the determination to be in effect for the program
made	year.

Notes: This rule is also applicable to an entity if COC determines that the person who died or who became incapacitated would have qualified the legal entity as actively engaged in farming,

The following year, the person, the person's estate, or the legal entity, as applicable, **must** meet all of the necessary requirements to be actively engaged in farming for that year.

129 Case Examples

A Example 1

Situation: Person Z rents 1,500 acres of land on a share-rent basis. Person Z owns the equipment and contributes at least 50 percent of the commensurate share of active personal labor and contributes 100 percent of the farming operation's management. In this situation, Person Z's share of the profits or losses from the farming operation is commensurate with Person Z's contributions to the operation and the contributions are at risk.

Determination: Person A is considered to be actively engaged in farming,

B Example 2

Situation: Person A rents land on a share-rent basis. Person A contributes a significant amount of leased equipment and a significant amount of active personal management to the farming operation. Capital is borrowed from another producer on the farm at the prevailing interest rate. The labor needed for Person Z's farming operation is hired. Person A's share of the profits or losses from the farming operation is commensurate with person A's contribution to the operation and the contributions are at risk.

Determination: Person A is considered to be actively engaged in farming since Person A contributes a significant amount of both equipment and active personal management. A contribution of capital, equipment, or land is used to meet the significant contribution.

*--130 Completing CCC-902I

A Instructions for Completing CCC-902I--*

Complete CCC-902I according to this table.

Item	Instruc	tion				
1	Enter name of the control county for the ind	dividual.				
2	Enter name of the State where this individu		their farming operation.			
3	Enter program/crop year for which the information for this farming operation is					
	being provided. Go to Part A.					
Part A						
1	Enter name and address, including ZIP Cod	le, of the inc	lividual.			
	If the individual conducts business using an	n assumed n	ame, include the assumed			
	name. (Example: John Doe, dba John Doe	e Grain Farn	ns.)			
2	Enter TIN of the individual. Go to Part B.					
	Note: If complete TIN is on file, only the	last 4 digits	are required .			
Part B			1			
1	IF the individual in Part A is		THEN CHECK (✓)			
	a U.S. citizen		"Yes" and go to item 4A.			
	not a U.S. citizen		"No" and go to item 2.			
2	an alien lawfully admitted to the U.S. and I	-551 was	"Yes".			
	presented					
	not a U.S. citizen and 1-551 was not presen	nted	" No ".			
FSA	FSA shall CHECK (✓) "Yes" or "No", ind	icating that	I-551 was presented.			
Only						
	Note: If the individual in Part A in not a U.S. citizen and I-551 was not					
	presented, the individual will be considered a foreign person for payment					
	eligibility and payment limitation purposes.					
4A		THEN CHE				
		No" and go				
			o to item 4 B.			
4B	If individual in Part A was younger than 18	B years of ag	e on June 1 of the*			
	program year, enter date of birth.					

Item	Instruction					
5	If individual in Part A was a minor, provide the following in	nformation about				
	the individual's parent or legal guardian.					
А	Parent's or guardian's name.					
В	Parent's or guardian's address.					
C	Last 4 digits of the parent's or guardian's TIN.					
	Note: If complete TIN is on file, only the last 4 digits are i	required.				
D	If individual in Part A is a minor, CHECK (\checkmark) "Yes" or "N whether the individual in Part A maintains a separate house parent or guardian.	hold from their				
6 A through D	If individual in Part A is a minor, provide the following info parent or guardian's interest in farming operations:	ormation about the				
	A parent's or guardian's name					
	B name of parent's or guardian's farming interest					
	 C last 4 digits of the parent's or guardian's TIN Note: If complete TIN is on file, only the last 4 digits a D county/State where the farming interest is located. 	-				
7	IF	THEN				
	neither the individual in Part A, the individual's spouse, or the individual's minor children have interest in a farming operation conducted under another name	CHECK (\checkmark) "N/A" and go to Part C.				
	individual in Part A, the individual's spouse, or the individual's minor children have interest in a farming operation conducted under a name other than the name listed in Part A	provide the following information.				
А	Name of the farming interest.					
В	Indicate if the interest is the individual, the individual's spo individual's minor children.	use or the				
С	Last 4 digits of the parent's or guardian's TIN					
	Note: If complete TIN is on file, only the last 4 digits are I	required.				
D	County/State where the farming interest is located; go to Pa	rt C.				

130 Completing CCC-902I (Continued)

Item	Instruction					
Individual's	Enter name of the individual in Part A at the top of the page.					
Name						
Part C						
1	Enter the following information for all land that is operated by	the individual in				
	Part A.					
А	Farm number.					
В	State and county where located.					
С	CHECK (\checkmark) applicable box to show whether land is owned, le	eased to someone,				
	or leased from someone.					
D	Name of the individual, entity, or joint operation to whom or f	rom whom the				
	land is leased.					
E	Acres owned or rented on the farm.					
F	If the land is:					
	<i>".</i>					
	•*share leased, enter "share" (optional to enter the percentag	e that represents				
	the share of the individual identified in Part A)					
	• cash leased, enter the following:					
	• "aask" if the land is each laged from an unrelated indi	ridual an antitu				
	• "cash" if the land is cash leased from an unrelated indi	vidual or entity				
	• the rental rate in \$ per acre if the land is cash leased from	om on individual				
	• the rental rate in \$ per acte if the rand is cash leased if or entity that has an interest in the crop or crop proceed					
G	CHECK (\checkmark) box if same land interest was held last year.	us (optional)				
Part D	If individual in Part A owns all of the land in this farming oper	ration as listed in				
	Part C, then proceed directly to Part I.	ation as instea in				
1	CHECK (\checkmark) all sources of capital for the individual in Part A	that apply If				
1	"Other" is checked (\checkmark), specify.	ina appiy. II				
2		THEN				
	IF individual in Part A	CHECK (✔)				
	acquired any contributions of capital, equipment, or land	"Yes" and go to				
	through loans or credit arrangement	item 3.				
	did not acquire any contributions of capital, equipment, or	"No" and go to				
	land through loans or credit arrangement	Part E.				
3	used loans or credit to finance this farming operation, or to	"Yes" and				
	acquire/purchase land or equipment, and such financing was	complete				
	acquired from, guaranteed by, co-signed by, or secured by an	items 3A through				
	individual, joint operation, or entity with an interest in the	3E.				
	farming operation					
4	used loans or credit to finance this farming operation, or to	"No" and go to				
	acquire/purchase land or equipment, and such financing was	Part E.				
	not acquired from, guaranteed by, co-signed by, or secured					
	by any other individual, joint operation, or entity					

T4 area	T						
Item	Instruction						
Part E	All percentages are based on annual rental values.						
1	Enter percent of all equipment used in this farming operation that is owned by the individual in Part A.						
	If no equipment used in this farming operation is owned by the entity or joint operation in Part A, enter " 0% ".						
2A through 2C	Enter information for all equipment used in the farming operation that is leased						
	A percent of total equipment used in the farming operationB name of the party or entity from whom equipment is leasedC type of equipment leased.						
	If leased equipment is not used in this farming operation, Part F.	enter "0%" and go to					
2D	If individual in Part A leased equipment, indicate whether leased from an individual or entity that has an interest in t the joint operation or entity in Part A.						
	IF the equipment was	THEN CHECK (✓)					
	leased from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A	"Yes" and go to item 3.					
	not leased from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A "No" and go to Part F.						
3	If individual in Part A leased equipment from an individu interest in the farming operation of the individual in Part agreements may be required for compliance purposes. Go	A, copies of lease					

Item	Inst	truction	1		
Individual's	Enter name of the individual in Part				
Name					
Part F					
1	Using custom services by the individual in Part A does not apply:				
	- to complete for shoring land forti	liner and i action			
	• to services for chemical and ferti	nzer application			
	• to harvesting crops if all the lead in the forming oper	uction is arrend			
	• if all the land in the farming oper				
	IF custom farming services will not be used in this operation	*"No" and go to Par			
	1	Ŭ			
	be used in the farming operation	"Yes" and complete it through 1D*			
1A	Type of custom service, including bu		, planting,		
	cultivating, chemical application, ins				
1B	Farm numbers the service will be ap		-		
1C	Total number of acres for which cust		ed.		
1D	Name of the custom farming service	provider. Go to Part I.			
Part I					
1	Enter percentage or number of hours	1			
	farming operation in Part A by famil		s for which		
	payment is not issued and is not owe	ed.			
2A	TE		THEN		
	IF	na ananation in Dant A	CHECK (✓)		
	none of the hired labor for the farmin	• •	"No".		
	originated from the source of leased		"Yes".		
	any of the hired labor for the farming originated from the source of leased		ies.		
	originated from the source of leased	equipilient în Fait O			
	Note: Acceptable documentation of	equipment lease and			
	hired labor agreements may l				
	compliance purposes.				
2B	none of the hired labor for the farmin	ng operation in Part A	"No".		
_	was included in the custom services				
	any of the hired labor for the farming		"Yes".		
	was included in the custom services				
	Note: Acceptable documentation of	f equipment lease and			
	hired labor agreements may b	be required for			
	compliance purposes.				

Item	Instruction	
Individual's	Enter name of the individual in Part A at the top of the page	
Name		
Part G		
1	Enter percentage or number of hours of active personal labo	
	in Part A will personally provide to the farming operation of	
	Part A. If the individual in Part A will provide 1,000 hours " 1,000 " hours.	or more, enter
		THEN
	IF	CHECK (✓)
2A	none of the hired labor for the farming operation in Part A	" No ".
	originated from the source of leased equipment in Part E	
	any of the hired labor for the farming operation in Part A	"Yes".
	originated from the source of leased equipment in Part E	
	Note: Acceptable documentation of equipment lease and	
	hired labor agreements may be required for	
	compliance purposes.	
2B	none of the hired labor for the farming operation in Part A	"No" and go to
	was included in the custom services shown in Part F	Part H.
	any of the hired labor for the farming operation in Part A	"Yes" and go to
	was included in the custom services shown in Part F	Part H.
	Note: Acceptable documentation of equipment lease and	
	hired labor agreements may be required for	
	compliance purposes.	

Item	Instruction
Part H	The total percentage shown in items 1A, 2A, and 3A must equal 100%.
1A	Enter estimated percent of active personal management the individual in Part A personally provides to the farming operation.
1B	Provide a brief description of the type of management duties the individual in Part A performs.
2A	Enter estimated percent of hired management used by the farming operation of the individual in Part A.
2B	Briefly describe the type of management duties someone else is hired to perform for the farming operation of the individual in Part A.
3A	Enter estimated percent of other management used by the farming operation of the individual in Part A.
3B	List any other person providing management without compensation for the farming operation of the individual in Part A. Briefly describe the management provided.
Part I	
1	The individual in Part A, or an authorized representative of the individual in Part A, shall sign the certification.
2	If individual in Part A signs the document, this field should be left blank.
	If an authorized representative for the individual in Part A signs this document,
	use this field to show the individual's representative capacity. (For example, "agent" or "attorney-in-fact.")
3	Enter date CCC-902I was signed.

B Example CCC-902I

Following is an example of a completed CCC-902I.

	orm is available electronically. C-902I U.S. DEPAR		F AGRICULTURE		1	I. County	(See Page 4 fo	r Privacy Act Statemen 3. Program Year
(02-07			t Corporation		0	Coahoma		
	FARM OPERATIN 2009 and Sul		N FOR AN IN ent Program `			2. State Mississippi		2011
This fo one or directi entities operat eligibil	actively engaged in farming" and orm is to be completed by, or on beha- ronce programs that are subject to th ty using the social security number is s must complete a CC-902E if they tion such as land, capital, equipment, lity and limitation of payments by dire ZT A – BASIC INFORMA	alf of, an in he regulati lentified in are reque labor, and ct attributi	dividual who is seekin ons at 7 CFR Part 140 Part A. This form also sting program benefits I management by the i	g benefits fro 0. This form () collects info . Payment e	om the Farm Service A collects farming and of ormation about entities eligibility for the individu	ther information ab engaged in farmir ial is based upon t	out the individual who re ig in which the individual he contribution level of c	eceives program benefits I has an interest. Such ertain inputs to a farming
Ima 437	dividual's Name and Address (/r Farmer Levee Lane phenville, MS 72222	nclude Zi _l	o Code)				security number	Number (If the social or taxpayer ID number e last 4 digits are
								LX1X
1. <u>Is</u> i	T B - ADDITIONAL INFORM this individual a U.S. citizen? YES. Go to Item 4A NO. Go to Item 2		Is this individual an		Illy admitted into the dent Alien Card (I-5			FSA USE ONLY (Was Card, I-551 shown?)
	4A. Is this individual under 18 y			he program ontinue with		ed in Item 3?	4B. Enter Date of	Birth <i>(MM-DD-YYYY)</i>
	5. Enter the name, address, ar	nd social	security number of	parent or g	uardian:		1	
-	A. Parent's or Guardian's Nar	me	P	arent's or G	B. Guardian's Address		Guardian (If the so taxpayer ID number	C. Number of Parent or ocial security number of or is on file, only the las are required)
MINORS	D. Does this individual maintai 6. List the direct and indirect in A. Parent's or Guardian's Name	iterests ii		ons of this i	<u> </u>	mber of Interest urity number or nber is on file, 4 digits are		D. ate Where Farming t is Located
	Other Farming Interests: Comple and for any farming interests of a		•	ć	ding joint operations A, Go to Part C.	s, in which the in	dividual identified in I	Part A has an interest,
c	A	Whose I Self	B. Farming Interest? Spouse Minor Child	(l taxµ	C. ID Number of Farm If the social security payer ID number is e last four digits are	number or on file only		D. ate Where Farming t is Located

B Example CCC-902I (Continued)

*--

(County and State) Land is Leased to and/or From inclusion and outcomes and inclusions and outcomes and inclusions and inclusions and inclusions and inclusions and inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last year inclusions and its of Crop interest was last and was last of Crop interest was last year inclusions and its of Crop interest was last and was last of Crop interest was last was last of Crop interest in the forming operation in the forming operation. (Crop in the individual identified in Part A, then proceed directly to Part L Visthe of Contri					Only in	clude	information for the individual ider	tified in Part A. D	o not include	information for
If land is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in Nacre Column F; otherwise entity "cash." Parm No. B. Boation (County and State) Interest was in the crop of the construction of construction of the construction	, ,		a in r art D, iten	17.						
A B C D D E F G C Farm No. (County and State) Oneck As Applicable Name of Individual of Entity Whom Land is Leased to and/or Finity Land Land Land Land Land Land Land Land	h	f land is casl	h leased from a	an indi	vidual o	r enti				
1147 Coahoma, MS Image: Coahoma, MS	Α.	Lo	B. cation	Check	C. As Applie	cable	Name of Individual or Entity Whom Land is Leased to and/or From (Includes names of landowners and	Acres Owned	Rental Rate \$ per Acre or % of Crop	Check here if same land interest was hele
arrain and a state of a	1147	Coahoma, M	S	\boxtimes			,	304.2	Offare	
2973 Coahoma, MS Ima Farmer Sr. 33.0 cash 4212 Coahoma, MS Ima Farmer Sr. 33.0 cash Ima Farmer Sr.	4213	Coahoma, M	s					166.2		
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Image: Section of the section of th	4212	Coahoma, M	S	Π		-	Ima Farmer Sr.	33.0	cash	
ART D - CAPITAL SOURCES and USES Indicate the source of all farming capital for the individual identified in Part A for the farms listed in Part C. (Check all that apply.) Non-borrowed capital Private loans/credit FSA program payments Commercial loans/credit Other:						$\overline{\Box}$				
ART D - CAPITAL SOURCES and USES Indicate the source of all farming capital for the individual identified in Part A for the farms listed in Part C. (Check all that apply.) Non-borrowed capital Private loans/credit FSA program payments Commercial loans/credit Other:						F				
Indicate the source of all farming capital for the individual identified in Part A for the farms listed in Part C. (Check all that apply.) Non-borrowed capital Private loansicredit FSA program payments Commercial loansicredit Other: Will contributions of capital, farming equipment or land be acquired as a result of a loan or credit arrangement? Image: Commercial indensity of the individual or entity that has an interest in the farming operation or radit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation indensity of the individual or or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation indensity of the individual or or another ferant.) YES. Complete Items 3A through 3E No. Go to Part E. Type of Contribution Name of Loan or Credit Source C Guarantor's Name Credit Source or Guarantor's Affiliation or Interest in the Farming Operation Percent of Total Capita I all land listed in Part C Is owned by the individual identified in Part A, then proceed directly to Part I. Commercial in Part C Is owned by the individual specified in Part A does not own any of the equipment used on the farms listed in Part I If endividual specified in Part A does not own any of the equipment used on the farms listed in Part If leased equipment is not used in this farming operation, enter 0%. Does the Party/Entity the equipment is lease from have an interest in this farming operation, enter 0%. A	or additiona	al space for land	d, complete CCC-	-902 Co	ntinuatior	n and a	attach to this form. Check here	if attached.		
Indicate the source of all farming capital for the individual identified in Part A for the farms listed in Part C. (Check all that apply.) Non-borrowed capital Private loans/credit S FSA program payments Commercial loans/credit Dther: Will contributions of capital, farming equipment or land be acquired as a result of a loan or credit arrangement? Will contributions of capital, farming equipment or land be acquired as a result of a loan or credit arrangement? YES go to Item 3 No go to Part E Will such loan or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operatidentified in Part A? (Such interest may be as a landowner or another fernant.) YES. Complete Items 3A through 3E No. Go to Part E. Type of Contribution Name of Loan or Credit Source C C C C C C C C C C C C C C C C C C C		•	· ·							
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Commercial loans/credit Other: Will contributions of capital, farming equipment or land be acquired as a result of a loan or credit arrangement? YES go to item 3 NO go to Part E Will such loan or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation identified in Part A? (Such interest may be as a landowner or another tenant.) YES. Complete items 3A through 3E NO. Go to Part E. Type of Contribution Name of Loan or Credit Source C Guarantor's Name Credit Source or Guarantor's Affiliation or interest in the Farming Operation Percent of Total Capital Farming Operation f all land listed in Part C is owned by the individual identified in Part A, then proceed directly to Part I. A Art E - EQUIPMENT (All percentages are based on annual rental values.) Image: Comment on the farming operation or file individual identified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A does not own any of the equipment used in the farming operation, enter 0%. Are cont of Total Equipment is not used in this farming operation, enter 0%. Image: Comment of the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part M does not own any of the equipment seas from have an interest in this farming operatio	7								арріу.)	
Will contributions of capital, farming equipment or land be acquired as a result of a loan or credit arrangement? YES go to item 3 NO go to Part E Will such loan or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation identified in Part A? (Such interest may be as a landowner or another tenant.) YES. Complete items 3A through 3E NO. Go to Part E. Type of Contribution Name of Loan or Credit Source Guarantor's Name A B C. D I all land listed in Part C is owned by the individual identified in Part A, then proceed directly to Part I. Entry of Contribution Ara E - EQUIPMENT (All percentages are based on annual rental values.) Owned Equipment: Entry of the individual identified in Part A does not own any of the equipment used in the farming operation, enter 0%. Owned Equipment: Entry of Contribution for ALL leased equipment is not used in this farming operation, enter 0%. Image: Description of the equipment is leased from have an interest in this farming operation, enter 0%. Leased Equipment: Entry the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I is a may operation, enter 0%. Does the Party/Entity the equipment is leased from have an interest in this farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used	-		=		ns/credit		K FSA program payments			
YES go to item 3 NO go to Part E Will such loan or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation identified in Part A? (Such interest may be as a landowner or another tenant.) YES. Complete Items 3A through 3E NO. Go to Part E. A Type of Contribution Name of Loan or Credit Source Guarantor's Name Credit Source or Guarantor's Affiliation or Interest in the Farming Operation Percent of Total Capite f all land listed in Part C is owned by the individual identified in Part A, then proceed directly to Part I. ART E - EQUIPMENT (All percentages are based on annual rental values.) Image: Complete items is not used in this farming operation Image: Complete items is not used in this farming operation Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A does not own any of the equipment used in the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farms listed in Part I. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part (I leased equipment is leased from have an interest in this farming operation, enter 0%. A. B. C. Does the Party/Entity the equipment is leased for the another anning operation, enter 0%. 4. Image: Complete in this farming operatin on, enter 0%. Does the Party/E	_			_	and he a	quiror	d as a result of a loan or credit arrang	omont?		
Will such loan or credit be acquired from, guaranteed by, co-signed by, or secured by another individual or entity that has an interest in the farming operation identified in Part A? (Such interest may be as a landowner or another tenant.) YES. Complete Items 3A through 3E NO. Go to Part E. Type of Contribution Name of Loan or Credit Source C D. Guarantor's Name Credit Source or Guarantor's Affiliation or Interest in the Farming Operation Ferent of Affiliation or Interest in the Farming Operation Ferent of Total Capits f all land listed in Part C is owned by the individual identified in Part A, then proceed directly to Part I. ART E - EQUIPMENT (All percentages are based on annual rental values.) 10 Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A does not own any of the equipment used in the farming operation, enter 0%. 10 Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I fleased equipment is not used in this farming operation, enter 0%. 10 A. B. C. D. Does the Party/Entity the equipment is leasef form have an interest in this farming operation, enter 0%. 10 Sector of Total Equipment Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is leasef form have an interest in this farming operation, enter 0%. 10	_		ii, iarming equipm	ient or i	_			ement?		
identified in Part A? (Such interest may be as a landowner or another tenant.) YES. Complete Items 3A through 3E NO. Go to Part E. Type of Contribution Name of Loan or Credit Source Guarantor's Name Credit Source or Guarantor's Affiliation or Interest in the Farming Operation Percent of Total Capita <i>A</i> tail land listed in Part C is owned by the individual identified in Part A, then proceed directly to Part I. Art E = EQUIPMENT (All percentages are based on annual rental Values.) Image: Complete in the farming operation Image: Complete in the farming operation Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A does not own any of the equipment used on the farms listed in Part C?. If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Image: Complete individual identified in Part A on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I. A. B. C. Does the Party/Entity the equipment is lease from have an interest in this farming operation, enter 0%. A. B. C. Does the Party/Entity the equipment is lease from have an interest in this farming operation of the start of the start in the farming operation of the start is the starming operatindividual identify Equipment is lease from		<u> </u>				-				
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A B C. D E Type of Contribution Name of Loan or Credit Source Guarantor's Name Credit Source or Guarantor's Affiliation or Interest in the Farming Operation Percent of Total Capits Image: transmission of the transmissis transmission of the transmi		Complete Ite	me 3A through 3E	=		Go	to Part E			
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ART E - EQUIPMENT (All percentages are based on annual rental values.) Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A that will be used on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I fleased equipment is not used in this farming operation, enter 0%. A. B. C. D. Vised by the Individual Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is lease from have an interest in this farming operation % YES NO % YES NO		ntribution			lit Source			Credit Source o Affiliation or In	terest in the	Percent of Total Capital
ART E - EQUIPMENT (All percentages are based on annual rental values.) Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A that will be used on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I fleased equipment is not used in this farming operation, enter 0%. A. B. C. D. Vised by the Individual Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is lease from have an interest in this farming operation % YES NO % YES NO										
ART E - EQUIPMENT (All percentages are based on annual rental values.) Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A that will be used on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I fleased equipment is not used in this farming operation, enter 0%. A. B. C. D. ercent of Total Equipment Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is lease from have an interest in this farming operation %										c
ART E - EQUIPMENT (All percentages are based on annual rental values.) Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A that will be used on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%. Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part I fleased equipment is not used in this farming operation, enter 0%. A. B. C. D. ercent of Total Equipment Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is lease from have an interest in this farming operation %					al identi					
Owned Equipment: Enter the percent of ALL equipment owned by the individual identified in Part A that will be used on the farms listed in Part C? If the individual specified in Part A does not own any of the equipment used in the farming operation, enter 0%.	f all land lis	ted in Part C i	s owned by the i	individi		fiad ir	Part A then proceed directly to P	art l		
Leased Equipment: Enter the following information for ALL leased equipment to be used by the individual identified in Part A on the farms listed in Part If leased equipment is not used in this farming operation, enter 0%. A. B. C. D. vertext of Total Equipment Name of Party/Entity Equipment is Leased From Type of Equipment Leased Does the Party/Entity the equipment is lease from have an interest in this farming operation. % YES No % YES No % YES No			-				· · · · · ·	art I.		
ercent of Total Equipment Name of Party/Entity Equipment is Type of Equipment Leased Does the Party/Entity the equipment is leased from have an interest in this farming operation %	ART E - E	QUIPMENT (quipment: Ent list	(All percentage er the percent of <i>i</i> ed in Part C? If th	es are i ALL equine indivi	<i>based o</i> uipment o	n ann wned	ual rental values.) by the individual identified in Part A tl	nat will be used on		100
% YES %	ART E - E Owned Ed Leased Ed	QUIPMENT (quipment: Ent list op quipment: Ent If le	All percentage er the percent of a ed in Part C? If the eration, enter 0%. ter the following in	es are i ALL equ ne indivi nformati is not us	based o uipment o idual spec	n ann wned cified in L lease	by the individual identified in Part A the individual identified in Part A the near A does not own any of the equed equipment to be used by the indiving operation, enter 0%.	nat will be used on lipment used in the	farming art A on the farm	
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Lease agreements: If Item 2D is "YES," copies of lease agreement and documentation may be required for compliance purposes. GO TO Part F.	ART E - E Owned E Leased E	QUIPMENT quipment: Ent list opi quipment: En if le A. tal Equipment e Individual %	All percentage er the percent of <i>i</i> ed in Part C? If the eration, enter 0%. ter the following in eased equipment in Name of Party.	es are i ALL equ ne indivi is not u B. /Entity E	based o uipment o idual spec on for AL sed in this Equipmen	n ann wned cified i L lease s farmi	by the individual identified in Part A the individual identified in Part A the art A the art A does not own any of the equed equipment to be used by the indiving operation, enter 0%.	nat will be used on lipment used in the dual identified in P Does the Pa	art A on the farm D. rty/Entity the equ n interest in this YES	uipment is leased farming operation'
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	ARTE - E Owned Ed Leased E ercent of To Used by th	QUIPMENT quipment: Ent list opi quipment: En If le tal Equipment e Individual % %	All percentage er the percent of <i>i</i> ed in Part C? If the ration, enter 0%. ter the following in pased equipment in Name of Party, Lear	es are i ALL equ no indivi is not us B. /Entity E sed Fro	based o uipment o idual spec on for AL sed in this Equipmen m	n ann wned cified in L lease s farmi t is	by the individual identified in Part A the n Part A does not own any of the equ ed equipment to be used by the indiving operation, enter 0%. C. Type of Equipment Leased	at will be used on lipment used in the dual identified in P Does the Pa from have a	farming art A on the farm D. rty/Entity the equ in interest in this YES YES YES YES YES	Is listed in Part C.
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B Example CCC-902I (Continued)

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. Will custom services be utilized by the ind ☑ NO. Go to Part G	ES, complete Items 1A through 1	D of this f urt.		
A. Type of Services	B. Farm Number(s)	C. Number of Acres	Nam	D. le of Provider
PART G – LABOR For the farms listed in Part C, enter the inforr aborers; or by others:	nation for contributions of active	personal labor which will be pro	vided by the individua	I identified in Part A, hired
	Туре			Amount
Active personal labor. Enter the perce				100 %
identified in Part A performs 1,000 or mo		operation, enter "1,000" hours.		hrs 0 %
 Hired labor. Enter the percentage or ho A Will any of the bired labor originate fr 		quinmont chows in Dart 50		hrs
A. Will any of the hired labor originate from NO YES If "YES", acc	om the same source as leased e eptable documentation to prove		ed for compliance pur	poses.
B. Will any of the hired labor be included	in the custom farming services	shown in Part F?		
NO YES If "YES", acc	eptable documentation to prove	such relationship may be require	ed for compliance pur	poses.
ART H – MANAGEMENT (The total p ior the farms listed in Part C, enter the estim ill be provided by the individual identified in Active personal management: A. Enter the estimated percent of the acti B. List the type of managerial duties/activ	percentage shown in Items ated percent of the individual's t Part A, by hired persons or entit ve personal management to be p itites to be personally performed	1 through 3 must equal 10 otal management responsibility : es, or by others who are not hir provided by the individual identifi by the individual identified in Pa	0%) and the type of managed. ied in Part A: rt A:	্প gerial duties required which 100_
PART H – MANAGEMENT (The total p or the farms listed in Part C, enter the estim vill be provided by the individual identified in Active personal management: A. Enter the estimated percent of the acti B. List the type of managerial duties/activ fake all planting, harvesting,	bercentage shown in Items hated percent of the individual's to Part A, by hired persons or entit we personal management to be p itties to be personally performed , marketing, business hanagement:	1 through 3 must equal 100 otal management responsibility ses, or by others who are not him provided by the individual identifi by the individual identified in Pa and financial decision	0%) and the type of managed. ied in Part A: rt A: ons .	gerial duties required which
B. List the type of managerial duties/activ fake all planting, harvesting,	percentage shown in Items nated percent of the individual's to Part A, by hired persons or entit ve personal management to be p itties to be personally performed , marketing, business management: tes provided by someone other t	1 through 3 must equal 100 otal management responsibility ses, or by others who are not him provided by the individual identified by the individual identified in Pa and financial decision han the individual identified in P	0%) and the type of managed. ied in Part A: rt A: ons .	gerial duties required which100
PART H – MANAGEMENT (The total p or the farms listed in Part C, enter the estim vill be provided by the individual identified in Active personal management: A. Enter the estimated percent of the acti B. List the type of managerial duties/activ fake all planting, harvesting, A. Enter the estimated percent of hired n B. Describe any paid management servic B. Other management: A. Enter the estimated percent of other m	bercentage shown in Items ated percent of the individual's te Part A, by hired persons or entiti ve personal management to be p itites to be personally performed , marketing, business management: ces provided by someone other t management: gement duties/activities provided this document and any supportin ents and may result in the assess	1 through 3 must equal 10 otal management responsibility : es, or by others who are not hir provided by the individual identified in Pa and financial decision han the individual identified in P d by someone other than the ind	0%) and the type of managed. ied in Part A: rt A: ons . 'art A: lividual identified in Pa <i>prrect. I understand J</i>	gerial duties required which
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PART H – MANAGEMENT (The total p For the farms listed in Part C, enter the estim vill be provided by the individual identified in Active personal management: A. Enter the estimated percent of the acti B. List the type of managerial duise/activ fake all planting, harvesting, Hired management: A. Enter the estimated percent of hired n B. Describe any paid management service Other management: A. Enter the estimated percent of other m B. Describe any non-compensated mana PART I – CERTIFICATION Certify that all the information entered on the formation will result in forfeiture of payma Vervice Agency committees for the county and by signing this form, I acknowledge that: all supporting documentation has been su I have read and understand all definition: all information contained on this form wi it is my responsibility to timely notify FS: status that may affect these representation	bercentage shown in Items ated percent of the individual's te Part A, by hired persons or entiti ve personal management to be p itites to be personally performed , marketing, business management: bes provided by someone other t management: this document and any supportin ents and may result in the assess and State listed on this form of an this the considered in effect continu 4 in writing of any changes in th is.	1 through 3 must equal 10 otal management responsibility : es, or by others who are not him provided by the individual identified in Pa and financial decision han the individual identified in P d by someone other than the ind individual identified in P d by someone other than the ind individual identified in P d by someone other than the ind individual identified in P d by someone other than the ind individual identified in P d by someone other than the ind individual identified in P d by someone other than the ind individual identified in P d by someone other than the individual individual identified in P d by someone other than the individual individual identified in P d by someone other than the individual individual identified in P d by someone other than the individual individual identified in P d by someone other than the individual individual identified in P d by someone other than the individual identified in P d by someone other t	0%) and the type of managed. ied in Part A: rt A: ons . art A: iividual identified in Part prrect. I understand J v provide written notication. ons are submitted. v operation, or finance required to validate	gerial duties required which

B Example CCC-902I (Continued)

	9021 (02-01-10)	DEFINITIONS	Page 4 of 4
he foll	owing definitions apply to Form CCC-902I.		
1.	ACTIVELY ENGAGED IN FARMING – means providing both farming operation; and 2) significant contributions of active person described. Further, for a person or legal entity to be considered ac entity must be at-risk and commensurate with the person's or legal requirements will result in the determination of ineligibility for par-	nal labor or active personal management, or a combination stively engaged in farming for program payment purposes, I entity's claimed share of the profit and loss of the farming	thereof, to the farming operation as the contributions of the person or legal
2.	INTEREST IN A FARMING OPERATION – a person or legal entity owns or rents land to or from that farming operation; has an operation that either owns or rents land to or from the farming ope	interest in the agricultural commodities produced on the o	peration; or is a member of a joint
3.	JOINT OPERATION - is a general partnership, joint venture, or	similar organization.	
4.	PERSON - is a natural person (an individual) and does not includ	le a legal entity.	
5.	ACTIVE PERSONAL LABOR – a person is considered to be pr personally providing physical activities necessary to conduct the fa agricultural commodities. Other qualifying physical activities incl livestock production for the farming operation.	arming operation, including land preparation, planting, cult	tivating, harvesting, and marketing of
6.	ACTIVE PERSONAL MANAGEMENT – a person is considere is directly and personally providing the general supervision and din performed on-site or off-site) reasonably related and necessary to t	irection of activities and labor involved in the farming oper	
7.	CAPITAL – with respect to a farming operation is the funding pre- farming activities. To be considered a countable contribution for a distinct from that of any other person or entity involved in such op contributed to the farming operation. A capital contribution may b person or entity. Capital does not include advance program payme	a person or legal entity, the capital must have been derived peration. Countable capital does not include the value of ar be a direct non-borrowed (out-of-pocket) input of a specific	from a fund or account separate and y labor or management which is
8.	CONTRIBUTION – with respect to a farming operation is the prepersonal management to the farming operation in exchange for, or		
9.	CUSTOM SERVICES – with respect to a farming operation is th perform services for the farming operation in exchange for the pay		providing such specialized services to
10.	ENTITY - is a corporation, joint stock company, limited liability revocable trust, estate, charitable organization, or other similar org general partnership, participant in a joint venture, a grantor of a rev	ganization including any such organization participating in	
11.	EQUIPMENT – with respect to a farming operation is the machin and implements used for land preparation, planting, cultivating, ha establish and maintain conserving covers.		
12.	FAMILY MEMBER – a person is considered to be a family mem ancestor, lineal descendant, sibling, spouse, or otherwise by marria		son is related to the other as a lineal
13.	FARMING OPERATION - is a business enterprise engaged in the entity which is eligible to receive payments, directly or indirectly.		a person or a formal or informal
14.	LAND – with a respect to a contribution to a farming operation is requirements of the applicable program for which payments or ben		rangeland which meets the specific
15.	SUPPORTING DOCUMENTATION – is any information that s corporate meeting minutes; stock certificates; organizational paper by Office of General Counsel; partnership agreement; property lea statement.	rs; trust agreement; last will or testament or a deceased ind	ividual; affidavit of heirship approved
16.	All other terms utilized in this form shall be defined pursuant to 7	CFR Part 1400.	
NOTE:	The following statement is made in accordance with the Privacy A this form is 7 CFR Part 1400, the Commodity Credit Corporation C 110-246). The information will be used to determine eligibility for J Local government agencies, Tribal agencies, and nongovernment described in applicable Routine Uses identified in the System of R information is voluntary. However, failure to furnish the requested	Charter Act (15 U.S.C. 714 et seq.), and the Food, Conservat program benefits. The information collected on this form may tal entities that have been authorized access to the informatic Records Notice for USDA/FSA-2, Farm Records File (Automa	ion, and Energy Act of 2008 (Pub. L. y be disclosed to other Federal, State, on by statute or regulation and/or as ted). Providing the requested
	This information collection is exempted from the Paperwork Reduc (Pub. L. 110-246, Title I, Subtitle F – Administration). The provisic information provided. RETURN THIS COMPLETED FORM TO YO	ons of appropriate criminal and civil fraud. privacy. and other	

Par. 130

*--130.5 Business File Equivalent of CCC-902I

A Business File Data Entry Process

For the automated CCC-902, load information about a producer's farming operation in the web-based system according to 3-PL (Rev. 1), Part 10.

The following table illustrates the data entry process for the information on the manual CCC-902I example in subparagraph 130 B.

Web Page	Data Recorded in System
Contributions	• Capital – Yes
	• Land – Yes
	• Equipment – Yes
	• Labor – Yes
	• Management – Yes
	• Custom Services – No.
Land	Recorded the following leases:
	• FSN 3975 – tract 1376 share (75%) lease from owner
	(percentage of division not needed)
	• FSN 4212 – tract 1269 - cash lease from owner.
	Note: Did not record lease on FSN 1147 and 4213. This producer is the owner and owner-operator on these farms and the example presumes there are no leases on these farms. But these leases are listed in the "owned" section of the automated form.
Equipment	• Owned – Yes
	• Leased From – No
	• Leased To – No
	• Other – No.
Owned Equipment	• 100 percent
	• No additional information recorded.
Labor Types	Active Personal – Yes
	• Hired – No
	• Other – No.
Labor Contributions	100 percent active personal management.
Management Types	Active Personal – Yes
	• Hired – No
	• Other – No.
Management	100 percent active personal management
Contributions	No duties performed were specified.

B Farming Operation Summary Page

Following is an example of a Business File farming operation summary.

Melcomis Bubble Butbu Baar Robertsid	Farming Op	eratio	on Si	Immary	-		
elest Different ustomer ocord Now Farm		ON, G OPERAT USINESS T		Ima Farmer Individual	•		
torord Mow Farm Dusrathus Dim Annares Factorier	General Informatio	on					
ndividual	U.S. citizen or resider Is 18 years of age or						
Contributions Ganital Janud	Capital Contributio	ns					
Caleforn Services Faultiment	Has capital contribution p			Il sources:			
ahor binadamant	Sources of capital:						
her	 Non-borrowe FSA program 						
ubmit Plan ubmit Plan	Land Contributions	}					
allotations councils annothing a	Has land contributions	1923 (\$10 <u>550) (</u> 1222)					
DV SUE	State County Mississippi Coahoma Mississippi Coahoma		Tract No. <u>6686</u> 1376	Owned Lea To		om Ta	ased /From mer Trust
	Mississippi Coahoma	4212	1269		•	Ima	a Farmer Sr
	Mississippi Coahoma Mississippi Coahoma Mississippi Coahoma	4213	1270 1271 1272	¥ ¥			
	Custom Services Utilizes custom service	es? No					
	Equipment Contribute Has equipment contribute Has owned equipment Has equipment leased Has additional equipment	outions? N ? Yes from and to anoth	other pro	oducer? No Jocer? No			
	Type Owned	Additio	nal Info	Tol	tal Inflov	100%	

	Labor Contributions Has labor contributions Active personal labor of Active personal labor of Hired labor? No Additional labor? No	s? Yes Yes	on perce	entage: 100%			
	Management Contri	butions					
	Has management cont Active personal manag Active personal manag Type of active persona marketing, and busin Hired management? No	ement? ` ement ci al managi iess and	Yes ontributi ement d	uties: Make al	: 100% I plantin	g, harves	ting,

C Example of Automated CCC-902

Following is an example of the automated CCC-902.

	-902		U.S. D				P	rogram Year		
(0-10-	2011)			,	Credit Corpora					
	FARM OPE					GIBILITY		20	011	
			•	uent Progra						
	or "actively engage							ing benefits from the F	iarm Sand	ice Agency
(FSA)	under one or more	programs th	nat are subje	ct to the regulat	ions at 7 CFR F	Part 1400. This	form collect	ts farming and other in	formation	about the
								d in Part A. This form a to a farming operation		
	nent, labor, and ma							nt eligibility and limitation		
	A - General Fa	rmina Or	peration l	nformation						
	ucer's Name				and ID Type	e (last 4 dig	its) B	usiness Type		
	IA FARMER				XXXX S				/idual	
	B - Capital Info cable for all busin			: Do not includ	e capital conti	ributed by m	embers of	general partnership	s or joint	ventures.
	the producer p			s farming ope	eration?					Yes
	percent of cap					ning operati	on from a	Il sources?		%
Indica	ate the source o	of all farmi	ng capital	for the prod	ucer. (Check	all that apply)			
	X Non-borro	owed capi	tal	🗌 Cor	nmercial loai	ns/credit		Other/Additional		
	I FSA prog	ram paym	ients	🗌 Priv	/ate Loans/cr	redit				
Part	C - Land Infor	mation (ar	oplicable fc	r all business	types)					
	the producer of									Yes
Does	this farming op	peration ov	wn ANY Ia							Yes
State	Adminie	trative Cou	intv	Farm Serial Number	Tract Number	Farmland Acres	Cropland Acres	d Farmland Acres Not Leased		land leased to er producer?
MS		oahoma	IIIy	1147	6686	320.0	304.2	320.0	anour	No
MS		oahoma		4213	1270	59.0	49.2	59.0		No
MS		oahoma			1271	58.0	53.0	58.0		No
MS		oahoma			1272	78.0	64.0	78.0		No
Joes	this farming op		ase iand i	rom anotner	producer?					Yes Interest in
		Farm	_				_			the Land is
State	Administrative County	Serial Number	Tract Number		rson Land is d From	Leased Acres	Type of Acres	Type of Lease	Crop Share	same as las year?
MS	Coahoma	3975	1376			60.0	Cropland		- Chart	Yes
MS	Coahoma	4212	1269		R TRUST RMER SR	33.0	Cropland			Yes
	this farming or					33.0	Cropiand	a Casii		No
	D - Custom Se			•					I	
		, such as	harvesting	g, spraying, f	ertilization, ti	illage, seed	ng, etc., t	pe utilized for this		No
armır	ng operation?	Informat	ion Noto	Do not includ	lo oquinmont (oontributed b	mombor	s of general partner	 ohino or	
	cable for all busin			. Do not includ	e equipment (Johnnouled D	y member	s of general partner	sints of '	joint ventures
Part I		provide equ	uipment to	o this farming	operation?					Yes
Part I	the producer p		it does the	e producer co	ontribute to th	his farming	operation	?		100 %
P art I (applio Does What	the producer p percent of the									
Part I (applic Does What Does	the producer p percent of the the producer c	wn any eo	quipment			g operation				Yes
Part I applic Does What Does	the producer p percent of the	wn any eo	quipment	loes the proc	ducer contrib	g operation ute to this fa	arming op	eration?		
Part I applic Does What Does	the producer p percent of the the producer c	wn any eo	quipment	loes the proc		g operation ute to this fa	arming op	eration?		Yes
Part I (applic Does What Does What	the producer p percent of the the producer c percentage of	own any ec owned eq	quipment o uipment c	loes the proc Additional I	ducer contrib nformation for	g operation′ ute to this fa Owned Equ	arming op ipment	eration?		Yes
Part I (applic Does What Does What Does Is any	the producer p percent of the the producer c percentage of	own any ec owned eq ease any e	quipment uipment c equipment buted to th	Additional I Additional I t contributed his farming o	ducer contrib nformation for to this farmin peration leas	g operation' ute to this fa Owned Equ ng operation sed to anoth	arming op ipment	other producer?		Yes 100 %

C Example of Automated CCC-902 (Continued)

CCC-902 (Page 2)	Date Submitted: 07/19	9/2011 Version Number: 3
Producer Name IMA FARMER		
Part F - Labor Information (applicable for all	l business types)	
Does the producer provide labor to this farm	- · ·	Yes
Does the producer contribute active person	al labor to the farming operation?	Yes
What is the estimated percentage of ac		100 %
Is any of the labor contributed to the farming		No
Is there any additional labor contributed to t		No
Part G - Management Information (applica		
Does the producer provide management to		Yes
Does the producer contribute active person	· · · · · · · · · · · · · · · · · · ·	Yes
operation?	personal management contributed to the farn	ning 100 %
	Types of Management Duties Performed harvesting, marketing, and business and financial o	decisons.
Is any of the management contributed to the	e farming operation hired?	No
	activities contributed to the farming operation?	
Part H - Minor Information (only applicable t	v ,	· ···
Will the producer be 18 years of age by Jun		Yes
Part I - Citizenship Information (only applic	· - ·	· · ·
•	alien lawfully admitted into the United States	? Yes
Part J - Remarks	<u> </u>	
 all supporting documentation has been submit I have read and understand all definitions and all information contained on this form will be contained on this form will be contained and the support of the supp	requirements	agning this form, ι acknowledge that:
 it is my responsibility to timely notify ESA in wr 		
may affect these representations. • evidence such as tax records, certified public a	iting of any changes in the farming, ranching or fore accountant's certification, or other documentation m ry actions to provide such materials to FSA if reque	estry operation, or financial status that nay be required to validate these
may affect these representations. • evidence such as tax records, certified public a representations and that I will take all necessar	iting of any changes in the farming, ranching or for accountant's certification, or other documentation m	estry operation, or financial status that nay be required to validate these
may affect these representations. • evidence such as tax records, certified public a representations and that I will take all necessal Signature of Producer (by)	iting of any changes in the farming, ranching or fore accountant's certification, or other documentation m ry actions to provide such materials to FSA if reque Title/Relationship of the Individual	estry operation, or financial status that nay be required to validate these ested. Date (MM-DD-YYYY)
may affect these representations. • evidence such as tax records, certified public a representations and that I will take all necessar Signature of Producer (by) The following statement is made in accordance with the Privacy FR Part 1400, the Commodity Credit Corporation Charter Act and Energy Act of 2008 (Pub. L. 110-246). The information will ther Federal, State, Local government agencies, Tribal agenci nd/or as described in applicable Routine Uses identified in the oluntary. However, failure to furnish the requested information his information collection is exempted from the Paperwork Re-	iting of any changes in the farming, ranching or fore accountant's certification, or other documentation m ry actions to provide such materials to FSA if reque Title/Relationship of the Individual Signing in Representative Capacity	estry operation, or financial status that hay be required to validate these sted. Date (MM-DD-YYYY) asting the information identified on this form is 7 9-198 - as amended), and the Food, Conservatio tion collected on this form may be disclosed to ass to the information by statute or regulation (Automated). Providing the requested information servation, and Energy Act of 2008 (Pub. L 110-
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D Comparison of Manual CCC-902I and Automated CCC-902

The following table compares the parts and features of the manual CCC-902I and automated CCC-902.

Item or		Automated	
Contribution	CCC-902I	CCC-902	Explanation of Differences
Name, Address, TIN	Part A	Part A	CCC-902I - manual entries.
Citizenship status	Part B	Part I	
Minor child status	Part B	Part H	Automated CCC-902 - SCIMS records.
Other farming interests	Part B		CCC-902I - manual entries.
Interests			Automated CCC-902 - this information will not be recorded in the collection process.
Land	Part C	Part C	CCC-902I - manual entries by farm number, cropland acres only.
			Automated CCC-902 - sourced from farm records; entries by farm number, tract number, cropland and farmland acres; percentage of division not needed for share leases.
Capital	Part D	Part B	Both forms - manual entries.
			Automated CCC-902 - entry for percentage of total contribution.
Equipment	Part E	Part E	Both forms - manual entries.
			Automated CCC-902 - entry about leasing to another producer.
Labor	Part G	Part F	Both forms - entries for percentage contribution.
			Automated CCC-902 - no entry for hours provided.
Management	Part H	Part G	Both forms - entries for percentage contribution.
Custom Services	Part F	Part D	Both forms - same or similar entries.
Certification	Part K	Part K	Both forms - same entries and requirements.

*--131 Completing CCC-902I Short Form

A Instructions for Completing CCC-902I Short Form--*

Complete CCC-902I Short Form according to this table.

Item	Instruction
1	Enter name of the county. If in more than 1 county, enter the name of the
	county that has been designated the control county.
2	Enter name of the State.
3	Enter crop year for which this certification applies.
Part A	
1	Enter name and address, including ZIP Code, of the individual.
	If the individual conducts business using an assumed name, include the
	assumed name. (Example: John Doe, dba John Doe Grain Farms)
2	Enter TIN of the individual.
Part B	
1	CHECK (\checkmark) either of the following, as applicable:
	• "Yes", if the individual in Part A is a U.S. citizen; go to item 4
	• " No ", if the individual in Part A is not a U.S. citizen; go to item 2.
2	CHECK (✓):
	• "Yes", if the individual in Part A is an alien lawfully admitted to the U.S.; the individual must present I-551
	the marviauar must present 1-551
	• "No", if the individual in Part A is not a U.S. citizen and the individual
	did not present 1-551.
3	County Office shall CHECK (\checkmark) " Yes " or " No ", indicating that I-551 was
County Only	presented.
4	CHECK (✓):
	•*"No", if the individual in Part A was 18 or older on June 1; go to item 5
	• "Yes", if the individual in Part A was younger than 18 on June 1; Stop*
	CCC-902I must be completed instead of CCC-902I Short Form.
5	CHECK (✓):
	• "No", if the individual in Part A and any minor children of the individual
	in Part A have no other farming interests; go to Part C
	• "Voo" if the individual in Dort A and/or if any minor shildren of the
	• "Yes", if the individual in Part A and/or if any minor children of the individual in Part A have other forming interacts in any joint operation or
	individual in Part A have other farming interests in any joint operation or legal entities; Stop . CCC-902I must be completed instead of CCC-902I
	Short Form.

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*--131 Completing CCC-902I Short Form (Continued)

Item	Instruction
Part C	
1	CHECK (✓):
	• "No", if the contributions of land, capital or equipment of the individual in Part A will be not acquired as the result of a loan or credit arrangement from an individual or entity with an interest in the farming operation; go to item 2.
	• "Yes", if the contributions of land, capital, and equipment of the individual in Part A will be acquired as the result of a loan or credit arrangement from an individual or entity with an interest in the farming operation.
	Stop. CCC-902I must be completed instead of CCC-902I Short Form.
2	Using custom services by the farming operation in Part A does not apply:
	to services for chemical and fertilizer applicationto the harvesting of crops
	• if all the land in the farming operation is owned.
	CHECK (✓):
	• "No", if custom services will not be used by the farming operation in Part A; go to item 3
	• "Yes", if custom services will be used by the farming operation in Part A.
	Stop. CCC-902I must be completed instead of CCC-902I Short Form.

131 Completing CCC-902I Short Form (Continued)

Item	Instruction
3	Enter the following information for all land that is operated by the individual in
	Part A.
Α	Farm number.
В	State and county where located.
C	CHECK (\checkmark) applicable box to show whether land is owned, leased to someone, or leased from someone.
D	Name of the individual, entity, or joint operation to whom or from whom the land is leased.
Е	Acres owned or rented on the farm.
F	If the land is:
	 *share leased, enter "share" (optional to enter the percentage that represents the share of the individual identified in Part A) cash leased, enter the following:
	 "cash" if the land is cash leased from an unrelated individual or entity the rental rate in \$ per acre if the land is cash leased from an individual or
	entity that has an interest in the crop or crop proceeds (optional)*
G	CHECK (\checkmark) box if same land interest was held last year.
	If additional space is needed for land, complete and attach form
	CCC-902 Continuation
4	CHECK (\checkmark) all sources of capital for the individual in Part A that apply. If "Other" is checked (\checkmark), specify.

A Instructions for Completing CCC-902I Short Form (Continued)

*--131 Completing CCC-902I Short Form (Continued)

Item	Instruction		
5 A	Of the total equipment to be used in the farming operation of	the indi-	vidual in Part A,
and	enter the following for the individual in Part A:		
В			
	• percentage of the equipment that is owned in item A		
	• percentage of the equipment that is leased in item B.		
5C	If individual in Part A leased equipment, indicate whether the	equipm	ent was leased
	from an individual or entity that has an interest in the farming	operati	on of the joint
	operation or entity in Part A.		
	IF the equipment was	THEN	CHECK (✓)
	leased from an individual or entity that has an interest in the	"Yes".	
	farming operation of the joint operation or entity in Part A		
	not leased from an individual or entity that has an interest in	"No".	
	the farming operation of the joint operation or entity		
Part D			
1	Enter percentage or number of hours of active personal labor	the indi-	vidual in Part A
	personally provides to the farming operation.		
2	Enter percentage or number of hours of hired labor used in the	e farmin	g operation of
	the individual in Part A.		
3			THEN
	IF		CHECK (✓)
	none of the hired labor for the farming operation in Part A		" No ".
	originated from the source of leased equipment in Part E		
	any of the hired labor for the farming operation in Part A orig	ginated	"Yes".
	from the source of leased equipment in Part E		
	Note: Acceptable documentation of equipment lease and hir		
D (D	labor agreements may be required for compliance pu		
Part E	The total percentage shown in items 1 and 2 must equal 100 p		
1	Enter estimated percent of active personal management the in	dividual	I in Part A
	personally provides to the farming operation.	<u> </u>	
2	Enter estimated percent of hired management to be used in the	e tarmin	ig operation of
De et E	the individual in Part A.		
Part F	The individual in Dart A communication is a low of the first of the	- 1	de al in De et A
1	The individual in Part A, or an authorized representative of the shall sign the cortification	e indivi	dual in Part A,
2	shall sign the certification.	1 . 1 . 1 . 1	
2	If individual in Part A signs the document, this field should be	e left bla	IIIK.
	If an authorized representative for the individual in Dort A size		0021
	If an authorized representative for the individual in Part A sig Short Form, use this field to show the individual's representat		
	example, "agent" or "attorney-in-fact.")	ive capa	acity. (1901
3	Enter date CCC-902I Short Form was signed.		
3	Enter date CCC-7021 Short Form was signed.		

--131 Completing CCC-902I Short Form (Continued)--

B Example CCC-902I Short Form

*--

2-01-10) Commodity Credit Corporation Dealborna 2011 FARM OPERATING PLAN FOR ANI NDIVIDUAL 2011 The factor of the second base query for an obtained of an individual who is seaking hereafts from the same day factor of the second second multiple second multiple second multiple second multiple second multiple second multiple second multiple second second multiple second multiple second second multiple s		ailable electronically. hort Form		U.S. DEPA	ARTMENT OF AGI	RICULTURE 1. CO			<i>cy Act Statement</i> 3. Program Year
2009 and Subsequent Program Years 2011 or "actively engaged in farming" and other payment eligibility and limitation determination. End States in some one control of the service of the states of the s	J∠-01-10)					a 1	oma		
2009 and Subsequent Program Years 2011 or "actively engaged in farming" and other payment eligibility and limitation determination. End States in some one control of the service of the states of the s		FARM OPERATING	PLAN FO						
ar dively engaged in farming* and other payment eligibility and limitation determinations. International and the maximum and									2011
<pre>interm to be completed by: on babafed of an indextable who is leading parently from the Fam Starkes Agency (FAA) as an indextable and other part of an empty of expenditure of each more part of an empty of expenditure of the more control baranes and other information and other information and the information and other information and inf</pre>			-	-					
Initial the individual is an influenced. Such entities must complete a CCC-902E if they are requesting program benefits. Suppress of these dimensions in the analysis is a family operation base of a family operation base of a family operation base of a family operation. art A - Producer Information Individual is the main and Address (include Zip Code) Tar A - Producer Information Individual is them and Address (include Zip Code) Tar A - Producer Information Individual is them and Address (include Zip Code) Tar A - Starmer Tar A - Producer Information Individual is A them and Address (include Zip Code) Tar A - Starmer Tar A - Starmer </td <td>or actively eng his form is to be joint operation)</td> <td>yaged in tarming" and oth completed by, or on behalf or under one or more programs of the strong and benefite dime.</td> <td>er payment eli f, an individual w that are subject</td> <td>gibility and ho is seekin to the regul</td> <td>a limitation deter lag benefits from the lations at 7 CFR Po number identified</td> <td>Farm Service Agency art 1400. This form coll p Part 4. This form coll</td> <td>(FSA) as an in ects farming an</td> <td>dividual (and not d other information</td> <td>as part of an entity n about the</td>	or actively eng his form is to be joint operation)	yaged in tarming" and oth completed by, or on behalf or under one or more programs of the strong and benefite dime.	er payment eli f, an individual w that are subject	gibility and ho is seekin to the regul	a limitation deter lag benefits from the lations at 7 CFR Po number identified	Farm Service Agency art 1400. This form coll p Part 4. This form coll	(FSA) as an in ects farming an	dividual (and not d other information	as part of an entity n about the
art A - Producer Information Includual is Name and Address (include Zip Code) This Farmer Includual is Name and Address (include Zip Code) Ta Leves Lane taxpeyer ID number is on file, only the last 4 digits are required To Leves Lane Includual is Name and Address (include Zip Code) Is The individual a U.S. other A Includual is Name W1 S. Go to Item 2 Includual and an individual and an information FOR COUNTY OFFICE USE ONLY Is the individual a U.S. other A Includual is Specified in Part A State (So Item A) Includual is Specified in Part A W0. Go to Item 3 YES. Go to Count A the specified in Part A No. Go to Part C YES. Stop - Use CCC-9021 Includual is Advective B using the individual indin indindin individual individual individual indivin i	rming in which th used upon the co	he individual has an interest. Intribution level of certain inp	Such entities mu uts to a farming (ist complete operation su	e a CCC-902E if th uch as land, capita	ey are requesting prog , equipment, labor, and	am benefits. P I management i	ayment eligibility I	for the individual is
Image Farmer TS Levee Lane texphenville, MS 72222 taxpayer ID number is on file, only the last 4 digits are required texphenville, MS 72222 If Has Additional Information Service Control (1997) FOR COUNTY OFFICE USE ONLY (1997) 1x1x If Has Additional Information Service Control (1997) FOR COUNTY OFFICE USE ONLY (1997) 1x1x If Has Additional Information (1997) Control (1997) (1997) (1997) If Has Additional Information (1997) Control (1997) (1997) (1997) Information (1997) Control (1997) (1997) (1997) (1997) Information (1997) Control (1997) (1997) (1997) (1997) (1997) Information (1997) Control (1997) (1997) (1997) (1997) (1997) Information (1997) Control (1997) (1997) (1997) (1997) (1997) Information (1997) YES, Stop-Use CCC-9021 (1997) (1997) (1997) (1997) Information (1997) (1997) (1997) (1997) (1997) (1997) (1997) Information (1997) (1997) (1997) (1997) (1997) (1997) (1997) (1997) (1997) <td>art A - Prod</td> <td>ucer Information</td> <td></td> <td>ayment elig</td> <td>poniny and infinatio</td> <td>r or payments by difec</td> <td>aunoullon.</td> <td></td> <td></td>	art A - Prod	ucer Information		ayment elig	poniny and infinatio	r or payments by difec	aunoullon.		
Instrumentation Instrumentation		Name and Address (Inclu	de Zip Code)						
art E - Additional Information FOR COUNTY OFFICE USE ONLY Is this individual a U.S. (ditern?	437 Levee L						, , , , , , , , , , , , , , , , , , ,	nny 110 1831 4 Ul	gits are required
art B - Additional Information FOR COUNTY OFFICE USE ONLY art bits individual a U.S. citizen (Was a Resident Alien Card (1551). bits individual under 18 years of age as of June 1 of the program year that is specified in item 37 (Bose This individual, Individual's spouse or minor child have interests in bother faming operations including joint operations and entities 7 bits his individual under 18 years of age as of June 1 of the program year that is specified in item 37 (Bose This individual individual's spouse or minor child have interests in other faming operations including joint operations and entities 7 bits of the family operations including joint operations and entities 7 (Bose This individual of Part C (PSS Stop - Use CCC-9021 con certain arrangement from an individual or entity that has an interest in the faming operation identified in Part A Secouried as the result of a loan or credit arrangement from an individual or entity with an interest in the corp or corp corp corp corp corp corp c	Stephenvill	le, MS 72222					1 V	1X	
Is this individual a U.S. citizen? 2. Is this individual an alien tar/ully admitted into the U.S.? 3. (Max a Resident Alien Card (1-551). W YES. Go to Item 4 NO VES. So to Item 4 VES. No Imors Other Farming Interests 5. Does this individual. Individual? spouse or minor child have interests in other farming operation including joint operations and entitie? S NO Go to Item 5 VES. Stop - Use CCC-9021 NO. Go to Item 7 VES. Stop - Use CCC-9021 WII the contributions of land, capital, or equipment for the farming operation including joint operation including in Interests? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital, or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 First mNo. Location Check As Applicable Nome of Davide and not as part of an entity. Hand and/ord/WI and interest in the cap or cap proceeds, include the apply.) Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A. Acre Refit Rate Caech here if sal year/									
Is this individual a U.S. citizen? 2. Is this individual an alien tar/ully admitted into the U.S.? 3. (Max a Resident Alien Card (1-551). W YES. Go to Item 4 NO VES. So to Item 4 VES. No Imors Other Farming Interests 5. Does this individual. Individual? spouse or minor child have interests in other farming operation including joint operations and entitie? S NO Go to Item 5 VES. Stop - Use CCC-9021 NO. Go to Item 7 VES. Stop - Use CCC-9021 WII the contributions of land, capital, or equipment for the farming operation including joint operation including in Interests? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital, or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 WIII the contributions of land, capital or equipment for the farming operation includified in Part A? MO. Go to Item 3 VES. Stop - Use CCC-9021 First mNo. Location Check As Applicable Nome of Davide and not as part of an entity. Hand and/ord/WI and interest in the cap or cap proceeds, include the apply.) Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A. Acre Refit Rate Caech here if sal year/	art B - Addir	tional Information					FOR CO		
NO. Go to Item 2 NO Imors NO Other Farming Interests Shis Individual under 18 years of age as of June 1 of the program year that is specified in Item 3? Cohes This individual, Individual's spouse or minor child have interests in other farming operations including joint operations and entities? W10 Go to Item 5 YES, Stop - Use CCC-9021 ATC - Land, Capital 4 Equipment (attach form CCC-902 Continuation for additional land interests) W111 the contributions of land, capital, or equipment for the farming operation identified in Part Ab to acquired as the result of a loan or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part Ab an on tas part of an entity. W111 to contributions of land, capital or equipment for the farming operation identified in Part Ab capital and increasts) W111 to contributions of land, capital or entity with an interest in the crop or crop proceeds, include the rental rate in Sfacre in Column F; othorwise onter "cash." A B C Farm No. Location Check As Applicable Nome of Individual or Entity Wome and State) Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A: Q. Cash Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A: Q. Cash Capital - Indicate the source(s) of farming capital for the farming operation identified in Part			. Is this individ	lual an alie	en lawfully admit	ed into the U.S.?			
Thore Other Farming Interests is this individual individual individual individual is spouse or minor child have interests in program year that is specified in item 37 S. Does this individual individual individual is spouse or minor child have interests in the farming operations including joint operations and antities? MO. Go to Item 5 YES. Stop - Use CCC-9021 MUI to contributions of land, capital, or equipment for the farming operation identified in Part A be acquited as the result of a loan or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part A be acquited as the result of a loan or credit arrangement from an individual or entity with an interest in the farming operation identified in Part A and not as part of an entity. If Lands is cash leased from an individual or entity with an interest in the farming operation identified in Part A and not as part of an entity. If Lands is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the retail rate in Sfacre in Column F; othorwise onter "eash." D A Location Check As Applicable Nome of Individual and moderstig) If and is cash and				ust present	t a Resident Alie	n Card (I-551).		s 🗌 N	0
Is this individual under 18 years of age as of June 1 of the program year that is specified in them 37 S. Does this individual, individual's spouse or minor child have interests in other farming operation is chulding joint operations and entities? IND. Go to Item 5 YES. Stop - Use CCC-9021 NO. Go to Part C YES. Stop - Use CCC-9021 IND. Go to Item 5 YES. Stop - Use QCC-9021 NO. Go to Item 3 Interests 10 IND. Go to Item 2 YES. Stop - Use CCC-9021 NO. Go to Item 3 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified In Part A2 NO. Go to Item 3 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified In Part A2 and not as part of an entity. Item are interest in the crop or crop proceeds, include the rental rate in Sfacre in Column F; otherwise onto cash. Farm No. Location Check As Applicable Name of Individual or Entity Acres Rental Rate Check Are in same land 113 Coahama, MS Image Image of and columo Interest in the farming operation identified in Part A. Owned or for postare Interest with and columo 123 Coahama, MS Image operation identified in Part A. (Acces Image operation identified in Part A: Owned or for postare Owned or for postare Intere		o to Item 2	∐ NO	1	Othor Earmir -	ntorocto			
Mol. Go to letmen 5 VES. Stop - Use CCC-9021 NO. Go to Part C VES. Stop - Use CCC-9021 and C = Land, Capital & Equipment (attach form CCC-902 Continuation for additional land interests) Will be contributions of land, capital, or equipment for the farming operation identified in Part A be acquired as the result of a loan or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part A? Will custom services be utilized in the farming operation identified in Part A? NO. Go to Item 3 VES. Stop - Use CCC-9021 Will custom services be utilized in the farming operation identified in Part A? NO. Go to Item 3 VES. Stop - Use CCC-9021 Flort for following information for ALL land farmed by the individual identified in Part A? NO. Go to Item 3 VES. Stop - Use CCC-9021 If and is cash reased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in S/acre in Column F; otherwise onter "cash." Er. F. G. G. Cress Rental Rate Check here if and individual or Entity Whom Land is Leased to add or Crop Share interest was he last year 4.7 Coahoma, MS Image: Farmer Farme 49.2 Cash Image: Share Acre A Share Acre Acre Acre Acre Acre Acre Acre Ac	Is this individu				5. Does this indi	vidual, individual's s			
art C = Land, Capital & Equipment: (attach form CCC-902 Continuation for additional land interests) Will the contributions of land, capital, or equipment for the farming operation identified in Part A be acquired as the result of a loan or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part A? NO. Go to Item 2 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified in Part A? NO. Go to Item 3 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified in Part A and not as part of an entity. If and is cased to and/or Over of "Caph." E. Ref Ref Check As Applicable If and is Cased to and/or Over of "County and State) Check As Applicable Name of Individual or Entity of County or Or State Sper Acref W is same land interest in the crop or core proceeds, include the rental rate in S/acre in County and State) A Coahoma, MS Image: Check As Applicable Name of Individual or Entity of County or Or Speced to and/or Over of Spece Acref W is same land interest in the farming operation identified in Part A. Coahoma, MS Image: Coahoma / MS Image: Coa	<u> </u>								
Will the contributions of land, capital, or equipment for the farming operation identified in Part A be acquired as the result of a loan or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part A? Will custom services be utilized in the farming operation identified in Part A? NO. Go to Item 3 YES. Stop - Use CCC-902I Will custom services be utilized in the farming operation identified in Part A? NO. Go to Item 3 YES. Stop - Use CCC-902I Enter the following information for ALL land farmed by the individual identified in Part A? A control an entity. If and is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in Sfacer in Column F; otherwise onter "cash." C. A B. C. D. E. F. F. G. C. C. C. C. C. C. F. F. G. C. C. <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td>									
Ion or credit arrangement from an individual or entity that has an interest in the farming operation identified in Part A? No. Go to item 3 YES. Stop - Use CCC-9021 Will custom services be utilized in the farming operation identified in Part A? No. Go to item 3 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified in Part A and not as part of an entity. If and is Cash heased from an Individual or entity with an interest in the crop or crop proceeds, include the rental rate in S/acre in Count F; otherwise enter "cash." E F. G. Check As Applicable Farm No. Location Check As Applicable Name of Individual or Entity E F. G. Check Are for "cash." Check As Applicable 4.7 Coahoma, MS Image: Second Sec									
Will custom services be utilized in the farming operation identified in Part A? NO. Go to Item 3 YES. Stop - Use CCC-9021 Enter the following information for ALL land farmed by the individual identified in Part A and not as part of an entity. Itand is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in S/acre in Column F; otherwise enter "cash." B. A B. Location Check As Applicable Name of Individual or Entity With an interest in the crop or crop proceeds, include the rental rate in S/acre in Column F; otherwise enter "cash." E. F. C. Check As Applicable Name of Individual or Entity Wome Land is Leased to and/or Overdor of Crop Share Frank Rate Check As Applicable Nom Land is Leased to and/or Overdor of Crop Share Frank Rate Check As Applicable Nom Land is Leased to and/or Overdor of Crop Share Frank Rate Check As Applicable Nom Land is Leased to and/or Overdor of Crop Share Frank Rate Share Acre M Check As Applicable Nom Land is Applicable Frank Rate Check As Applicable Nom Land is Applicable Nom Check Rate Frank Rate Check As Applicable Nom Check Rate Frank Rate Check Rate Check Rate Check Rate Frank Rate Check Rate Check Rate Frank Rate Check Rate Check Rate Frate Frank Rate <	loan or credit	t arrangement from an inc	lividual or entit	y that has	an interest in th				
Enter the following information for ALL land farmed by the individual identified in Part A and not as part of an entity. If land is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in S/acre in Column F; othorwise entor "cash." A B C B County and State) Check As Applicable Name of Individual or Entity Acres Whom Land is Leased to and/or Copy and State) Check As Applicable Name of Individual or Entity Acres Condomar, MS Check As Applicable 47 Coohman, MS Coohman, MS Coohman, MS Coohman, MS Coohman, MS Coohman, MS Interest was here in Core 213 Coohman, MS Coohman, MS Interest was here Interest was here Interest was here Interest was here Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A. (Check all that apply.) Cohnama, MS Interest was here A. Owned B. Leased C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A. Mon Mon Mon C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A. Mon						7			
If land is cash leased from an individual or entity with an interest in the crop or crop proceeds, include the rental rate in \$/acre in									-9021
Farm No. Location (County and State) Check As Applicable were dress tessed Name of Individual or Entity Whom Land is Leased to and/or From (Includes names of landowners and landords) Acres Sper Acre/% Leased Rental Rate Sper Acre/% of Cro Share interest was he last year 47 Coahoma, MS Image: Specific	If land is cas	sh leased from an indivi							n \$/acre in
Image: County and State) Image: County a			Check A		Name of				
47 Coahoma, MS Image: Second Sec	i ann NO.			_eased Leas	Whom Land	l is Leased to and/o as names of landowner	r Owned or	\$ per Acre/ %	same land interest was he
213 Coahama, MS Image: Coahama, MS <	L47	Coahoma, MS			-		304.2	25%	
Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A. (<i>Check all that apply.</i>) Non-borrowed Commercial loans/credit Private loans/credit FSA program payments Other: Equipment - Enter the percentages owned and/or leased to be used by the farming operation identified in Part A. A. Owned B. Leased C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A? YES No ACTIVE personal labor. Enter the percentage or hours to be provided by the individual identified in Part A: 0 % hours Hired labor. Enter the percentage or hours of labor that will be hired by the individual identified in Part A: 0 % hours Will any of the hired labor originate from the same source as the leased equipment in Part C YES NO. NO. ART E - Management Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal manage	213	Coahama, MS			Farmer Fa	rms	49.2	cash	
Capital - Indicate the source(s) of farming capital for the farming operation identified in Part A. (<i>Check all that apply.</i>) Non-borrowed Commercial loans/credit Private loans/credit FSA program payments Other: Equipment - Enter the percentages owned and/or leased to be used by the farming operation identified in Part A. A. Owned B. Leased C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A? YES No ACTIVE personal labor. Enter the percentage or hours to be provided by the individual identified in Part A: 0 % hours Hired labor. Enter the percentage or hours of labor that will be hired by the individual identified in Part A: 0 % hours Will any of the hired labor originate from the same source as the leased equipment in Part C YES NO. NO. ART E - Management Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal management to be provided by the individual identified in Part A: 0 % Active personal management. Enter the estimated percent of active personal manage	213	Coahama, MS			ר ד		117.0		
☑ Non-borrowed □ Commercial loans/credit □ Private loans/credit □ FSA program payments □ Other: Equipment - Enter the percentages owned and/or leased to be used by the farming operation identified in Part A. C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A? Attive personal labor. Enter the percentage or hours to be provided by the individual identified in Part A:				the farmir	- I ng operation idei	ntified in Part A. (Cl		uply.)	
identified in Part A. 0% C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A? 0% ART D-Labor 0%	-	owed 🗌 Commercial loa	ns/credit 🔲 F	Private loar	ns/credit 🔲 FS/	A program payments			
C. If leased, does the party/entity the equipment is leased from have an interest in the farming operation identified in Part A?		- Enter the percentages of	wned and/or l	eased to b	e used by the fa	rming operation		A. Owned	B. Leased
operation identified in Part A? YES NO ART D- Labor Active personal labor. Enter the percentage or hours to be provided by the individual identified in Part A:	Equipment				om have on inte	est in the farming		0	%
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Par. 131

B Example CCC-902I Short Form

	902I Short Form (02-01-10) Page 2 of 2
The fo	DEFINITIONS Ilowing definitions apply to Form CCC-902I Short Form.
1.	ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipment, or land, or combination thereof to the farming operation; and 2) significant contributions of active personal labor or active personal management, or a combination thereof, to the farming operation described. Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity must be at-risk and commensurate with the person's or legal entity's claimed share of the profit and loss of the farming operation. Failure to meet these requirements will result in the determination of ineligibility for payments under programs specified in 7 CFR Part 1400.
	INTEREST IN A FARMING OPERATION – a person or legal entity is considered to have an interest in a particular farming operation if the person or lega entity owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on the operation; or is a member of a joint operation that either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced on that operation.
3.	JOINT OPERATION - is a general partnership, joint venture, or similar organization.
4.	PERSON – is a natural person (an individual) and does not include a legal entity.
	ACTIVE PERSONAL LABOR – a person is considered to be providing active personal labor with respect to a farming operation if that person is directly an personally providing physical activities necessary to conduct the farming operation, including land preparation, planting, cultivating, harvesting, and marketing of agricultural commodities. Other qualifying physical activities include establishing and maintaining conserving covers and those physical activities necessar for livestock production for the farming operation.
	ACTIVE PERSONAL MANAGEMENT – a person is considered to be providing active personal management with respect to a farming operation if that person is directly and personally providing the general supervision and direction of activities and labor involved in the farming operation; or providing service (whether performed on-site or off-site) reasonably related and necessary to the farming operation.
	CAPITAL – with respect to a farming operation is the funding provided by a person or legal entity to the farming operation in order for such operation to conduct farming activities. To be considered a countable contribution for a person or legal entity, the capital must have been derived from a fund or account separate and distinct from that of any other person or entity involved in such operation. Countable capital does not include the value of any labor or management which is contributed to the farming operation. A capital contribution may be a direct non-borrowed (out-of-pocket) input of a specified sum or at amount borrowed by the person or entity. Capital does not include advance program payments.
	CONTRIBUTION – with respect to a farming operation is the provision of land, capital or equipment assets, and providing active personal labor, or active personal management to the farming operation in exchange for, or the expectation of, deriving benefits based solely on the success of the farming operation.
	CUSTOM SERVICES – with respect to a farming operation is the hiring of a contractor or vendor that is in the business of providing such specialized servic to perform services for the farming operation in exchange for the payment of a fee for such services performed.
	ENTITY - is a corporation, joint stock company, limited liability company, association, limited partnership, limited liability partnership, irrevocable trust, revocable trust, estate, charitable organization, or other similar organization including any such organization participating in the farming operation as a partner in a general partnership, participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization.
	EQUIPMENT – with respect to a farming operation is the machinery and implements needed to conduct activities of the farming operation including machinery and implements used for land preparation, planting, cultivating, harvesting or marketing crops. Equipment also includes machinery and implement needed to establish and maintain conserving covers.
	FAMILY MEMBER – a person is considered to be a family member of another person in the farming operation of that person is related to the other as a line ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.
	FARMING OPERATION - is a business enterprise engaged in the production of agricultural products which is operated by a person or a formal or informal entity which is eligible to receive payments, directly or indirectly.
	LAND – with a respect to a contribution to a farming operation is farmland consisting of cropland, pastureland, wetland, or rangeland which meets the specific requirements of the applicable program for which payments or benefits are sought.
	SUPPORTING DOCUMENTATION – is any information that supports the relevant representations made such as, but not limited to: articles of incorporation; corporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a deceased individual; affidavit of heirship approved by Office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lending security agreement and financial statement.
16.	All other terms utilized in this form shall be defined pursuant to 7 CFR Part 1400.
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 of this form is 7 CFR Part 1400, the Commodity Credit Corporation Charter Act (15 U.S. C. 714 et seq.), and the Food, Conservation, and Energy Act of 2008 (Pub. 110-246). The information will be used to determine eligibility for program benefits. 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-2, Farm Records File (Automated). Providing the requested information is voluntary. However, failure to furnish the requested information will result in a determination of ineligibility for program benefits.
	This information collection is exempted from the Paperwork Reduction Act, as is required for the administration of the Food, Conservation, and Energy Act of 200 (Pub. L. 110-246, Title I, Subtitle F – Administration). 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 .

*--132 Business File Equivalent of CCC-902I Short Form

A Business File Data Entry Process

For the automated CCC-902, load information about a producer's farming operation in the web-based system according to instructions in 3-PL (Rev. 1) Part 10, Business File Web-based Application.

The following table illustrates the data entry process for the information contained on the manual CCC-902I Short Form shown in subparagraph 131 B.

Web Page	Data Recorded in System
Contributions	• Capital – Yes
	• Land – Yes
	• Equipment – No
	• Labor – No
	• Management – Yes
	• Custom Services – No.
Capital	Selected "Non-borrowed capital".
Land	Recorded the following leases:
	 FSN 1147 – tract 6686 share (25 percent) lease to operator (percentage of division not needed for share leases) FSN 4213 – tract 1270 - cash lease to other tenant. Note: Did not record lease on FSN 4213 for tracts 1271 and 1272. This producer is the owner-operator on that farm and the example presumes there are no leases on those tracts. But they are listed in the owned section of the automated form.
Management Types	Active Personal – Yes
	• Hired – No
	• Other – No.
Management	• 100 percent active personal management
Contributions	No duties performed were specified.

B Farming Operation Summary Page

Following is an example of a Business File farming operation summary.

Welcome: Bobble Bu User Kole: FSA								
Select Different Customer Record New Form	CUSTOMER IN	FARMING			Ima Far Individui			
Circrating Plan Manage Customer	General In	formatior	1 .					
Individual	U.S. citizen							
General Contributions	Is 18 years -	or age or o	iderr te	:5				
Catolial	Capital Co	ntribution	s					
Land Custom Services Fauloment	Has capital o Capital conti			e from a	all sources	:		
Labor Management	Sources of c	apitali						
Summery	• Non-	-borrowed	capital	l				
Other								
Remarks	Land Conti	ributions						
Submit Plan	Has land con	tributions?	Yes					
Validations Report Sinnetures	State	County	Farm No.	Tract No.	Owned	Leased To	Leased From	Leased To/From
V(ew 902	Mississippi	Coahoma		6686	4	 		Farmer LLC
	Mississippi	Coahoma	4213	1270	4	1		Farmer Farms
	Mississippi	Coahoma	4213	1271	v			
	Mississippi	Coahoma	4213	1272	4			
								·····
	Custom Sei		-7 No					
		in service:	57 NU					
	Equipment	Contribu	tions					
	Has equipme	nt contribu	tions? N	lo				
	Labor Cont	ributions						
	Has labor col	ntributionsi	² No					
	Managemei	nt Contrib	outions					
	Has manager Active person Active person Type of activ Hired manag Additional ma	nal manage nal manage re personal ement? No	ment? ment co manage	res ontribut		tage: 100]%	

C Example of Automated CCC-902

Following is an example of the automated CCC-902.

	-902		U.S. C	DEPARTMEN	IT OF AGRI	CULTURE	Pro	ogram Year		
(5-16-2	2011)			Commodity C	Credit Corpora	ition				
	FARM OPE	RATING	G PLAN	FOR PAY	MENT ELI	GIBILITY	.	00	111	
				uent Progr		-		20	011	
E.	or "actively engage		•	0		a dotormination				
								g benefits from the F	arm Servi	ce Agency
								farming and other in		
								in Part A. This form a o a farming operatior		
equipm attribut		nagement.	The informa	tion on this form	will be used by	FSA to detern	nine payment	eligibility and limitatio	on of payn	nents by direct
	A - General Fa	rmina Or	oration I	nformation						
	ucer's Name	innig or		ID Number	and ID Typ	e (last 4 dic	uits) Bu	siness Type		
	A FARMER		14,		XXXX S				/idual	
	3 - Capital Info	ormation	Note	: Do not includ	le capital cont	ributed by m	embers of g	eneral partnership		ventures.
(applic	able for all busir	ness types)	1						-	
	the producer p			<u> </u>						Yes
	percent of cap							sources?		%
Indica	ate the source of	ot all farm	ing capita	I for the prod	ucer. (Check	all that apply	ク			
	X Non-borro	owed capi	tal	🗌 Cor	mmercial loa	ns/credit		Other/Additional		
	FSA prog	ram pavn	nents	🗌 Priv	/ate Loans/c	redit				
Da <i>rt (</i>	C - Land Inform									
енинининини	the producer c			ининининининининининининин	нымалынынымыныныныныны				1	Yes
	this farming or									Yes
2000				Farm Serial	Tract	Farmland	Cropland	Farmland Acres	Is any I	land leased to
State	Adminis	trative Cou	inty	Number	Number	Acres	Acres	Not Leased		er producer?
MS		oahoma		1147	6686	320.0	304.2	15.8		Yes
MS		bahoma		4213	1270	59.0	49.2	9.8		Yes
MS	Coahoma			1	1271	58.0	53.0	58.0	No	
MS Coahoma						70.0	010			
			ana lendi	from or oth	1272	78.0	64.0	78.0		No
Does	this farming op	eration le			1272 producer?	78.0	64.0			No No
Does		eration le			1272 producer?	78.0	64.0			No
Does	this farming op this farming op	peration le peration le Farm	ase land t	to another pr	1272 producer? oducer?					No No Yes Interest in the Land is
Does Does	this farming op this farming op Administrative	eration le peration le Farm Serial	ase land t	to another pr	1272 producer? oducer? rson Land is	Leased	Type of	78.0	Crop	No No Yes Interest in the Land is same as las
Does Does State	this farming op this farming op Administrative County	peration le peration le Farm Serial Number	ase land t Tract Number	to another pr Name of Pe Lease	1272 producer? oducer? rson Land is ed To	Leased Acres	Type of Acres	78.0	Share	No No Yes Interest in the Land is same as las year?
Does Does State MS	this farming op this farming op Administrative County Coahoma	peration le peration le Farm Serial Number 1147	Tract Number 6686	to another pr	1272 producer? oducer? rson Land is ed To R LLC	Leased Acres 304.2	Type of Acres Cropland	78.0 Type of Lease Share		No No Yes Interest in the Land is same as las year? Yes
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Does Does State MS MS Part [this farming op this farming op Administrative County Coahoma Coahoma D - Custom Se	Farm Serial Number 1147 4213	Tract Number 6686 1270	to another pr Name of Pe Lease FARME FARMER r all business	1272 producer? oducer? rson Land is ed To R LLC FARMS types)	Leased Acres 304.2 49.2	Type of Acres Cropland Cropland	78.0 Type of Lease Share Cash	Share	No No Yes Interest in the Land is same as last year? Yes
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Does Does State MS MS Part I Will cr farmir Part I	this farming op this farming op Administrative County Coahoma Coahoma D - Custom Se ustom services g operation? E - Equipment	Farm Serial Number 1147 4213 rvices (a) , such as	Tract Number 6686 1270 pplicable fo harvesting	to another pr Name of Pe Lease FARME FARMER r all business g, spraying, f	1272 producer? oducer? rson Land is ed To R LLC FARMS types) fertilization, t	Leased Acres 304.2 49.2 illage, seed	Type of Acres Cropland Cropland ing, etc., be	78.0 Type of Lease Share Cash	Share 25%	No No Yes Interest in the Land is same as last year? Yes Yes No
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C Example of Automated CCC-902 (Continued)

CCC-902 (Page 2) Producer Name IMA FARMER	Date Submitted:	Version Number: 9
Producer Name IMA FARMER Part H - Minor Information (only applica		
Will the producer be 18 years of age by	· · · · · · · · · · · · · · · · · · ·	Yes
Part I - Citizenship Information (only a	······	
	or an alien lawfully admitted into the United States	? Yes
Part J - Remarks		
Part K - Certification (applicable for indiv	viduals and entities)	
I certify that all the information entered on the incorrect information will result in forfeiture of the second seco	his document and any supporting documentation is true of payments and may result in the assessment of a pena nmittees of any changes in this farming operation. By s	alty. I will timely provide written
 it is my responsibility to timely notify FSA is may affect these representations. 	and requirements be considered in offect continuously unless changes or in writing of any changes in the farming, ranching or for blic accountant's certification, or other documentation m	estry operation, or financial status that
representations and that I will take all nece	essary actions to provide such materials to FSA if reque	ested.
Signature of Producer (by)	Title/Relationship of the Individual Signing in Representative Capacity	Date (MM-DD-YYYY)
Signature of Froducer (by)		

D Comparison of Manual CCC-902I Short Form and Automated CCC-902

This table compares the parts and features of the manual CCC-902I Short Form and the automated CCC-902.

Item or Contribution	CCC-902I Short Form	CCC-902 Automated	Explanation of Differences
			CCC-902I Short Form - manual
Name, Address, TIN	Part A	Part A	entries.
Citizenship status	Part B	Part I	Automated CCC-902 - SCIMS
Minor child status	Part B	Part H	records.
Other farming interests	Part B		CCC-902I Short Form - manual entries.
			Automated CCC-902 - this information will not be recorded in the collection process.
Land	Part C	Part C	CCC-902I Short Form - manual entries by farm number, cropland acres only.
			Automated CCC-902 - information sourced from farm records; entries by farm number, tract number, cropland and farmland acres; percentage of division not needed for share leases.
Capital	Part C	Part B	Both forms - manual entries.
			Automated CCC-902 - entry for percentage of total contribution.
Equipment	Part C	Part E	Both forms - manual entries.
			Automated CCC-902 - entry about leasing to another producer.
Labor	Part D	Part F	Both forms - entries for percentage contribution.
			Automated CCC-902 - no entry for hours provided.
Management	Part E	Part G	Both forms - entries for percentage contribution.
Custom Services	Part C	Part D	Both forms - same or similar entries.
Certification	Part F	Part K	Both forms - same entries and requirements.

133-135 (Reserved)

*--136 General Partnerships, Joint Operations, and Joint Ventures

A Definition of General Partnership

General partnership means:

- comprised of 2 or more persons or legal entities
- formed under State law
- subject to the terms of a formalized agreement
- identified with EIN.

In a general partnership:

- the members combine assets or the partnership may acquire property and assets
- single or multiple business enterprises are conducted by the partnership that are separate and apart from any business enterprises of the individual members
- all members are held jointly and severally liable for obligations incurred by the partnership
- each member shares in the profits and losses.

B Definition of Joint Operation [7 CFR 1400.3]

<u>Joint operation</u> means a general partnership or joint venture, whose members are jointly and severally liable for the obligations of the organization, in which 2 or more individuals or entities pool their resources, such as land, labor, capital, management, and equipment, to conduct the farming operation for a common purpose, sharing the profits and losses.

C Definition of Joint Venture

<u>Joint venture</u> means a short-term association of persons or legal entities, where the association exists without an actual partnership or corporate designation.

In a joint venture:

- the members combine their property, money, effects, skills, and knowledge
- a single business enterprise is conducted
- each member intends to derive a share or benefit
- each member sustains a mutual responsibility.--*

*--136 General Partnerships, Joint Operations, and Joint Ventures (Continued)

D Comparison of General Partnerships and Joint Ventures

The following table provides a comparison of general partnerships and joint ventures.

Inputs and Characteristics	General Partnership	Joint Venture
Capital	Contributed by the	Contributed by each member.
Land	partnership.	
Equipment		
Labor (Both active personal	Contributed by the members	
and hired labor.)	or the partnership.	
Management	Contributed by the members.	
EIN	Yes.	Optional.
Separate Bank Account	Yes.	No.
Risk and Liability	Joint and several liability.	Joint and several liability.
Members Share in the Profits	Yes.	Yes.
and Losses		
Longevity	Long term.	Short term.
Written Agreement	Yes.	Optional.
Business Activities	Wide range of projects and	Limited to a specific project
	purposes with a common goal	or purpose and common goal
	of the members.	of the members.

*--136 General Partnerships, Joint Operations, and Joint Ventures (Continued)

E Examples of Individual Operations and Joint Operations

Example 1: Tom cash leases 400 acres and his brother John has all of the equipment used in the operation. Tom pays the cash lease, but they share in all other input costs. The crop is shared 60/40 percent. Both have a risk and share in the profits and losses in the farming operation.

The joint venture of Tom and John is recorded on CCC-902E.

Example 2: Jill cash leases 160 acres and plants the crop. Her brother Jack does all the spraying and harvesting in exchange for planting and trucking that Jill performs on land that Jack owns. Jack has no investment, interest, or risk in the growing crop and will **not** share in the profits or losses on the 160 acres that Jill leases.

Jack and Jill each have their own separate farming operations. Jack and Jill each complete CCC-902I.

Example 3: AB Corporation and CD Corporation cash rent 500 acres of land. AB Inc. pays the rent on 200 acres (40 percent of the land) and CD Inc. pays the rent on the balance (60 percent or 300 acres). Each corporation has separate financing and a separate line of equipment. Each corporation keeps track of the equipment use and the expenses on this property. The crop production from the 500 acres is shared 60/40 percent. Both corporations are at risk and share in the profits and losses from the operation of this rented land.

The joint venture of these 2 corporations is recorded on CCC-902E.

Example 4: Larry and Daryl each have their own farming operations and occasionally perform field work for the other. Although they also own a tractor and cotton stripper together, each has their own accounts, equipment, and financing. Each is at risk, but crops and expenses are **not** shared on any land operated by either of them.

Larry and Daryl each have their own separate farming operations. Larry and Daryl each complete CCC-902I.

Example 5: Joe is the tenant on Dave's farm with each sharing in the crop production. Joe provides the equipment, performs all of the labor and fieldwork necessary, and delivers Dave's share of the crop production to a local grain elevator. Dave's share of the crop is in exchange for the rent of the land. While Joe and Dave share in the crop production and each has a risk, their risk is **not** mutually shared.

Joe and Dave each have their own separate farming operations. Joe completes CCC-902I and Dave completes CCC-902I Short Form.--*

*--137 Eligibility Determinations

A Rule [7 CFR 1400.203]

Each member who shares in the income from a joint operation **must** be determined to be actively engaged in farming for the joint operation to be fully eligible for payment.--*

Members of a joint operation can be determined actively engaged in farming by meeting **all** of the requirements in the following table.

Item	Requirement						
1	Contributions to the farming operation of both of the following are made:						
	• the member or joint operation makes a significant contribution of capital, equipment, or land, or a combination thereof						
	• each member makes a significant contribution of active personal labor or active personal management, or a combination thereof, that are:						
	• performed on a regular basis						
	identifiable and documentable						
	• separate and distinct from contributions of any other member.						
	Note: See subparagraph 116 A for exceptions for spouses.						
2	The member must provide satisfactory evidence that the contributions of land, labor,						
	management, equipment, or capital to the joint operation are commensurate with the						
	member's claimed share of the profits or losses of the joint operation. See						
	subparagraphs 147 E, F, and G for recordkeeping, methods of proof, and verification requirements.						
3	The member's contributions to the farming operation are at risk.						

B Separate and Distinct Contribution of Labor

If a member provides active personal labor to the joint operation's farming operation that is performed on a regular basis, and that is identifiable and documentable, the member will be considered to have met the requirement of a separate and distinct contribution of labor to the joint operation's farming operation.

C Contributions Not Commensurate

For a member of a joint operation whose contributions of inputs are not equal to his or her claimed share:

- if the contribution is less than commensurate, that member is not considered "actively engaged in farming" and ineligible to receive any payment earned by the joint operation
- if the contribution is at least commensurate, that member may receive his or her share of the payment earned by the operation, but this share cannot be increased because of the ineligibility of another member.

138 Family Members in a Joint Operation

A Definition [7 CFR 1400.3]

<u>Family member</u> means a person to whom another member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

The term family member shall include:

- great grandparent
- grandparent
- parent
- child, including legally adopted children and stepchildren
- grandchild
- great grandchild
- sibling of the family members in the farming operation
- spouse of family members.

B Making Determinations

In making determinations, COC shall consider the makeup of the operation at the time the determinations are made.

C Rule [7 CFR 1400.208]

A person who is an adult family member shall be considered actively engaged in farming for a joint operation composed of a majority of whom are family members, if **all** of the requirements in this table are met.

Item	Requirement
1	The family member makes a significant contribution of active personal
	management or active personal labor, or combination thereof, to the farming
	operation.
2	The family member's share of the profits or losses from the farming operation is
	commensurate with the family member's contribution to the operation.
3	The family member's contributions are at risk.

Par. 138

D Example 1

Situation: In 2008, Partnership AB consists of Person A and Person B, 2 unrelated person members. In 2009, Person C, an adult son of Person A, will join the partnership.

- Persons A and B will **each** provide a significant contribution of active personal labor and active personal management.
- Person C will provide a significant contribution of active personal labor.
- The partnership will provide all of the capital and equipment. The land is share leased by the partnership from 5 different landowners.

Determination: A majority of the persons of the joint operation are family members. Based on the contributions of each member, Persons A, B, and C are **each** considered to be actively engaged in farming, if COC determines the contributions are at risk and claimed shares are commensurate with the contributions of each member.

Person C is actively engaged in farming because of the family member provision, since the joint operation consists of 3 persons, a majority of whom are persons that are family members.

E Example 2

Situation: Father A has been farming owned land and rented land for many years. Son B, an adult, is starting to farm with his father. Son B contributes a significant amount of active personal labor. Father A contributes all of the farming operation's capital, equipment, and active personal management.

Determination: Father A and Son B are both considered to be actively engaged in farming, if COC determines the contributions are at risk and claimed shares are commensurate with the contributions of each member.

F Example 3

Situation: In 2008, Partnership CD consisted of Person C and Grandfather D. In 2009, Grandson E is brought into the farming operation.

- Person C contributes all the capital and a significant amount of active personal management.
- Grandfather D contributes the use of a significant amount of equipment, owned land, and active personal management.
- Grandson E will provide all the active personal labor.

Determination: Person C, Grandfather D, and Grandson E will each be considered to be actively engaged in farming, if COC determines the claimed shares are at risk and commensurate with each partner's contribution to the farming operation.

G Example 4

Situation: ABC Partnership is a family held partnership consisting of Father A, Son B, and Daughter C. In 2009, Father A brings Son-in-law D into the farming operation.

- Daughter C, who is married to Son-in-law D, does **not** provide a significant amount of active personal labor or active personal management to the farming operation.
- Son B contributes a significant amount of capital, active personal labor, and active personal management.
- Father A originally contributed his owned equipment to the partnership and contributes some capital and a significant amount of active personal management.
- Son-in-law D contributes a significant amount of both active personal labor and active personal management to the farming operation.

Determination: Father A, Son B, and Son-in-law D are considered to be actively engaged in farming, if COC determines the claimed shares are at risk and commensurate with each partner's contribution to the farming operation. Daughter C is considered to be actively engaged in farming, if the requirements of paragraph 116 apply. Son-in-law D was brought into the farming operation using the family member provision.

138 Family Members in a Joint Operation (Continued)

H Example 5

Situation: Mother A, Daughter B, and Son C are partners in a family partnership. Son D, a minor child, becomes a partner in 2009.

- Mother A contributes a significant amount of both capital and active personal management.
- Daughter B contributes a significant amount of both capital and active personal management.
- Son C contributes a significant amount of equipment, active personal labor, and active personal management.
- Son D contributes a significant amount of active personal labor.

Determination: Mother A, Daughter B, and Son C are considered to be actively engaged in farming. However, Son D is **not** considered to be actively engaged in farming because of the family member provision because he is **not** an adult family member.

A Example 1

Situation: Partnership AB farms 2,000 acres of land. The partnership owns the equipment and the partners provide at least 50 percent of their commensurate share of active personal labor and a significant amount of active personal management. Each partner's share of the profits or losses from the farming operation is commensurate with the partner's contribution to the operation and each partner's contributions are at risk.

Determination: Partners A and B are considered to be actively engaged in farming and each have a separate payment limitation.

B Example 2

Situation: Partnership CD farms 2,000 acres of land. Each partner contributes a significant amount of both capital and active personal management to the farming operation. Labor is hired. Equipment and land are rented from third parties. Each partner's share of the profits or losses from the farming operation is commensurate with the partner's contribution to the operation and each partner's contributions are at risk.

Determination: Partners C and D are considered to be actively engaged in farming and each have their own respective payment limitation.

C Example 3

Situation: Partnership EFG farms 2,000 acres of land. The contributions of capital, land, and equipment are acquired from loans from a banking institution. The bank requires that all partners sign to guarantee the loan. The partners provide at least 50 percent of their commensurate share of active personal labor and a significant amount of active personal management. Each partner's share of the profits or losses from the farming operation is commensurate with the partner's contributions to the operation and each partner's contributions are at risk. None of the partners have any other farming interests.

Determination: Partners E, F, and G are considered to be actively engaged in farming. The fact that the contributions of capital, land, and equipment are guaranteed by the members does **not** prevent the contributions from being considered for a significant contribution. See subparagraphs 72 C, 72 D, and 73 C.

140 Completing CCC-902E's for Joint Operations

A Completing CCC-902E's

For detailed instructions on completing CCC-902E's, see subparagraph 120 A.

B Example CCC-902E

Following is an example of CCC-902E for a joint operation.

*--

This form is available electronica	lly.				(See Pag	e 5 for Privacy /	Act Statement.)
	RTMENT OF AGRICULTUR	E		1. Count	ty	3. Program	
(03-26-09) Cor	nmodity Credit Corporation			Johnson			
	TING PLAN FOR AN			2. State		2009	
2009 and Subsequent Program Years				TX			
For "actively engaged in farming" and							
This form is to be completed for an el that are subject to the regulations at 1							
using the tax identification number lis	ted in Part A. This form a	lso collects ii	information about t	he membel	rs of such entity. An individu	al who receives	program
benefits directly as an individual must inputs to a farming operation such as							
FSA to determine payment eligibility a				enaly isle	unirati. The information		in be used by
PART A - ENTITY INFORMATIC							
1. Farming Entity's Name and Addre	ss (Include Zip Code)				 Tax Identification Num identification number is a 		
Beringer Partners 205 Southland Rd					only the last 4 digits are i	equired)	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
Claburne, TX 73333					3. Date of Formation (MM	1263	
						-DD-YYYY) 3 0-2008	
PART B - TYPE OF OPERATIO	N (Select only one)						
 Select appropriate type of operation 		lentified in P	Part A				
General Partnership	Limited Partnership		_			o ouncel Fatte	
Joint Venture	Limited Liability Com	panv	Estate Charitable/Ta	y-evennt	City, County or Sta	e-owned Entity	
Sole Proprietorship/DBA	Revocable/Living Tru		Organization		Indian Tribe		
Corporation	Irrevocable Trust		Public Schoo	bl	Other:		
 Supporting documentation (such a shareholders, members and owner 							
entity and the authority of its share				nuties, citte	es, and counties, to verify the	e legal status of	lite
PART C - MEMBER INFORMAT	ION (Use CCC-902E	Continuat	ion if additiona	l space is	s needed for any inform	ation in Part	C)
1. Members - List all members/share	holders of the entity ident	tified in Part	A of this form:				
A. Name	B. Tax ID Number	C. % Share	D.		E. Family Member	Does this me	F.
Name	(Last 4 digits if	% Share	Position and (If applica		Relationship	signature aut	
	already on file)		partner	DIE)	(if applicable)	legal entity?	
Jack Beringer	0457	25	\$0		self	YES	NO NO
Ana Beringer	8328	25	partner \$0		Wife of Jack	YES	
Bobby Beringer	6101	25	partner		Brother to Jack	YES	Пио
Bobby Berniger			\$0 partner				
lda Beringer	4377	25	\$0		Wife of Bobby	YES	
					-	YES	
			\$				
			\$			YES	
G. I certify that I have signature of	uthority for the entity id	entified in P	Part A and that al	informati		1. Initials	 Date 4/15/2009
Part C is true and correct.	T	(- h h - l -l			<u></u>	B; AB	, ,
 If the entity in Part A is an Estate of A. Name of Estate or Trust 	or Trust, or It any member.	/snarenoider			nistrator/Grantor	iministrator, or	Grantor:
3. Embedded Entities – If any memb	er/shareholder of the entit	v identified ir	n Part A is an entit	v. a CCC-9	001. Member's Information	. must also be (completed and
submitted concurrent with this CC	C-902E. Additionally, a C	CC-902E m	nust be completed	and submit	tted for each embedded enti		
Check if CCC-901 is at	ached.	Check	if CCC-902E is at	tached for a	an embedded entity.		
4. Other farming interests: Complete	this item for any member	/shareholde	r identified in Part	C that has	an interest in other farming	operations.	
		-			C.		D.
A. Member's name	Name	B. of Farming i	interest(s)		Number of farming interest) and State(s) ing interest(s)
			. /	(Last	4 digits if already on file)		located
The U.S. Department of Agriculture (USDA) prohib	its discrimination in all its new ram	and activities on	the basis of mon- color	national origin	age, disability, and where anninabi	a, sex, marital status	familial status
parental status, religion, sexual orientation, genetic all programs.) Persons with disabilities who require	information, political beliefs, reprin	sal, or because a	all or part of an individual	's income is de	erived from any public assistance pro	ram. (Not all prohit	ited bases apply to
nd TDD). To file a complaint of discrimination, wr ISDA is an equal opportunity provider and employ	ite to USDA, Director, Office of Civ	il Rights, 1400 lr	ndependence Avenue, S	W., Washingto	on, DC 20250-9410, or call (800) 795-	3272 (voice) or (202) 720-6382 (TDD).
· · · · · · · · · · · · · · · · · · ·							

B Example CCC-902E (Continued)

A B B C B Parent's or Guirdan's Address Parent's or Guirdan's Addres		Shareholders –	For any M	ember or Sh	areholder wh	o is a minor, prov	ide the follow	ing: 🛛 N/	Ά		
(1) is any minor a produce on a farm in which the parent or guardian has no interest? YES NO (2) Does any minor maintain a separate household from the parent or guardian and personally carry out fimming during the parent or staming operation. Including separate accounting? NO (3) Does any minor who is represented by a court-appointed guardian or conservator responsible for the minor during a management in the farm? YES NO (4) If any minor with an interest in this farming operation can answer "YES" to Items F(1) through F(3) list that minor's name: A Citizenship Status - is each Member and Shareholder of the entity or joint operation identified in Part A, and any embedded entity identified in Part C a U.S. Citizen? (4) YES, all members/shareholders are US Citizens - Go to Part D NO, one or more members/shareholders is not a US Citizen - Complete Item 68 8. For each member or shareholder (direct or embedded) who is not a US Citizen, provide the following: In sindividual has a presented to FAA CCC Initials (1) Name of Individual (2) This individual field in PAT A, what percentages of the overall Inputs will be contributed directly by the Entity? Enter the following: (2) PYES NO YES NO YES NO (3) The farming operation of the entity identified in PAT A, what percentages of the overall Inputs will be contributed directly by the Entity? The following: (4) Harm of individual Status - Stat		ne	Date of	of Par		dian's Name	Parent's or			Parent or Gua or Tax ID	rdian's SSN Number
(1) is any minor a produce on a farm in which the parent or guardian has no interest? YES NO (2) Does any minor minitain a separate household from the parent or guardian and personally carry out firming and the seconal provide of the minor and personally carry out firming and the seconal provide of the minor and personal provide the minor and personal provide of the minor and personal provide the following: (4) If any minor with an interest in US Citizen - Go to Part D NO, one or more members/shareholders is not a US Citizen - Complete Item 68 B. For each member or shareholder (dired or embedded) who is not a US Citizen, provide the following: (1) This individual here and personal provide directly by the Entity C There for MSA USE ONLY and the formitos of the minor portal individual field. (1) Nome of Individual VES NO YES NO											
(2) Does any minor maintain a separate household from the parent or guardian and personally carry out farming			m in which	the parent of	or quardian ha	as no interest?		Г			
(3) Does any minor who is represented by a court-appointed guardian or conservator responsible for the minor □ YES □ NO a) live in a household other than the parents' household(s), and b) have a vested ownership in the farm? (4) If any minor with an interest in this farming operation can answer 'YES' to litems F(1) through F(3), list that minor's name: A. Citizenship Status - Is each Member and Shareholder of the entity or joint operation identified in Part A, and any embedded entity identified in Part C a U.S. Citizen? □ YES, all members/shareholders are US Citizens - Go to Part D □ NO, one or more members/shareholders is not a US Citizen - Complete item 68 B. For each member or shareholder (direct or embedded) who is not a US Citizen, provide the following: 1) Name of individual	(2) Does any minor	maintain a sepa	arate house	hold from th	e parent or gu	uardian and pers			YES		
A Citizenship Status - Is each Member and Shareholder of the entity or joint operation identified in Part A, and any embedded entity identified in Part C a U.S. Citizen? Ore source in the entity of t	(3) Does any minor	who is represer	ited by a co	ourt-appointe	ed guardian o	r conservator res	ponsible for th	ne minor	YES	NO NO	
U.S. Cilizen? VES. all members/shareholders are US Cilizens - Go to Part D No. one or more members/shareholders is not a US Cilizen - Complete Item 6B E. For each member or shareholder (direct or embedded) who is not a US Cilizen, provide the following: 1) Name of Individual (2) This individual has a FOR FSA USE ONLY Valid Form I-551 Form I-551 Presented to FSA CCC Initials (2) This individual has a FOR FSA USE ONLY Valid Form I-551 Valid Form I-551 NO VES	(4) If any minor wit	h an interest in t	this farming	operation of	can answer "Y	'ES" to Items F(1) through F(3)	, list that minor	's name:		
B. For each member or shareholder (direct or embedded) who is not a US Citizen, provide the following: (2) This individual (2) This individual has a Valid Form I-551 Form I-551 Presented to FSA USE ONLY Form I-551 Presented to FSA CCC Initials U YES NO		- Is each Memb	per and Sha	areholder of	the entity or j	oint operation ide	ntified in Part	A, and any em	bedded er	ntity identified	in Part C a
(2) This individual (2) This individual has a valid Form I-551 FOR FSA USE ONLY Form I-551 Form I-551 <td< td=""><td>YES, all membe</td><td>ers/shareholders</td><td>s are US C</td><td>tizens - Go</td><td>to Part D</td><td>NO, one or mo</td><td>re members/s</td><td>hareholders is</td><td>not a US (</td><td>Citizen - Comp</td><td>lete Item 6B</td></td<>	YES, all membe	ers/shareholders	s are US C	tizens - Go	to Part D	NO, one or mo	re members/s	hareholders is	not a US (Citizen - Comp	lete Item 6B
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ART D - SUMMARY OF CONTRIBUTIONS TO THE FARMING OPERATION For the farming operation of the entity identified in Part A, what percentages of the overall inputs will be <u>contributed directly by the legal</u> entity identified in Part A, what percentages of the overall inputs will be <u>contributed directly by the legal</u> entity identified information for contributions to be made by the legal entity identified in Part A. These percentages should reflect the capital provided directly by the legal entity. Ident directly by the legal entity. Identified in Part A, what percentages of the following farm inputs will be <u>contributed by the legal</u> entity. Identified in Part A, what percentages of the following farm inputs will be <u>contributed by the Members</u> listed in PART C? Enter the following information for the contributions to be made by the members. These percentages should reflect any capital originating form members functions are there the from the entity. Identified in Part A, what percentages of the following farm inputs will be <u>contributed by the Members</u> listed in PART C? Enter the following information for the contributions to be made by the members. These percentages should reflect any capital originating form members function and management hired by the members for the entity: and labor and management performed personally by the member(s) for the benefit of the farming operation identified in Part A. (Provide information and these contributions in items B through H). A B. C. D. E. For the farming operation of the entity identified in Part A. Member's Isode and management the by the members of othe entity: and and upper other and management performed personally by the member(s) for the benefit of the farming operation identified in Part A. B. C. D. </td <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td><u> </u></td> <td></td> <td></td> <td></td> <td></td>							<u> </u>				
For the farming operation of the entity identified in Part A, what percentages of the overall inputs will be <u>contributed directly by the Entity</u> ? Enter the following information for contributions to be made by the legal entity identified in Part A. These percentages should reflect the capital provided directly by the legal entity and used in the farming operation; labor hirds by the legal entity; and management hirds by the legal entity identified in Part A, what percentages of the following farm inputs will be <u>contributed by the legal entity</u> ; and management hirds by the legal entity; and used in the contributions to be made by the members; bread contributed to this farming operation with entities in the members for the entity; and management hirds by the members for the entity; and labor and management performed personally by the member(s) for the benefit of the farming operation without compensation to the member(s) in the farming operation without entities and management performed personally by the member(s) for the benefit of the farming operation without entities and management performed personally by the member(s) for the benefit of the farming operation identified in Part A. A B C D E Fr. G. Labor (%) H. Management (%) A B C D E E Fr. G. Labor (%) H. Management (%) A B C D <td></td> <td></td> <td></td> <td></td> <td></td> <td>YES</td> <td></td> <td>I YE</td> <td>is 🗌</td> <td>NO</td> <td></td>						YES		I YE	is 🗌	NO	
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B Example CCC-902E (Continued)

entity that i	has an interest		rop proce	eds, inclu	on of the entity identified in Part ide the rental rate in \$/acre in h to this form)			
A. Farm No. and Location (County and State)	Eand Lease Contributed	ed or Che	C. eck as appl		D. Name of Person or Entity Whom Land is Leased to and/or From (<i>Includes names</i> <i>landowners and landlords</i>)	E. Acres Owned of or Leased	F. Rental Rate per Acre/ % or Crop Sha	% same land
iarm No.: 12 ocation: Johnson/TX	Beringer Partners				Rob Beckham Estate	364.0	75%	
arm No.: 337 ocation: Johnson/TX	Beringer Partners				Thomas Heirs	173.0	cash	
arm No.: 213 ocation: Erath/TX	Beringer Partners				Dirk Jahr	507.3	75%	
arm No.: 3 ocation: Erath/TX	Beringer Partners				Ludlow Ltd.	685.8	75%	
arm No.: ocation: /esquite/TX	Beringer Partners				Jackson Ranch	15,000	cash	
YES go to Item 3	apital, farming e lit be acquired fr ntified in Part A	om, guaranteed to (Such interest n	be acquir NO go to by, co-sign	ed as a re Part G ed by, or s a landown	program payments from this cro sult of a loan or credit arrangen secured by an individual, joint o er or other tenant)?	nent?	ty that has an ii	interest in the
 Will contributions of c YES go to Item 3 Will such loan or cred farming operation ide 	apital, farming e lit be acquired fr ntified in Part A Items 3(A) throu	Other: equipment or land om, guaranteed to (Such interest of	be acquir NO go to by, co-sign nay be as NO. Go t	ed as a re Part G ed by, or s a <i>landown</i> to Part G.	sult of a loan or credit arrangen secured by an individual, joint o er or other tenant)? C arantor's Name Cred	nent?	arantor's st in the	E Percent of Total Capital
2. Will contributions of c 2. Will contributions of c 3. Will such loan or cred farming operation ide YES. Complete I A Type of Contribution PART G - EQUIPME	apital, farming e fit be acquired fr ntified in Part A Items 3(A) throu Name c Name c NT (All perce Enter the per	Other: equipment or land com, guaranteed t (Such interest n gh 3(E) B of Loan or Credit S ntages are bas crent of ALL equip	be acquir NO go to by, co-sign nay be as NO. Go t Source	ed as a re Part G ed by, or s a landown o Part G. Gu	sult of a loan or credit arrangen secured by an individual, joint o <i>er or other tenant</i>)? C arantor's Name Affi	peration or enti peration or enti it Source or Gu liation or Intere: Farming Opera	arantor's st in the tion	E Percent of Total Capital
Will contributions of c YES go to Item 3 Will such loan or cred farming operation ide YES. Complete I A Type of Contribution PART G - EQUIPME 1. Owned Equipment:	apital, farming e iit be acquired fr ntified in Part A items 3(A) throu Name c NT (All perce: Enter the per identified in F Enter the follo	Other: equipment or land (Such interest n gh 3(E) B of Loan or Credit \$ ntages are bas rcent of ALL equip Part C by the entit	be acquir NO go to by, co-sign nay be as NO. Go t Source	ed as a re Part G ed by, or s a landown o Part G. Gu nnual ren ed by the ased equi	sult of a loan or credit arranger secured by an individual, joint o er or other tenant)? C arantor's Name Cred Affil ntal values.) farming operation of the entity i prment to be used in the farming	peration or enti peration or enti it Source or Gu liation or Intere: Farming Opera dentified in Par	arantor's st in the tion	E Percent of Total Capital
A Contributions of c YES go to Item 3 Will such loan or cred farming operation ide YES. Complete I A Type of Contribution PART G - EQUIPME 1. Owned Equipment: 2. Leased Equipment: A. Percent of Total Equipi	apital, farming e dit be acquired fr ntified in Part A ttems 3(A) throu Name c NT (A// percee NT (A// percee Enter the per identified in F Enter the folk leased equipr ment	Other:	be acquir NO go to by, co-sign nay be as NO. Go t Source Source sed on an oment own ty: for ALL le in this farm fual/Entity	ed as a re Part G ed by, or s a landown o Part G. Gu nnual rer ed by the assed equin operation	sult of a loan or credit arranger secured by an individual, joint o er or other tenant)? C arantor's Name Cred Affil ntal values.) farming operation of the entity i prment to be used in the farming	peration or enti peration or enti it Source or Gu iation or Intere: Farming Opera dentified in Par g operation of the ed	arantor's st in the tion t A that will be ne entity identifi Does the Indiv quipment is lea	E Percent of Total Capital used on the farms 90 % ied in Part A. If D. vidual/Entity the ised from have an
A Contributions of c Vill contributions of c YES go to Item 3 Vill such loan or cred farming operation ide YES. Complete I A Type of Contribution PART G - EQUIPME Owned Equipment: Leased Equipment: A Percent of Total Equip Used in the Farming Operation	apital, farming e dit be acquired fr ntified in Part A ttems 3(A) throu Name c NT (A// percee NT (A// percee Enter the per identified in F Enter the folk leased equipr ment eration 0 % Rogel	Other: equipment or land 	be acquir NO go to py, co-sign nay be as NO. Go t Source seed on a poment own ty: for ALL le in this farm dual/Entity ased From	ed as a re Part G ed by, or s a landown o Part G. Gu Gu nual rep nual rep ased equi n operation	sult of a loan or credit arrangen secured by an individual, joint o er or other tenant)? C arantor's Name Cred Affi ntal values.) farming operation of the entity i pment to be used in the farming h, enter 0%. C.	peration or enti peration or enti it Source or Gu iation or Intere: Farming Opera dentified in Par g operation of the ed	arantor's st in the t A that will be the the entity identifi Does the Indiv quipment is lea terest in this fa	E Percent of Total Capital
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B Example CCC-902E (Continued)

🛛 NO. GO TO PAR		identified in Part A on the farm YES. Complete Items 1A thro			
A. Type of Servi	ces	B. Farm Number(s)	C. Number of Acres	N	D. Name of Provider
		EMBERS/SHAREHOLDER			by the members or shareholders
		Туре			Amount
		umber of hours to be donated	by family members or others		0%
for which	no payment will be	ssued or owed.			hrs
NO	YES <i>If "YES", acc</i> abor for the farming of YES <i>If "YES", acc</i> NT and/or activities requ	operation identified in Part A or eptable documentation to prov operation identified in Part A b eptable documentation to prov	e such relationship may be r e included in the custom serv e such relationship may be re	equired for complian ices shown in Part equired for complian	nce purposes. H? nce purposes.
hareholder(s) of the entity Active personal mana List the specific manage The duties/activities mi activities performed by	gement: rial duties/activities t ust be performed or any other member applicable to the heir Crops, equip	hat will be performed personal n a regular basis; be identifia	of Trusts.) B. Duties/Activities g, pasture cattle	nolder.	distinct from the management
hareholder(s) of the entity Active personal mana List the specific manage The duties/activities m activities performed by (This requirement is not , A. Member/Shareholder Jack Beringer	gement: rial duties/activities to ust be performed of any other member applicable to the heir Crops, equip Bookkeeping	hat will be performed personal n a regular basis; be identifie (s) or shareholder(s). s of Estate or the beneficiaries ment, irrigation, financing	of Trusts.) B. Duties/Activities g, pasture cattle SA business	nolder.	
hareholder(s) of the entity Active personal mana List the specific manage The duties/activities mi activities performed by (This requirement is not. A. Member/Shareholder Jack Beringer	gement: rial duties/activities t ust be performed or any other member applicable to the heir Crops, equip Bookkeeping Crops, feede	hat will be performed personal n a regular basis; be identifia (s) or shareholder(s). s of Estate or the beneficiaries ment, irrigation, financing I, financing, marketing, Fa	of Trusts.) B. Duties/Activities g, pasture cattle SA business g, hired labor	nolder.	

B Example CCC-902E (Continued)

Check all of the following that apply:			
CCC-902 Continuation attached for additional i	nformation for Part E -	Land	
CCC-902E Continuation attached for additional	information for the follo	owing Parts:	
Part C – Member information			
Part D – Summary of Contributions Part F – Capital			
Part G – Equipment			
Part H – Custom Services			
ART L - CERTIFICATION - (FOR JOINT VEN	TURES AND GENERA	L PARTNERSHIP, A SIGNATURE IS REQUIRED FO	R EACH MEMBER)
		ting documentation is true and correct. I understand	
		essment of a penalty. I will timely provide written no any changes in this farming operation. By signing th	
 all supporting documentation has been submitted 	l as required		
 I have reviewed and understand all definitions a 	nd requirements on Pa		
 I have reviewed and understand all definitions a all information will be considered in effect cont it is my responsibility to timely notify FSA in wr 	nd requirements on Pa inuously unless change iting of any changes th	es or revisions are submitted. at may affect these representations, including, but no.	
I have reviewed and understand all definitions a all information will be considered in effect cont it is my responsibility to timely notify FSA in wr	nd requirements on Pa inuously unless change iting of any changes th	es or revisions are submitted.	
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 I have reviewed and understand all definitions a all information will be considered in effect cond it is my responsibility to timely notify FSA in wry of the entity identified in PartA; the farming, ra PartA. evidence such as tax records, certified public ac will take all necessary actions to provide such m it is my responsibility to timely notify FSA in wry member or shareholder. 1. Signature (By) Jack Besinger Bobby Beringer Ida Beringer	nd requirements on Pa inuously unless change itting of any changes the naching or forestry oper countant's certification aterials to the application itting of any successors Parta Parta Parta anding the information des immation is 7 CFR Part 14 isshing the requested infor r financial assistance adm	s or revisions are submitted. at may affect these representations, including, but no. ration of the entity identified in Part A; financial statu a, or other documentation may be required to validate ble State or county committee if requested by FSA who acquire an interest in this farming operation as 2. Title/Relationship of Individual Signing in the Representative Capacity the ner ter cribed on this form is the Food, Conservation, and Energy Act 10 and 7 CFR Part 1410. The information requested is necess mation is voluntary. Failure to furnish the requested informatic instred by USDA. The information reguested information instred by USDA. The information collected as a result of thi instrement of USDA. The information requested information to subourtary. Failure to furnish the requested information furnish the requested information collected as a result of thi	us of the entity identified in e these representations and 1 is the result of the death of a
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 I have reviewed and understand all definitions a all information will be considered in effect cont it is my responsibility to timely notify FSA in wry of the entity identified in Part A; the farming, ra Part A. evidence such as tax records, certified public ac will take all necessary actions to provide such m it is my responsibility to timely notify FSA in wry member or shareholder. 1. Signature (By) Jack Besinger Bobby Beringer Ida Beringer Ida Beringer NOTE: The primary authority for requesting this information typic results and othe eriployees, USDA contractors, or authorized US Act the Privacy Act or 1974, the E-Government This information collection is exempted from the	nd requirements on Pa inuously unless chang itting of any changes the naching or forestry oper countant's certification aterials to the applica- itting of any successors Partia Parta Pa	s or revisions are submitted. at may affect these representations, including, but no. ration of the entity identified in Part A; financial statu n, or other documentation may be required to validate ble State or county committee if requested by FSA who acquire an interest in this farming operation as 2. Title/Relationship of Individual Signing in the Representative Capacity to nor ner cribed on this form is the Food, Conservation, and Energy Act 10 and 7 CFR Part 1410. The information requested is necess mation is volurtary. Failure to fumish the requested informatic instruct by USDA. The information collected as a result of thi bound to safeguard the information under Section 1619 of the uthorties.	us of the entity identified in e these representations and 1 is the result of the death of a

B Example CCC-902E (Continued)

	ccc	C-902 E (03-26-09) Page 6 of	6
		DEFINITIONS	
	The f	following definitions apply to Form CCC-902E.	
:	1.	ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipment, or land, or combination thereof to the farming operation; and 2) significant contributions of active personal labor or active personal management, or a combination thereof, to the farming operation as described. Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity substance and the profit and loss of the farming operation. Failure to meet these requirements will resu in the determination of ineligibility for payments under program specified in 7 CFR Part 1400.	
:	2.	INTEREST IN A FARMING OPERATION – a person or legal entity is considered to have an interest in a particular farming operation if the person or legal entity owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on the operation; or is a member of a joint operation that either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced on that operation.	
3	3.	JOINT OPERATION - is a general partnership, joint venture, or similar organization.	
4	4.	PERSON - is a natural person (an individual) and does not include a legal entity.	
:	5.	ACTIVE PERSONAL LABOR – a person is considered to be providing active personal labor with respect to a farming operation if that person is directly and personally providing physical activities necessary to conduct the farming operation, including land preparation, planting, cultivating, harvesting, and marketing of agricultural commodities in the farming operation. Other qualifying physical activities include establishing and maintaining conserving covers and those physical activities necessary for livestock production for the farming operation.	
	6.	ACTIVE PERSONAL MANAGEMENT – a person is considered to be providing active personal management with respect to a farming operation if that person is directly and personally providing the general supervision and direction of activities and labor involved in the farming operation; or providing services (whether performed on-site or off-site) reasonably related and necessary to the farming operation.	
	7.	CAPITAL – with respect to a farming operation is the funding provided by a person or legal entity to the farming operation in order for such operation to conduct farming activities. To be considered a countable contribution for a person or legal entity, the capital must have been derived from a fund or account separate and distinct from that of any other person or entity involved in such operation. Countable capital does not include the value of any labor or management which is contributed to the farming operation. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the person or entity. Capital does not include advance program payments.	
:	8.	CONTRIBUTION - with respect to a farming operation is the provision of land, capital or equipment assets, and providing active personal labor, or active personal management to the farming operation in exchange for, or the expectation of, deriving benefits based solely on the success of the farming operation.	
9	9.	CUSTOM SERVICES – with respect to a farming operation is the hiring of a contractor or vendor that is in the business of providing such specialized services to perform services for the farming operation in exchange for the payment of a fee for such services performed.	
:	10.	ENTITY - is a corporation, joint stock company, limited liability company, association, limited partnership, limited liability partnership, irrevocable trust, revocable trust, estate, charitable organization, or other similar organization including any such organization participating in the farming operation as a partner in a general partnership, participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization.	
:	11.	EQUIPMENT – with respect to a farming operation is the machinery and implements needed by the farming operation to conduct activities of the farming operation including machinery and implements involved in land preparation, planting, cultivating, harvesting or marketing of the crops produced by the farming operation. Equipment also includes machinery and implements needed to establish and maintain conserving covers.	
	12.	FAMILY MEMBER – a person is considered to be a family member of another person in the farming operation of that person is related to the other as a lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.	
	13.	FARMING ENTITY - is the entity, including a combination of entities, conducting a farming operation at one or more locations.	
:	14.	FARMING OPERATION - is a business enterprise engaged in the production of agricultural products which is operated by a person or formal or informal entity which is eligible to receive payments, directly or indirectly.	
:	15.	LAND – with a respect to a contribution to a farming operation is agricultural land consisting of cropland, pastureland, wetland, or rangeland which meets the specifi requirements of the applicable program for which payments or benefits are sought.	:
	16.	SUPPORTING DOCUMENTATION - is any information that supports the relevant representations made such as, but not limited to: articles of incorporation; corporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a deceased individual; affidavit of heirship approved by Office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lending security agreement; and financial statement.	
	17.	All other terms utilized in this form shall be defined pursuant to 7 CFR Part 1400.	

C Example CCC-902 Continuation

Following is an example CCC-902 Continuation.

CCC-902 C (12-22-08)	vailable electronically. ontinuation		U.S. DEP/		OF AGRICULTURE ty Credit Corporation	1. CC John	DUNTY son		
CONT	INUATION SHEET	FOR LE	EASED	OR OV	VNED LAND	2. ST Texas			
					57		ROGRAM YEAR 09	R	
	ATTACH TO FORM	CCC-90	21 📋 or	CCC90	2E 🔀		RTICIPANT'S I ger Partners	NAME	
Ad pr pr u or th fra PART A - Enter the fol	llowing information for A	uesting this e requested cial assistan USDA coop of 2002, and conservation to the inform LL land y	information information nce adminis perators who related aut and Energ nation provi	is for 7 CFF is voluntary tered by US o are bound horities. Th y Act of 200 ided. RETU nd/or lea	R Part 1410. The informatii .: Failure to furnish the reg DA. The information collet to safeguard the informatii is information collection is 6 (Pub. L. 110-246, Titte I, RRN THIS COMPLETED F se. If ALL land in this	on is nec uested in cted as a on under exempted Subtitle ORM TO s farmin	essary for CCC to a: formation will result result of this form m Section 1619 of the d from the Paperwor F – Administration). YOUR COUNTY FS	ssist in determining elig in a determination of in any be released to USD Food, Conservation an k Reduction Act, as it is The provisions of crim A OFFICE.	ibility for eligibility for A employees, d Energy Act required for inal and civil ed by you,
CCC-902E,	m number. County and for a joint operation, ind				ased or contributed b		oint operation or	a member.	
1. Farm NO.	2. COUNTY(IES)	3. OWNED	CHECK O	LEASED FROM	4. NAME OF PERSON LEGAL ENTITY WHOM IS LEASED TO AND FROM	LAND	5. ACRES	6. RENTAL RATE(S) \$ PER ACRE OR % CROP SHARE	7. CHECK IF YOU HAD THE SAME LAND INTEREST LAST YEAR
53	Johnson				JLB Enterprises		160	\$60/acre	
79	Johnson				L & J LLC		80	\$60/acre	\boxtimes
applicable, sex,	rtment of Agriculture (USDA) pr marital status, familial status,	parental sta	tus, religion	, sexual orie	entation, genetic information	n, politica	l beliefs, reprisal, or	because all or part of a	n individual's
communication of Discriminatio	ed from any public assistance p of program information (Braille n, write to USDA, Director, Offi SDA is an equal opportunity pr	e, large prin ce of Civil R	t, audiotape lights, 1400	, etc.) shoul	d contact USDA's TARGE	T Center	at (202) 720-2600 (v	, oice and TDD). To file	a complaint

*--141 Completing CCC-902E Continuations

A Completing CCC-902E Continuations for 2009 and Subsequent Years

Complete the CCC-902E Continuation according the following table.

Attach CCC-902E Continuation pages, as needed, to CCC-902E that was completed for the farming operation. Submit the completed CCC-902E's and CCC-902E Continuation pages in hard copy or FAX to the appropriate USDA servicing office.

Note: CCC-902E Continuation pages completed and attached **will be under the same signatures and certifications** contained in CCC-902E, Part L.

Item		Instruction					
1 and 2	Enter name of the	e control county and State for this farming operation. The					
	control county most often is the administrative county for the entity's or joint						
	operation's farming operation.						
3	Enter crop year f	or which this certification applies.					
	In the space prov	ided on the top of each page, enter the following:					
	• name of the l	egal entity filing CCC-902E					
		ditional CCC-902E Continuation pages completed.					
Part C							
1	Enter the followi	ng for each member of the entity or joint operation.					
Α	Member's name.						
В	Last 4 digits of m	nember's TIN.					
	Note: If comple	te TIN is already on file, only last 4 digits are required .					
С	Percent share of	or interest in the operation.					
D	Member's position	on in and salary or bonus from the operation.					
Е	Member's family	relationship to the first member listed in 1A.					
	IF entity is	THEN show					
	an estate	member's relationship to the deceased individual.					
	a trust	beneficiary's relationship to the grantor.					
F		er of the following, as applicable:					
		member has signature authority for entity in Part A					
	• "No", if the n	nember does not have signature authority for entity in Part A.					
	Note: For joint	operations, joint ventures, and general partnerships, each					
	•	must initial the response in Column F.					

Item	Instruction
2 A and	If entity in Part A is an estate or trust, or if any member in Part C is an estate or
В	trust, enter name of the executors, administrators, or grantors. If there is more
	than 1 executor, administrator, or grantor, provide the additional information in
	the space provided or attach additional sheets.
3	If any member in item 1A is an entity or joint operation, complete CCC-901 and
	attach a copy.
4	If any of the members in Part C has interest in other farming operations
	conducted under a name other than the name listed in Part A, provide the
	following information.
A	Member's name.
B	Name of farming interests.
C	TIN of the other farming operation.
	Note: If complete TIN is already on file FSA, only last 4 digits are required .
D	County/State where the interest is located.
Part D	
1 A	If any member provides capital, land or equipment to the farming operation in
through	Part A, enter the member's name and the percentage contributed.
Н	Use solutions D and E to indicate if a member contributes sumed land on
	Use columns D and F to indicate if a member contributes owned land or
	equipment to the entity or joint operation's farming operation.
	If any member provides hired labor, labor they do themselves, hired management
	or management they do themselves, enter the member's name and percentage of
	each contribution in columns G and H.
	Check the applicable box if a member provides 1000 or more hours of active
	personal labor to the farming operation in Part A.
Part F	
1	If loans or credit used to finance the farming operation in Part A, or to
	acquire/purchase land or equipment, and such financing was acquired from,
	guaranteed by, co-signed by, or secured by an individual, joint operation or entity
	with an interest in the farming operation in Part A, complete Items 1 A through E.
<u> </u>	· · · · · · · · · · · · · · · · · · ·

Item	Instruction	
Part G		
1 A – C	Enter information for all equipment used in the farming operate by the joint operation or entity in Part A. For each type of equipment the following:A Percent of total equipment used in the farming operationB name of the party or entity from whom equipment is leasedC type of equipment leased.	ipment leased,
1 D	If joint operation or entity in Part A leased equipment, indicate equipment was leased from an individual or entity that has an i farming operation of the joint operation or entity in Part A.	
	IF the equipment was	CHECK (✓)
	leased from an individual or entity that has an interest in the farming operation of the joint operation or entity in Part A not leased from an individual or entity that has an interest in	"Yes" and go to item 3. "No" and go to
2	the farming operation of the joint operation or entity in Part A	
2	If 1D is " Yes ", copies of lease agreements may be required for	compliance
Part H	purposes.	
1A	Enter type of custom service, including but not limited to, tilla cultivating, chemical application, insect/pest scouting, etc.	ge, planting,
1B	Enter farm numbers the service will be applied.	
1C	Enter total number of acres for which custom services will be u	used.
1D	Enter name of the custom farming service provider.	
Part J		
1	For each member or shareholder of the farming operation in Pa contributing active personal management, list the person's nan type of management duties provided to the farming operation i duties/activities must be:	ne and identify the
	• performed on a regular basis	
	• identifiable and documentable	
	• separate and distinct from the management activities performembers or shareholders.	rmed by any other
	These specific requirements are not applicable to heirs of estat beneficiaries of trusts.	es or to the

Item	Instruction					
Part C						
5	IF	THEN				
	none of the members listed in Part C,	CHECK (✓) "N/A"	(not applicable)			
	item 1, is a minor					
	any member listed in Part C, item 1, is a	provide the followin	g information			
	minor	about that member.				
А	Minor's name.					
В	Minor's date of birth.					
С	Name of the minor's parent or guardian.					
D	Address of the parent or guardian.					
Е	Parent or guardian's TIN.					
	Note: If complete TIN is already on file FS	SA, only last 4 digits	are required .			
F	CHECK (\checkmark) the following, as applicable.					
			THEN			
	IF any minor in item 5A		CHECK (✓).			
1	is a producer on a farm and the parent or gua	"Yes".				
	interest					
	is a producer on a farm and the parent or gua	ardian has an	"No".			
	interest in the farming operation					
2	maintains a separate household from the par-	ent or guardian and	"Yes".			
	personally carries out all farming activities v	1				
	minor's own farming operation, including m	naintaining separate				
	accounting					
	does not maintain a separate household from	1	"No".			
	guardian and does not personally carry out a					
	with respect to the minor's own farming ope	eration, including				
	maintaining separate accounting					
3	who is represented by a court-appointed gua		"Yes".			
	conservator, lives in a household other than	-				
	households, and have a vested ownership in					
	who is represented by a court-appointed gua		"No".			
	conservator, does not live in a separate hous					
	the parents' household, and does not have a	vested ownership				
	in the farm					
4	If " Yes " is checked for all items F1 through					
	in the farming operation of the entity or join	t operation in Part A	, enter the name			
	of the minor in the space provided.					

Item	Instruction
6	CHECK (\checkmark) either of the following, as applicable:
	• "Yes", if all individual members and shareholders in embedded entities and joint operations listed in Part C are U.S. citizens
	• "No", if any individual members and shareholders in embedded entities and
	joint operations listed in Part C is not a U.S. citizen.
6A	For each member or shareholder who is an alien lawfully admitted into the U.S.,
	list that member's name and indicate whether this person possesses a valid I-551.
	CHECK (\checkmark) "No" for any non-U.S. citizen who does not possess I-551.
FSA	FSA shall CHECK (\checkmark) "Yes" or "No", indicating that I-551 was presented, and
Only	initial CCC-902E Continuation.

B Example CCC-902E Continuation

Following is an example CCC-902E Continuation.

Program Year
2009
one or more programs ram benefits directly o receives program he contribution of certa his form will be used by
F. member have signatur ity for the legal entity? (Yes or No)
YES 🛛 NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
YES NO
-] YE:

B Example CCC-902E Continuation (Continued)

CCC-902E Continuation	n (03-26	-09)										Page 2
Name of Legal Entity filing CC <u>4</u> # Additional CCC-902E C					formation	for th	nic ontitu					
PART C - MEMBER/SHAR							-					
 If any member listed above 							,					
A. Nam								ne of Exe	ecutor/Adm	ninistrator/	Grantor(s)
 Embedded Entities - if any concurrent with this CCC-90 Check if CCC-901 i 	02E. Ado	ditionall	ly, CCC- <u>90</u> 2l	E must be co	mpleted a	nd su		h embedd	ed entity.	nust also be	e complete	d and submitted
4. Other Farming Interests –	Members	s of the	entity shown	n in Part A h	ave interes	st in th	e following farr	ning opera	ations condu	cted under	other nam	es.
A. Member Name		I	Name of Far	B. ming Interes	t(s)		C x ID Number of (Last 4 digits if	f Farming			D. nt(ies) and Farming are Loca	Interest(s)
June Parker		Parke	er Enterpri	ses			37	77		Yuma, Co		
Jason Parker		Parke	er Holding	Co.			42	21		Denver, O	Colorado	
John Parker Jr.		Parke	er Enterpri	ses			37	77		Yuma, Co	olorado	
PART D – SUMMARY OF ME										ued from	CCC-902	=)
 What contributions to the 1 Enter the following information 								listed in	PART I?			
A. Member's Name	B. Capi		C. Land	D. % of	E. Equipm	ent	F. % of		G. Labor (%	,	H. Ma	nagement (%)
	(Curr Year	rent	%	Owned Land	%		Owned Equipment	Hired	Active Personal	Check if 1000 Hours	Hired	Active Personal
June Parker									5			5
Jeb Parker									5			5
Jason Parker									5			5
John Parker Jr.									5			5

B Example CCC-902E Continuation (Continued)

CCC-902E Continuation Name of Legal Entity filing CCC- <u>4</u> # Additional CCC-902E Con	· · · · ·	formation for t	his entity			Page 3
PART F - CAPITAL SOURCE	S and USES (Continued from C	CC-902E)				
A. Type of Capital Contribution	B. Name of Loan or Credit Source	Guara	C. ntor's Name	Affiliation o	D. e or Guarantor's r Interest in the g Operation	E. % of Total Capital
						%
						%
						%
						%
						%
						%
						%
						%
	ENT (All percentages are based				ontinued from C	CC-902E)
1. Leased Equipment: Enter the A.	following information for ALL leased e B.	equipment to us	sed by the farming ope	eration identified	in Part A:	1
Percent of Total Equipment Used in the Farming Operation	Name of Individual/Entit Equipment is Leased Fro		Type of Equipm	ent Leased	Does Individu equipment is leas interest in this fai	ual/Entity the ed from have an
10%	Southwestern Implement Inc.		peanut harveste	r	□Yes	No
%					□Yes	□No
%					□Yes	□No
%					□Yes	□No
%					□Yes	ΠNο
%					□Yes	ΠNο
%					□Yes	No
2. Lease Agreements: If 1D is ")	YES" acceptable documentation for thi	is relationship r	nay be required for co	mpliance purpos	es.	
PART H - CUSTOM SERVICE	S (Continued from CCC-902E)					
1. Custom Services to be used				_		
A. Type of Service(s)	B. Farm Number(s)	Nu	C. mber of Acres		D. Name of Provid	er
Insect scouting	580, 692, 1559		528	Field Pest	Control Services	Inc.
Weed removal	322 and 756		1200	Weeders Ir	ıc.	

B Example CCC-902E Continuation (Continued)

CCC-902E Continuation	M (03-26-09)						Page 4
Name of Legal Entity filing C <u>4</u> # Additional CCC-902E			information fo	r this entity			
PART J – MANAGEMENT (Continued from	CCC-902E)					
Enter the managerial duties operation identified in Part		farming operation	n which are pr	ovided persona	ly by member(s) or sha	areholders of th	e entity or joint
1. Active personal manager	ment:						
List the managerial duties/a The duties/activities must member(s) or shareholder	be performed on	a regular basis; ide	entifiable and c	locumentable; a	nd separate and distinct	from that of any	y other
A. Member/Shareholder	,			B Duties/A			
June Parker	Promot	Promotion and Marketing					
Jeb Parker	Promot	tion and Marketin	ng				
Jason Parker	Irrigatio	on, field operatio	ns and marke	eting			
John Parker Jr.	Record	lkeeping, promot	ion and direc	t sales of com	modities		
		`			e following: 🛛 N/A		
		`	st Holder who is	minor, provide th	e following: N/A D. or Guardian's Address	SSN o	E. nt or Guardian's r Tax ID Number 4 digits if already on file)
5. Minor Members or Interes A.	st Holders – For an B.	ny Member or Interes	st Holder who is	minor, provide th	D.	SSN o	nt or Guardian's r Tax ID Number
5. Minor Members or Interes A.	st Holders – For an B.	ny Member or Interes	st Holder who is	minor, provide th	D.	SSN o	nt or Guardian's r Tax ID Number 4 <i>digits if already</i>
 Minor Members or Interes A. Minor's Name F. Separate Status of Minors: 	t Holders – For an B. Date of Birth	ny Member or Interes C. Parent of Guard	st Holder who is	minor, provide th	D.	SSN o	t or Guardian's r Tax ID Number 4 digits if already on file)
 5. Minor Members or Interes A. Minor's Name F. Separate Status of Minors: (1) Is any minor a produce 	t Holders – For an B. Date of Birth	ny Member or Interes C. Parent of Guard	st Holder who is lian's Name	erest?	D. or Guardian's Address		t or Guardian's r Tax ID Number 4 digits if already on file)
 5. Minor Members or Interes A. Minor's Name F. Separate Status of Minors: (1) Is any minor a production (2) Does any minor mainting respect to the minor's 	t Holders – For an B. Date of Birth	Ny Member or Interes C. Parent of Guard C. Parent of Guard C. Parent or guar sehold from the pare including maintaining	st Holder who is lian's Name rdian has no int ent or guardian i g separate acco	erest?	D. or Guardian's Address		nt or Guardian's r Tax ID Number 4 digits if already on file)
 5. Minor Members or Interes A. Minor's Name F. Separate Status of Minors: (1) Is any minor a produce (2) Does any minor maint respect to the minor's (3) Does any minor who is household other than to a second s	t Holders – For an B. Date of Birth er on a farm in white ain a separate hous farming operation, s represented by a the parents' house	Ny Member or Interes C. Parent of Guard C. Parent of Guard C. C. C. C. C. Parent or guar sehold from the pare including maintaining court-appointed gua hold(s), and b) have	st Holder who is lian's Name rdian has no intr ent or guardian g separate acco rdian or conser a vested owner	erest? erest? and personally ca punting? vator responsible ship interest in the	D. or Guardian's Address Try out farming activities w for the minor, a) live in a e farm?	SSN o (Last 4	nt or Guardian's r Tax ID Number d digits if already on file)
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B Example CCC-902E Continuation (Continued)

NOTE:	The primary authority for requesting and safeguarding the information described on this form is the Food, Conservation, and Energy Act of 200 (Pub. L 110-246). Additionally, the authority for requesting this information is 7 CFR Part 1400 and 7 CFR Part 1410. The information request is necessary for CCC to assist in determining eligibility for program benefits. Furnishing the requested information is voluntary. Failure to furni the requested information collected as a result of this form may be released to USDA employees, USDA contractors, or authorized USDA cooperators who are bound to safeguard the information under Section 1619 of the Food, Conservation, and Energy Act, the Privacy Act or 19 the E-Government Act of 2002, and related authorities.
	This information collection is exempted from the Paperwork Reduction Act, as is required for the administration of the Food, Conservation, and Energy Act of 2008 (Pub. L. 110-246, Title I, Subtitle F – Administration). 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 .

142-145 (Reserved)

Section 4 Corporations, LLC's, LLP's, and LP's

--146 Determination of Ownership Interest--

A Ownership in Legal Entities

Ownership interest in a legal entity that receives payment subject to limitation for the program year will be determined according to the following table.

	THEN the date for the determination
IF the legal entity	of ownership interest is
existed on June 1 of the year for which program	June 1.
benefits were requested	
did not exist on June 1 of the year for which	the date the legal entity was formed.
program benefits were requested	

Voluntary acquisition of interest after June 1, or date legal entity was formed, does **not** reduce the ownership share of any interest holder for payment limitation purposes.

For interest held in other legal entities that have minor children as heirs, beneficiaries, or members, consider any program payments received by or attributed to that interest of the minor child as being attributed to the minor child's parent or legal guardian.

Note: If the minor child is considered separate for payment limitation purposes according to paragraph 117, program payments received by or attributed to the minor child's interest will **not** be attributed to the parent or legal guardian.

B Stock Classes

For corporations with more than 1 stock class; such as preferred and common, the ownership percentage of stock, or unit of ownership, shall be determined by the fair market value of outstanding stock.

Note: The value can be determined by COC, STC, DAFP, or designee, but should be determined at the earliest level **before** referring to the next higher level of authority.

--146 Determination of Ownership Interest (Continued)--

C Fair Market Value Factors

To determine the fair market value of stock, or unit ownership, the following available factors shall be considered:

- current market quotations for each stock class
- relevant factors affecting the value of each stock class
- rights and privileges of each stock class
- any other information that would assist in the determination.

* * *

*--147 Eligibility Determinations

A Actively Engaged in Farming--*

[7 CFR 1400.204] A corporation, LLC, LLP, or LP shall be considered to be actively engaged in farming, if **all** of the requirements in the following table are met.

Item	Requirement
1	The legal entity independently and separately makes a significant contribution of
	capital, equipment, land, or combination thereof.
2	Partners, stockholders, or members with an ownership interest in the legal entity
	make contributions, whether compensated or not compensated, of active personal
	labor, active personal management, or a combination of active personal labor and
	active personal management to the farming operation. ***
3	The collective contribution of active personal labor or active personal management
	by partners, stockholders, or members is a significant contribution to the farming
	operation.
4	The legal entity's share of the profits or losses from the farming operation is
	commensurate with the contributions to the farming operation.
5	The legal entity's contributions are at risk, with the level of risk being
	commensurate with the legal entity's claimed share of the farming operation.

***--B** Member Contribution Requirements

In addition to the requirements of actively engaged in farming, all partners, stockholders, or members with an ownership interest in the legal entity **must** make contributions of active personal labor and/or active personal management to the farming operation of the legal entity that are:

- performed on a regular basis
- identifiable and documentable
- separate and distinct from contributions of any other partner, stockholder, or member.
- **Note:** If a partner, stockholder, member fails to meet this requirement, payments subject to the actively engaged in farming determination will be reduced by the share held by that partner, stock, or member.--*

*--147 Eligibility Determinations (Continued)

C Exceptions to Member Contribution Requirements

The following are exceptions to the requirements of subparagraph B.--*

Payments less than 1 limitation – If the total of direct payments under DCP received, both directly and indirectly, for the program year by the partners, stockholders, and members does **not** exceed \$40,000, the requirement of a significant contribution of active personal labor or active personal management may be met by partners, stockholders, or members who collectively hold at least 50 percent of the ownership interest in the legal entity.

Spouses – If both spouses are interest holders in the same legal entity, the contribution of active personal labor and/or active personal management of 1 spouse to the farming operation of the legal entity will also meet the other spouse's requirement to make a contribution of active personal labor and/or active personal management to the farming operation of the legal entity.

Minor children – If a parent is an interest holder in a legal entity in which his or her minor children are also interest holders, the parent's contribution of active personal labor and/or active personal management to the legal entity's farming operation will also meet the requirement that each minor child **must** make a contribution of active personal labor and/or active personal management to the same farming operation.

Spouses and minor children – If both spouses and minor children are in the same legal entity, the contributions of 1 spouse/parent of active personal labor and/or active personal management to the legal entity's farming operation will meet the requirements that all such interest holders of the legal entity **must** contribute active personal labor and/or active personal management to the legal entity's farming operation.

Note: Contributors of active personal labor and/or active personal management to a legal entity's farming operation **must** hold an ownership interest in the legal entity at the time the contributions are made.

Landowner – If all land in the legal entity's farming operation is owned by the legal entity, the requirements of subparagraph A do **not** apply to the interest holders of the legal entity.

D Separate and Distinct Contributions of Labor

If a partner, stockholder, or member provides active personal labor to the entity's farming operation that is performed on a regular basis, and that is identifiable and documentable, that partner, stockholder, or member will be considered to have met the requirements of a separate and distinct contribution of labor to the entity's farming operation.

E Burden of Proof Recordkeeping Requirements

All partners, stockholders and members with an ownership interest must contribute active personal labor and/or active personal management to the entity's farming operation.

Each partner, stockholder, and member must be able to show by reasonable means that such activities:

- are performed on a regular basis throughout the crop year
- are identifiable and documentable as to which partner, stockholder, or member made such contribution
- are separate and distinct from any other partner, stockholder or member with an ownership interest in the farming operation.

F Methods of Proof

Reasonable records may include, but are not limited to, the following:

- appointment books
- calendars
- narrative summaries
- phone logs
- contemporaneous records
- activity logs with date, time, and description of activity performed
- documents for goods and services used by the farming operation signed only by the interest holder.

--147 Eligibility Determinations (Continued)--

G Verification of Recorded Activities

COC may request verification from an interest holder if:

- the records provided for these activities seem unreasonable for the type and size of farming operation
- performance of these activities is questionable as claimed
- the farming operation is selected for an end-of-year review for payment eligibility and payment limitation compliance purposes.

H Payment Reduction

If any partner, stockholder, or member fails to meet the requirements in subparagraph A, **all** payments to the legal entity subject to the actively engaged determination will be reduced by an amount commensurate with the ownership share held by the partner, stockholder, or member.

*--I Member Contribution Requirements and Joint Operations

The following table provides guidance for the applicability of member contribution requirements when the payment entity is a joint operation.

IF the member is	THEN the member contribution provisions
individual	do not apply, unless the individual is a member of an
	embedded entity in the organizational structure.
legal entity without members	are not applied.
revocable trust	do not apply, unless the trust/estate is a member of an
irrevocable trust	embedded entity in the organizational structure.
estate	
LLC using a Social Security	do not apply, unless the LLC is a member of an embedded
number	entity in the organizational structure.
legal entity including:	apply to any members of the legal entity that are:
• corporation	• individuals down to the lowest level member
	revocable trusts
• limited partnership	• irrevocable trusts
	• estates.
• individual operating as a	
small business	Exception: Member contribution provisions do not apply
	to individual members of an embedded trust or
• LLC using an employer	estate.
identification number	

*--147 Eligibility Determinations (Continued)

IF the member is	THEN the member contribution provisions
joint operation	do not apply to any members unless 1 of the members is a legal entity.
	If 1 member of the embedded joint operation is a legal entity, follow the provision for the members that are legal entities.

I Member Contribution Requirements and Joint Operations (Continued)

J Member Contribution Requirements for Estates and Trusts

Member contribution requirements do not apply to an estate, revocable trust, or irrevocable trust, unless the estate/trust is a member of a legal entity with members such as:

- corporation
- limited partnership
- individual operating as a small business
- LLC using an employer identification number.

The following table provides guidance for the applicability of member contribution requirements for estates and trusts.

		THEN member contribution
IF the payment entity is	AND the member is	requirements
• revocable trust		do not apply to any member of
• irrevocable trust		the organizational structure.
• estate		
a legal entity with members,	revocable trust	• apply to the trust/estate
including:	irrevocable trust	
	estate	• do not apply to the
• corporation		individual members of the
		embedded trust/estate.
limited partnership		
• individual operating as small		
business		
• LLC using an employer		
identification number		
a joint operation		see subparagraph I.

A Example 1

Situation: Corporation XYZ rents 3,000 acres of land for 1/3 share of the crop.

- Corporation XYZ contributes a significant amount of capital to the operation.
- Corporation XYZ hires the majority of all labor necessary for the operation.
- All 3 stockholders provide the balance of the labor needed.
- All 3 stockholders meet regularly during the crop year and all management decisions are made jointly during these meetings.
- Each stockholder has defined responsibilities, such as marketing, field operations and equipment, financing and daily business activities.
- Each stockholder is on-site almost every day during the crop year.
- The corporation's share of the profits or losses from the farming operation is commensurate with the corporation's contributions and the contributions are at risk for a loss.
- *--Determination: Corporation XYZ made a significant contribution of capital. All 3 stockholders collectively made a significant contribution of active personal management to the farming operation. Corporation XYZ is; therefore, considered actively engaged in farming. Each stockholder contributed active personal labor and active personal management to the farming operation on a regular basis, identifiable and documentable, and each stockholder's contribution was separate and distinct from contributions made by the other stockholder. No payment reduction will be applied to the program payments received by Corporation XYZ.--*

B Example 2

Situation: Corporation AB consists of Father A and Son B, each having a 50 percent share. Corporation AB cash-rents land.

- Father A is a retired farmer who created the corporation for tax reasons and to aid in the transfer of the farm to Son B.
- The corporation contributes a significant amount of capital and equipment to the farming operation.
- Son B contributes both active personal labor and active personal management to the farming operation.
- Father A lives on the farm and contributes no active personal labor, but periodically advises Son B about farm related matters.

Determination: Corporation AB provides significant contribution of capital and equipment, and Son B makes a significant contribution of active personal labor and active personal management to the farming operation. Corporation AB is considered actively engaged in farming; however, because Father A who holds a 50 percent ownership interest failed to make a contribution of active personal labor and/or active personal management to the farming operation that met the requirement of subparagraph 147 B, Corporation AB will be subject to a 50 percent reduction in program payments received.

C Example 3

- *--Situation: Corporation GH consists of Spouse G owning 70 percent of the corporate stock and Spouse H owning 30 percent of the corporate stock.
 - Corporation GH provides all the capital, equipment, and leased land for the farming operation.
 - Spouse G provides all of the active personal labor and active personal management necessary for the farming operation.

Determination: Corporation GH is actively engaged in farming through the contributions of the corporation and of Spouse G. Even though Spouse H failed to make any contributions--* of active personal labor, active personal management, or a combination thereof, the exception applicable to spouses in subparagraph 147 C applies. **No** payment reduction will be applied to Corporation GH.

D Example 4

- *--Situation: Revocable Trust E is a stockholder in Corporation D with 2 other individuals. Member contribution requirements of subparagraph 147 B apply to Corporation D.--*
 - The 2 individuals provide significant contributions of active personal labor and/or active personal management to qualify the corporation as actively engaged in farming.
 - The revocable trust's grantor makes no contributions.

* * *

*--Determination: Corporation D is considered actively engaged in farming because of the significant contribution of active personal labor and active personal management to the farming operation by the 2 individuals who are stockholders. However, because the remaining stockholder, Trust E, failed to make a contribution of active personal labor and/or active personal management to the farming operation that met the requirement of subparagraph 147 B, Corporation D will be subject to a reduction in program payments receive commensurate with the ownership interest held by Trust E.

If the grantor of Trust E were making contributions of active personal labor and/or active personal management to the farming operation on behalf of Trust E that met the requirement of subparagraph 147 B, a payment reduction would **not** apply for Corporation D.

E Example 5

Situation: Irrevocable Trust E is a stockholder in Corporation D with 2 other individuals. Member contribution requirements of subparagraph 147 B apply to Corporation D.--*

- The 2 individuals provide significant contributions of active personal labor and/or active personal management to qualify the corporation as actively engaged in farming.
- The irrevocable trust's beneficiaries make no contributions.

* * *

148 Corporation, LLC, LLP, and LP Case Examples (Continued)

E Example 5 (Continued)

*--Determination: Corporation D is considered actively engaged in farming because of the significant contribution of active personal labor and active personal management to the farming operation by the 2 individuals who are stockholders. However, because the remaining stockholder, Trust E, failed to make a contribution of active personal labor and/or active personal management to the farming operation that met the requirement of subparagraph 147 B, Corporation D will be subject to a reduction in program payments receive commensurate with the ownership interest held by Trust E.

If the beneficiaries of Trust E were making collective contributions of active personal labor and/or active personal management to the farming operation on behalf of Trust E that met the requirement of subparagraph 147 B, a payment reduction would **not** apply for Corporation D.

F Example 6

Situation: Estate E is a stockholder in Corporation D with 2 other individuals. Member contribution requirements of subparagraph 147 B apply to Corporation D.--*

- The 2 individuals provide significant contributions of active personal labor and/or active personal management to qualify the corporation as actively engaged in farming.
- The estate's representative or heirs make no contributions.
- * * *
- *--Determination: Corporation D is considered actively engaged in farming because of the significant contribution of active personal labor and active personal management to the farming operation by the 2 individuals who are stockholders. However, because the remaining stockholder, Estate E, failed to make a contribution of active personal labor and/or active personal management to the farming operation that met the requirement of subparagraph 147 B, Corporation D will be subject to a reduction in program payments receive commensurate with the ownership interest held by Estate E.

If the heirs or personal representative of Estate E were making collective contributions of active personal labor and/or active personal management to the farming operation on behalf of Estate E that met the requirement of subparagraph 147 B, a payment reduction would **not** apply for Corporation D.--*

G Example 7

- *--Situation: LLC E is a stockholder in Corporation D with 2 other individuals. Member contribution requirements of subparagraph 147 B apply to Corporation D.--*
 - The 2 individuals provide significant contributions of active personal labor and/or active personal management to qualify the corporation (payment entity) as actively engaged in farming.
 - LLC's interest holders make no contributions.

* * *

*--Determination: Corporation D is considered actively engaged in farming because of the significant contribution of active personal labor and active personal management to the farming operation by the 2 individuals who are stockholders. However, because the remaining stockholder, LLC E, failed to make a contribution of active personal labor and/or active personal management to the farming operation that met the requirement of subparagraph 147 B, Corporation D will be subject to a reduction in program payments receive commensurate with the ownership interest held by LLC E.

If the interest holders of LLC E were making contributions of active personal labor and/or active personal management to the farming operation on behalf of LLC E that met the requirement of subparagraph 147 B, a payment reduction would **not** apply for Corporation D.--*

A Determining Member Contribution Share

A member contribution share for a member of a legal entity is necessary only when **both** of the following apply:

- part of the land in the farming operation is owned by the legal entity
- •*--member fails to make contributions according to subparagraph 147 B.--*

B Calculating Member Contribution Share

Calculate the member contribution share as follows:

- total acres of cropland owned by the legal entity, **divided by**
- total acres of cropland operated/included in the legal entity's farming operation.

Example: Big Farms LLC has 2 interest holders, Jed and Jared. Neither make any *--contributions to the farming operation according to subparagraph 147 B.--*

Big Farms LLC operates a total of 500 acres. Of that total, 100 acres are owned by Big Farms LLC.

100 acres owned divided by 500 acres total in the farming operation equals a member contribution share of .2000 for Jed and Jared.

C Calculating Member Contribution Share When a Cropland Factor Is Applicable to the Payment Entity

Calculate the member contribution share when a cropland factor is involved as follows:

- total cropland owned by the legal entity, **divided by**
- total acres of cropland operated **less** the acres of cropland responsible for the cropland factor applied to the payment entity.

148.5 Member Contribution Share (Continued)

C Calculating Member Contribution Share When a Cropland Factor Is Applicable to the Payment Entity (Continued)

Example: Hawkeye Ag LLC has 2 interest holders, John and Jake, with equal shares. Hawkeye Ag LLC operates a total of 1,500 acres of land comprised of 500 acres owned, 500 acres share-rented, and 500 acres cash-rented.

John meets member contribution provisions. Jake does **not** meet member *--contribution provisions according to subparagraph 147 B and is only eligible for share of payments on the owned land.

Hawkeye Ag LLC earned \$30,000, but failed to meet the cash-rent tenant provisions according to subparagraph 147 B.--*

Both a cropland factor for Hawkeye Ag LLC and a member contribution share for Jake must be calculated and applied.

Calculate the cropland factor according to subparagraph 64 D as follows:

- total cropland acres owned plus acres not cash-rented, divided by
- total cropland acres in the farming operation.

500 acres owned plus 500 acres share-rented divided by 1,500 acres in the farming operation of Hawkeye Ag LLC equals a factor of .6666. This factor will be applied to the total payments earned of \$30,000 for a payment reduction of \$10,000 ($30,000 \times .6666 = 20,000$; 30,000 - 20,000 = 10,000).

The failure of Hawkeye Ag LLC in meeting the cash-rent tenant provision will result in a payment reduction of \$10,000 applied to the entity.

The acres of cropland responsible for the cropland factor applied at the entity level will not be included in the calculation of the member contribution share.

Calculate the member share contribution for Jake as follows: 500 acres owned by Hawkeye Ag divided by 1,000 acres (1,500 acres total minus 500 acres cash-rented) equals a member contribution share of .5000.

- For John, the member contribution flag will be set to "Y".
- •*--For Jake, the member contribution flag will be set to "P" and the member--* contribution factor of .5000 will be entered.

149 Completing CCC-902E's for Corporations, LLC's, LLP's, and LP's * * *

A Completing CCC-902E's

For detailed instructions on completing CCC-902E's, see subparagraph 120 A.

B Example CCC-902E

Following is an example of CCC-902E for a corporation.

This form is available electronic	ally.					e 5 for Privacy	Act Statement.)
	ARTMENT OF AGRICULTUR mmodity Credit Corporation	E		1. Count Texas	У	3. Progran	n Year
	ATING PLAN FOR AN Subsequent Program			2. State OK			2009
For "actively engaged in farming" an	d other payment eligibility/	limitation det	erminations.				
This form is to be completed for an that are subject to the regulations at using the tax identification number li benefits directly as an individual mu- inputs to a farming operation such a FSA to determine payment eligibility	7 CFR Part 1400. This for isted in Part A. This form a st complete a CCC-9021 wi s land, capital, equipment, and limitation of payments	m collects fai Ilso collects il ith respect to Iabor, and m	rming and other im nformation about ti that individual's op nanagement by the	formation a he member peration. F	bout the entity that receives s of such entity. An individu Payment eligibility is based u	s program bene Ial who receive Ipon the contrib	fits directly s program oution of certain
PART A - ENTITY INFORMATI 1. Farming Entity's Name and Addr					2. Tax Identification Num	her /if the fayne	(or
J & J Inc.	ess (menude zip code)				identification number is a	already on file wit	
N 1020 Rd					only the last 4 digits are	required) 3333	
Panhandle, OK 73999					3. Date of Formation (MM		
PART B - TYPE OF OPERATIO	ON (Select only one)						
 Select appropriate type of operat 	ion that defines the entity i	dentified in P	art A:				
General Partnership	Limited Partnership		Estate		City, County or Sta	te-owned Entity	,
Joint Venture	Limited Liability Com	npany	Charitable/Ta	x-exempt	Indian Tribe	-	
Sole Proprietorship/DBA	Revocable/Living Tru	ust	Organization				
Corporation 2. Supporting documentation (such	Irrevocable Trust		Public Schoo		Other:		
entity and the authority of its sha PART C - MEMBER INFORMA . Members - List all members/sha A.	TION (Use CCC-902E	Continuat	ion if additional A of this form:	l space is	needed for any inform	ation in Part	C) F.
Name	Tax ID Number (Last 4 digits if already on file)	% Share	D. Position and (If applicat		Family Member Relationship <i>(if applicable)</i>	Does this me signature au legal entity?	mber have hority for the
John Hardesty	8989	60	President \$0		father		ы 🗌 ио
Jimmy Hardesty	7272	40	V. president \$0		son		ы 🗌 ио
			\$				ы <u>п</u> ио
			\$0			YES	s ∐no
			\$			YES	в 🗌 NO
			\$			YES	
G. I certify that I have signature Part C is true and correct.						1. Initials JH; JH	2. Date 4/16/2009
 If the entity in Part A is an Estate Name of Estate or Trust 	or Trust, or if any member	/shareholder	is listed above is a B. Name of Exec			dministrator, or	Grantor:
 Embedded Entities – If any mem submitted concurrent with this C Check if CCC-901 is a 	CC-902E. Additionally, a	CCC-902E m	ust be completed	and submit			completed and
4. Other farming interests: Comple	te this item for any membe	r/shareholde	r identified in Part	C that has	an interest in other farming	operations.	
A. Member's name	Name	B. of Farming i	nterest(s)		C. Jumber of farming interest 4 digits if already on file)	where farm	D.) and State(s) hing interest(s) located
no (I.C. Department of Americanian IIIPCA Survey	ibito diporimination in all the encourt	and activities	the book of some or too	national ania in	. oo diability and where any PP		- familial status
re U.S. Department of Agriculture (USDA) proh rental status, religion, sexual orientation, gene- programs, Persons with disabilities who requ d TDD). To file a complaint of discrimination, v	tic information, political beliefs, repr ire alternative means for communic	isal, or because a ation of program	ll or part of an individual information (Braille, large	's income is de print, audiota	vrived from any public assistance pro pe, etc.) should contact USDA's TAF	gram. (Not all prohi RGET Center at (202	bited bases apply to) 720-2600 (voice

B Example CCC-902E (Continued)

149

	sital enoluers –	For any M	ember or Sh	areholder wh	o is a minor, pro	vide the follow	ing: 🛛 N	/A		
A. Minor's Nar		B. Date c Birth		C ent's or Guarc			D. Guardian's Add		E Parent or Gu: or Tax ID (Last 4 digits if a	ardian's SSN Number
 Separate Status of M (1) Is any minor a pl 		m in which	the percent of	or quordion ba	no no interest?		г] v = e		
(2) Does any minor	maintain a sepa	rate house	hold from th	e parent or gu	uardian and pers			YES		
Activities with re (3) Does any minor	who is represen	ited by a co	ourt-appointe	ed guardian o	r conservator re	sponsible for th	ne minor	YES		
a) live in a hous(4) If any minor wit					have a vested o 'ES" to Items F('			's name:		
A. Citizenship Status	- Is each Memb	er and Sha	areholder of	the entity or j	oint operation id	entified in Part	A, and any em	nbedded ei	ntity identified	in Part C a
U.S. Citizen?	ers/shareholders	are US Ci	tizens - Go I	to Part D	NO, one or ma	ore members/s	hareholders is	not a US (Citizen - Com	olete Item 6B
B. For each member of	r shareholder (d	lirect or em	bedded) wh	o is not a US	Citizen, provide	the following:				
1) Name of Individual					(2) This indiv valid For		Form I-551		A USE ONLY d to FSA	CCC Initials
					YES	ОИП		s 🗌	NO	
									NO NO	
									NO	
					PERATION					
	ion for contributi Int owned and/or c	on's to be n ash leased h	nade by the <i>by the legal en</i>	entity identifie tity and used in	ed in Part A. The the farming opera	ese percentages	should reflect the	ə capital pro	vided directly by	the legal
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B Example CCC-902E (Continued)

149

entity that h		crop or cr	op procee	eds, inclu	n of the entity identified in de the rental rate in \$/acr n to this form)				
A. Farm No. and Location (County and State)	B. Land Leased or Contributed By	C. Check as applicable			D. Name of Person or Er Whom Land is Leaser and/or From (<i>includes nai</i> landowners and landlor	d to Owned mesof or	or Crop Sha	6 same land	
arm No.: 173 Deation: Texas/OK	J&JInc.				Guymon Investors I				
arm No.:									
irm No.:									
irm No.:									
arm No.:									
PART F - CAPITAL S	OURCES and USES	3							
_	ems 3(A) through 3(E)	B			С	D Credit Source or Guarantor's Affiliation or Interest in the Farming Operation		E Percent of Total Capital	
								9	
								c	
PART G - EQUIPMEN		ALL equip	ment own		tal values.) arming operation of the en	tity identified in F	Part A that will be	used on the farms 100 %	
. Leased Equipment:	Enter the following in leased equipment is				oment to be used in the far , enter 0%.	ming operation o	f the entity identif	ied in Part A. If	
A. Percent of Total Equipn Jsed in the Farming Ope		B. Name of Individual/Entity Equipment is Leased From			C. Type of Equipment L	eased	D. Does the Indual/Entity the equipment is leased from have an interest in this farming operation?		
() %								
	%								
	%	piec of les							
. Lease Agreements:	11 10111 28 10 1 20, 00	pies of lea	ase agreer	nent anu c	locumentation may be requ	uneu for complial	ice puiposes. G	J TO Part H.	

B Example CCC-902E (Continued)

🔀 NO. GO TO PARTI	ized by the entity identified in	n Part A on the farm nplete Items 1A thro						
A. Type of Services		Nan	D. Name of Provider					
			Number of Acres					
					he members or shareholders			
sted in Part C:	т	уре			Amount			
. Other labor: Enter the pe	Other labor: Enter the percentage or the number of hours to be donated by family members or others for which no payment will be issued or owed.							
for which no								
B. Will any of the hired labor NO YE PART J - MANAGEMENT Enter all managerial duties and hareholder(s) of the entity or j Active personal managerial List the specific managerial	ioint operation; or by hired m nent: duties/activities that will be be performed on a regulai y other member(s) or shar	dentified in Part A be cumentation to prove e farming operation i nanagement. performed personal r basis; be identifia reholder(s).	e included in the custom set e such relationship may be indentified in Part A which w y by each member or share ble and documentable; a	rvices shown in Part H? required for compliance will be provided persona	e purposes.			
A. Member/Shareholder		B. Duties/Activities						
John Hardesty	Responsible for planting, marketing, financing, FSA business and bookkeeping							
limmy Hardesty		cing, planting, na	arvesting, equipment a					
or additional space, use an	d attach CCC-902E Contin	uation						
. Hired management:	ment duties/activities that w o receives compensation for			er or shareholder <i>(inclu</i> e	de management by an			

149 Completing CCC-902E's for Corporations, LLC's, LLP's, and LP's * * * (Continued)

B Example CCC-902E (Continued)

theck all of the following that apply:	-Linformation for Dark E	L and	
CCC-902 Continuation attached for addition			
CCC-902E Continuation attached for additi	nal information for the fol	lowing Parts:	
Part C – Member information Part D – Summary of Contributions			
Part F – Capital Part G – Equipment			
Part H – Custom Services			
		AL PARTNERSHIP, A SIGNATURE IS REQUIRED FO	
formation will result in forfeiture of payment.	and may result in the as.	rting documentation is true and correct. I understand sessment of a penalty. I will timely provide written no	otification to the Farm
		f any changes in this farming operation. By signing th	us jorm 1 acknowledge that:
	tted as required		
I have reviewed and understand all definitio			
I have reviewed and understand all definitio all information will be considered in effect of	ontinuously unless chang		t limited to: the composition
I have reviewed and understand all definitio all information will be considered in effect it is my responsibility to timely notify FSA in	ontinuously unless chang writing of any changes th	ges or revisions are submitted.	
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149 Completing CCC-902E's for Corporations, LLC's, LLP's, and LP's * * * (Continued)

B Example CCC-902E (Continued)

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 operation; and 2) significant contributions of active personal hand person and management, or a combinition thereof, the furming operation as described." Further, for a person or legal entity is be considered to already of a person or legal entity is considered to have an interest in a bed demandation of induping to person or legal entity is considered to have an interest in a particular furning operation. Folume to meet these requirements will result in the demandation of the aperson or legal entity is considered to have an interest in a particular furning operation. Folume to meet these requirements will result in the demandation of the aperson or legal entity is considered to have an interest in a particular furning operation. JOINT OPERATION - is a general partnership, joint venture, or similar organization. PERSON - is a nutral person (an individual) and does not include a legal entity. ACTIVE FERSONAL LAROR - a person is considered to be providing active personal labor with respect to a furning operation of the person is directly and a levine increases for investory providing physical activities necessary for investory physical activities necessary to investory providing physical activities necessary for investory physical activities necessary for investory provide physical activities necessary for inve	The f	ollowing definitions apply to Form CCC-902E.		
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 PERSON - is a natural person (an individual) and does not include a legal entity. ACTIVE PERSONAL LABOR - a person is considered to be providing active personal labor with respect to a farming operation if that person is directly and personal physical activities incessary to conduct the farming operation. including land preparation, planting, cultivating, harvesting, and marketing of agricultural commodules in the farming operation. Other qualifying physical activities include establishing and maintaining conserving covers and those physical activities increasing for livestock, production for the farming operation. ACTIVE PERSONAL MANACEMENT - a person is considered to be providing active personal management with respect to a farming operation if that person is direction of activities and tabor involved in the farming operation, or providing services (whether performed on-site or off-site) reasonably related and necessary to the farming operation. CAPITAL - with respect to a farming operation is the funding provided by a person or legal entity to the farming operation in conduct farming goreation. To active person or entity involved in such operation. Countable capital does not include the value of any labor or management which is contributed to the farming operation is the provision of land, capital or equipment assets, and providing active personal labor, or active personal management to the farming operation is the expectation of fare expectation of fare solution person or an amount borrowed by the person or entity. Capital does not include advance program payments. CUSTOM SERVICES - with respect to a farming operation is the hiring of a contractor or vendor that is in the business of providing such specialized services to perform services for the farming operation is exchange for or the expectation of fared such services performed. EXITTY - is a corporation, joint stock company, limited lability company, association, limited partn	2.	owns or rents land to or from that farming operation; has an interest in th	e agricultural commodities produced on the operation; or is a member of a join	
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corporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a deceased individual; affidavit of heirship approved by Office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lending security agreement; and financial statement.	15.			ets the specific
17. All other terms utilized in this form shall be defined pursuant to 7 CFR Part 1400.	16.	corporate meeting minutes; stock certificates; organizational papers; trus	t agreement; last will or testament or a deceased individual; affidavit of heirshi	p approved by
	17.	All other terms utilized in this form shall be defined pursuant to 7 CFR F	art 1400.	

150-155 (Reserved)

156 Actively Engaged in Farming Determinations

A General Rule

For 2 program years **after** the program year in which a person dies, the person's estate shall be considered to be actively engaged in farming if all of the requirements in this table are met.

Item	Requirement
1	The estate separately makes a significant contribution of capital, equipment, land,
	or a combination thereof.
2	The personal representative (executor, administrator, etc.) or heirs of the estate
	collectively make a significant contribution of active personal labor, active
	personal management, or combination thereof, to the farming operation.
3	The estate's share of the profits or losses from the farming operation is
	commensurate with the contribution to the farming operation.
4	The estate's contributions are at risk.

Notes: See paragraph 128 for the incapacitated person rule.

--See 1-CM, paragraph 121 and Exhibit 10 for estate EIN requirements.--

B Rule for Estates in Existence Longer Than 2 Years

Following the period of 2 program years after the program year in which a person dies, the deceased person's estate shall **not** be considered to be actively engaged in farming **unless**, on a case-by-case basis, COC determines that the estate is still active and is being kept active for reasons other than receiving program payments.

C Required COC Reviews and Determinations

On an annual basis, COC is required to:

- identify all estates requesting program benefits that have been in existence for more than 2 program years after the date of death of the person
- review all supporting documentation provided by an authorized representative on behalf of the estate
- determine if the estate is kept active for reasons other than receiving program benefits and document the decision in COC minutes.

C Required COC Reviews and Determinations (Continued)

Information provided by an authorized representative of the estate for this **required** COC review may include, but is **not** limited to:

- Letter of Testamentary issued by the court within the last 12 months
- prior year tax return; applicable IRS Forms
- written explanation from the executor, administrator, or legal counsel for the estate.

If an identified estate fails to meet these requirements, the estate shall be:

- determined ineligible for current and subsequent years program benefits
- provided written notice of COC's ineligibility determination
- given appeal rights according to 1-APP.

D DD Review of Estates of in Existence Longer Than 2 Years

For estates that have been in existence for more than 2 program years after the date of death of the person, DD **must**:

- review COC findings
- concur with the determination for the estate to be recognized as eligible
- annually provide a report to the State Office of all estates in existence longer than 2 years that have had reviews and determinations made by COC.

E State Office Review of Estates in Existence Longer Than 2 Years

Effective for 2009 and subsequent years, State Offices shall:

- collect reports from all DD's
- consolidate information for future reporting purposes to DAFP, PECD.

157 Case Examples

A Example 1

Situation: Estate E is formed upon the death of Person E that occurred less than 2 years ago. Person B is the sole heir of the estate and provides a significant amount of active personal management. Estate E provides equipment and rented land. All labor is hired. All contributions are commensurate and are at risk.

Determination: Estate E is considered to be actively engaged in farming since the heir, Person B, has provided a significant amount of active personal management and the estate has provided equipment and land.

B Example 2

Situation: Estate C is formed upon the death of Person C that occurred less than 2 years ago. The heirs are Persons E, F, and G, each having a 1/3 interest. Person E will serve as executor for the estate.

- **Before** the death of Person C, Person C owned equipment and all of the acreage farmed was cash leased.
- For the current year, Estate C will cash lease land. Estate C will contribute a significant amount of cash-rented land, owned equipment, and capital for the farming operation.
- Person E will provide a significant amount of active personal management with the estate hiring all labor.
- All contributions are commensurate and are at risk.
- COC reviewed the Letter of Testamentary and the prior year tax return, and determined that Estate C is being kept active for reasons other than receiving program benefits.

Determination: Estate C is considered to be actively engaged in farming and eligible for program benefits.

C Example 3

Situation: Estate Y is formed upon the death of Person Y that occurred less than 2 years ago.

- **Before** death, Person Y had been determined to be actively engaged in farming and had entered into CCC-509 to participate in current year DCP.
- Estate Y will continue to farm the acreage that was leased to Person Y, as a successor-in-interest to the current year CCC-509. Estate Y will hire any labor and management that is needed for the farming operation.

Determination: Estate Y is considered to be actively engaged in farming because Person Y was determined to be actively engaged in farming and had executed CCC-509 to participate in DCP **before** death. However, to continue to be actively engaged in farming for the current year, the heirs or personal representative of the estate will have to provide a significant amount of active personal labor or active personal management, and the estate will have to provide a significant amount of capital, equipment, or land.

158 Completing CCC-902E's for Estates

*--A Completing CCC-902E's

For detailed instructions on completing CCC-902E's, see subparagraph 120 A.

B Example CCC-902E

Following is an example of CCC-902E for an estate.

This form is available electronica	lly.					5 for Privacy Act Statement.)
	RTMENT OF AGRICULTUR nmodity Credit Corporation	RE		1. Count Johnso		3. Program Year
, ,				0011130		
	TING PLAN FOR AN			2. State		2009
2009 and 3	ubsequent Program	rears		тх		
For "actively engaged in farming" and	l other payment eligibility	/limitation det	erminations.			
This form is to be completed for an eithat are subject to the regulations at 1	ntity, including a joint ope 7 CER Part 1400. This fo	eration, that is	seeking benefits fi	rom the Fai	rm Service Agency (FSA) un	nder one or more programs
using the tax identification number lis	ted in Part A. This form	also collects i	nformation about ti	he member	s of such entity. An individu	al who receives program
benefits directly as an individual must inputs to a farming operation such as						
FSA to determine payment eligibility				chilly liste		on this form will be used by
PART A - ENTITY INFORMATIC						
 Farming Entity's Name and Addre Rob Beckham Estate 	ss (Include Zip Code)				 Tax Identification Numl identification number is a 	
4600 Beckham Rd					only the last 4 digits are r	equired)
Cleburne, TX 73333					3. Date of Formation (MM	933
						0-2008
PART B - TYPE OF OPERATIO	N (Select only one)				5 S	
 Select appropriate type of operation 		identified in P	art A:			
General Partnership	Limited Partnership		Estate		City, County or Stat	e-owned Entity
Joint Venture	Limited Liability Cor		Charitable/Ta	x-exempt	Indian Tribe	-omneu Linny
Sole Proprietorship/DBA	Revocable/Living Ti		Organization	x exempt	=	
Corporation	Irrevocable Trust		Public Schoo		Other:	
Supporting documentation (such a shareholders, members and owner						
entity and the authority of its share				nuues, ciue	s, and counties, to verify the	legal status of the
PART C - MEMBER INFORMAT				space is	needed for any inform	ation in Part C)
1. Members - List all members/share	eholders of the entity ide	ntified in Part.	A of this form:			
A.	B.	C.	D.		E.	F.
Name	Tax ID Number (Last 4 digits if	% Share	Position and		Family Member Relationship	Does this member have signature authority for the
	already on file)		(If applica	ble)	(if applicable)	legal entity? (Yes or No)
Martha Beckham	6555	100	Heir \$0		Wife	🛛 YES 🗌 NO
			\$0			
			\$			YES NO
			* 2			YES NO
			\$0			
			\$			
			•			YES NO
G. I certify that I have signature a	uthority for the entity i	dentified in F	\$ Part A and that all	informati	on in	1. Initials 2. Date
Part C is true and correct.						JB 4/20/2004
2. If the entity in Part A is an Estate of	or Trust, or if any membe	r/shareholder	is listed above is a	an Estate o	r Trust, list the Executor, Ad	ministrator, or Grantor:
A. Name of Estate or Trust			B. Name of Exec	utor/Admin	istrator/Grantor	
Rob Beckham Estate			Joe Beckham			
3. Embedded Entities - If any memb						
submitted concurrent with this CC	-				an embedded entity.	y.
					,	
4. Other farming interests: Complete	this item for any memb	er/shareholde	r identified in Part	C that has a	an interest in other farming o	
А.		В.			C.	D. County(ies) and State(s)
Member's name	Nam	e of Farming i	nterest(s)		lumber of farming interest diaits if already on file)	where farming interest(s)
				(2001)	· · · ·	are located
Martha Beckham	Martha Be	ckham Trus	st No. 1		6549	Johnson, TX
The U.S. Department of Agriculture (USDA) prohib	its discrimination in all its program	m 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 all programs.) Persons with disabilities who requir and TOD). To file complete to discrimination, we	e alternative means for communi	cation of program	information (Braille, large	e print, audiota,	pe, etc.) should contact USDA's TAR	GET Center at (202) 720-2600 (voice
nd TDD). To file a complaint of discrimination, wr ISDA is an equal opportunity provider and employ	ль ю озыя, ынескої, отное ог с	ava nayin8, 1400 //	ньорениенье муение, 5	rr., rrasinnyl0.	n, 20 2020018470, 01 080 (000) 7905	2272 (XVICO) VI (202) 120-0302 (1DD).

*_

	Shareholders –	For any Me	mber or Sh	areholder wh	o is a minor, prov	ide the follow	ing: 🛛 🕅 N	I/A		
A. Minor's Na	me	B. Date of Birth	Par	C ent's or Guarc	dian's Name	Parent's or	D. Guardian's Ad		Parent or Gu or Tax ID	E. ardian's SSN) Number <i>already on file</i>)
Separate Status of N	/inors:									
(1) Is any minor a p	roducer on a far	m in which t	he parent c	or guardian ha	is no interest?		[YES		
(2) Does any minor Activities with re					uardian and perse intaining separat			YES	NO NO	
(3) Does any minora) live in a hour					r conservator res have a vested ov			YES	ОИ 🗌	
(4) If any minor wi	th an interest in f	his farming	operation of	can answer "Y	ES" to Items F(1) through F(3)	, list that mino	r's name:		
A. Citizenship Status U.S. Citizen?	s - Is each Memb	er and Sha	reholder of	the entity or j	oint operation ide	ntified in Part	A, and any en	nbedded er	ntity identified	l in Part C a
YES, all memb	ers/shareholders	are US Citi	izens - Go I	to Part D	NO, one or mo	re members/s	hareholders is	not a US (Citizen - Com	plete Item 6B
3. For each member of	or shareholder (c	lirect or emb	oedded) wh	io is not a US	Citizen, provide	he following:				
) Name of Individual					(2) This indiv valid Forr		Form I-551		A USE ONLY d to FSA	CCC Initials
					YES			ES 🗌	NO	
							v			
									NO	
					YES				NO	
ART D - SUMMAR								≣s □	NO	
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A. Farm No. and	B. Land Leased or	Che	C. ckasappli	and attach	D. Name of Person or Entity	E. Acres	F. Rental Rate \$	G. Check here if
Location (County and State)	Contributed By	Owned	Leased To	Leased From	Whom Land is Leased to and/or From (Includes names landowners and landlords)	of Owned Leased	per Acre/% or Crop Share	same land interest was held last year
rm No.: 2 cation: phnson/TX	Rob Beckham Estate				Beringer Partners	364.0	25%	
m No.: sation:								
m No.: ation:								
m No.: ation:								
m No.: ation:								
farming operation identi YES. Complete Ite	ems 3(A) through 3(E)	в	NO. Go ti	o Part G.	C arantor's Name Crec	D it Source or Gu liation or Intere Farming Opera	st in the ⁻	E Percent of Fotal Capital
Type of Contribution								
Type of Contribution								
ART G - EQUIPMEN Owned Equipment:	Enter the percent of identified in Part C b	ALL equip by the entity formation	ment own y: for ALL le:	ed by the f ased equip	arming operation of the entity ment to be used in the farmin			ed on the farms
ART G - EQUIPMEN Owned Equipment: Leased Equipment: A. Percent of Total Equipme	Enter the percent of identified in Part C b Enter the following in leased equipment is ent Name	ALL equip by the entity formation	for ALL leann this farm	ed by the f ased equip operation	arming operation of the entity ment to be used in the farmin	g operation of the		id on the farms 0 % in Part A. If al/Entity the from have an
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ART H - CUSTOM SERVICES			
Will custom services be utilized by NO. GO TO PART I	the entity identified in Part A on the farm		
A. Type of Services	B. Farm Number(s)	C. Number of Acres	D. Name of Provider
	D BY MEMBERS/SHAREHOLDER		not be provided by the members or shareholders
ted in Part C:		o the fairming operation that will	
Other labor: Enter the percenter	Type le or the number of hours to be donated	by family members or others	Amount 0 %
	nt will be issued or owed.	by family members of others	hrs
Hired labor:	farming operation identified in Part A o	riginate from the same source a	as the leased equinment in Part C2
		-	
	YES", acceptable documentation to prov		
B. Will any of the hired labor for the	farming operation identified in Part A b	e included in the custom service	es shown in Part H?
NO YES If "Y	'ES", acceptable documentation to prov	re such relationship may be req	uired for compliance purposes.
ART J - MANAGEMENT			
nter all managerial duties and/or activ nareholder(s) of the entity or joint ope		indentified in Part A which will I	be provided personally by member(s) or
Active personal management:			
List the specific managerial duties/a	activities that will be performed personal	Ilv by each member or shareho	lder.
The duties/activities must be perf	ormed on a regular basis: be identifi	able and documentable: and	be separate and distinct from the managemen
activities performed by any other			, ,
(This requirement is not applicable t	o the heirs of Estate or the beneficiaries	s of Trusts.)	
A. Member/Shareholder		B. Duties/Activities	
Memberronarenoider		Dutes/Activities	
or additional snace use and attack	CCC-902E Continuation		
Hired management:			
Hired management: Describe any hired management du			r shareholder <i>(Include management by an</i>
Hired management: Describe any hired management du	uties/activities that will be provided by so		r shareholder <i>(include management by an</i>
Hired management: Describe any hired management du administrator or trustee who receive Other management:	uties/activities that will be provided by so so compensation for this service or active service or active service serv	vity) :	
Describe any hired management du administrator or trustee who receive Other management: Describe any non-compensated ma administrator or trustee who does n	uties/activities that will be provided by so so compensation for this service or active service or active service serv	vity): eone other than a member or si):	hareholder (include management by an

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ART K - REMARKS	Name of Entity (as identified in Part	A): Rob Beckham Estate	Page 5 of 6
heck all of the followi			
CCC-902 Continuation	on attached for additional information for F	Part E - Land	
CCC-902E Continua	tion attached for additional information for	the following Parts:	
Part C – Membe			
Part D – Summ	ary of Contributions I		
Part G – Equipr			
Part H – Custor	n Services		
		ENERAL PARTNERSHIP, A SIGNATURE IS REQUIRED supporting documentation is true and correct. I understa	
		the assessment of a penalty. I will timely provide written form of any changes in this farming operation. By signing	
0,	ntation has been submitted as required		,
	nderstand all definitions and requirement	ts on Page 6 of this form	
all information will be it is my responsibility	e considered in effect continuously unless to timely notify FSA in writing of any cha	changes or revisions are submitted. nges that may affect these representations, including, but	
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	-902 E (03-26-09) Page 6 of Page 6 o
The f	ollowing definitions apply to Form CCC-902E.
1.	ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipment, or land, or combination thereof to the farming operation; and 2) significant contributions of active personal labor or active personal management, or a combination thereof, to the farming operation as described. Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, the contributions of the person or legal entity must be at-risk and commensurate with the person's or legal entity's claimed share of the profit and loss of the farming operation. Failure to meet these requirements will resu in the determination of ineligibility for payments under programs specified in 7 CFR Part 1400.
2.	INTEREST IN A FARMING OPERATION – a person or legal entity is considered to have an interest in a particular farming operation if the person or legal entity owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on the operation; or is a member of a joint operation th either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced on that operation.
3.	JOINT OPERATION - is a general partnership, joint venture, or similar organization.
4.	PERSON - is a natural person (an individual) and does not include a legal entity.
5.	ACTIVE PERSONAL LABOR – a person is considered to be providing active personal labor with respect to a farming operation if that person is directly and personally providing physical activities necessary to conduct the farming operation, including land preparation, planting, cultivating, harvesting, and marketing of agricultural commodities in the farming operation. Other qualifying physical activities include establishing and maintaining conserving covers and those physical activities necessary for livestock production for the farming operation.
6.	ACTIVE PERSONAL MANAGEMENT – a person is considered to be providing active personal management with respect to a farming operation if that person is directly and personally providing the general supervision and direction of activities and labor involved in the farming operation; or providing services (whether performed on-site or off-site) reasonably related and necessary to the farming operation.
7.	CAPITAL – with respect to a farming operation is the funding provided by a person or legal entity to the farming operation in order for such operation to conduct farming activities. To be considered a countable contribution for a person or legal entity, the capital must have been derived from a fund or account separate and distinct from that of any other person or entity involved in such operation. Countable capital does not include the value of any labor or management which is contributed to the farming operation. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the person or entity. Capital does not include advance program payments.
8.	CONTRIBUTION - with respect to a farming operation is the provision of land, capital or equipment assets, and providing active personal labor, or active personal management to the farming operation in exchange for, or the expectation of, deriving benefits based solely on the success of the farming operation.
9.	CUSTOM SERVICES – with respect to a farming operation is the hiring of a contractor or vendor that is in the business of providing such specialized services to perform services for the farming operation in exchange for the payment of a fee for such services performed.
10.	ENTITY - is a corporation, joint stock company, limited liability company, association, limited partnership, limited liability partnership, irrevocable trust, revocable trust, estate, charitable organization, or other similar organization including any such organization participating in the farming operation as a partner in a general partnership, participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization.
11.	EQUIPMENT – with respect to a farming operation is the machinery and implements needed by the farming operation to conduct activities of the farming operation including machinery and implements involved in land preparation, planting, cultivating, harvesting or marketing of the crops produced by the farming operation. Equipment also includes machinery and implements needed to establish and maintain conserving covers.
12.	FAMILY MEMBER – a person is considered to be a family member of another person in the farming operation of that person is related to the other as a lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.
13.	FARMING ENTITY - is the entity, including a combination of entities, conducting a farming operation at one or more locations.
14.	FARMING OPERATION - is a business enterprise engaged in the production of agricultural products which is operated by a person or formal or informal entity which is eligible to receive payments, directly or indirectly.
15.	LAND - with a respect to a contribution to a farming operation is agricultural land consisting of cropland, pastureland, wetland, or rangeland which meets the specific requirements of the applicable program for which payments or benefits are sought.
16.	SUPPORTING DOCUMENTATION - is any information that supports the relevant representations made such as, but not limited to: articles of incorporation; corporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a deceased individual; affidavit of heirship approved by Office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lending security agreement; and financial statement.

* * *

159-165 (Reserved)

166 Revocable and Irrevocable Trusts

A Types of Trusts

For payment limitation purposes, there are 2 types of trusts, as follows.

Trust Type	Characteristics
Revocable	• Can be modified or terminated by the grantor or the assets revert to the grantor after a specific period of time.
	• Does not meet the criteria for an irrevocable trust.
Irrevocable	• May not be modified or terminated by the grantor.
	• The grantor does not have any future, contingent, or remainder interest in the corpus of the trust.
	• For trusts established after January 1, 1987, does not provide for transferring the corpus of the trust to the remainder beneficiary in less than 20 years from the date the trust is established, except in cases where the transfer is contingent upon the remainder beneficiary achieving at least the age of majority or upon the death of the grantor or income beneficiary.
	Note: All trusts not meeting these requirements shall be considered revocable trusts.

B Trust Scrutiny

All trusts that receive payments shall be carefully scrutinized to ensure that the trusts are legitimate legal entities and have **not** been created solely for the purpose of evading payment limitation provisions.

County Offices shall:

• require producers to provide a copy of the trust agreement unless the trust is a revocable trust

* * *

• determine whether provisions are included in the trust that would require the trust to be considered a revocable trust for payment limitation purposes.

167 Trust Eligibility Determinations

A Revocable Trust and Grantor

A revocable trust is the same as the grantor.

B Trusts With Minor Children Beneficiaries

Program payments will be attributed **only** to the grantor of the revocable trust.

For revocable trusts with 1 or more minor children as beneficiaries, payments earned by the minor children's interest will be **not** be attributed to the parent's or court-appointed person's interest, if they are **not** grantors of the trust.

C Programs Not Requiring Actively Engaged in Farming Determinations

If a program requires eligibility determinations, but **not** actively engaged in farming determinations, the following are **required** to be eligible for payments or benefits:

- claimed share of the profits or losses of the farming operation **must** be commensurate with the contributions to the farming operation
- contributions **must** be at risk.

D IRA's and Employee Profit-Sharing Plans

An IRA or employee profit-sharing plan may be considered a valid program participant, as a trust **only**, if the Regional Attorney determines the account:

- meets the definition of legal entity
- has full function of a trust
- is owner of the land on which program benefits are requested.

The minimum information submitted for an IRA or Profit Share Plan **must** include documentation that:

- discloses the full trust agreement, naming the trust and the trustee who will function for the trust regarding all FSA programs
- proves the land as an asset of the trust and properly deeded to the trust as evidenced by a deed or other document that FSA can review.
- *--Note: Approval from the Regional Attorney is required **before** any payment eligibility determinations are made or issued. The request must include a brief summary of the information provided for the IRA or profit sharing plan and the reviewing authority's opinion of whether or not the IRA or profit sharing plan meets the requirements to be considered a valid program participant.--*

168 Trust Actively Engaged in Farming Determinations

A Rule

[7 CFR 1400.205] An irrevocable or revocable trust shall be considered to be actively engaged in farming if all of the requirements in this table are met.

Item	Requirement
1	The trust separately makes a significant contribution of capital, equipment, land, or a
	combination thereof.
2	Income beneficiaries that make contributions of active personal labor or active
	personal management, have a combined interest of at least 50 percent, and
	collectively make a significant contribution to the farming operation.
3	The trust's share of the profits or losses from the farming operation is commensurate
	with the contribution to the farming operation.
4	The trust's contributions are at risk.
5	The trust has provided TIN of the trust, unless the trust is a revocable trust and
	either of the following applies:
	• the grantor is the sole income beneficiary
	• TIN for the trust is TIN for the co-granter and co-income beneficiary and the other grantor and income beneficiary is their spouse who is not requesting benefits under his/her TIN.
6	The trust has provided a copy of the trust agreement to COC, unless the trust is a revocable trust.

B TIN's

A single TIN, such as a Social Security number, may **not** be used to pay both a person and a trust in the same year.

--Note: See 1-CM, paragraph 121 and Exhibit 10 for EIN requirements for trusts.--

C Trustee Actions

The personal actions of a trustee, either labor or management, **cannot** be considered as contributions of the trust in meeting the requirement of actively engaged in farming.

Only the income beneficiaries of a trust can provide the required, at-risk contributions of active personal labor, active personal management, or combination thereof, for the trust to be considered actively engaged in farming.

169 Trust Case Examples

A Irrevocable Trust Example 1

Situation: EF Trust meets the requirements to be considered an irrevocable trust for payment limitation purposes. The trust, with Persons E and F each having a 50 percent interest, contributes a significant amount of capital to the farming operation. Each beneficiary contributes a significant amount of active personal management. All labor is hired. The land and equipment are leased. The trust's share of the profits or losses from the farming operation is commensurate with the trust's contributions to the operation and the contributions are at risk.

Determination: EF Trust is considered to be actively engaged in farming because the trust provides capital and the beneficiaries contribute a significant amount of active personal management.

B Irrevocable Trust Example 2

*--Situation: The terms of a late spouse's will made certain specific bequests of cash and nonfarm property to persons other than his or her widow. The balance of the estate, including farmland, is distributed to a testamentary trust. The widow has the sole right to the income of the trust during his or her lifetime. At the time of his or her death, the trust is to be terminated and the property distributed to his or her heirs.

Determination: Because the widow has the sole right to income of the trust during his or--* her lifetime, the widow is considered the sole beneficiary. The trust is considered actively engaged in farming because of the landowner provision.

169 Trust Case Examples (Continued)

C Revocable Trust Example 1

Situation: ST Trust is a revocable trust.

- Person U is the grantor and income beneficiary.
- ST Trust contributes a significant amount of both capital and equipment to the farming operation.
- Beneficiary contributes a significant amount of active personal management to the operation.
- All land is leased and all labor is hired.
- The trust's share of the profits or losses from the farming operation is commensurate with its contribution to the operation and the contributions are at risk.

Determination: ST Trust is considered to be actively engaged in farming. For payment limitation purposes, all payments issued to ST Trust will be attributed to Person U as grantor of the trust.

*--170 Completing CCC-902E's for Trusts

A Completing CCC-902E's

For detailed instructions on completing CCC-902E's, see subparagraph 120 A.--*

*--170 Completing CCC-902E's for Trusts (Continued)

B Example CCC-902E

Following is an example of CCC-902E for a trust.

	ally. ARTMENT OF AGRICU			1. Count	y .	g <u>e 5 for Privacy Act Statement</u> 3. Program Year
03-26-09) Co	ommodity Credit Corpora	tion		Johnso	on	
	ATING PLAN FOR Subsequent Progr			2. State		2009
or "actively engaged in farming" an			erminations	тх		
his form is to be completed for an e		-		om the Fa	rm Service Agency (FSA)	under one or more programs
at are subject to the regulations at sing the tax identification number li enefits directly as an individual mu- puts to a farming operation such a SA to determine payment eligibility	isted in Part A. This f st complete a CCC-90 s land, capital, equipi	orm also collects i 021 with respect to ment, labor, and m	information about th that individual's on nanagement by the	ne member peration. F	rs of such entity. An individ Payment eligibility is based	ual who receives program upon the contribution of certa
ART A - ENTITY INFORMATI						
. Farming Entity's Name and Addr Artha Beckham Trust No.		3)				already on file with FSA,
600 Beckham Rd					only the last 4 digits are	required) 6549
leburne, TX 73333					3. Date of Formation (Mi	
	DN (Salast only of	20)			1-	10-2003
ART B - TYPE OF OPERATION Select appropriate type of operat	· ·	<i>,</i>	Part A			
General Partnership	Limited Partner	-	Estate		City, County or St	ate-owned Entity
Joint Venture	Limited Liability	•	Charitable/Ta	x-exempt		
Sole Proprietorship/DBA	Revocable/Livi	-	Organization			
Corporation Supporting documentation (such	as articles of incorpo		Public Schoo			rational authorities of all
shareholders, members and own	ers) is required, exce	pt for public schoo	ols, States, State er	ntities, citie	s, and counties, to verify th	ne legal status of the
entity and the authority of its shar ART C - MEMBER INFORMA				snaca is	needed for any inform	nation in Part C)
Members - List all members/sha	-			Space 13	needed for any mon	
A.	B.	C.	D.		E.	F.
Name	Tax ID Numbe (Last 4 digits i		Position and		Family Member Relationship	Does this member have signature authority for the
	already on file,)	(If applical trustee	ole)	(if applicable)	legal entity? (Yes or No)
urtis Ludlow	3875	33	\$0		grandson	
hristi Ludlow	3877	34	beneficiary \$0		granddaughter	
Charles Ludlow Jr.	4434	33	beneficiary \$0		grandson	YES 🛛 NO
			\$0			YES NO
			\$			
. I certify that I have signature	authority for the en	tity identified in F	\$ Part A and that all	informati	on in	1. Initials 2. Date
Part C is true and correct.						<u>CL</u> 4/22/200
	or Irust, or if any me	mper/shareholder	is listed above is a B. Name of Exec Curtis Ludlow	utor/Admir	nistrator/Grantor	aministrator, or Grantor:
Name of Estate or Trust						
Name of Estate or Trust Nartha Beckham Trust No. 1	CC-902E. Additional	lly, a CCC-902E m	nust be completed			uty.
Name of Estate or Trust Iartha Beckham Trust No. 1 Embedded Entities – If any memi submitted concurrent with this C Check if CCC-901 is a	CC-902E. Additional ttached.	lly, a CCC-902E m	nust be completed a if CCC-902E is att	ached for a	an embedded entity.	-
. Name of Estate or Trust Nartha Beckham Trust No. 1 . Embedded Entities – If any memi submitted concurrent with this C Check if CCC-901 is a . Other farming interests: Completed	CC-902E. Additional ttached.	lly, a CCC-902E m	nust be completed a if CCC-902E is att	ached for a	an embedded entity. an interest in other farming	operations.
Name of Estate or Trust Iartha Beckham Trust No. 1 Embedded Entities – If any memi submitted concurrent with this C Check if CCC-901 is a	CC-902E. Additional ttached.	lly, a CCC-902E m	nust be completed a if CCC-902E is att r identified in Part (ached for a C that has Tax ID N	an embedded entity.	operations. D. County(ies) and State(s
. Name of Estate or Trust Iartha Beckham Trust No. 1 . Embedded Entities – If any memi submitted concurrent with this C Check if CCC-901 is a . Other farming interests: Complet A. Member's name	CC-902E. Additional Ittached.	Ily, a CCC-902E m Check ember/shareholde B. Name of Farming i	nust be completed a if CCC-902E is att r identified in Part (ached for a C that has Tax ID N	an embedded entity. an interest in other farming C. Jumber of farming interest	operations. D. County(ies) and State(s where farming interest(s
Check if CCC-901 is a . Other farming interests: Complet A.	CC-902E. Additional Ittached. It this item for any methods Ite this item for any methods Item Item Item Item Item Item Item Item	Ily, a CCC-902E m Check ember/shareholde B. Name of Farming i	nust be completed a if CCC-902E is att r identified in Part (interest(s)	ached for a C that has Tax ID N	an embedded entity. an interest in other farming C. Jumber of farming interest 4 digits if already on file)	operations. D. County(ies) and State(s) where farming interest(s are located

--*

Par. 170

*--170 Completing CCC-902E's for Trusts (Continued)

B Example CCC-902E (Continued)

. Minor Members or S	Shareholders –	For any M	ember or Sh	nareholder wh	o is a minor, pro	vide the follow	ing: 🛛 N	/A		
A. Minor's Nan	ne	B. Date c Birth		C rent's or Guarc	lian's Name	Parent's or	D. Guardian's Ad		Parent or Gu or Tax II	E. uardian's SSN O Number <i>already on file</i>)
. Separate Status of M (1) Is any minor a pr		I m in which	the parent	or guardian ha	s no interest?		[YES		
(2) Does any minor Activities with re								YES	NO NO	
(3) Does any minora) live in a hous					r conservator res have a vested ov			YES	NO NO	
(4) If any minor with	h an interest in i	this farming	g operation	can answer "Y	ES" to Items F(1) through F(3)), list that mino	r's name:		
A. Citizenship Status U.S. Citizen?	- Is each Memb	ber and Sh	areholder of	f the entity or j	oint operation ide	entified in Part	A, and any en	nbedded er	ntity identifie	d in Part C a
YES, all membe	ers/shareholders	s are US C	itizens - Go	to Part D	NO, one or mo	ore members/s	hareholders is	not a US (Citizen - Con	nplete Item 6B
B. For each member o	r shareholder (d	direct or en	nbedded) wh	no is not a US						,
) Name of Individual					(2) This indiv valid For		Form I-551		A USE ONLY d to FSA	CCC Initials
									NO	
					YES			ES 🗌	NO	
					YES					
	ration of the en ion for contributi nt owned and/or c	i tity identi ions to be r <i>ash leased i</i>	fied in Part made by the by the legal er	A, what perce entity identifientity and used in	YES YES YES PERATION eta in Part A. The the farming operat	NO NO NO	Will be <u>contri</u> should reflect th	ES	NO NO NO ectly by the I	by the legal
. For the farming oper the following informati entity; land and equipme entity. (Provide detailed	ration of the en ion for contributi nt owned and/or of information about B. Lanc	tity identi ions to be r sash leased l these contri	fied in Part made by the by the legal er ibutions in Iter	A, what perce entity identifientity and used in	YES YES PERATION Partages of the o d in Part A. The the farming operation ent	NO NO NO	Will be contri should reflect th by the legal entit	ES	NO NO NO ectly by the I	by the legal by the legal
For the farming oper the following informati entity: Iand and equipme- entity. (Provide detailed Capital Capital O For the farming oper listed in PART C? E members' funds rather th members' (s) labor and me	ration of the en ion for contributi nf owned and/or c information about B. Lance Ration of the en inter the followin man from the entity anagement hired is	tity identi ions to be r ash leased i these contri these contri d tity identi g informati g informati g iand and e by the memb	fied in Part made by the by the legal er butions in Iter 00 % fied in Part ion for the co quipment own hers for the en	A, what perce entity identifientity and used in ms A through E.) C. Equipme A, what perce ontributions to ned or obtained if tity; and labor and	YES YES YES PERATION Pantages of the of d in Part A. The the farming operal ent % herntages of the f be made by the by the member(s) a d management pe	NO N	will be contri should reflect th by the legal entit abor 0 % h inputs will be recent percentages	ES ES ES buted direct e capital pro y; and mana E. Hirecc e contribu e should refle e should refle reation without e should refle e sho	NO NO NO actly by the wided directly I gement hired i d Manageme ted by the N act any capital out compensat	by the legal by the legal nt 0 % <u>1embers</u> originating from ion to the
For the farming oper the following informati entity; land and equipme. entity. (Provide detailed . Capital For the farming oper listed in PART C? E members funds rather th	ration of the en ion for contributi information about B. Lanc % B. Lanc % ration of the en inter the followin han from the entity anagement hired I ut A. (Provide info B.	tity identi ions to be r ash leased i these contri these contri d tity identi g informati g informati g iand and e by the memb	fied in Part made by the by the legal er butions in Iter 00 % fied in Part ion for the co quipment own hers for the en	A, what perc: entity identifie nthy and used in ms A through E.; C. Equipm C. Equipm A, what perc: ontributions to red or obtained I tity; and labor a inbutions in the E.	YES YES YES PERATION Pentages of the of d in Part A. The the farming operation ent % entages of the f be made by the member(s) a d management pe B through H1. F.	NO NO NO NO NO NO NO NO NO NO NO NO NO N	will be contri should reflect th by the legal entit abor 0 % h inputs will be recent percentages	ES ES ES buted dire e capital pro y; and mana E. Hirec e <u>contribu</u> s should refiel eration with herer(s) for the	NO NO NO NO divided directly i gement hired i d Manageme tated by the IN set any capital out compensat benefit of the s	by the legal by the legal nt 0 % <u>1embers</u> originating from ion to the
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entity: (and and equipme entity: (Provide detailed Capital 0 For the farming oper listed in PART C? E members' funds rather th member(s); labor and me operation identified in Pa A, Member's	ration of the en on for contributi information about B. Lanc % B. Lanc % ration of the en nter the followin ban from the entity anagement hired I B. Capital (Current	tity identii ions to be r ash leased i these contri t tity identii g informati g informati g information abor tradion abor C. Land	fied in Part made by the by the legal er ibutions in Iter 00 % fied in Part ion for the c. quipment own ers for the en out these conti D. % of Owned	A, what perce entity identified rifly and used in ms A through E.J. C. Equipmo A, what percentric ontributions to ed or obtained dity; and labor al ributions in Item E. Equipment	YES YES YES PERATION Intages of the c d in Part A. The the farming operal ent be made by the y the member(s) a d management pe s through H). F. % of Owned	NO N	will be contri should reflect the by the legal entit abor 0 % n inputs will b uese percentages o this farming op ally by the memb G. Labor (%) Active	ES D ES D ES D ES D buted dire e capital prov y; and mana E. Hirecc e contribu s should refie e contribu s should refie check if 1000	NO NO NO NO d Manageme ted by the I act any capital out compensat benefit of the i H. Mana	by the legal by the legal nt 0 % <u>Aembers</u> originating from ion to the farming gement (%) Active

(For additiona	as an interest in the o al space, complete CC	rop or cr	op proce ntinuation	eds, inclu	de the rental rate in \$/ac n to this form)		umn F; oth	erwise enter "ca	nsh."
A. Farm No. and Location (<i>County and State</i>)	B. Land Leased or Contributed By	Cheo	C. ck as appl	Leased From	D. Name of Person or E Whom Land is Lease and/or From (<i>includes n</i> landowners and landlo	ed to names of	E. Acres Owned or Leased	F. Rental Rate \$ per Acre/ % or Crop Share	G. Check here if same land interest was held last year
945 ocation:	Martha Beckham Trust No. 1				Charles Ludlow Jr.	,	160.0	25%	
arm No.:									
rm No.:									
rm No.:									
irm No.:									
 Will such loan or credit l farming operation identi YES. Complete Ite A Type of Contribution 	ified in Part A <i>(Such</i> ms 3(A) through 3(E)	interest m	ay be as a NO. Go t	a landowne o Part G.	er or other tenant)?	Credit So Affiliation	D urce or Gu n or Interes ning Opera	arantor's st in the	E Percent of Total Capital
									%
ARTG - FOLIIPMENI	T (All percentages Enter the percent of a identified in Part C b	ALL equip y the entity	ment own y:	ed by the f	arming operation of the e	-			% ed on the farms 0 %
. Owned Equipment:	Enter the following in leased equipment is r		n this farm	operation		arriing ope			in Part A. If
Owned Equipment: Leased Equipment: A. Percent of Total Equipme	leased equipment is rent Name		ual/Entity					D. Does the Individu quipment is leased terest in this farm	al/Entity the d from have an
1. Owned Equipment: 2. Leased Equipment: A.	leased equipment is n ent Name Equipm % %	not used ir B. of Individu nent is Lea	ual/Entity ised From		, enter 0%. C. Type of Equipment	Leased	in	Does the Individu quipment is leased terest in this farm YES YES	al/Entity the d from have an ing operation? NO NO NO

*--170 Completing CCC-902E's for Trusts (Continued)

B Example CCC-902E (Continued)

A. Type of Services		ugh 1D.	
	B. Farm Number(s)	C. Number of Acres	D. Name of Provider
ART I - LABOR NOT PROVIDED E		S IDENTIFIED IN PART C	
or the farms listed in Part E, enter the int			ot be provided by the members or shareholders
sted in Part C:	Туре		Amount
Other labor: Enter the percentage o		by family members or others	0 %
for which no payment v	vill be issued or owed.		hrs
. Hired labor:			
A. Will any of the hired labor for the far	ming operation identified in Part A or	iginate from the same source as	s the leased equipment in Part G?
	S", acceptable documentation to prov	e such relationship may be requ	ired for compliance purposes.
B. Will any of the hired labor for the far	ming operation identified in Part A be	e included in the custom service	s shown in Part H?
	", acceptable documentation to prov	e such relationship may be requ	ired for compliance purposes.
ART J - MANAGEMENT			
nter all managerial duties and/or activitie	es required for the farming operation	ndentified in Part A which will b	e provided personally by member(s) or
nareholder(s) of the entity or joint operat	ion; or by hired management.		
Active personal management:			
List the specific managerial duties/acti			
The duties/activities must be perform		ble and documentable: and b	e separate and distinct from the managemen
activities performed by any other me		···· , ··· ,	
	ember(s) or shareholder(s).		
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	
activities performed by any other me (This requirement is not applicable to the	ember(s) or shareholder(s).	of Trusts.)	
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	· · ·
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	· · · · · · · · · · · · · · · · · · ·
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	· · · · · · · · · · · · · · · · · · ·
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	
activities performed by any other me (This requirement is not applicable to the A.	ember(s) or shareholder(s).	<u>of Trusts.)</u> B.	
activities performed by any other me (This requirement is not applicable to th A. Member/Shareholder	ember(s) or shareholder(s). ne heirs of Estate or the beneficiaries	<u>of Trusts.)</u> B.	
activities performed by any other me (This requirement is not applicable to th A. Member/Shareholder or additional space, use and attach C Hired management:	ember(s) or shareholder(s). ne heirs of Estate or the beneficiaries CC-902E Continuation	<u>of Trusts.)</u> B. Duties/Activities	
activities performed by any other me (This requirement is not applicable to th A. Member/Shareholder or additional space, use and attach C Hired management:	ember(s) or shareholder(s). ne heirs of Estate or the beneficiaries CC-902E Continuation s/activities that will be provided by so	<u>of Trusts.)</u> B. Duties/Activities	shareholder (Include management by an
activities performed by any other me (This requirement is not applicable to th A. Member/Shareholder or additional space, use and attach C Hired management: Describe any hired management dutie	ember(s) or shareholder(s). ne heirs of Estate or the beneficiaries CC-902E Continuation s/activities that will be provided by so	<u>of Trusts.)</u> B. Duties/Activities	
activities performed by any other me (This requirement is not applicable to th A. Member/Shareholder or additional space, use and attach C Hired management: Describe any hired management dutie	ember(s) or shareholder(s). ne heirs of Estate or the beneficiaries CC-902E Continuation s/activities that will be provided by so	<u>of Trusts.)</u> B. Duties/Activities	
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*--170 Completing CCC-902E's for Trusts (Continued)

B Example CCC-902E (Continued)

Check all of the following that apply:			
CCC-902 Continuation attached for addition	al information for Part E -	Land	
CCC-902E Continuation attached for additio	nal information for the fol	lowing Parts:	
Part C – Member information		-	
Part D – Summary of Contributions			
Part F - Capital			
Part G – Equipment Part H – Custom Services			
		AL PARTNERSHIP, A SIGNATURE IS REQUIRED FO rting documentation is true and correct. I understand	
formation will result in forfeiture of payments	and may result in the ass	sessment of a penalty. I will timely provide written no	otification to the Farm
ervice Agency committees for the county and S	tate listed on this form of	f any changes in this farming operation. By signing th	is form 1 acknowledge that:
		age 6 of this form	
I have reviewed and understand all definition all information will be considered in effect c	as and requirements on P ontinuously unless chang	es or revisions are submitted.	
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ccc	C-902 E (03-26-09) DEFINITIONS	Page 6 of 6
The f	following definitions apply to Form CCC-902E.	
1.	ACTIVELY ENGAGED IN FARMING – means providing both: 1) significant contributions of capital, equipme operation; and 2) significant contributions of active personal labor or active personal management, or a combination Further, for a person or legal entity to be considered actively engaged in farming for program payment purposes, th at-risk and commensurate with the person's or legal entity's claimed share of the profit and loss of the farming or prime farming for part 1400.	n thereof, to the farming operation as described. e contributions of the person or legal entity must be
2.	INTEREST IN A FARMING OPERATION – a person or legal entity is considered to have an interest in a partit owns or rents land to or from that farming operation; has an interest in the agricultural commodities produced on th either owns or rents land to or from the farming operation, or has an interest in the agricultural commodities produced produced on the	e operation; or is a member of a joint operation that
3.	JOINT OPERATION - is a general partnership, joint venture, or similar organization.	
4.	PERSON – is a natural person (an individual) and does not include a legal entity.	
5.	ACTIVE PERSONAL LABOR – a person is considered to be providing active personal labor with respect to a fa personally providing physical activities necessary to conduct the farming operation, including land preparation, pla agricultural commodities in the farming operation. Other qualifying physical activities include establishing and ma activities necessary for livestock production for the farming operation.	nting, cultivating, harvesting, and marketing of
6.	ACTIVE PERSONAL MANAGEMENT – a person is considered to be providing active personal management w directly and personally providing the general supervision and direction of activities and labor involved in the farmin performed on-site or off-site) reasonably related and necessary to the farming operation.	
7.	CAPITAL – with respect to a farming operation is the funding provided by a person or legal entity to the farming farming activities. To be considered a countable contribution for a person or legal entity, the capital must have bee distinct from that of any other person or entity involved in such operation. Countable capital does not include the v contributed to the farming operation. A capital contribution may be a direct out-of-pocket input of a specified sum Capital does not include advance program payments.	n derived from a fund or account separate and value of any labor or management which is
8.	CONTRIBUTION – with respect to a farming operation is the provision of land, capital or equipment assets, and j management to the farming operation in exchange for, or the expectation of, deriving benefits based solely on the s	
9.	CUSTOM SERVICES – with respect to a farming operation is the hiring of a contractor or vendor that is in the bu perform services for the farming operation in exchange for the payment of a fee for such services performed.	usiness of providing such specialized services to
10.	ENTITY - is a corporation, joint stock company, limited liability company, association, limited partnership, limite trust, estate, charitable organization, or other similar organization including any such organization participating in t partnership, participant in a joint venture, a grantor of a revocable trust, or as a participant in a similar organization	he farming operation as a partner in a general
11.	EQUIPMENT – with respect to a farming operation is the machinery and implements needed by the farming oper- including machinery and implements involved in land preparation, planting, cultivating, harvesting or marketing of Equipment also includes machinery and implements needed to establish and maintain conserving covers.	
12.	FAMILY MEMBER – a person is considered to be a family member of another person in the farming operation o ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.	f that person is related to the other as a lineal
13.	FARMING ENTITY - is the entity, including a combination of entities, conducting a farming operation at one or	more locations.
14.	FARMING OPERATION - is a business enterprise engaged in the production of agricultural products which is of which is eligible to receive payments, directly or indirectly.	perated by a person or formal or informal entity
15.	LAND – with a respect to a contribution to a farming operation is agricultural land consisting of cropland, pasturel requirements of the applicable program for which payments or benefits are sought.	and, wetland, or rangeland which meets the specific
16.	SUPPORTING DOCUMENTATION – is any information that supports the relevant representations made such a corporate meeting minutes; stock certificates; organizational papers; trust agreement; last will or testament or a dec Office of General Counsel; partnership agreement; property lease agreement; purchase agreement; land deed; lendi	eased individual; affidavit of heirship approved by
17.	All other terms utilized in this form shall be defined pursuant to 7 CFR Part 1400.	
		*

171-175 (Reserved)

176 Program Payment and Benefit Limitations

A Person or Legal Entity

Program payments and benefits specified in paragraphs 11 and 14 are limited to:

- person
- legal entity.

B Joint Operation

Program payments and benefits to a joint operation are limited by the total number of persons and legal entities that are members multiplied times the dollar amount of the limitation of the program specified in paragraph 14.

177 Payment Reductions

A Proportionate Reductions

Payments made to a legal entity will be reduced proportionately by an amount that represents the direct or indirect ownership of a person or legal entity that has otherwise reached the applicable maximum payment limitation.

178 Exceptions for Inheritance and Estates

A Inheritance

Payments received directly or indirectly by a person may exceed the applicable limitation if **all** of the following apply:

- ownership interest in the land or commodity was transferred because of death
- the new owner succeeds to contract
- the new owner meets all other eligibility requirements.
- *--Note: This provision also applies to an ownership interest in a legal entity received by inheritance if the legal entity was the owner of the land enrolled in an annual or multi-year program contract or agreement at the time of the shareholder's death.--*

178 Exceptions for Inheritance and Estates (Continued)

A Inheritance (Continued)

The new owner determined eligible **cannot** exceed the amount the previous owner was entitled to receive under the applicable program contracts at the time of death. If the new owner meets **all** program and payment eligibility requirements, this provision will apply as follows:

• for DCP and ACRE, 1 program year

Note: The year of contract succession is the 1 program year.

• for CRP and multi-year agreements and contracts, the term of the contract or agreement including extension periods.

B Estates

Payments received by an estate will be:

- restricted by the amount applicable to any other legal entity
- attributed to the heirs.

Heirs of an estate will **not** be restricted to the applicable limitation if the estate succeeds to a contract of the deceased individual. If the estate meets **all** program and payment eligibility requirements, this provision will apply as follows:

- for DCP and ACRE, 1 program year
- for CRP and multi-year agreements and contracts, the term of the contract or agreement including extension periods.
- **Note:** Estate heirs who succeed to the estate's contract may also exceed the applicable limitation if **all** program and payment eligibility requirements are met. If the first program year has already passed, heirs **cannot** exceed the DCP and ACRE limitation for an additional year.

179 Payment Attribution

A Payments to a Person

Program payments made, directly or indirectly to a person, are combined with the pro rata interest held in any other legal entity that received payments, **unless** the payments to the legal entity were reduced by the pro rata share of the person.

B Payments to a Legal Entity

Program payments made directly to a legal entity are attributed to those persons that have a direct and indirect interest in the legal entity (Exhibit 4), **unless** the payments to the legal entity have been reduced by the pro rata share of the person.

179 Payment Attribution (Continued)

C Attribution Levels

Payment attribution to a legal entity will be tracked through 4 levels of ownership in the legal entity according to this table.

Levels of						
Ownership	Payment Attribution					
First	Any payment made to a legal entity that is owned in whole or in part by a person will be *attributed to the person in the amount that represents direct ownership interest in the payment entity.					
Second	 Any payment made to a legal entity that is owned in whole or in part by another legal entity at the second level will be attributed to this entity in the amount that represents the direct ownership interest in the payment entity. Note: If the second level entity is owned in whole or on part by a person, the amount of payment made to the payment entity will be attributed to the person in the amount that represents the indirect ownership interest in the payment entity* 					
Third and	Any payments made to a legal entity at the third and fourth levels of ownership shall be					
Fourth	attributed in the same manner as at the first and second levels of ownership.					
Fourth Only	If any part to the ownership interest at the fourth level is owned by another legal entity, a					
	reduction in payment will be applied to the payment entity in the amount that represents the					
	indirect ownership interest of the fourth level entity in the payment entity					

For illustrations of direct attribution, see Exhibit 4.

D Common Attribution

<u>Common attribution</u> means crediting payments made to persons or legal entities collectively to 1 limitation, for the applicable program, based on a specific or unique relationship between the persons or legal entities.

Common attribution only applies to the following relationships:

- •*--minor child and living parent or legal guardian (paragraph 117)
- revocable trust using Social Security number of grantor where grantor is the parent of a minor child (paragraph 167)
- individual person and another individual person when substantive change is **not** met (paragraph 55)
- parent organization and secondary organization with the parent organization exercises complete control over the secondary organization (paragraph 121)
- public schools in a State that does **not** meet population exception (paragraph 119)
- LLC using Social Security number when the sole interest holder is the parent of a minor child (paragraph 117).--*

180 Ownership Interest for Direct Attribution Purposes

A Determining Ownership Interest

*--Ownership interest that a person or legal entity holds in a legal entity that receives payment subject to limitation for the program year will be determined according to the following table.

	THEN the date for the determination
IF the legal entity	of ownership interest is
existed on June 1 of the year for which program	June 1.
benefits were requested	
did not exist on June 1 of the year for which	the date the legal entity was formed.
program benefits are requested	

B Changes in Ownership Interest

COC may determine that a change in ownership interest after June 1 is considered relevant or effective for the current year if:

- change of ownership interest is because of the death on an interest holder
- the legal entity did **not** exist on June 1 of the applicable year.--*

C Cooperative Associations

Government payments issued to a cooperative association on behalf of eligible producers will be attributed (Exhibit 4) to the members as persons.

181 Interest Notification

A Legal Entity Payment Eligibility Condition

Each legal entity receiving any payments **must** disclose either of the following:

- name and Social Security number of each person
- name and TIN of each legal entity that holds or acquires an ownership interest in the legal entity.

B Person Payment Eligibility Condition

Each person receiving any payment **must** disclose the name and TIN of each legal entity in which the person holds an ownership interest.

182-185 (Reserved)

186 Average AGI Limitations

A Rule

[7 CFR 1400.500] A person or legal entity shall **not** be eligible to receive certain program *--benefits beginning with the 2009 crop, program, or FY, if the average AGI exceeds--* specified amounts.

B AGI Limitations

The AGI limitations are as follows. See Exhibit 9.

IF average adjusted gross	THEN the person or legal entity is ineligible for
nonfarm income exceeds	commodity (DCP and ACRE), price support, and disaster
\$500,000	assistance program benefits listed in subparagraph D.
	Note: A person or legal entity with average adjusted gross nonfarm income that exceeds \$500,000 is not eligible for marketing loan gains and LDP's. However, the person or legal entity is eligible for MAL's, but the loans must be repaid at principal plus interest, or commodity certificates may be exchanged for loan collateral.
farm income exceeds \$750,000	*2009 through 2013 DCP direct payments.
income (both farm and	2012 and 2013 direct payments*
nonfarm) exceeds \$1 million	
nonfarm income exceeds	conservation program benefits listed in subparagraph D,
\$1 million	unless 66.66 percent or more of the average AGI was
	derived from activities related to farming, ranching, and
	forestry operations.

186 Average AGI Limitations (Continued)

C Quick Reference for AGI Amounts

This is a quick reference for determining AGI amounts.

Average AGI	
minus the	
Average Adjusted Gross Farm Income	
equals the	
Average Adjusted Gross Nonfarm Income	

D Quick Reference for Programs and Applicable AGI Provisions

This is a quick reference for programs and applicable AGI limitations.

Program	Less Than \$500,000 Nonfarm AGI	Greater Than \$750,000 Farm AGI	Greater Than \$1 Million Total AGI	Less Than \$1 Million Nonfarm AGI	Greater Than \$1 Million Nonfarm AGI and at Least 66.66 Percent of AGI Is Derived From Farming	Greater Than \$1 Million Nonfarm AGI and Less Than 66.66 Percent of AGI Is Derived From Farming
Commodity Programs	Eligible					
(including direct,						
counter-cyclical, and						
ACRE payments)						
Direct Payments	Eligible	Ineligible	Ineligible			
ELAP, LFP, LIP,	Eligible					
NAP, SURE, and						
TAP						
CCC-580's, MLG's,	Eligible					
and LDP's						
CRP, ECP <u>1</u> /,				Eligible	Eligible	Ineligible
EFRP <u>1</u> /, EQIP,						
and all other						
Conservation						
All other.	As determined by regulation for each program.					

<u>1</u>/ If applicable, see subparagraph 11 A.

187 Applying Average AGI Limitations

A Programs and Benefits

--[7 CFR 1400.500 (c)] Effective for FY's 2009 through 2013, programs and benefits-- subject to the average AGI limitation provision include the following:

- ACRE
- DCP
- ELAP
- LDP
- LFP
- LIP
- MAL's
- NAP
- SURE
- TAAF
- TAP
- conservation programs and EQIP as specified under the following:
 - Food, Conservation, and Energy Act of 2008, Title I
 - Food Security Act of 1985, Title XII.

187 Applying Average AGI Limitations (Continued)

A Programs and Benefits (Continued)

The average AGI limitation provision includes all benefits, cost-share payments, easements, and rental payments under programs such as:

- AMA
- AWEP
- CBWP
- CCPI
- CRP
- CSTP
- EQIP
- FRPP
- GRP
- WHIP
- WRP
- any other program this provision is made applicable by statute and regulation.

B Average AGI Limitation Provision Exemptions

The following are **exempt** from the average AGI limitation provision:

- States, counties, political subdivisions, and agencies thereof
- Federally recognized Indian Tribes
- CRP-1's and other multi-year agreements approved and effective before October 1, 2008
- payments to vendors for technical services or assistance provided along with programs made applicable by statute or regulation
- payments to an escrow agent or other in similar capacity that is maintaining temporary custody with eventual disbursement to the eligible recipient.

A Definition of AGI

[7 CFR 1400.501] <u>AGI</u> means, for a:

- person, the amount reported to IRS on the appropriate tax filing documents as AGI
- legal entity, the comparable measure according to this handbook.

B Definition of Average AGI for a Person or Legal Entity

<u>Average AGI for a person or legal entity</u> means the average AGI, or comparable measure, of the individual or entity over the 3 taxable years preceding the most immediately preceding complete taxable year for which benefits are requested.

--Note: Exclude any years that the person or legal entity did not have taxable income. In this context, the term "taxable income" includes having \$0 of taxable income on IRS Form 1040, line 43 because of tax exemptions and tax deductions. The term "taxable income" for average AGI purposes is used in determining whether or not the person or legal entity had any income upon which a tax filing was required; not whether there was a tax liability level of income.--

C Definition of Average Adjusted Gross Farm Income

<u>Average adjusted gross farm income</u> of a person or legal entity means income or benefits derived from the following sources.

Income Related to Livestock and Crops	Other Types of Income		
Production of livestock, including but not limited to:	The sale of land that has been used for agriculture.		
	The sale of easements and development rights to:		
• cattle, sheep, goats, swine			
• elk, reindeer, bison, deer	• farmland, ranchland, or forestry land		
• horses	• water or hunting		
• poultry	• environmental benefits.		
• fish and other aquaculture products used for food			
• honeybees.			
The feeding, rearing, or finishing of livestock.	The rental or lease of land or equipment used for		
Products produced by or derived from livestock.	farming, ranching or forestry operations, including		
	water or hunting rights.		
Production of crops, specialty crops, and unfinished raw	Any payment or benefit, including benefits from		
forestry products.	risk management practices, crop insurance		
	indemnities, and catastrophic risk protection plans.		

188 AGI Definitions and Determinations (Continued)

C Definition of Average Adjusted Gross Farm Income (Continued)

Income Related to Livestock and Crops	Other Types of Income				
The processing, packing, storing, shedding, and	Payments and benefits authorized under any				
transporting of farm, ranch, and forestry commodities,	program made applicable to payment eligibility and				
including renewable energy.	payment limitation rules.				
	Production of farm-based renewable energy.				
Any other activity related to farming, ranching, or forestry as determined by the Deputy Administrator.					
Any income reported on IRS Schedule F or other schedule used by the person or legal entity to report income					
from farming, ranching, or forestry operations to IRS.					
The sale of equipment to conduct farm, ranch, or forestry operations and the provision of production inputs					
and services to farmers, ranchers, foresters, and farm operations, if the average adjusted gross farm income is					
at least 66.66 percent of the average AGI.					

Note: Wages earned through employment by a farming operation are **not** farm income.

D Definition of Income From Fishing

<u>Income from fishing</u> means income derived from catching, taking, harvesting, cultivating, or farming aquatic resources such as fish, shellfish, crustacea, and other aquatic forms of animal or vegetable life according to IRS Publication 595 or other applicable IRS instructions.

E Sources of Income Data

Income from farming, ranching, forestry operations, and related activities is:

- recorded on the IRS Schedule F, Form 4835, or comparable form
- any other schedule as allowed by applicable IRS tax code to report farming, ranching, forestry operations, and related activity income
- reflected in and attached to IRS Form 1040 or other appropriate IRS income tax return filed by the person or legal entity with the IRS for tax purposes.

Income from fishing is:

- recorded on IRS Schedule C, or Schedule C-EZ, as allowed by applicable IRS tax code
- reflected in and attached to IRS Form 1040 or other appropriate IRS income tax return filed by the person or legal entity for IRS tax purposes.

188 AGI Definitions and Determinations (Continued)

*--F Source of Income

Pass-through income received by a person from an interest held in a legal entity may be considered income from farming, ranching, or forestry if all of the following are met:

- the legal entity is a subchapter-S corporation or similar legal entity in which all of the income passes through to the interest holders
- a person who is an interest holder reports income received from the legal entity as income from farming, ranching, or forestry to the IRS
- the legal entity is primarily engaged in farming, ranching, or forestry activities.
 - **Note:** Wages or dividends received from a legal entity are not considered income from farming, ranching, or forestry activities. The disbursements are made by a legal entity to the interest holders regardless of the nature of the legal entity's business activities.--*

189 Average AGI Compliance Certification

A Required AGI Compliance Certifications for Payment Eligibility

AGI compliance certifications (CCC-931 or CCC-933, as applicable, items 1 through 4 and 9 through 11) are required for payment eligibility for **all**:

- persons
- legal entities
- interest holders in a legal entity, including embedded entities to the fourth level of ownership interest, regardless of the level of interest held
- members of a general partnership or joint venture, regardless of the number of members
- Indians and Native Americans represented by BIA.

189 Average AGI Compliance Certification (Continued)

B Certifying Compliance

To comply with the AGI requirement for the applicable crop, program, or FY, a person or legal entity **must** provide the following:

- CCC-931 or CCC-933 applicable to the year that program benefits are requested
 - Note: In all cases, CCC-931 or CCC-933, as applicable, items 1 through 4 and 9 through 11, must be completed and signed by the person or legal entity subject to AGI compliance for consent to disclosure of tax information. See paragraph 200.
- documentation showing the person or legal entity is in compliance or a statement for CPA or attorney that the average AGI does **not** exceed the applicable limitation and agreement with all requirements of information disclosure.

C Statements From CPA or Attorney

Statements certifying AGI compliance on behalf of a person or legal entity will only be accepted from licensed CPA's or attorneys and **must** include the following:

- CPA's or attorney's license number
- explanation for the reasons for the statement (see subparagraph D)
- acknowledgement of having reviewed and agrees to:
 - average AGI limitations, definitions, programs involved, and compliance requirements in 7 CFR Part 1400 regulations
 - CPA or attorney has made inquiries and understands the tax years used to calculate the average AGI for applicable years
 - the representations made in the statement may be relied on by the Government to allow program benefits to be retained or received and that a false certification can result in sanctions including criminal sanctions for persons associated with the false representations
 - additional information may be requested by USDA, a review may by conducted by USDA, and further inquiry may be made to IRS to assure that all information filed with USDA by all parties is true, correct, and completed
- relevant information on the most recently filed tax returns for the period in question

189 Average AGI Compliance Certification (Continued)

C Statements From CPA or Attorney (Continued)

- if applicable, a detailed explanation of how the applicable average AGI limitations were not exceeded even though the information on the tax returns indicates otherwise.
- *--Note: The following enclosure that provides instructions, terms, conditions for CPA or Attorney Certification statements **must** be included with the notifications illustrated in subparagraphs D and E.

AGI Enclosure 1

Instructions, Terms, and Conditions for CPA or Attorney Certification Statement

Certification statements will only be accepted from licensed certified public accountants (CPA's) and attorneys. Statements from enrolled agents will **not** be accepted. If a statement is submitted by a CPA or an attorney to certify compliance with an average AGI limitation for which a person or legal entity received notification of possible noncompliance, the statement **must** include the following elements:

- 1) CPA's or attorney's State license identification number.
- 2) Explanation of the reason for the certification statement (see enclosed example).
- 3) Acknowledgement of having read and understood, and agreement to, the terms and conditions of this enclosure (AGI Enclosure 1), including the following:
 - The CPA/attorney acknowledges and agrees to having reviewed and being familiar with the average AGI limitations, definitions, and compliance requirements in 7 CFR Part 1400, with the programs involved, having made such inquiries as are necessary
 - to apprise the CPA/attorney of such matters and understands that the tax years used to calculate the average AGI are the 3 taxable years preceding the most immediately preceding complete taxable year for which program benefits are requested.
 - The representations the CPA/attorney makes in the certification statement may be relied on by the government to allow benefits to be retained or received and that a false certification can result in sanctions including criminal sanctions for those persons associated with the false representations.
 - Additional information may be requested by USDA, a review may be conducted by USDA, and further inquiry may be made to IRS to ensure that all information filed with USDA by all parties is true, correct, and complete.
- 4) Relevant information on the most recently filed tax returns for the period in question.
- 5) If applicable, detailed explanations of how the applicable average AGI limitation(s) was not exceeded even though the information on the tax returns indicate otherwise.

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*--189 Average AGI Compliance Certification (Continued)

D Example of CPA or Attorney Statement for AGI Compliance

The following is an example of CPA or attorney statement for AGI compliance certification and verification purposes.

	[insert name] [insert street and/or mailing address] [insert city, State ZIP Code]
[insert a	date]
[insert s	State Office name] street and/or mailing address] city, State ZIP Code]
	rt name], am [insert "a certified public accountant (CPA)" or "an attorney" as appropriate] practicing in city, State]. My license identification number is [insert license number] in [State].
average	been asked by [<i>insert name of producer</i>] to certify that [<i>insert name of producer</i>] is in compliance with the e adjusted gross income (AGI) limitations for the following [<i>insert the applicable program year(s) and</i> <i>ons</i>], pursuant to section 1604 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 1308-3a.
filed wi purpose name of those re provide supplied Departm provide actually inconsis include name of under C accurac	stand that an inquiry by USDA with the Internal Revenue Service (IRS) has indicated that income tax returns th the IRS by [<i>insert name of producer</i>] reported income that may exceed the applicable AGI limits. For es of this letter and my representations below, my "certification" is limited only to my knowledge of [<i>insert</i> <i>f producer</i>] federal income tax returns based upon either my preparation of such returns or my readings of sturns that I did not prepare. The preparation or review of these returns was based upon the information d by [<i>insert name of producer</i>]. [<i>insert name of producer</i>] has represented to me that the information d to me is, to the best of [<i>his/her</i>] knowledge, true, correct, and complete. In accordance with Treasury nent Circular No. 230, section 10.34 (d), I relied in good faith without verification upon the information d by [<i>insert name of producer</i>]; however, I did not ignore the implications of information furnished to, or <i>v</i> known by me, and I made reasonable inquiries if the information as furnished appeared to be incorrect, stent with an important fact or another factual assumption, or was incomplete. This "certification" does not any representations or assurances as to the accuracy or completeness of the information contained in [<i>insert</i> <i>f producer</i>] federal income tax returns or imply that I have performed procedures beyond those required Circular No. 230. In addition, this "certification" does not include any representations or assurances as to the y or completeness of the information contained in [<i>insert name of producer</i>] federal income tax returns that I prepare.
	wledge that I have read, understand, and agree to, the terms and conditions of the enclosure (AGI re 1) received by [<i>insert name of producer</i>] with the following conditions.
•	I am relying on the information made known to me as noted above. I take no responsibility for information outside of the tax return preparation process, unless I relied upon outside information as noted in the end of this prepared statement or attachment for the purposes of explanation that [<i>insert name of producer</i>] complies with the applicable average AGI limitations.
•	I have not been engaged to continually monitor the tax law for this client or to continually monitor factors related to the client's AGI or other tax calculations for the relevant years. Therefore, I am not in a position to notify the government of changes to facts or circumstances (whether or not material) that would make this certification no longer accurate.
•	Under Internal Revenue Code Section 7216 and other confidentiality standards, I may only provide client information upon specific written authorization from the client to release such information, including tax return information, to a third party.
The fol	lowing are correct statements:
•	Based on a representation provided by [<i>insert name of producer</i>], or the confirmations of [<i>his/her</i>] e-filed federal income tax returns [<i>insert the applicable tax return form number</i>], the [2005, 2006, and 2007 (<i>if for 2009</i>) or 2006, 2007, and 2008 (<i>if for 2010</i>)] federal income tax returns were timely filed.
•	I am not aware of subsequently filed federal income tax returns, whether superseding or amended, other than those identified above related to the tax years identified above.

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*--189 Average AGI Compliance Certification (Continued)

D Example of CPA or Attorney Statement for AGI Compliance (Continued)

• I am not aware of any adjustments made by the Intern the federal income tax returns identified above.	al Revenue Service or any state taxing authority to
• I understand that, consistent with the definitions in 7 d benefits derived from or related to sources and activit is the total adjusted gross income minus the total farm	es listed at 7 CFR § 1400.501, and "nonfarm income"
• According to the most recent returns filed for the year	s identified above, [insert name of producer]:
 reported average AGI was \$based on the [List the amount entered on line 37 for each tax y 	
Total Adjusted Gross Income reported on Line 3' Total Adjusted Gross Income reported on Line 3' Total Adjusted Gross Income reported on Line 3'	7 in 2008
• reported farm average AGI was \$ based 6 [List each tax year and farm AGI amounts for each tax year amounts for eac	
	rned from farming, dividends, oil & gas lease, oil & enct farm income and not the gross farm income.
Example: Report the net amount shown on lin line 11.	e 36 and not the gross amount shown on Schedule F,
Farm Income reported in 2007 Farm Income reported in 2008 Farm Income reported in 2009	
• reported farm average AGI includes amounts iden lines and Schedules where farm income was repo	ntified on the following line(s) and Schedule(s): [List rted for each tax year.]
Lines and Schedules used to report Farm income Lines and Schedules used to report Farm income Lines and Schedules used to report Farm income	in 2008
 reported nonfarm average AGI was \$	
Reported Nonfarm income in 2007 Reported Nonfarm income in 2008 Reported Nonfarm income in 2009	
[Include the following, if applicable.]	
Although the calculated [<i>insert "average nonfarm AGI" o</i> this letter exceeds the applicable AGI limitation, I believe average AGI limitation requirements for the reasons that a document. [<i>insert name of producer</i>] has represented to m [<i>his/her</i>] knowledge, true, correct, and complete. I am not reason to believe otherwise.	that [<i>insert name of producer</i>] complies with the re set forth in detail in the space below or the attached the that the attached information is, to the best of
I declare that the statements made herein, to the best of my know	wledge and belief, are true, correct, and complete.
Signed [insert name of CPA or attorney, as applicable], [insert title, "	CPA" or "Attorney", as applicable]
Dated: [insert date]	

E Option Available for Spouses for Joint Tax Return Filers

In addition to the Average AGI Compliance Certification requirements in subparagraph A, a person who filed joint tax returns may provide a certification statement from by a CPA or an attorney that includes **both** of the following:

- specifies the manner in which income would have been declared and reported had the persons filed 2 separate tax returns
- the total allocations of income are consistent with the information that supports the filed joint tax returns.

F Example of CPA or Attorney Statement for AGI Compliance for Joint Tax Filers

The following is an example of CPA or attorney statement for AGI compliance certification and verification purposes with the allocation of income between the filers of a joint tax return.

[insert name] [insert street and/or mailing address.] [insert City, State ZIP Code] [insert date] [insert State Office Name] [insert street and/or mailing address] [insert city, State ZIP Code] I, [insert name], am [insert "a certified public accountant (CPA)" or "an attorney" as appropriate] practicing in [insert city, State]. My license identification number is [insert license number] in [State]. I have been asked by [insert name of producer] to certify that [insert name of producer] is in compliance with the average adjusted gross income (AGI) limitations for the following *finsert the applicable program year(s) and limitations*], pursuant to Section 1604 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 1308-3a. I understand that an inquiry by USDA with the Internal Revenue Service (IRS) has indicated that income tax returns filed with the IRS by [insert name of producer] reported income that may exceed the applicable AGI limits. For purposes of this letter and my representations below, my "certification" is limited only to my knowledge of [insert name of producer] federal income tax returns based upon either my preparation of such returns or my readings of those returns that I did not prepare. The preparation or review of these returns was based upon the information provided by [insert name of producer]. [Insert name of producer] has represented to me that the information supplied to me is, to the best of [his/her] knowledge, true, correct, and complete. In accordance with Treasury Department Circular No. 230, Section 10.34 (d), I relied in good faith without verification upon the information provided by [insert name of producer]; however, I did not ignore the implications of information furnished to, or actually known by me, and I made reasonable inquiries if the information as furnished appeared to be incorrect, inconsistent with an important fact or another factual assumption, or was incomplete. This "certification" does not include any representations or assurances as to the accuracy or completeness of the information contained in [insert name of producer] federal income tax returns or imply that I have performed procedures beyond those required under Circular No. 230. In addition, this "certification" does not include any representations or assurances as to the accuracy or completeness of the information contained in [insert name of producer] federal income tax returns that I did not prepare. I acknowledge that I have read, understand, and agree to, the terms and conditions of the enclosure (AGI enclosure 1) received by [insert name of producer] with the following conditions: I am relying on the information made known to me as noted above. I take no responsibility for information outside of the tax return preparation process, unless I relied upon outside information as noted in the end of this prepared statement or attachment for the purposes of explanation that [insert name of producer] complies with the applicable average AGI limitations. I have not been engaged to continually monitor the tax law for this client or to continually monitor factors related to the client's AGI or other tax calculations for the relevant years. Therefore, I am not in a position to notify the government of changes to facts or circumstances (whether or not material) that would make this certification no longer accurate. Under Internal Revenue Code Section 7216 and other confidentiality standards, I may only provide client information upon specific written authorization from the client to release such information, including tax return information, to a third party.

*--189 Average AGI Compliance Certification (Continued)

F Example of CPA or Attorney Statement for AGI Compliance for Joint Tax Filers (Continued)

•	fec 20	sed on a representation provided by <i>Mr and Mrs. Farmer [insert name of producer]</i> , or the confirmations of <i>[their]</i> e-filed leral income tax returns <i>[insert the applicable tax return form number]</i> , the [2007, 2008, and 2009 (if for 2011) or 2008, 209 and 2010 (if for 2012)] federal income tax returns which are used to compute Adjusted Gross Income eligibility for ogram Year [<i>insert the program year</i>] were timely filed.
•		m not aware of subsequently filed federal income tax returns, whether superseding or amended, other than those identified ove related to the tax years identified above.
•		m not aware of any adjustments made by the Internal Revenue Service or any state taxing authority to the federal income returns identified above.
•	or	nderstand that, consistent with the definitions in 7 CFR Part 1400, "farm income" means income or benefits derived fron related to sources and activities listed at 7 CFR § 1400.501, and "nonfarm income" is the total adjusted gross income nus the total farm income".
	No	te: Farm income does not include wages earned from farming, dividends, oil & gas lease, oil & gas royalties or land damages.
•		cording to the most recent joint returns filed for the years identified above, <i>Mr and Mrs. Farmer's</i> sert names of producers]:
	0	reported average AGI was \$ based on the following amounts from line 37: [List the amount entered on line 37 for each tax year.] (Example is for the 2011 program year)
		Total Adjusted Gross Income reported on Line 37 in 2007 Total Adjusted Gross Income reported on Line 37 in 2008 Total Adjusted Gross Income reported on Line 37 in 2009
	0	reported farm average AGI was \$ based on the following amounts: [List each tax year and farm AGI amounts for each year.]
		Note: Farm income does not include wages earned from farming, dividends, oil & gas lease, oil & gas royalties or land damages. Report the net farm income and not the gross farm income.
		Example: Report the net amount shown on line 36 and not the gross amount shown on line 11 of the Schedule F.
		Farm Income reported in 2007 Farm Income reported in 2008 Farm Income reported in 2009
	0	reported farm average AGI includes amounts identified on the following line(s) and Schedule(s): [List lines and Schedules where farm income was reported for each tax year.]
		Lines and Schedules used to report Farm income in 2007 Lines and Schedules used to report Farm income in 2008 Lines and Schedules used to report Farm income in 2009
	0	reported nonfarm average AGI was \$based on the following amounts: [List each tax year and nonfarm AGI amounts for each year.]
		Reported Nonfarm income for 2007 Reported Nonfarm income for 2008 Reported Nonfarm income for 2009

*--189 Average AGI Compliance Certification (Continued)

F Example of CPA or Attorney Statement for AGI Compliance for Joint Tax Filers (Continued)

• Although the calculated <i>[insert "average nonfarm AGI" or "average farm AGI", as applicable]</i> indicated in this letter exceeds the applicable AGI limitation, I believe that Jane Farmer <i>[insert name of producer]</i> complies with the average AGI limitation requirements for the reasons that are set forth in detail in the space below and the attached document. Jane Farmer <i>[insert name of producer]</i> has represented to me that the attached information is, to the best of <i>[his/her]</i> knowledge, true, correct, and complete. I am not aware of any discrepancies and do not have any reason to believe otherwise.
[Include the following, if applicable]
According to the most recent returns filed for the years identified above, Jane Farmer's:
 Reported average AGI would have been \$ based on the following amounts had he/she and spouse filed separate tax returns for each of the applicable years: [List the dollar amount of individual's share of total AGI from line 37 of tax return.] Note: Salaries are not considered separate income in community property states. Individual's Share of AGI reported on Line 37 in 2007 Individual's Share of AGI reported on Line 37 Individual's Share of AGI reported on Line 37 Individual's Share of AGI reported on Line 37 Individual's Share of AGI report
Individual's Share of AGI reported on Line 37 in 2008 Individual's Share of AGI reported on Line 37 in 2009
 reported farm average AGI would have been \$based on the following amounts had [he/she and spouse] filed separate tax returns for each of the applicable years: [List each tax year and farm AGI amounts for each year.] Note: Farm income does not include wages earned from farming, dividends, oil & gas lease, oil & gas royalties or land damages.
Farm Income reported in 2007 Farm Income reported in 2008 Farm Income reported in 2009
 reported farm average AGI includes amounts represented on the following line(s) and Schedule(s): [List lines and Schedules where farm income was reported for each tax year.]
Lines and Schedules used to report Farm income in 2007 Lines and Schedules used to report Farm income in 2008 Lines and Schedules used to report Farm income in 2009
 reported nonfarm average AGI was \$ based on the following amounts had he/she and spouse filed separate tax returns for each of the applicable years: [List each tax year and nonfarm AGI amounts for each year.]
Reported Nonfarm income for 2007 Reported Nonfarm income for 2008 Reported Nonfarm income for 2009
I declare that the statements made herein, to the best of my knowledge and belief, are true, correct, and complete.
(Insert additional comments if needed.)
Signed
[insert name of CPA or attorney, as applicable], [insert title, "CPA" or "Attorney", as applicable]
Dated: [insert date]
Enclosure: (Attach documents or a spread sheet showing the method of how and why the income was divided between the individuals filing the joint return.)

189 Average AGI Compliance Certification (Continued)

G Verifying AGI Certifications

COC or reviewing authority may do the following:

- question all or part of an AGI certification provided by an individual or entity
- request documentation, such as tax records, from the individual or entity
- use requested information to verify certifications made by the individual or entity for AGI certification purposes.

COC or reviewing authority shall record the following in COC or STC minutes:

- individuals and entities reviewed
- findings and results of reviews
- determinations of compliance or noncompliance with each AGI limitation.

COC or reviewing authority shall provide the following:

- written notice to the individuals and entities of results
- appeal rights according to 1-APP, if any determination is considered adverse.

H Deadline for AGI Certifications and Consents to Disclose

AGI certification and consent to disclose **must** be submitted:

- according to the deadlines established by the applicable programs
- **before** issuing any program benefit subject to AGI provisions.

I Multi-County Producers

Individuals or legal entities with multi-county farming interests will submit the required AGI certifications and consents to disclosure only in the recording county.

The recording county will do the following:

- make any AGI compliance determinations, if necessary
- set values in the eligibility files reflective of the certification or determination
- •*--if requested, share the information with other counties.--*

190 Rules for Special Cases

A Acceptable Documentation

For a person or legal entity, including a foreign person or legal entity that does **not** have tax records or is **not** required to file tax returns, acceptable forms of AGI documentation may include, but are **not** limited to, the following:

- annual budgets and statement of operations
- annual public financial disclosures
- financial statements
- other documentation as deemed acceptable by the reviewing authority.

B Churches, Clubs, Fraternal Organizations, Societies, and Similar Associations

Persons who attend a church or belong to a club, fraternal organization, association, or similar type of entity that is requesting payments or benefits:

- do **not** hold an ownership interest in the entity
- are **not** required to submit an AGI certification for the entity to meet AGI provision.

Note: The church, club, etc. are required to provide an AGI certification.

C Multi-Year Contracts and Agreements

For program contracts and agreements that extend more than 1 crop year, program year, or FY, the average AGI determination will:

- be based on the 3 taxable years preceding the most immediately preceding complete taxable year for which the contract or agreement is approved
 - **Note:** For a successor to an approved CRP-1, the 3-year period is based on the approval date of succession, **not** on the original approval date of CRP-1. See
 - *--subparagraph G. The approval date of succession is the effective date of change in interest in the CRP land according to 2-CRP.--*
- be made once and apply for the entire term of the contract or agreement.

D Succession-in-Interest

The average AGI limitations, according to this part, do **not** apply to multi-year contracts; such as CRP-1's that were effective **before** October 1, 2008. The average AGI provisions in this part were **not** part of the original contract or agreement when executed.

If succession occurs to a multi-year contract or agreement that was effective:

- **before** FY 2009, the successors **will not** be subject to AGI provisions in this part on the multi-year contract or agreement
- for FY 2009 or subsequent years, the successors **will** be subject to AGI provisions on the multi-year contract or agreement.

Note: See Exhibit 10 for the applicable payment eligibility/limitation rules and forms required for CRP.

E Which AGI Rule Applies to CRP Contracts

This table provides guidance on which:

- payment limitation and rules apply to CRP contracts
- AGI certification form should have been filed or must be filed at the time of contract approval.

Note:	Follow subparagraph 1	89 C to determine which business types are required to file
	AGI certifications.	

Original Contact Approved ➔		Before M	ay 13, 2002		On or After May 13, 2002, and Before October 1, 2008	On or After October 1, 2008
Rex Extended	Ν	0	Yes	8		
Contract	No	Yes	No	Yes		
Extended in 2009						
AGI Rule	Not	4-PL	1-PL	4-PL	1-PL	4-PL
Required Form	Subject to	CCC-931	CCC-526 or	CCC-931	CCC-526 or	CCC-931
	AGI		CCC-526C		CCC-526C	*CCC-933
	Provisions					CCC-931C*

Notes: For CRP continuous contracts approved between May 13, 2002, and September 30, 2002, that were effective for program year 2002, AGI provisions are **not** applicable. See 2-CRP, subparagraph 131 A for additional information. CCC-926 may have been used and was acceptable before CCC-931 was made available.

190 Rules for Special Cases (Continued)

*--F AGI Requirements for Producers Associated With Original Contracts

Follow this table to determine the requirements for filing an AGI certification form for producers.

Note: See the table in subparagraph E to determine which AGI certification form should be filed.

If the producer is an entity or joint operation, all members with an ownership share are required to file the applicable AGI certification if the entity/joint operation is required to file the certification.

IF the producer's share is	AND the producer is	THEN the AGI certification is
	AND the producer is	
0 percent		not required.
greater than	• an individual	required for the producer.
0 percent		
	• entity without	
	members	
	 joint operation 	required for:
	• entity with members	
		• the producer, except for a joint operation
		• each member with an ownership share
		greater than 0 percent.

190 Rules for Special Cases (Continued)

*--G Contract Revisions

This table provides guidance for the requirements for filing an AGI certification form for producers and members of entities and joint operations when a contract is revised for either of the following reasons:

- new producer is added to the CRP contract
- new members are added to an entity or joint operation that has an interest in the CRP contract.
- **Note:** See the table in subparagraph E to determine which AGI certification form should be filed.

If the contract is	AND the new		
revised because	producer has	AND the producer is	THEN an AGI certification is
a new producer was	0 percent share		not required.
added to the contact	a share greater than 0 percent	• an individual	required for the year the change became effective for the producer.
		• entity without members	Example: Producer A has CRP contract #2117 with an effective date of October 1, 2010. Producer A sells the land to Producer B on September 20, 2011. Producer B informs the County Office on January 10, 2012, that he purchased the land under CRP contract #2117. Producer B must file AGI forms for 2011 (the year the change became effective).
		joint operationentity with members	 required as follows for the year the producer is added to the contract: the producer, except for a joint operation each member with an ownership share greater than 0 percent.
			See exception in subparagraph H.

--*

190 Rules for Special Cases (Continued)

G Contract Revisions (Continued)

If the contract is	AND the new		
revised because	producer has	AND the producer is	THEN an AGI certification is
an existing producer's share was increased from 0 percent		 an individual entity without members	required for year the producer was originally added to the contract with a 0 percent share.
		joint operationentity with members	 required as follows for the year the producer was originally added to the contract with a 0 percent share: the producer, except for a joint operation each member with an ownership share greater than 0 percent.
a new member is added to a joint			required for year the member was added to the operation with an ownership share
operation or an entity with			greater than 0 percent.
members			See exception in subparagraph H.

H Exception to Year AGI Certification Must Be Filed

If a producer or member of an entity or joint operation was previously associated with the CRP contract, then the original AGI certification continues to apply for that producer or member if their role changes.

Example: John Farmer has 100 percent interest in a CRP contract approved in 2010.

Farmers LLC replaces John Farmer as a producer on the CRP contract in 2012. John Farmer is a member of Farmers LLC and has a 100 percent ownership interest in Farmers LLC.

Because John Farmer was already associated with the contract, the 2010 AGI certification continues to be applicable for John. However, an AGI certification **must** be filed for 2012 for Farmers LLC.

*--I Examples of Applicable AGI Years for Succession to DCP and CRP Contracts

In cases where there are questions on DCP/ACRE or CRP contract provisions, contact the appropriate program division. For AGI questions, contact PECD. In all cases, review 1-DCP or 2-CRP, as applicable. The following are examples of applicable AGI years for succession to DCP/ACRE and CRP contracts:

• **DCP/ACRE Rule**. Use the same rule for both original contract holder and successor to determine which AGI years to use. Start with the program year, skip the previous year, and use the 3 years before that, as follows.

The **2011 program year**, signup occurred October 1, 2010, through June 1, 2011. The contract year is the 2011 program year or FY, October 1, 2010, through September 30, 2011.

- Original contract holder signed the contract in December 2010. 2007, 2008, and 2009 are used for **2011** AGI.
- Successor purchased the land August 1, 2011, and notified the County Office September 1, 2011. County Office approved succession on October 1, 2011. Effective date of succession is August 1, 2011.
 2007, 2008, and 2009 are used for 2011 AGI.
- **CRP Rule for Original Contract Holders**. For effective date of contract, see 2-CRP. Skip the previous year of the initial contract year and use the 3 years before the initial year of the contract, as follows.
 - Original contract holder's contract was approved by COC on June 1, 2011. Contract is effective October 1, **2011**. First payment is October 2012. 2007, 2008, 2009 are used for **2011** AGI.
 - Original contract holder's contract was approved by COC on June 1, 2011. Contract is effective October 1, **2012**. First payment is October 2013. 2007, 2008, 2009 are used for **2011** AGI.
- **CRP Rule for Successors.** Start with the date that caused the succession (date the land was purchased; date of inheritance), skip the previous year and use the 3 years before that.
 - Successor purchased land June 1, 2012. County Office is notified August 1, 2012. COC approved successor on October 1, 2012. Effective date of succession is determined according to 2-CRP as June 1, 2012. 2008, 2009, and 2010 are used for **2012** AGI.
 - Successor inherited land June 1, 2012. County Office is notified January 12, 2013. COC approved successor on January 19, 2013. Effective date of succession is determined according to 2-CRP as June 1, 2012. 2008, 2009, and 2010 are used for **2012** AGI.--*

191 Determining AGI and Average AGI

A Determining Total AGI (Farm and Nonfarm)

Determine AGI according to the following table.

IF certification is by	THEN AGI is the		
a person filing a separate	amount reported as AGI on the final IRS tax return for the		
tax return	person for the applicable year.		
a person filing a joint tax	full amount reported as AGI on the final IRS tax return for the		
return	applicable year.		
	Exception: A certification is provided by a certified public		
	accountant or an attorney that specifies what the amounts would have been if separate tax returns would have been filed for the applicable year.		
an LLC, LLP, LP, or	income from trade or business activities plus the amount of		
similar type of	guaranteed payments to the members as reported on the final		
organization	IRS tax returns for the applicable year.		
an estate or trust	adjusted total income plus charitable deductions as reported on		
	the final IRS tax return for the applicable year.		
a corporation, including	total taxable income plus the amount of charitable contributions		
subchapter S corporation	as reported on the final IRS tax return for the applicable year.		
a tax-exempt or	unrelated business taxable income as reported to IRS less any		
non-profit organization	income that CCC determines to be from noncommercial sources.		

191 Determining AGI and Average AGI (Continued)

B Using IRS Data for AGI Determinations

This table provides guidance on AGI determinations using data reported to IRS.

IF determining	THEN see	
AGI for	IRS Form	AND use the amount entered on
corporations	1120	*either of the following:
		• line 30 (total taxable income) plus line 19 (charitable contributions)
		• for S corporations, use only IRS-1120S, line 21 (ordinary business income)*
estates or trusts	1041	line 22 (taxable income) plus line 13 (charitable *deductions) for years 2000 through 2011.
LLC's, LLP's, LP's, or other similar type organization	1065	line 22 (total income from trade or business) plus line 10 (guaranteed payments to partners) for years 2000 through 2011.
persons	1040	 line 37 (AGI) for 2005 through 2011 line 36 (AGI) for 2004 line 34 (AGI) for 2003 line 35 (AGI) for 2002 line 33 (AGI) for 2001 line 33 (AGI) for 2000.
tax-exempt or charitable organizations	990-T	line 34 (unrelated business taxable income) minus income that CCC determined to be from noncommercial activity for years 2000 through 2011*

Note: Variations of the referenced IRS tax forms, or comparable forms, may apply in which the line items for the appropriate income amounts will be different.

C Applicable Years for Determining Average AGI

Use this table for applicable years to be used for determining average AGI.

IF crop year is	THEN Average AGI will be based on the following years
2009	2005, 2006, and 2007.
2010	2006, 2007, and 2008.
2011	2007, 2008, and 2009.
2012	2008, 2009, and 2010.
2013	2009, 2010, and 2011

191 Determining AGI and Average AGI (Continued)

D Determining Average AGI (Continued)

IF determination is for a	THEN average AGI is the average		
• person	of AGI, including losses, for the 3 taxable years		
	preceding the most immediately preceding complete		
• legal entity in business for all	taxable year.		
of the applicable 3-year period			
	Note: This includes legal entities not required to file		
	an IRS tax return or legal entities that did not		
	have taxable income in 1 or more years of the		
	applicable 3-year period.		
legal entity not in business for all	AGI, including losses for only the years in the base		
of the applicable 3-year period	period that the new legal entity was in business.		

Determine the average AGI according to the following table.

E Average Nonfarm AGI's Exceeding \$1 Million Limitation

When the average nonfarm AGI is greater than \$1 million, a comparison **must** be made to determine if less than 66.66 percent of the average AGI was derived from farming, ranching, forestry operations, and related activities.

IF	THEN see IRS Form	
corporation	• 1120; compare the 3-year average of line 10 (other income per Schedule F) with the average AGI determined for the same time period	
	• 1120S; compare the 3-year average of line 5 (other income) with the average AGI determined for the same time period.	
estate or trust	1041; compare the 3-year average of line 6 (farm income or loss) with the average AGI determined for the same time period.	
LLC, LLP, LP, or other similar organization	1065; compare the 3-year average of line 5 (farm income or loss) with average AGI determined for the same time period.	
person	1040; compare the 3-year average of line 18 (farm income or loss) with the average AGI determined for the same time period.	
tax-exempt or charitable organization	990-T; compare the 3-year average of line 8 (interest, annuities, royalties, and rents per Schedule F) with the average AGI determined for the same time period.	

Note: Exceptions may be applicable to the 3-year base period.

F AGI Compliance Worksheet

--For AGI compliance determinations, use worksheet in paragraph 203.8.--

191 Determining AGI and Average AGI (Continued)

G Rule for New Entity

A new legal entity shall **not** be considered new to the extent that it takes over an existing operation and has any elements of common ownership or interests with the preceding legal entity, or persons and legal entities, with an interest in the old legal entity.

The income of the old legal entity will be averaged with the income of the new legal entity for the base period if any of the elements of commonality are present.

Example for 2009:	Twin Falls Corporation is comprised of Joe Plummer (50 percent) and John Plummer (50 percent).		
	The average AGI from the 3 complete taxable years 2005, 2006, and 2007 for Twin Falls Corporation was \$1.1 million. Less than 66.66 percent was derived from farming, ranching, forestry operations, and related activities. Twin Falls Corporation had \$3 million AGI in 2008.		
Twin Falls Corporation exceeded the average \$1 million nonfactive limitation, and; therefore, was determined ineligible for 2009 conservation program benefits.			
Example for 2010:	Plummer LLC is comprised of Joe Plummer (5 percent), John Plummer (5 percent), and Twin Falls Corporation (90 percent).		
	Plummer LLC takes over the farming operation previously represented as Twin Falls Corporation.		
	The average AGI for Plummer LLC for 2010 payment eligibility purposes will be \$1.73 million, the average of AGI of Plummer LLC and Twin Falls Corporation for the years 2006, 2007, and 2008. Plummer LLC is ineligible for 2010 conservation program benefits because of the average \$1 million nonfarm AGI limitation.		

192 Average AGI Limitations and Payment Eligibility

A Applying Average AGI

The following table shows how different average AGI amounts affect payment eligibility for a person or legal entity under different programs.

Programs and Average AGI Limitations				
Program Payments	Average AGI			
and Benefits	Amount	Income	Average AGI	
Commodity (DCP and	\$500,000	Nonfarm	Adjusted gross nonfarm	
ACRE), Price Support,			income.	
and Disaster Assistance				
DCP and ACRE Direct	\$750,000	Farm	Adjusted gross farm income	
Payments			(must also meet both the	
			\$500,000 nonfarm AGI and the \$1 million AGI limitations).	
DCP and ACRE Direct	\$1 million	Total farm	Adjusted gross income (must	
Payments	φ1 mmon	and nonfarm	also meet both the \$500,000	
T dymonts		und nonitarin	nonfarm and the \$750,000	
			farm AGI limitations).	
Conservation	\$1 million	Nonfarm	Adjusted gross nonfarm	
			income, unless 66.66 percent	
			or more of the average AGI is	
			average adjusted gross farm	
			income.	
			Note: May be waived on a	
			case-by-case basis if	
			environmentally	
			sensitive land of special	
			significance would be	
			protected.	

--*

192 Average AGI Limitations and Payment Eligibility (Continued)

B AGI Examples

*--The following table shows how the application of the average AGI limitations affects the payment eligibility of a person or legal entity under different programs.

Application of the Average AGI Limitations					
			Program Benefits		
Example	Avera	ige AGI	Commodity, Price Support, and Disaster Assistance	DCP/ACRE Direct Payment	Conservation
1	Farm	\$750,000	Eligible	Not Eligible	Eligible
	Nonfarm	\$500,000			
	Total AGI	\$1.2 million			
2	Farm	\$750,000	Eligible	Eligible	Eligible
	Nonfarm	\$250,000			
	Total AGI	\$1 million			
3	Farm	\$700,000	Not Eligible	Not Eligible	Eligible
	Nonfarm	\$600,000			
	Total AGI	\$1.3 million			
4	Farm	\$800,000	Not Eligible	Not Eligible	Not Eligible
	Nonfarm	\$1.2 million			
	Total AGI	\$2 million			
5	Farm	\$1 million	Eligible	Not Eligible	Eligible
	Nonfarm	\$0			
	Total AGI	\$1 million			

--*

193 Average AGI Compliance Reviews

A Selecting Cases

Reviews for compliance with average AGI provisions may be:

- initiated by a COC or STC representative
- selected on a nationwide basis by DAFP.

B Verifying Compliance

Information necessary to verify compliance with the average AGI provisions includes, but is not limited to, the following:

- balance sheets
- financial statements
- information prepared for a private lender
- Federal and State income tax returns
- reports prepared for other Government agencies
- other credible information of income for the qualification period
- statement prepared by a certified public accountant or an attorney on behalf of the individual or legal entity that verifies compliance of the individual or legal entity with average AGI provisions for the applicable qualification period.
- **Note:** Federal and State income tax information may be requested by the reviewing authority if that is the only means to establish compliance with the average AGI provisions.

The reviewing authority must safeguard the confidentiality of the information provided.

*--Note: Ensure that information provided by program participants to verify compliance with average AGI provisions is **not** released to others or in response to requests under FOIA.--*

*--193 Average AGI Compliance Reviews (Continued)

C Notification

Program participants selected for review shall be notified in writing of the following:

- nature and reason for the review
- suggested sources and types of information most descriptive and illustrative
- established deadline to provide the information to the reviewing authority
- identity of the reviewing authority
- mailing address of the reviewing authority
- consequences of the failure to timely provide the requesting information.

D Failure to Provide Information

Failure to timely provide correct and accurate information to establish compliance with the average AGI provisions will result in any or all of the following:

- ineligibility for all program payments and benefits subject to the average AGI requirements for the applicable years
- required refund of these program payments and program benefits
- possible prosecution under civil or criminal statutes.

E Written Notice of Ineligibility

If requested information is **not** timely provided to the reviewing authority:

• notify the program participant of their ineligibility for payments and benefits from the applicable programs

Note: See example notification letters in paragraph 204.

• include appeal rights according to 1-APP.--*

A Commensurate Payment Reductions

[7 CFR 1400.503] Any payment and benefit earned by a legal entity or joint operation shall be reduced by an amount that is commensurate with the direct and indirect interest of any member or shareholder who either:

- is determined to have an average AGI in excess of the limitations
- fails to timely submit a certification statement.

Ownership interest in a legal entity shall be reviewed to the fourth level, if applicable, to determine applicable commensurate share reductions.

Note: If the fourth level ownership interest is **not** held by a **person**, that share is **not** eligible for payment or benefits.

B Applying Commensurate Payment Reductions

Commensurate payment and benefit reductions apply to:

- the crop year, program year, or FY
- all program payments and benefits to which average AGI applies.

195 Average AGI and NRCS Programs

A Data-Sharing With NRCS

NRCS:

- administers some programs that are subject to average AGI limitation requirements
- has program coordination and delivery responsibilities.

FSA has the responsibility for determining average AGI compliance for applicable persons and legal entities.

Upon request from NRCS, FSA will supply average AGI compliance data for the persons and legal entities specified in the request.

If FSA has records on file for the person or legal entity, FSA will provide NRCS read access to the subsidiary eligibility data through Web service.

B AGI Certification Statements Not on File

If an AGI certification statements is **not** on file for a participant in an NRCS-administered program:

- NRCS will request the AGI certification from the person or legal entity
- FSA will make the corresponding average AGI compliance determination
- provide the same information to NRCS as specified in subparagraph A.

C FSA and NRCS Administrative Responsibilities

See Exhibit 14 for the Memorandum of Agreement between NRCS, FSA, and CCC for implementing common provisions, including payment eligibility and payment limitation *--provisions, through September 30, 2013.--*

196 Waiving Average AGI Limitation for Conservation Programs Only

A Secretary Waiving Conservation Program Average AGI Limitation

The Secretary may waive the AGI limitation applicable to conservation programs:

- on a case-by-case basis
- to protect environmentally sensitive land of special significance.

B Written Requests

Written requests for consideration of Secretarial waiver must:

- •*--be submitted to DAFP--*
- document that land, within or adjacent to the producer's agricultural operation, contains critical resources; such as, but **not** limited to the following:
 - critical groundwater recharge areas
 - historical of cultural resources
 - threatened, endangered, or at-risk species
 - unique wetlands
- do either of the following:
 - show that using conservation program funding by 1 producer is critical to the success of the project that benefits multiple producers in a community watershed or other geographic area
 - achieve enduring conservation treatment through using long-term agreement (greater than 15 years) or deed restriction on the land.
- **Note:** See the Adjusted Gross Income (AGI) Limitation Waiver Request Worksheet for Conservation Reserve Program in 2-CRP, Exhibit 16.

196 Waiving Average AGI Limitation for Conservation Programs Only (Continued)

C Referral and Review

Any written requests received for average AGI limitation waiver consideration will be subject to a joint review completed by the following:

- NRCS State Conservationist and FSA's SED
- Chief, NRCS, and the Administrator, FSA, or their designees

D Determination and Implementation

Determinations for any waiver of average AGI limitation for conservation program requests will be implemented with the coordination of **both** NRCS and FSA officials, as appropriate.

*--E Subsidiary and Eligibility Records

For all approved waivers of average AGI limitations for conservation programs:

- copies of the approved waivers will be maintained for the person or legal entity by both NRCS and FSA
- the appropriate AGI compliance value for conservation programs will be recorded as "Not Met-Producer" in the subsidiary files for the person or legal entity (3-PL (Rev. 1) Par. 31).
- **Note:** An approved waiver does not change the person's or legal entity's noncompliance status; the waiver only allows the person or legal entity to receive payment for a specific conservation practice that has been applied in an identified location.--*

197 Calculating Average AGI for 2009 and Subsequent Years

* * *

A Special Rule for Average AGI Determination

If at least 66.66 percent of a person's or legal entity's average AGI is derived from all other sources of farm income, income from the following, if applicable, shall **also** be considered as farm income:

- sale of equipment to conduct farm, ranch, and forestry operations
- •*--compensation for providing inputs and services to farmers, ranchers, foresters, and--* farm operations.

B Applying the Special Rule for Determining the Average AGI

The following are examples of applying the rule in subparagraph B.

Example 1: Jake has requested 2009 DCP benefits. Jake's total average AGI was \$900,000. His farm AGI was \$650,000 from the production of crops and livestock. His nonfarm AGI was comprised of \$150,000 from his aerial spraying service and \$100,000 from oil and gas royalties.

Facts and figures: Over 66.66 percent of Jake's total AGI was from the production of crops (\$650,000 divided by \$900,000 times 100 equals 72.22 percent). Jake also has nonfarm AGI from his aerial spraying; a custom service to farmers and ranchers, that now **must** be considered farm AGI for payment eligibility purposes.

The result: Jake's farm AGI is now \$800,000 (the total of \$650,000 and \$150,000); nonfarm AGI is \$100,000. Jake's farm AGI exceeds \$750,000. Jake is eligible for 2009 DCP benefits, **except** for direct payments.

Example 2: Wanda has requested 2009 DCP, NAP, and EQIP benefits. Wanda's total AGI was \$3 million. Her farm AGI was \$2.25 million from the production of crops and livestock. Her nonfarm AGI was \$750,000; comprised of \$500,000 for livestock equipment sales and \$250,000 from commercial real estate rental.

Facts and figures: Over 66.66 percent of Wanda's total AGI was from the production of crops and livestock (\$2.25 million divided by \$3 million times 100 equals 75 percent). Wanda also has nonfarm AGI of \$500,000 from livestock equipment sales that now **must** be considered average farm AGI for payment eligibility purposes.

The result: Wanda's farm average AGI is now \$2.75 million (\$2.25 million and \$500,000); nonfarm AGI is \$250,000. Wanda's farm AGI still exceeds \$750,000, but her nonfarm AGI is now less than \$500,000. Wanda is eligible for all program benefits requested, **except** for 2009 DCP direct payments.

198 (Withdrawn--Amend. 12)

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199 Verifying Average AGI Certifications

A Required Verification of Average AGI

--The review and verification of average AGI compliance certifications submitted by persons or legal entities is required to:--

- ensure the accuracy of payments
- maintain the integrity of programs subject to average AGI limitations
- prevent issuing program payments to persons and legal entities that are not in compliance with the average AGI limitations.

B Data Exchanged Between FSA and IRS

FSA and IRS have finalized a data-sharing process for average AGI compliance and verification. IRS will report the results of this process to FSA on a regular basis. FSA will use this information to determine the following:

- whether a program participant complies with the average AGI limitations
- if further review is required.

C Schedules for Average AGI Compliance Activities

See:

- Exhibit 11 for the schedule for average AGI compliance actions for 2009 and 2010 crop, program, and FY
- Exhibit 12 for the schedule for average AGI compliance actions for 2011 and 2012 crop, program, and FY.

D State and County Office Duties and Responsibilities

State and County Office duties and responsibilities include the following:

- publicize average AGI limitation provisions
- •*--provide persons or legal entities copies of CCC-929, CCC-931, and CCC-933
- make available the fact sheets on the average AGI provisions and the AGI verification process
- emphasize the importance that all program participant persons or legal entities timely complete and submit CCC-931 and CCC-933.--*

1 - 30 - 13

A Written Consent for IRS to Disclose Information

- *--The average AGI verification process begins with persons or legal entities providing written consent to IRS to:
 - use tax information on file
 - disclose certain tax-related information to CCC/FSA for AGI compliance verification purposes.

B Consent From an Individual

CCC-931 or CCC-933 is to be used by an individual with a Social Security number that is either of the following:

- a program participant in 2009 and subsequent years
- a member of a legal entity that is a program participant.

C Consent From a Legal Entity

CCC-931 or CCC-933 is to be used by a legal entity with EIN that is either of the following:

- a program participant in 2009 and subsequent years
- a member of another legal entity that is a program participant.

Note: CCC-931 or CCC-933 must be submitted under the same name and TIN as used for tax filing purposes.

Example: A revocable trust identified by the grantor's Social Security number must submit CCC-931 or CCC-933 for an individual with the grantor's name. The name of the revocable trust shall **not** be included on CCC-931 or CCC-933. The County Office shall update the AGI compliance values in the revocable trust's Producer Eligibility file according to the grantor's certifications on CCC-931 or CCC-933.--*

200 Disclosing Information (Continued)

D Time Period of Consent for Disclosure

*--Selection of the 2009 and subsequent program year applies to persons or legal entities:

- in programs subject to 2009, 2010, 2011, 2012, or 2013 average AGI compliance
- who filed CCC-931 or CCC-933 an acceptable statement from CPA or attorney for 2009 and subsequent year average AGI compliance and information disclosure.

Note: Persons or legal entities are to select only the year for which program payments are requested.

E Validity of Written Consent

Consent for the disclosure of tax information is valid only if received by IRS within 120 calendar days of the signature date affixed on CCC-931 or CCC-933.

F Privacy and Confidentiality Safeguards

Follow the actions described in the following table to safeguard the privacy and confidentiality of the information provided by the program participants.

IF the person or legal entity is required to	THEN FSA personnel are required to
complete CCC-931 or CCC-933, as:	• accept all CCC-931's and CCC-933's
	for program participants
• an individual	
	• review CCC-931's and CCC-933's
• a legal entity	for:*
• a member of a legal entity or joint	• complete name
operation	 complete name correct address
operation	
	• TIN
	• year selection
	• signature and related authorities
	• signature date.

200 Disclosing Information (Continued)

F	Privacy and Confidentiality Safeguards (Continued)
	* <u></u>

IF the nerson on legal entity is required	
IF the person or legal entity is required	THEN ESA nonconnol one neguined to
to provide or mail completed CCC-931's and	THEN FSA personnel are required to for all CCC-931's and CCC-933's accepted from
CCC-933's directly to the FSA County Office	participants and determined:
or Service Center at the address specified on	participants and determined.
CCC-931 or CCC-933	• incorrect or incomplete:
	• return CCC-931 or CCC-933 to the participants
	• assist the participants to correctly complete CCC-931 or CCC-933
	• correct:
	• date stamp with current receive date
	• make and retain a copy of CCC-931's and CCC-933's for producer eligibility files
	 collect and bundle in groups of 100 or less all CCC-931's and CCC-933's accepted as correct
	• complete and include 2 copies of IRS-3210
	• send bundles by USPS on a regular basis to IRS at the address specified on IRS-3210
	Notes: If receipts total more than 100 per workweek, group and mail more than once weekly.
	See Exhibit 8 for an example of a completed IRS-3210.
	• USPS First-Class mail exception applies.
coordinate the annual filing of CCC-931 and	coordinate the sending of CCC-931's and
CCC-933 with the filing of an application or a	CCC-933's to IRS with the actions of recording the
request for payments and benefits under all	average AGI certification values from the
programs subject to the average AGI	participant's CCC-931's and CCC-933's in the
limitations	web-based eligibility files.

Note: A completed CCC-931 or CCC 933 must be received by IRS within 120 calendar days of the signature date affixed by the person or legal entity for the consent to disclosure of tax information to be considered valid.--*

200 Disclosing Information (Continued)

*--G CCC-929, CCC-931, and CCC-933 Availability

Blank CCC-929, CCC-931, and CCC-933 will be available:

- to all participants of 2009 and subsequent year programs subject to AGI compliance
- at each FSA Service Center
- online at http://intranet.fsa.usda.gov.

H Incomplete or Illegible CCC-931's and CCC-933's

All CCC-931's and CCC-933's received and considered unacceptable by IRS will:

- be returned to the FSA Service Center's address listed on CCC-931 or CCC-933
- include a letter of explanation
- include the requirement to submit a new, completed CCC-931 or CCC-933.

FSA Service Center personnel will contact the person or legal entity to:

- explain the reasons for rejection
- assist the person or legal entity in correctly completing and submitting to FSA a correct CCC-931 or CCC-933.

Note: See Exhibit:

- 13 for the IRS letter of explanation
- 13.5 for explanation of IRS rejection message and recommended FSA actions.

I Failure to Submit Completed CCC-931's or CCC-933's

Persons or legal entities that choose **not** to submit a completed CCC-931 or CCC-933 will be:

- determined noncompliant with the AGI limitations for the 2009 and subsequent year crop, program, and FY's
- determined ineligible for program benefits for the year or years that benefits were requested
- required to refund **all** 2009 and subsequent year payments received under the--* programs, subject to the average AGI limitations.

*--200.5 Average AGI Compliance Certification and Consent to Disclosure of Tax Information

A Acceptance of CCC-931's and CCC-933's

County Offices shall accept **only** complete CCC-931's and CCC-933's. A complete CCC-931 or CCC-933 consists of either of the following:

- CCC-931 or CCC-933 with all items completed
- CCC-931 or CCC-933 with items 1 through 4 completed, Part B signed by the person or legal entity, and a statement from an attorney or CPA that meets the requirements in subparagraph 189 B.

If a person or legal entity chooses to provide an attorney or CPA statement, both the statement and CCC-931 or CCC-933 **must** be submitted to the County Office **before** CCC-931 or CCC-933 is considered complete and AGI compliance values may be updated in the Producer Eligibility file. The County Office shall:

- send the original CCC-931 or CCC-933 to IRS as provided in subparagraph 200 E
- attach the statement to the copy of CCC-931 or CCC-933 retained by FSA.

B FAXed and Scanned CCC-931's or CCC-933's

FAXed and scanned CCC-931's or CCC-933 may be accepted if:

- all requirements of 1-CM, paragraph 680 are met
- these actions do **not** alter the existing fiduciary capacities or approved signature authorities.

C Signature Authority for CCC-931's and CCC-933's

The authority for an individual to complete and sign CCC-931 or CCC-933 on behalf of--* another individual or legal entity:

- **must** be compatible and acceptable to **both** FSA and IRS
- is more restrictive than 1-CM provisions for FSA program purposes.

Note: FSA-211 cannot be used as evidence of signature authority.

C Signature Authority for CCC-931's and CCC-933's (Continued)

The following table provides the authorizations that are compatible and acceptable to **both** FSA and IRS for CCC-931 or CCC-933.

	A	
	Acceptable	
	for CCC-931	
Authority/Authorization	or CCC-933	Explanation, Comments, and Restrictions
Individual for a legal	Yes	Relationship to the legal entity must be
entity.		included in the signature block. See 1-CM, paragraph 711.
Parent or legal guardian	Yes	Relationship to minor child must be included in
for a minor child.		the signature block. See 1-CM, paragraph 677.
Durable power of attorney.	Yes	FSA accepts a durable power of attorney for
		FSA program-related purposes on review and
		approval of OGC. See 1-CM, paragraphs 728,
		729.4, and 729.6.
		IRS accepts durable powers of attorney for tax
		filing and related purposes, if the
		attorney-in-fact has full authority to represent
		the grantor in all Federal tax matters. Copies of
		durable powers of attorney must be attached to
		CCC-931's and CCC-933's when submitted to
		IRS.
FSA-211.	No	Not acceptable to IRS.
Living spouses for each	No	Not acceptable to IRS.
other.		
IRS-2848.	No	Not acceptable to FSA.

D Filing CCC-931's or CCC-933's for Deceased Persons

CCC-931 or CCC-933 for an individual, now deceased, may be filed by any of the--* following:

- surviving spouse
- individual other than surviving spouse who is authorized to represent the deceased individual
- entity responsible for filing, or will cause the filing, of the final Federal tax return for the deceased individual.

Par. 200.5 *--200.5 Average AGI Compliance Certification and Consent to Disclosure of Tax Information (Continued)

D Filing CCC-931's or CCC-933's for Deceased Persons (Continued)

Proof of authorization **must** be provided by all individuals and entities, **except** the surviving spouse. Proof of authorization includes, but is **not** limited to, the following:

- court order of appointment
- trust agreement
- will.

Proof of authorization to represent the deceased individual **must** be attached to CCC-931 or CCC-933 when referred to the IRS.

Consult with the regional attorney on all questionable cases.

This policy is applicable **only** to CCC-931's and CCC-933's because filing CCC-931's or CCC-933's:

- will ordinarily be a 1-time occurrence
- is compatible with the IRS requirements applied to tax and related forms filed with the IRS on behalf of deceased individuals
- is consistent with the regulation at 7 CFR Part 707 in that the claimant for such payment or benefit earned by the deceased individual when living now has authority to seek or apply for the decedent's payment.

Policy in this subparagraph is for CCC-931's and CCC-933's **only**. Follow 1-CM for--* signature authority and processing all other forms for FSA and CCC program purposes.

E Completing CCC-931's for 2009 and Subsequent Years

Complete CCC-931's according to the following table.

Item	Instruction
1	Enter name and address of the FSA County Office or Service Center of the
	recording county of the person or legal entity.
2	Enter the name and address of the person or legal entity that is requesting benefits under any of the commodity, price support, conservation, or disaster assistance programs.
	Note: Enter the same name and address as used on filed tax returns if the name and address on record at FSA is different.
3	Enter complete SSN or TIN of the person or legal entity represented in item 2.
4	Select the year for which program benefits are being requested. Select only 1.
	Note: The year selected determines the 3-year period that will be used in the calculation of the applicable average AGI for payment eligibility.
5	Select the response that describes the average AGI (all income from both farm and nonfarm sources) for the applicable 3-year period selected in item 4. Select only 1.
6	Select the appropriate response that describes whether or not the average adjusted gross farm income for the applicable 3-year period selected in item 4 was at least 66.66 percent of the average AGI, both farm and nonfarm income. This AGI is the amount of AGI reported to IRS.
	If "YES" is selected, and if income includes the sale of farm equipment or production inputs and services to farmers, ranchers, foresters and farming operations, review the definition of farm income on CCC-931, page 2.
	Example: Jake has requested 2012 DCP benefits. Jake's average AGI was \$900,000. His farm AGI was \$650,000 from the production of crops and livestock.
	His nonfarm AGI was comprised of \$150,000 from his aerial spraying service and \$100,000 from oil and gas royalties.
	Over 66.66 percent of Jake's total AGI was from the production of crops (\$650,000 divided by \$900,000 times 100 equals 72.22 percent). Jake also has nonfarm AGI from his aerial spraying; a custom service to farmers and ranchers, that now must be considered farm AGI for payment eligibility purposes.
	Jake's farm AGI is now \$800,000 (the total of \$650,000 and \$150,000); nonfarm AGI is \$100,000. Jake's farm AGI exceeds \$750,000. Jake is eligible for 2012 DCP benefits, except for direct payments.

E Completing CCC-931's for 2009 and Subsequent Years (Continued)

Item	Instruction
7	Select the response that describes the average adjusted gross farm income for the
	applicable 3-year period for the program year selected in item 4. Adjusted gross
	farm income is determined separately for each of the 3 years and then averaged to
	determine the average adjusted gross farm income used on CCC-931.
	Note: Adjusted gross farm income is not the same as the gross farm income reported to IRS. Adjusted gross farm income for FSA purposes is comparable to the net income from farming and related operations. In many
	cases, this may be the same as the "Net Farm Profit" or "Loss" determined
	on Schedule F of IRS-1040. However, FSA's definition of adjusted gross
	farm income also includes income from the sale of items such as agricultural related land, breeding livestock, and agricultural/conservation easements.
	Additionally, it is important to consider if income was received from the
	sale of farm related equipment and/or if income was received from the
	sale of production inputs and services before answering this question.
	Usually, income from these items is not considered farm income. However,
	if the income from farming is at least 66.66 percent of the total AGI from all sources, both farm income and nonfarm income, a special rule applies and income from these items must be included in the adjusted gross farm income. See the definition of farm income on CCC-931, page 2 for full
	details of what to include in adjusted gross farm income.
8	Select the response that describes the average adjusted gross nonfarm income for the applicable 3-year period for the program year selected in item 4. Adjusted gross nonfarm income is determined separately for each of the 3 years and then averaged to determine the average adjusted gross nonfarm income used on CCC-931.
	Adjusted gross nonfarm income is determined by subtracting the adjusted gross
	farm income for a tax year from the AGI as reported to IRS for the tax year.
9	Read the acknowledgments, responsibilities and authorizations, before affixing
	signature.
	For all types of entities, CCC-931 must be signed by a duly authorized representative.
10	Enter the title or relationship if signing in a representative capacity.
11	Enter the signature date in month, day, and year format.

F Example of CCC-931

The following is an example of a completed CCC-931.

This form is available electronically.			
CCC-931 U.S. DEPARTMENT OF AGRICULTU	RE	1. Return completed form to):
(12-07-11) Commodity Credit Corporation		Front County FSA Office	
AVERAGE ADJUSTED GROSS INCOME (AG		1234 Dodge Rd.	
AND CONSENT TO DISCLOSURE OF TAX		Somewhere, OK XXXX	X_XXXX
NOTE: The following statement is made in accordance with the Privacy Act of 197 the Commodity Credit Corporation Charter Act (15 U S C. 714 et seg.) an for program benefits. The information cellected on this form may be disco- authorized access to the information by statute or regulation and/or as des (Automated). Providing the requested information is voluntary. However, information collection is exempted from the Paperwork Reduction Act, as it Subtitle F – Administration). The provisions of appropriate criminal and civi <i>FORM</i> TO FSA AT THE ABOVE ADDRESS.	d the Food, Conservation, and Energy A sed to other Federal. State. Local gover, orbed in applicable Routine Uses identifi failure to furnish the requested informatii is required for the administration of the I fraud, privacy, and other statutes may	kt of 2008 (Pub. L. 110-246). The informat ment agencies, Tribal agencies, and nong fied in the System of Records Notice for US m will result in a determination of ineligibilit Food, Conservation, and Energy Act of 200 be applicable to the information provided.	id on this form is 7 CFR Part 1400. ion will be used to determine eligibility overmmental entities that have been DA/FSA-2, Farm Records File / for program benefits. This 8 (Pub. L. 110-246. Title i PLEASE RETURN COMPLETED
2. Name and Address of Individual or Legal Entity (Includin		dentification Number (TIN) (So or Employer Identification Nu	
Wildcat Land and Livestock LLC			
9650 Circle Rd.		XX-XXXXXX	ĸ
Some Town, OK XXXXX-XXXX		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
(Enter the same name and address as used for the tax return specified in			
PART A – CERTIFICATION OF AVERAGE ADJUSTED GROS	S INCOME		
4. Select the program year for payment eligibility (Check of			
A. 2009 The 3-year period for calculation of the avera be the taxable years of 2007, 2006 and 2005.	age AGI will C. 🗌 20	11 The 3-year period for calculati the taxable years of 2009, 200	
The 3-year period for calculation of the avera	age AGI will D 🔽 ago	The 3-year period for calculation	on of the average AGI will be
be the taxable years of 2000, 2007 and 2000.	D. X 20	the taxable years of 2010, 200	9 and 2008.
 I certify that the average adjusted gross income (both farm and nonfarm income) of the individual or legal entity in Item 2 (for the year selected in Item 4) was: A. X Less than (or equal to) \$1,000,000 B. More than \$1,000,000 	Of the average adjusted gross farm and nonfarm income) of legal entity in Item 2 (for the) Item 4), was at least 66.66 pc farming, ranching or forestry A. X YES B.	the individual or year selected in percent from operations? of farm equipn services to far	ast 66.66 percent of the average income of the individual or legal d from farming, ranching or ion, then income from the sale ent or production inputs and mers, ranchers and foresters ed as farm income.
7. I certify that the average adjusted gross <u>farm income</u> of th	e individual or legal entity in It	em 2 (for the program year selec	ted in Item 4) was:
A. 🔀 Less than (or equal to) \$750,000 B. 🗌 M	ore than \$750,000		
8. I certify that the average adjusted gross nonfarm income	of the individual or legal entity	in Item 2 (for the program year s	elected in Item 4) was:
A. X Less than (or equal to) \$500,000 B. Mor	e than \$500,000 but less tha	n (or equal to) \$1,000,000 C.	More than \$1,000,000
PART B – CONSENT TO DISCLOSURE OF TAX INFORMATI	ON		
Pursuant to 26 U.S.C. §6103, I hereby authorize the Internal defined in 26 U.S.C. §6103(b)(2)) from the returns (as specifi indicated in Item 4:			
Form 1040 and 1040NR filers; farm income or loss; adjusted gross i	ncome <u>Form 1120, 1120</u>	A, 1120C filers: charitable contribution	utions, taxable income
Form 1041 filers; farm income or loss, charitable contributions, inco distribution deductions, exemptions, adjusted total income; total in	ome	s: ordinary business income	
Form 1065 filers; guaranteed payments to partners, ordinary busine	ss income <u>Form 990T:</u> unre	elated business taxable income	
I understand the IRS will review these items of return information in order the United States Department of Agriculture (USDA) for use in determini conservation programs. The calculations performed by the IRS use a me received for compliance purposes related to this eligibility determination,	ng the individual's or legal entity's o ethodology prescribed by the USD	eligibility for specified payments for va A. In addition, I am aware that the US	rious commodity and
Specially, the IRS will disclose to the USDA the individual's or legal entity, Income (AGI) is above or below eligibility requirements as prescribed by return from which the information used for the calculations was obtained.	the Food, Conservation and Energ		
If the IRS is unable to locate a return that matches the taxpayer identity in of the taxable years indicated, the IRS may disclose that it was unable to			
An approved Power of Attorney (Form FSA-211) on file with USDA c	annot be used as evidence of si	gnature authority when completing	this form.
By signing this form: _ I acknowledge that I have read and reviewed all definitions an	d requirements on Page 2 of thi	s form:	
 I certify that all information contained within this certification 			the IRS;
- I agree to authorize CCC to obtain tax data from the IRS for A			
 I am aware that without this consent to disclosure, the returns are protected by law under the Internal Revenue Code; 		o y	
I certify that I am authorized under applicable state law to exe 9. Signature (By) 1	cute this consent on behalf of the 0. Title/Relationship of the Indiv	• • •	or legal entity only). 11. Date (MM-DD-YYYY)
/s/ William A. Farmer	Representative Capacity for a President, Wildcat	a legal entity	02-10-2012
	Livestock LLC		
The U.S. Department of Agriculture (USDA) prohibits discrimination in all applicable, sex, marital status, familial status, parental status, religion, se income is derived from any public assistance program. (Not all prohibite communication of program information (Braille, large print, audiotape, etc To file a complaint of discrimination, write to USDA, Assistant Secretary I S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 0 (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity p	exual orientation, political beliefs, g d bases apply to all programs.) Pe c.) should contact USDA's TARGE for Civil Rights, Office of the Assist 532-9992 (English) or (800) 877-83	enetic information, reprisal, or becaus ersons with disabilities who require all T Center at (202) 720-2600 (voice an ant Secretary for Civil Rights, 1400 Ir	se all or part of an individual's remative means for d TDD). Idependence Avenue,

Page 2 of 2

--200.5 Average AGI Compliance Certification and Consent to Disclosure of Tax-- Information (Continued)

F Example of CCC-931 (Continued)

CCC-931 (12-07-11)

GENERAL INFORMATION ON AVERAGE ADJUSTED GROSS INCOME - PART A

Individuals or legal entities that receive benefits under most commodity and conservation programs administered by CCC cannot have incomes that exceed certain limits set by law. For entities, both the entity itself, and its members cannot exceed the income limitations. If a member, whether an individual or an entity, of an entity exceeds the limitations, payments to that entity will be commensurately reduced according to that member's direct or indirect ownership share in the entity. (All members of the entity must also submit this form to verify income limitations are met.)

Adjusted Gross Income is the individual's or legal entity's IRS-reported adjusted gross income consisting of both farm and nonfarm income. A three year average of that income will be computed for the three years of the relevant base period identified on the first page of this form to determine eligibility for the applicable program year. For 2012 only, individuals or legal entities with average adjusted gross income greater than \$1 million shall be ineligible for direct payments under the Direct and Counter-cyclical Program

Adjusted Gross Farm Income is the part of the yearly adjusted gross income that is farm income. The amount is computed separately for each year and then averaged. Farm income means income related to the following: production of crops, livestock, fish and aquaculture for food; the feeding and rearing of livestock; products produced or derived from livestock; products or of specialty crops and unfinished raw forestry products; processing packing, storing and transporting farm, ranch and forestry commodities including renewable energy; production of farm-based renewable energy; the sale of land used for agriculture; sale of land or sale of easements and development rights to agricultural land, water and hunting rights, and environmental benefits; rental or lease of land or equipment used in farming, ranching, forestry portariton; payments and benefits from risk management practices, crop insurance indemnities, catastrophic risk protection plans, conservation program and government farm program payments. Individuals or legal entities with average adjusted gross farm income greater than \$750,000 shall be ineligible for direct payments under the Direct and Counter-cyclical Program

Adjusted Gross Nonfarm Income is the difference for the year between the filer's adjusted gross income and the filer's adjusted gross farm income. The difference is computed separately for each year and then averaged. Individuals or legal entities with average adjusted gross income and the filer's adjusted gross farm income. The difference is computed program payments, price support benefits, disaster assistance programs, and for the Milk Income Loss Compensation Program. Additionally, individuals or legal entities with average adjusted gross income exceeding \$1 million will be ineligible for new contracts or participation in conservation programs after October 1, 2008, unless at least 66.66% of their total average adjusted gross income (sum of farm and nonfarm income) is generated from activities related to farming.

HOW TO DETERMINE ADJUSTED GROSS INCOME

Individual – Internal Revenue Service (IRS) Form 1040 filers, specific lines on that form represent the adjusted gross income and the income from farming, ranching, or forestry operations.

Trust or Estate - the adjusted gross income is the total income and charitable contributions reported to IRS.

Corporation - the adjusted gross income is the total of the final taxable income and any charitable contributions reported to IRS

Limited Partnership (LP), Limited Liability Company (LLC), Limited Liability Partnership (LLP) or Similar Entity – the adjusted gross income is the total income from trade or business activities plus guaranteed payments to the members as reported to the IRS.

Tax-exempt Organization – the adjusted gross income is the unrelated business taxable income excluding any income from non-commercial activities as reported to the IRS. GENERAL INFORMATION ON CONSENT TO DISCLOSURE OF TAX INFORMATION – PART B

This consent allows IRS's access to, and use of, certain items of return information to perform calculations, using a methodology prescribed by the USDA, that will assist USDA in its verification of a program participant's compliance with the adjusted gross income (AGI) limitations necessary for participation in, and receipt of, commodity, conservation, price support or disaster program benefits. This consent also permits the USDA to receive certain items of return information for its eligibility determination.

This consent authorizes the disclosure of these items of return information for only the time period specified. Each item of information requested on this form is needed for the IRS to (1) locate, and verify, your tax information; (2) perform the requisite Average AGI calculations; and (3) provide the USDA with the legal entity's name and Taxpayer Identification Number (TIN), the type of return from which the specified items were located for use in the calculation, and whether or not the average AGI is above or below eligibility requirements. The IRS will not provide the USDA with any of the items specified on this consent form that it uses to perform the calculations or the average AGI figure.

This form can only be signed by the person authorized under state law to sign this consent for the legal entity identified in Item 2. An approved Power of Attorney (Form FSA-211) on file with USDA cannot be used as evidence of signature authority when completing this form.

INSTRUCTIONS FOR COMPLETION OF CCC-931

	Item No./Field name	Instruction
1.	Return Completed Form To	Enter the name and address of the FSA county office or USDA service center where the completed CCC-931 will be submitted.
2.	Person or Legal Entity's Name and Address	Enter the person's or legal entity's name and address for commodity, conservation, price support, or disaster program benefits. Enter the name and address as it appeared on the IRS tax returns filed for the taxable years specified in Item 4.
3.	Taxpayer Identification Number	In the format provided, enter the <u>complete</u> taxpayer identification number of the person or legal entity identified in Item 2. This will be either a Social Security Number or Taxpayer Identification Number.
4.	Program Year	Select the year for which program benefits are being requested. The selection indicates the 3-year period used for the determination of the average adjusted gross income for payment eligibility and the years for which this consent allows access to tax information.
5.	Average Adjusted Gross Income	Select the box next to the response that describes the average adjusted gross income for the applicable 3-year period for the program year selected in Item 4. Select only one response.
6.	Average Adjusted Gross Income from Farming, Ranching or Forestry	Select the appropriate response to indicate whether or not at least 66.66 percent of the average adjusted gross income was derived from farming, ranching, or forestry operations during the applicable 3-year period selected in Item 4. Select "YES" or "NO" as applicable.
7.	Average Adjusted Gross Farm Income	Select the box next to the response that describes the average adjusted gross farm income for the applicable 3-year period for the program year selected in Item 4. Select only one response.
8.	Average Adjusted Gross Nonfarm Income	Select the box next to the response that describes the average adjusted gross nonfarm income for the applicable 3-year period for the program year selected in Item 4. Select only one response.
9.	Signature	Read the acknowledgments, responsibilities and authorizations, <i>before</i> affixing your signature.
10.	Title/Relationship	Enter title or relationship to the legal entity identified in Item 2.
11.	Date	Enter the signature date in month, day and year. This form must be returned to FSA within 90 days of the signature date for the consent to be valid.

G Important Elements and References

The following CCC-931 shows important elements and references.

This form is available electronically.			
CCC-931 U.S. DEPARTMENT OF AGRIC		1. Return completed form to:	
(12-07-11) Commodity Credit Corpora	tion		1
AVERAGE ADJUSTED GROSS INCOME			
AND CONSENT TO DISCLOSURE OF		Name and address of	
AND CONSENT TO DISCLOSURE OF	TAX INFORMATION	recording County Office.	
			enter)
NOTE: The following statement is made in accordance with the Privacy A the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et.)	, and the food, conservation, and chergy i	101 2000 (P 00. L. 110-240). The momaton will be used to	1400; determine eligibility
for program benefits. The information collected on this form may be authorized access to the information by statute or regulation and/o	e disclosed to other Federal, State, Local gover	nment agencies, Tribal agencies, and nongovernmental entitie	es that have been
(Automated). Providing the requested information is voluntary. He information collection is exempted from the Paperwork Reduction.	wever, failure to furnish the requested informati	on will result in a determination of ineligibility for program ben	efits. This
Subtitle F – Administration). The provisions of appropriate criminal	and civil fraud, privacy, and other statutes may	be applicable to the information provided. PLEASE RETURN	COMPLETED
FORM TO FSA AT THE ABOVE ADDRESS. 2. Name and Address of Individual or Legal Entity (In	cluding Zip Code) 3 Taxpaver I	dentification Number (TIN) (Social Security	Number for
- Hano and Haaroos of Marriada of Eogal Entry (m		or Employer Identification Number for Leg	
	▲ · · · · · · · · · · · · · · · · · · ·		
Name and address used for tax filing			
purposes if different than current FSA	in Part B.)		
records. (subparagraph 200 C)	SS INCOME		
4. Select the program year for payment eligibility (Ch	AND A DESCRIPTION OF A		
The 3-year period for calculation of the	average AGI will	The 3-year period for calculation of the aver	age AGI will be
A. 2009 be the taxable years of 2007, 2006 and		11 the taxable years of 2009, 2008 and 2007.	-
B. 2010 The 3-year period for calculation of the be the taxable years of 2008, 2007 and		The 3-year period for calculation of the aver the taxable years of 2010, 2009 and 2008.	age AGI will be
 I certify that the average adjusted gross income (both 		· · ·	
farm and nonfarm income) of the individual or legal	farm and nonfarm incoSele	ect only the year for which	he average
entity in Item 2 (for the year selected in Item 4) was:	legal entity in Item 2 (f proc	ram benefits were requested.	ual or lega ing or
	Item 4), was at least 6(SUC farming, ranching or fo(SUC	paragraph 200 D)	the sale uts and
A. Less than (or equal to) \$1,000,000			resters
B More than \$1,000,000	A. YES B.	NO must be included as farm inco	ome.
7. I certify that the average adjusted gross farm incom	e of the individual or legal entity in It	em 2 (for the program year selected in Item 4)	was:
A. Less than (or equal to) \$750,000 B.	More than \$750,000		
8. I certify that the average adjusted gross nonfarm inc	come of the individual or legal entity	in Item 2 (for the program year selected in Ite	m d) wee:
A. Less than (or equal to) \$500,000 B.	A REAL PROPERTY OF A READ REAL PROPERTY OF A REAL P	n (or equal to) \$1,000,000 C. 🗌 More th	ian \$1,000,000
PART B – CONSENT TO DISCLOSURE OF TAX INFOR Pursuant to 26 U.S.C. §6103, I hereby authorize the In			
defined in 26 U.S.C. §6103(b)(2)) from the returns (as a indicated in Item 4:	specified below) of the individual	or legal entity identified in Item 2 for the ta	xable years
Form 1040 and 1040NR filers; farm income or loss; adjusted	ross income Form 1120, 1120	A, 1120C filers: charitable contributions, taxable	income
Form 1041 filers; farm income or loss, charitable contribution	s, income		income
distribution deductions, exemptions, adjusted total income; t Form 1065 filers; guaranteed payments to partners, ordinary		s: ordinary business income elated business taxable income	
understand the IDS will review those items of return information i	n order to norferm celevilations. the result	- for high to the size to be direction of the Minister of the size	
understand the IRS will review these items of return information the United States Department of Agriculture (USDA) for use in def	ermining the individual's or legal entity's	eligibility for specified payments for various commodi	ty and
conservation programs. The calculations performed by the IRS us received for compliance purposes related to this eligibility determine	e a methodology prescribed by the USD	A. In addition, I am aware that the USDA may use the	e information
Specially, the IRS will disclose to the USDA the individual's or legatorial income (AGI) is above or below eligibility requirements as prescril	ed by the Food, Conservation and Energy	JSDA II, pursuant to its calculations, the average Adj v Act of 2008. The IRS will also disclose to the USD	usted Gross A the type of
return from which the information used for the calculations was ob	tained.		i tale (jpe el
f the IRS is unable to locate a return that matches the taxpayer id	entity information provided above, or if IR	S records indicate that the specified return has not b	een filed, for any
of the taxable years indicated, the IRS may disclose that it was un			
<u>An approved Power of Attorney (Form FSA-211) on file with U</u> By signing this form:	SDA cannot be used as evidence of si	gnature authority when completing this form.	
 I acknowledge that I have read and reviewed all definiti 	ons and requirements on Page 2 of thi	s form; Signature data and val	iditu
- Restrictions on signature	is true and correct; and is cons	stent with th Signature date and val	iuity
Lam awa authorities. (subparagraph	GI compliance verification purpo s and return information of the i	oses by filing of consent to disclosur	PROVENED AND ADDRESS OF
are prot 200.5 C)	s and return information of the l	ndividual or (subparagraph 200 E)	and
_ I certify	cute this consent on behalf of the		STALL SEALS
9. Signature (By)	1 Title/Relationship of the Indiv		-DD-YYYY)
	Representative Capacity for a	riegai entity	1 L
			•
The U.S. Department of Agriculture (USDA) prohibits discrimination	n in all of its programs and activities on t	he basis of race, color, national origin, age, disability,	and where
applicable, sex, marital status, familial status, parental status, relig income is derived from any public assistance program. (Not all pr	von, sexual orientation, political beliefs, g	enetic information, reprisal, or because all or part of a	an individual's
communication of program information (Braille, large print, audiota	pe, etc.) should contact USDA's TARGE	T Center at (202) 720-2600 (voice and TDD).	
To file a complaint of discrimination, write to USDĂ, Assistant Sec S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at	retary for Civil Rights, Office of the Assist (866) 632-9992 (English) or (800) 877-81	ant Secretary for Civil Rights, 1400 Independence Au	venue, or
800) 845-6136 (Spanish Federal-relay). USDA is an equal oppor	tunity provider and employer	(100) or (000) or r-004z (English rederal-relay)	0

H CCC-931C – For Conservation Programs Only

CCC-931C shall be used **only** for **all** of the following:

- persons and legal entities
- successors to a conservation program contract, or an agreement, approved on or after *--October 1, 2008, and **before** October 1, 2013.--*

With the exception of the specific purpose, CCC-931C has the same functionality and requirements as CCC-931. Follow all procedures in this part for the acceptance, referral, and handling of CCC-931C as practiced for CCC-931.

I Completing CCC-931C's for 2013 and Subsequent Years

Complete CCC-931C's according to this table.

Item	Instruction
1	Enter name and address of the FSA County Office or USDA Service Center of the producer.
2	Enter person or legal entity's name and address for commodity, conservation, and price support program benefits.
	Note: Use same name and address as used on filed tax returns.
3	Enter complete SSN or TIN of the person or legal entity represented in item 2.
4	Enter program year for which payments and benefits are requested.
	The program year entered determines the 3-year period used for calculating AGI for payment eligibility and the years for which this consent allows access of tax information for verification purposes.
5	Select box next to the response that describes the average AGI for the applicable 3-year period that corresponds to the program year entered in item 4. This includes all income from both farm and nonfarm sources. Select only 1.
6	Select appropriate response to indicate whether or not at least 66.66 percent of the average AGI was derived from farming, ranching, or forestry operations during the applicable 3-year period that corresponds to the program year entered in item 4. Select "Yes" or "No", as applicable.
7	Select box next to the response that describes the average adjusted gross farm income for the applicable 3-year period that corresponds to the program year entered in item 4. Select only 1.
8	Select box next to the response that describes the average adjusted gross nonfarm income for the applicable 3-year period that corresponds to the program year entered in item 4. Select only 1.
9	Read acknowledgments, responsibilities, and authorizations before affixing
	signature. For all types of legal entities, CCC-931C must be signed by a duly authorized representative under applicable State law.
10	If signing in a representative capacity for the individual or legal entity in item 2, include the title or relationship.
11	Enter signature date in month, day, and year (MM-DD-YYYY) format.

--*

J Example of CCC-931C

(Continued)

*--200.5

The following is an example of a completed CCC-931C.

1-05-12) Commodity Credit Corporation	URE		1. Return comp	pleted form to:	
1-03-12)			F	FOA 0 55	
AVERAGE ADJUSTED GROSS INCOME (AG		ATION	Front County 1234 Dodge F		
AND CONSENT TO DISCLOSURE OF TAX			Somewhere,		(-XXXX
For Successors to Conservation Program Contracts	s and Agreem	ents Onlv	(Name and address	of FSA county offic	ce or USDA Service Center)
TE: The following statement is made in accordance with the Privacy Act of 1974 (Commodity Credit Corporation Charter Act (15 U.S.C. 714 <u>et. seq.</u>), and the l	(5 USC 552a - as ame	nded). The authority	for requesting the inform	ation identified on thi	s form is 7 CFR Part 1400, the
Commodity Crean Collipation Collected AC (103.5.C. 114 <u>etc.</u> 3520), and they program benefits. The information collected on this form may be disclosed to authorized access to the information by statute or regulation and/or as descri- (Automated). Providing the requested information is voluntary. However, fail collection is exempted from the Paperwork Reduction Act, as it is required for Subtile F - Administration). The provisions of appropriate criminal and civil if	c other Federal, State, ibed in applicable Rout ilure to furnish the requ or the administration of i	Local government ag tine Uses identified in lested information will the Food. Conservat	encies, Tribal agencies, a the System of Records N I result in a determination on, and Energy Act of 20	and nongovernmenta lotice for USDA/FSA of ineligibility for pro 08 (Pub. L. 110-246.	al entities that have been I-2, Farm Records File Ingram benefits. This information Title I.
TO FSA AT THE ABOVE ADDRESS. Name and Address of Individual or Legal Entity (Including		3. Taxpayer l	dentification Num	ber (TIN) <i>(</i> Socia	al Security Number for ber for Legal Entity)
Vildcat Land and Livestock LLC		,			0 1/
650 Circle Rd. Some Town, OK XXXXX-XXXX			XX-2	XXXXXXX	
se the same name and address as used for the tax return specified in Pa ART A – CERTIFICATION OF AVERAGE ADJUSTED GROSS					
Enter the program year for contract or agreement success					
A. 20 The period for calculation of the average taxable year for which benefits are require calculation of the average AGI will be the	ested. For exan	nple, if the yea	r of succession er		
	Of the average a and nonfarm inc		ncome (both farm	NOTE: If at leas	t 66.66 percent of the average
entity in Item 2 (for the year selected in Item 4) was:	entity in Item 2 (for the year sele	ected in Item 4),		come of the individual or legal from farming, ranching or
	was at least 66.6 ranching or fores			forestry operation	n, then income from the sale nt or production inputs and
B. More than \$1,000,000	A. 🛛 YES		10		ers, ranchers and foresters
I certify that the average adjusted gross farm income of the	individual or leas	al entity in Item	2 (for the program)	l /ear selected in	Item 1) was:
	ore than \$750,000	•	2 (for the program)	rear selected in	nem 4) was.
I certify that the average adjusted gross nonfarm income of		• •	em 2 (for the progr	am year selecte	ed in Item 4) was:
A. Less than (or equal to) \$500,000 B. X Mor	*** *han \$500 000				
	re than \$500,000) but less than	(or equal to) \$1,00	0,000 C. 🗌	More than \$1,000,000
ART B – CONSENT TO DISCLOSURE OF TAX INFORMATIO	N		. , , .		
ART B – CONSENT TO DISCLOSURE OF TAX INFORMATIO ursuant to 26 U.S.C. §6103, I hereby authorize the Internal R 26 U.S.C. §6103(b)(2)) from the returns (as specified below im 4:	N Revenue Service	e (IRS) to reviev	v the following ite	ms of "return i	nformation" (as defined
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J Example of CCC-931C (Continued)

	C-931C (11-05-12)	Page 2 of 2 GENERAL INFORMATION ON AVERAGE ADJUSTED GROSS INCOME – PART A
For e baym	entities, both the entity itself, and its	benefits under most commodity and conservation programs administered by CCC cannot have incomes that exceed certain limits set by lav members cannot exceed the income limitations. If a member, whether an individual or an entity, of an entity exceeds the limitations, urately reduced according to that member's direct or indirect ownership share in the entity. (All members of the entity must also submit this
will b	e computed for the three years of the	al's or legal entity's IRS-reported adjusted gross income consisting of both farm and nonfarm income. A three year average of that income he relevant base period identified on the first page of this form to determine eligibility for the applicable program year. Individuals or legal <u>come</u> greater than \$1 million shall be ineligible for direct payments under the Direct and Counter-cyclical Program
inco ivest energ nunti oract	me means income related to the for tock; production of specialty crops a gy; production of farm-based renew ng rights, and environmental benefices, crop insurance indemnities, cr	art of the yearly adjusted gross income that is farm income. The amount is computed separately for each year and then averaged. Farm ollowing: production of crops, livestock, fish and aquaculture for food; the feeding and rearing of livestock; products produced or derived fro and unfinished raw forestry products; processing packing, storing and transporting farm, ranch and forestry commodities including renewab able energy; the sale of land used for agriculture; sale of land or sale of easements and development rights to agricultural land, water and its; rental or lease of land or equipment used in farming, ranching, forestry operation; payments and benefits from risk management atastrophic risk protection plans, conservation program and government farm program payments. Individuals or legal entities with average an \$750,000 shall be ineligible for direct payments under the Direct and Counter-cyclical Program
sepa orogr avera	rately for each year and then avera ram payments, price support benefi age adjusted gross nonfarm incom	e difference for the year between the filer's adjusted gross income and the filer's adjusted gross farm income. The difference is computed ged. Individuals or legal entities with average adjusted gross nonfarm income that exceeds \$500,000 shall be ineligible for commodity ts, disaster assistance programs, and for the Milk Income Loss Compensation Program. Additionally, individuals or legal entities with <u>1e</u> exceeding \$1 million will be ineligible for new contracts or participation in conservation programs after October 1, 2008, unless at least ross income (sum of farm and nonfarm income) is generated from activities related to farming.
	0,0	HOW TO DETERMINE ADJUSTED GROSS INCOME
	ridual – Internal Revenue Service (ations.	IRS) Form 1040 filers, specific lines on that form represent the adjusted gross income and the income from farming, ranching, or forestry
Trus	t or Estate – the adjusted gross inc	come is the total income and charitable contributions reported to IRS.
Corp	oration – the adjusted gross incon	ne is the total of the final taxable income and any charitable contributions reported to IRS.
		bility Company (LLC), Limited Liability Partnership (LLP) or Similar Entity – the adjusted gross income is the total income from trade or ments to the members as reported to the IRS.
Tax-	exempt Organization – the adjuste	ed gross income is the unrelated business taxable income excluding any income from non-commercial activities as reported to the IRS.
		GENERAL INFORMATION ON CONSENT TO DISCLOSURE OF TAX INFORMATION - PART B
	consent allows IRS's access to.	
cons lete	A in its verification of a program ervation, price support or disaste rmination.	participant's compliance with the adjusted gross income (AGI) limitations necessary for participation in, and receipt of, commodity r program benefits. This consent also permits the USDA to receive certain items of return information for its eligibility
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K Completing CCC-933's

Complete CCC-933's according to the following table.

Item	Instruction
1	Enter name and address of the FSA County Office or Service Center of the
	recording county of the producer.
2	Enter the name and address of the person or legal entity that is requesting benefits under any of the commodity, price support, conservation, or disaster assistance programs.
	Note: Enter the same name and address as used on filed tax returns if the name and address on record at FSA is different.
3	Enter complete SSN or TIN of the person or legal entity represented in item 2.
4	The year for which program benefits are being requested is 2013 only.
	Note: The program year determines the 3-year period that will be used for calculating the average AGI for payment eligibility.
5	Select the response that describes the average AGI (all income from both farm and nonfarm sources) for the applicable 3-year period selected in item 4. Select only 1.
6	Select the appropriate response that describes whether or not the average adjusted gross farm income for the applicable 3-year period in item 4 was at least 66.66 percent of the average AGI, both farm and nonfarm income. This AGI is the amount of AGI reported to IRS.
	If "YES" is selected, and if income includes the sale of farm equipment or production inputs and services to farmers, ranchers, foresters and farming operations, review the definition of farm income on CCC-933, page 2.
	Example: Jake has requested 2013 DCP benefits. Jake's average AGI was \$900,000. His farm AGI was \$650,000 from the production of crops and livestock.
	His nonfarm AGI was comprised of \$150,000 from his aerial spraying service and \$100,000 from oil and gas royalties.
	Over 66.66 percent of Jake's total AGI was from the production of crops (\$650,000 divided by \$900,000 times 100 equals 72.22 percent). Jake also has nonfarm AGI from his aerial spraying; a custom service to farmers and ranchers, that now must be considered farm AGI for payment eligibility purposes.
	Jake's farm AGI is now \$800,000 (the total of \$650,000 and \$150,000); nonfarm AGI is \$100,000. Jake's farm AGI exceeds \$750,000. Jake is eligible for 2013 DCP benefits, except for direct payments.

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K Completing CCC-933's (Continued)

Item	Instruction
7	Select the response that describes the average adjusted gross farm income for the
	applicable 3-year period for the program year selected in item 4. Adjusted gross
	farm income is determined separately for each of the 3 years and then averaged to determine the average adjusted gross farm income used on CCC-933.
	determine the average adjusted gross farm meene used on eee-755.
	Note: Adjusted gross farm income is not the same as the gross farm income reported to IRS. Adjusted gross farm income for FSA purposes is comparable to the net income from farming and related operations. In many cases, this may be the same as the "Net Farm Profit" or "Loss" determined on Schedule F of IRS-1040. However, FSA's definition of adjusted gross
	farm income also includes income from the sale of items such as agricultural
	related land, breeding livestock, and agricultural/conservation easements.
	Additionally, it is important to consider if income was received from the
	sale of farm related equipment and/or if income was received from the sale of production inputs and services before answering this question.
	Usually, income from these items is not considered farm income. However,
	if the income from farming is at least 66.66 percent of the total AGI from all sources, both farm income and nonfarm income, a special rule applies and income from these items must be included in the adjusted gross farm income. See the definition of farm income on CCC-933, page 2 for full details of what to include in adjusted gross farm income.
8	Select the response that describes the average adjusted gross nonfarm income for
	the applicable 3-year period for the program year in item 4. Adjusted gross nonfarm income is determined separately for each of the 3 years and then averaged to determine the average adjusted gross nonfarm income used on CCC-933.
	Adjusted gross nonfarm income is determined by subtracting the adjusted gross
	farm income for a tax year from the AGI as reported to IRS for the tax year.
9	Read the acknowledgments, responsibilities and authorizations, before affixing signature.
	For all types of entities, CCC-933 must be signed by a duly authorized representative.
10	Enter title or relationship if signing in a representative capacity.
11	Enter signature date in month, day, and year format.

L Example of CCC-933

*--200.5

The following is an example of a completed CCC-933.

CCC-933 U.S. DEPARTMENT OF AGRICULTURE			
		1. Return complet	ed form to:
01-17-13) Commodity Credit Corporation		Front Coun	ty FSA Office
AVERAGE ADJUSTED GROSS INCOME (AGI) CE	RTIFICATION	1234 Dodge	
AND CONSENT TO DISCLOSURE OF TAX INFO		Somewhere,	OK XXXXX-XXXX
AND CONCENT TO DISCECCORE OF TAXINI C			
For the 2013 crop, program, and fiscal years	only	(Name and address of F	SA county office or USDA Service Center)
IOTE: The following statement is made in accordance with the Privacy Act of 1974 (5.1.	ISC 552a - as amended) The	authority for requesting the i	nformation identified on this form is 7 CFR
Part 1400, the Commodity Credit Corporation Charter Act (15 U.S.C. 714 <u>et</u> seq to determine eligibility for program benefits. The information collected on this for), and the Food, Conservation m may be disclosed to other F	, and Energy Act of 2008 (P ederal, State, Local governm	ent agencies, Tribal agencies, and
nongovernmental entities that have been authorized access to the information by	/ statute or regulation and/or a	s described in applicable Rol	tine Uses identified in the System of Records
Notice for USDA/FSA-2, Farm Records File (Automated). Providing the request determination of ineligibility for program benefits.	su monnation is voluntary m	wever, ranute to runnish the i	equested mornation win result in a
This information collection is exempted from the Paperwork Reduction Act, as it	is required for administration o	f the Food Conservation an	d Energy Act of 2008 (see Pub 1 110-246
Title I, Subtitle F – Administration) as amended by the American Taxpayer Relief	Act of 2012 (see Pub. L. 112-	240, Title VII, Extension of A	gricultural Programs.) The provisions of
appropriate criminal and civil fraud, privacy, and other statutes may be applicable ADDRESS.	e to the information provided.	PLEASE RETURN COMPLE	TED FORM TO FSA AT THE ABOVE
2. Name and Address of Individual or Legal Entity (Including Zip Co			(TIN) (Social Security Number for
Wildcat Land and Livestock LLC	Individual	; or Employer Identifi	ation Number for Legal Entity)
9560 Circle Rd.		XX-XX	XXXXX
Some Town, OK XXXXX-XXXX			
,			
Use the same name and address as used for the tax return specified in Part B.)			
ART A – CERTIFICATION OF AVERAGE ADJUSTED GROSS INCOM	ΛE		
. The program year for payment eligibility			
A. 2013 The period for calculation of the average AGI will be taxable year for which benefits are requested. For 2			
A. 2013 taxable year for which benefits are requested. For 2 years of 2011, 2010 and 2009.	tors, the s-year period	for the calculation of th	le average AGI will be the taxable
	average adjusted gross in	come (both farm	OTE: If at least 66.66 percent of the
	nfarm income) of the indi		verage adjusted gross income of the
entity in Item 2 (for the year selected in Item 4) was: in Item	2 (for the year selected i		dividual or legal entity is derived from
	5.66 percent from farming		rming, ranching or forestry operation, then come from the sale of farm equipment or
A. Karry Less than (or equal to) \$1,000,000 forestry	operations?	p	roduction inputs and services to farmers,
B. 🗌 More than \$1,000,000 A.	🛛 YES B. 🗌 I		anchers and foresters must be included as mm income.
 I certify that the average adjusted gross farm income of the individ 	lual or legal entity in Item	2 (for the program yea	r selected in Item 4) was:
A. 🔀 Less than (or equal to) \$750,000 B. 🗍 More that	n \$750,000		,
I certify that the average adjusted gross nonfarm income of the inc		tom 2 (for the program	voar selected in Itom 4) was:
	\$500,000 but less than		
	1 \$500,000 but less that	(0) equal (0) \$ 1,000,00	
PART B – CONSENT TO DISCLOSURE OF TAX INFORMATION			
Pursuant to 26 U.S.C. §6103, I hereby authorize the Internal Revenue n 26 U.S.C. §6103(b)(2)) from the returns (as specified below) of the			
tem 4:	individual of legal enti		for the taxable years indicated in
orm 1040 and 1040NR filers; farm income or loss; adjusted gross income	Form 1120, 1120A	1120C filers: charitable	contributions, taxable income
eductions, exemptions, adjusted total income; total income	Form 1120S filers:	ordinary business inco ted business taxable inc	ne
eductions, exemptions, adjusted total income; total income orm 1065 filers; guaranteed payments to partners, ordinary business income	Form 1120S filers: Form 990T: unrel	ted business taxable inc	ne ome
eductions, exemptions, adjusted total income; total income orm 1065 filers; guaranteed payments to partners, ordinary business income understand the IRS will review these items of return information in order to perforn	E Form 1120S files: Form 990T: unrel n calculations, the results of	nted business taxable inconverse which I authorize to be disc	ne ome closed to officers and employees of the
eductions, exemptions, adjusted total income; total income <u>orm 1066 filers</u> ; guaranteed payments to partners, ordinary business income inderstand the IRS will review these items of return information in order to perforn nited States Department of Agriculture (USDA) for use in determining the individur orgrams. The calculations performed by the IRS use a methodology prescribed by	e Form 1120S filers: Form 990T: unrel n calculations, the results of al's or legal entity's eligibility the USDA. In addition, I ar	nted business taxable incomendation which I authorize to be disc for specified payments for	ne ome Josed to officers and employees of the various commodify and conservation
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eductions, exemptions, adjusted total income; total income orm 1065 filers; guaranteed payments to partners, ordinary business income understand the IRS will review these items of return information in order to perform inited States Department of Agriculture (USDA) for use in determining the individur rograms. The calculations performed by the IRS use a methodology prescribed by ompliance purposes related to this eligibility determination, including referrals to th pecially, the IRS will disclose to the USDA the individual's or legal entity's name a AGU is above or below eligibility requirements as prescribed by the odd, conserv-	Entry 11205 files: Form 990T: unrel a calculations, the results of al's or legal entity's eligibility the USDA. In addition, I ar e Department of Justice. and TIN, and inform the USDA	ted business taxable inc which I authorize to be disc for specified payments for n aware that the USDA ma \ if, pursuant to its calculat	ne ome closed to officers and employees of the various commodity and conservation y use the information received for ions, the average Adjusted Gross Income
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F Example of CCC-933 (Continued)

CCC-933 (01-17-13) Page 2 of 2 GENERAL INFORMATION ON AVERAGE ADJUSTED GROSS INCOME - PART A Individuals or legal entities that receive benefits under most commodity and conservation programs administered by CCC cannot have incomes that exceed certain limits set by law. For entities, both the entity itself, and its members cannot exceed the income limitations. If a member, whether an individual or an entity, of an entity exceeds the limitations, payments to that entity will be commensurately reduced according to that member's direct or indirect ownership share in the entity. (All members of the entity must also submit this form to verify income limitations are met.) Adjusted Gross Income is the individual's or legal entity's IRS-reported adjusted gross income consisting of both farm and nonfarm income. A three year average of that income will be computed for the three years of the relevant base period identified on the first page of this form to determine eligibility for the applicable program year. Individuals or legal entities with average adjusted gross income greater than \$1 million shall be ineligible for direct payments under the Direct and Counter-cyclical Program Adjusted Gross Farm Income is the part of the yearly adjusted gross income that is farm income. The amount is computed separately for each year and then averaged. Farm Adjusted Gross Farm income is the part of the yearly adjusted gross income that is farm income. The amount is computed separately for each year and then averaged. Farm income means income related to the following: production of crops, livestock, fish and aquaculture for food; the feeding and rearing of livestock; products produces or derived from livestock; production of specialty crops and unfinished raw forestry products; processing packing, storing and transporting farm, ranch and forestry commodities including renewable energy; production of farm-based renewable energy; the sale of land used for agriculture; sale of land or sale of easements and development rights to agricultural land, water and hunting rights, and environmental benefits; rental or lease of land or equipment used in farming, ranching, forestry operation; payments and benefits from risk management practices, crop insurance indemnities, catastrophic risk protection plans, conservation program and government farm program payments. Individuals or legal entities with average adjusted gross farm income indemnities, catastrophic risk protection plans, conservation program and government farm program payments. Individuals or legal entities with average adjusted gross farm income. Adjusted Gross Nonfarm Income is the difference for the year between the filer's adjusted gross income and the filer's adjusted gross farm income. The difference is computed separately for each year and then averaged. Individuals or legal entities with average adjusted gross nonfarm income that exceeds \$500,000 shall be ineligible for commodity program payments, price support benefits, diseater assistance programs, and for the Mik Income Loss Compensation Program. Additionally, individuals or legal entities with average adjusted gross nonfarm income to react the participation in conservation programs. Additionally, individuals or legal entities with average adjusted gross nonfarm income programs. Additionally, individuals or legal entities with average adjusted gross income exceeding \$1 million will be ineligible for new contracts or participation in conservation programs after October 1, 2008, unless at least 66.66% of their total average adjusted gross income (sum of farm and nonfarm income) is generated from activities related to farming. HOW TO DETERMINE ADJUSTED GROSS INCOM Individual - Internal Revenue Service (IRS) Form 1040 filers, specific lines on that form represent the adjusted gross income and the income from farming, ranching, or forestry operations Trust or Estate - the adjusted gross income is the total income and charitable contributions reported to IRS. Corporation - the adjusted gross income is the total of the final taxable income and any charitable contributions reported to IRS Limited Partnership (LP), Limited Liability Company (LLC), Limited Liability Partnership (LLP) or Similar Entity - the adjusted gross income is the total income from trade or business activities plus guaranteed payments to the members as reported to the IRS Tax-exempt Organization - the adjusted gross income is the unrelated business taxable income excluding any income from non-commercial activities as reported to the IRS. GENERAL INFORMATION ON CONSENT TO DISCLOSURE OF TAX INFORMATION - PART B This consent allows IRS's access to, and use of, certain items of return information to perform calculations, using a methodology prescribed by the USDA, that will assist USDA in its verification of a program participant's compliance with the adjusted gross income (AGI) limitations necessary for participation in, and receipt of, commodity, conservation, price support or disaster program benefits. This consent also permits the USDA to receive certain items of return information for its eligibility determination This consent authorizes the disclosure of these items of return information for only the time period specified. Each item of information requested on this form is needed for the IRS to (1) locate, and verify, your tax information; (2) perform the requisite Average AGI calculations; and (3) provide the USDA with the legal entity's name and Taxpayer Identification Number (TIN), the type of return from which the specified items were located for use in the calculation, and whether or not the average AGI is above or below eligibility requirements. The IRS will not provide the USDA with any of the items specified on this consent form that it uses to perform the calculations or the average AGI figure This form can only be signed by the person authorized under state law to sign this consent for the legal entity identified in Item 2. An approved Power of Attorney (Form FSA-211) on file with USDA cannot be used as evidence of signature authority when completing this form. INSTRUCTIONS FOR COMPLETION OF CCC-933 Item No./Field name Instruction Enter the name and address of the FSA county office or USDA service center where the completed CCC-933 will be submitted Return Completed Form To 1. 2. Person or Legal Entity's Enter the person's or legal entity's name and address for commodity, conservation, price support, or disaster program benefits. Name and Address Enter the name and address as it appeared on the IRS tax returns filed for the taxable years specified in Item Taxpayer Identification Number In the format provided, enter the complete taxpayer identification number of the person or legal entity identified in Item 2. This will 3. be either a Social Security Number or Taxpayer Identification Number The year for which program benefits are being requested is 2013 only. The program year determines the 3-year period used for 4. Program Year (2013) the calculation of the average adjusted gross income (AGI) for payment eligibility and the years for which this consent allow access to tax information Select the box next to the response that describes the average adjusted gross income for the applicable 3-year period for the 5. Average Adjusted Gross program year entered in Item 4. Select only one response. Incom Select the appropriate response to indicate whether or not at least 66.66 percent of the average adjusted gross income was 6. Average Adjusted Gross derived from farming, ranching, or forestry operations during the applicable 3-year period entered in Item 4 ncome from Farming Ranching or Forestry Select "YES" or "NO" as applicable. Select the box next to the response that describes the average adjusted gross farm income for the applicable 3-year period for 7. Average Adjusted Gross Farm Income the program year entered in Item 4. Select only one response. 8. Average Adjusted Gross Nonfarm Income Select the box next to the response that describes the average adjusted gross nonfarm income for the applicable 3-yea period for the program year entered in Item 4. Select only one response Read the acknowledgments, responsibilities and authorizations, before affixing your signature. 9 Signature 10. Title/Relationship Enter title or relationship to the legal entity identified in Item 2. Enter the signature date in month, day and year 11. Date This form must be returned to FSA within 90 days of the signature date for the consent to be valid.

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201 CCC-929, Average Adjusted Gross Income (AGI) Supplemental

A Explanation of Average AGI Verification Process

CCC-929:

- must be provided with CCC-931's and CCC-933's
- serves to inform all program participants about the average AGI certification and verification process.

B Example of CCC-929

The following is an example of CCC-929. *--

	This form is available electronically.	
Г	CCC-929 U.S. DEPARTMENT OF AGRICULTURE	
	Commodity Credit Corporation	
	AVERAGE ADJUSTED GROSS INCOME (AGI) SUPPLEMENTAL	
	- Why is it necessary to certify and verify compliance with the average AGI limitations?	
	The Food, Conservation, and Energy Act of 2008 (the 2008 Farm Bill), as amended by the American Taxpayer Relief Act of 2012 (Pub L. 112-240), provides that individuals and legal entities with average AGI in excess of a specified average AGI limitation are ineligible for payments subject to that limitation. The limitations are: \$500,000 average nonfarm AGI for commodity programs; \$750,000 average farm AGI for direct payments under the Direct and Counter-cyclical Program or ACRE program; \$1 million average AGI for direct payments under the 2012 and 2013 Direct and Counter-cyclical Program or ACRE program; and \$1 million average nonfarm AGI for conservation programs.	
	All direct and indirect recipients of commodity or conservation program payments are required to complete the CCC-931 or CCC-933, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information. The U.S. Government Accountability Office (GAO) concluded in a recent report that, without an adequate verification process, USDA could not ensure program payments and benefits were only being made to eligible recipients.	
	- What process has been developed to verify average AGI?	
	USDA has worked with the Internal Revenue Service to develop an electronic information exchange process strictly for the purpose of average AGI verification. This process electronically looks at certain line items on tax returns filed for the applicable three-year period; performs a series of calculations to arrive at the average amounts; and then compares these values to the average AGI limitation are used to results of these comparisons with indicators of whether the participant appears to exceed or not exceed the average AGI limitation amounts. No actual tax data will be included. USDA county office personnel will not view tax return information at any time during this process.	
	Will there be an opportunity to provide additional information or possible explanation and appeal if the results show that it appears one or more of the average AGI limitations have been exceeded?	
	As part of the review and evaluation process, participants will be afforded the opportunity to provide tax returns and other information in explanation of the AGI certification. All written notifications of AGI compliance determinations will include explanations and the appropriate appeal rights. If necessary, the cases that appear to exceed the average AGI limitations will be reviewed and evaluated by FSA State office and/or headquarters personnel. The cases will not be reviewed by personnel from the local FSA office.	
	- What is required for USDA to verify the average AGI certification?	
	IRS requires written consent from the individual or legal entity to provide USDA verification of the average AGI for that individual or legal entity. This written consent is provided by using the form CCC-931 or CCC-933, Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information. The CCC-931 form allows the selection or 0209, 2010, 2011, or 2012. Selection of "2009" on the form authorizes IRS to perform the average AGI calculations for the 2005, 2006, and 2007 tax years. Selection of "2010" on the form authorizes IRS to perform the average AGI calculations for the 2006, 2007 and 2008 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2007, 2008 and 2009 tax years. Selection of "2011" on the form authorizes IRS to perform the average AGI calculations for the 2009, 2010 and 2011 tax years. The CCC-931 is for <u>2013 only</u> and authorizes the IRS to perform the average AGI calculations for the 2009, 2010 and 2011 tax years. The CCC-931 or the CCC -933 must be completed for the same year an individual or legal entity requested payments or benefits under programs subject to the AGI limitations.	
	- When must the applicant certification and consent form be completed and where does it go?	
	Timeliness is essential in order to avoid any delays in the issuance of program payments and the possibility of refunding program payments. It is recommended that the CCC-931 or the CCC-933 be completed at the same time as an application or request for program benefits is submitted. The completed and signed CCC-931 or the CCC-933 should be mailed or returned directly to the local FSA office or USDA Service Center. Authorized FSA personnel will record the average AGI certification and forward the completed CCC-931 and the CCC-933 forms to the IRS for completion of the verification process.	
	- What if the certification and consent form is not completed and returned to FSA?	
	Failure to provide the certification and consent form may require refund of applicable payments received from FSA and NRCS.	
	- Will any other USDA agency other than FSA be provided knowledge of this information returned from the IRS?	
	NRCS will be the only other USDA agency that will have knowledge of this information since conservation programs administered by NRCS are subject to the \$1 million average nonfarm AGI limitation for conservation programs.	
	Will IRS be able to utilize the information for any other purposes and can it be disclosed to any persons or organizations outside of the Government?	
	IRS will only use this information for this specified purpose. The information utilized for AGI compliance and verification purposes is not subject to disclosure under the Freedom of Information Act (FOIA). Furthermore, IRS and USDA are the only Federal, State, Local government agencies, Tribal agencies, or nongovernmental entities allowed by statute, regulation, or Routine Use to gain any measure of access to the information collected by the CCC-931 and CCC-933. And, IRS and USDA access to the information collection is highly limited, extending only to that access required by the specified purpose.	

202 Review and Validation Process

A IRS Calculations and Comparisons

*--For each person or legal entity who submits a completed CCC-931 or CCC-933, IRS will:

- match person's or legal entity's supplied information with IRS tax records and filings
- perform a series of calculations to determine AGI and average AGI amounts for the applicable 3-year periods
- compare calculated amounts to established average AGI limitation amounts
- report the results of the data-matching and calculations to FSA on a regular basis.

B IRS Results Reported to FSA

IRS provides results to FSA indicating the following information:

- whether or not the person or legal entity appears to meet 1 or more of the average AGI limitations
- number of years in the applicable 3-year period that tax data was available for the person or legal entity and used in the calculations
- IRS forms series on file and used in the data comparison for each person or legal entity.

IRS does **not** provide to FSA the following:

- dollar amounts representing the person's or legal entity's farm or nonfarm income
- AGI or average AGI amounts calculated and used in the comparisons
- a determination whether or not the person or legal entity is eligible or ineligible for--* payments under program that are subject to average AGI compliance.

C Receipt and Storage of Data From IRS

The information transferred from IRS to FSA is:

- received and stored in a secure database
- only accessible by authorized personnel
- used only in the AGI verification process
- **not** releasable under FOIA
- **not** available for any other purposes or uses.

Par. 202

202 Review and Validation Process (Continued)

D Using Data Received From IRS

The data received from IRS will be:

- validated with SCIMS and producer eligibility records
- the foundation of reports to be used for AGI compliance verification purposes.

203 Average AGI Compliance Reports

A Reports

*--The average AGI compliance reports will identify persons or legal entities with the following:

- no data return from IRS
- average AGI amounts that exceed the threshold levels
- average AGI amounts at or below the threshold levels
- no matching records on file with IRS.

B Responsibility for Reports and Associated Mailings of Notifications

All AGI compliance reports and associated mailings of notifications to affected persons or legal entities will be completed by National and Kansas City Offices.

State Offices and NRCS will be provided a copy of the list of persons or legal entities:

- identified on the applicable report
- sent the appropriate written notification for any required follow-up actions.

203.4 Reconciliation Process of Participants and CCC-931 or CCC-933

A Reconciliation Report

A report will be completed to identify persons or legal entities who have received 2009, 2010, 2011, 2012, or 2013 program payments, and:--*

- no data has been received from IRS
- no matching records are found on file with IRS.

Note: County Offices and NRCS will be provided access or a copy of this report.

B Participants Identified

The recording County Office will provide written notice to persons and legal entities identified on the report in subparagraph A that contains the following:

•*--the requirement to timely complete and submit the enclosed CCC-931 or CCC-933 to maintain 2009, 2010, 2011, 2012, and/or 2013 payment eligibility--*

203.4 Reconciliation Process of Participants and CCC-931 or CCC-933 (Continued)

B Participants Identified (Continued)

- instruction to select either the 2009, 2010, 2011, 2012, or 2013 program year, as appropriate
- that completed CCC-931's and CCC-933's:
 - are to be mailed to the recording County Office at the return address provided on CCC-931 or CCC-933
 - **must** be mailed within 30 calendar days from the date of receipt of the letter
- where and how to obtain additional CCC-931's or CCC-933's, if needed.

Note: For an example letter, see subparagraph 204 B.

C Persons and Legal Entities Identified for 2012 and Subsequent Years

For 2012 and subsequent crop, program, and FY's, County Offices are instructed to:

- coordinate recording the average AGI certification values for 2012 and 2013 in the web-based eligibility files with the mailing of completed CCC-931's and CCC-933's to IRS
- periodically run the County Eligibility Report for AGI according to 3-PL (Rev. 1), subparagraph 306 I
- select field, "**Not Filed**" to generate a list of every individual and legal entity in the *--web-based eligibility system, "AGI" section that has not filed CCC-931 or CCC-933 for the applicable year, payment eligibility purposes.--*

For all persons and legal entities identified through the County Eligibility Report for 2012 or 2013, follow instructions in subparagraph B.

D Notification Exceptions

If CCC-931 or CCC-933 was rejected by the IRS for the selected reason of, "No record found on Master file. No return filed for years checked using this TIN/SSN", then:

- do not send a written notification according to subparagraph B
- consider this individual or legal entity as compliant with the average AGI limitations for the current program year
- retain a copy of the IRS rejection letter with the returned CCC-931 or CCC-933 in the individual's or legal entity's eligibility file.

203.5 Average AGI Amounts Are Above Threshold Levels

A Average AGI Above Limitations

- *--A report will list participants with indicators that average income amounts exceed the following limitations:
 - \$500,000 nonfarm AGI limitation, applicable to commodity (including direct, counter-cyclical, and ACRE payments), price support, and disaster assistance programs
 - \$750,000 farm AGI limitation, applicable **only** to direct payments
 - \$1 million total AGI limitation (both farm and nonfarm), applicable **only** to 2012 and 2013 direct payments
 - \$1 million nonfarm AGI limitation, applicable to all conservations programs.--*

B Producers Identified

Persons and legal entities identified on this report will be:

- notified in writing by the reviewing authority of the results of the IRS data analysis
- required to provide within 30 calendar days of notification to the reviewing authority:
 - a third party verification from a certified public accountant or an attorney that demonstrates that average AGI does **not** exceed established limits
 - actual tax records for the years in question to demonstrate that average AGI does **not** exceed the established limits.

See paragraphs 203.9 and 204 for procedure and examples of nonresponsible participants.

203.5 Average AGI Amounts Are Above Threshold Levels (Continued)

*--C \$500,000 Nonfarm and \$750,000 Farm AGI Limitation Compliance Reviews

Both the \$500,000 nonfarm and \$750,000 farm AGI limitations **must** be met by the person or legal entity to receive 2009 through 2013 direct payments. See paragraph 186.

The following table illustrates:

- interaction between the \$500,000 nonfarm and \$750,000 farm AGI limitations applicable to the receipt of direct payments
- procedures when compliance is questioned for **either** the \$500,000 nonfarm **or** \$750,000 farm AGI limitation.

IF the \$500,000 nonfarm	AND \$750,000 farm	
AGI limitation is	AGI limitation is	THEN compliance review procedure includes
applicable and	applicable and	completing
the person or legal entity certified	IRS indicates the	both of the following actions:
to be compliant and IRS indicates		
person or legal entity has average	has average farm	• initiate AGI compliance review for the
nonfarm income in excess of the	income that is less	applicable program year
\$500,000 nonfarm AGI	than the \$750,000	
limitation	farm AGI limitation	• follow procedures in subparagraph B.
the person or legal entity certified		both of the following actions:
to be compliant and IRS indicates		
person or legal entity has average		• initiate AGI compliance review for the
nonfarm income that is less than	income in excess of	applicable program year
the \$500,000 nonfarm AGI	the \$750,000 farm	
limitation	AGI limitation	• follow procedures in subparagraph B.
the person or legal entity certifies		all of the following:
that average nonfarm income	person or legal entity	
exceeds the \$500,000 nonfarm	has average farm	• a compliance review for the applicable
AGI limitation	income in excess of	program year is not required for the \$500,000
	the \$750,000 farm	nonfarm and \$750,000 farm AGI limitations
Note: According to 2008 Act,	AGI limitation	
Section 1001(b)(1)(C), a		• in the Direct Payment \$750,000 Farm Income
person or legal entity		Certification/COC Determination, record as
that exceeds the		"Not Met-SED" and the date of the recording
\$500,000 nonfarm AGI		(3-PL (Rev. 1), subparagraph 31 C), and
limitation is not eligible		consider all AGI compliance review and
for ACRE, DCP, ELAP,		determination actions concluded for this
LDP, LFP, LIP,		person or legal entity for the applicable crop,
marketing loan gain,		program, and FY
NAP, SURE, or TAP benefits.		
benefits.		• update ARCT according to
		subparagraph 528 A.

--*

203.5 Average AGI Amounts Are Above Threshold Levels (Continued)

C \$500,000 Nonfarm and \$750,000 Farm AGI Limitation Compliance Reviews (Continued)

IF the \$500,000 nonfarm	AND \$750,000 farm		
AGI limitation is	AGI limitation is	THEN compliance review procedure includes	
applicable and	applicable and	completing	
the person or legal entity certifies	both of the following	the following, as applicable:	
that average nonfarm income	apply:		
does not exceed the \$500,000		• verify that the person or legal entity	
nonfarm AGI limitation	• the person or legal	requested commodity program benefits,	
	entity certifies that	initiate AGI compliance review for the	
	average farm	applicable program year, and follow	
	income is less	procedures outlined in subparagraph B	
	than the \$750,000		
	farm AGI	• if the person or legal entity did not request	
	limitation	commodity program benefits, then in the	
		Direct Payment \$750,000 Farm Income	
	 IRS indicates the 	Certification/COC Determination, record as	
	person or legal	"Not Met-SED" and the date of the recording	
	entity has average	(3-PL (Rev. 1), subparagraph 31 C), and	
	farm income in	consider all AGI compliance review and	
	excess of the	determination actions concluded for this	
	\$750,000 farm	person or legal entity for the applicable crop,	
	AGI limitation	program, and FY	
		r . C	
		• update ARCT according to	
		subparagraph 528 A.	
*either of the following:		the following, as applicable:	
entiter of the following.		the following, as applicable.	
• the person or legal entity		• if the person or legal entity did not request	
certifies that average income		commodity, price support, or disaster	
exceeds any of the following:		assistance program benefits, then in the	
enceeds any of the following.		Commodity Program \$500,000 Nonfarm	
• the \$500,000 nonfarm AGI		Income Certification/COC Determination,	
limitation		and in the Direct Payment \$750,000 Farm	
minution		Income Certification/COC Determination,	
• the \$750,000 farm AGI		record as "Not Met-SED" and the date of the	
limitation		recording (3-PL (Rev. 1),	
minitation		subparagraph 31 C), and consider all AGI	
hath lineitations		compliance review and determination actions	
• both limitations		concluded for this person or legal entity for	
• IDS indicates the summer		the applicable crop, program, and FY	
• IRS indicates the person or		are appreade crop, program, and r r	
legal entity has income in		• update ARCT according to	
excess of any of the		subparagraph 528 A.	
following:		Suopurugruph 520 m.	
• the \$500,000 nonfarm AGI			
limitation			
- (b) \$750,000 f			
• the \$750,000 farm AGI			
limitation			
 both limitations* 			

203.5 Average AGI Amounts Are Above Threshold Levels (Continued)

C \$500,000 Nonfarm and \$750,000 Farm AGI Limitation Compliance Reviews (Continued)

--Note: If a person or legal entity has been selected for review for any or all average AGI limitations in 2009, 2010, 2011, 2012, or 2013, and the person or legal entity did not request payments or benefits under programs subject to 4-PL rules, update all AGI values in web-based eligibility to "Not Met-SED" and consider all AGI compliance review and determination actions concluded for this person or legal entity for the applicable crop, program, and FY.--

203.6 Average AGI Amounts at or Below Threshold Levels

A Average AGI Within Limitations

A report will list participants with indicators that average AGI amounts are within the limitations for all programs.

No further actions will be required of:

- participants identified for the applicable crop, program, and FY
- County Offices in regard to eligibility files of identified participants for the applicable crop, program, and FY.

203.7 FSA Review and Compliance Determinations

A Review of Questionable Average AGI Certifications Identified Through Using IRS Data

The reviewing authority will:

- **not** be the local FSA office staff or COC
- **be** SED
- review tax data or other information supplied by the person or legal entity
- if necessary, calculate the average AGI values based on supplied information
- confer with the person or legal entity if questions arise in this process
- determine AGI compliance for the person or legal entity
- provide results and conclusions of the review.

Note: SED's are delegated authority to act on initial AGI review determinations referenced in subparagraph B, after performing the review actions specified in this subparagraph.

203.7 FSA Review and Compliance Determinations (Continued)

B Determination of Person's or Legal Entity's Compliance With Average AGI

SED's will:

- issue written notice of determination, adverse or otherwise, to the person or legal entity
- include right to SED reconsideration, mediation, and appeal right to NAD according to 1-APP
- send a copy of determinations involving NRCS participants to the State Conservationist
- follow subparagraph 204 D for an example notification letter for AGI compliance.

C AGI Compliance Review File for State Office Only

An AGI Compliance Review File created for each person or legal entity and program year reviewed should contain the following after completing the review:

- all documentation (CPA or attorney statement, or tax information) received from the person or legal entity
- copy of subsidiary print **before** completing the review
- copy of the original AGI certification (CCC-926, CCC-931, CCC-933, or CPA or attorney certification)
- copy of the Average AGI Calculation Worksheet (subparagraphs 203.8 C and 541 C)
- copy of subsidiary print **after** the SED determination was updated in the web eligibility file, if applicable
- copy of the written notice of determination or completion of the review sent to the person or legal entity.

Note: See Exhibit 21 for AGI Compliance Review Checklists.

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203.8 Average AGI Compliance Review Process

A Information Collection and Comparison

A review of average AGI compliance requires the following actions:

- collecting the copy of average AGI certification (CCC-926, CCC-931, CCC-933, or acceptable statement from CPA or attorney) submitted by the person or legal entity for the applicable year
- collecting complete tax returns for each of the 3-years qualification period; or acceptable financial documents if filing tax returns is not required; or an acceptable statement from CPA or attorney with all required items that illustrate and document income levels and average AGI compliance for the person or legal entity for the applicable year
- comparing both sets of information to the rules and regulations governing average AGI for payment eligibility for the applicable year subject to review
- verify the following * * *:
 - subsidiary flags are accurately set to reflect the certification of record
 - there is a valid CCC-926/CCC-931/CCC-933 on file supporting record certification. * * *

B Results and Findings

The results and findings of the review and evaluation are the basis to determine if person or legal entity meets or exceeds 1 or more of the average AGI limitations.

C Worksheet for Calculating Average AGI for 2009 and Subsequent Years Based on the Submission of Tax Returns

Use the following worksheet to calculate the average AGI for a person or legal entity based on the submission of tax returns.

Action	Result
Enter the total AGI (both nonfarm and farm) for the 3 complete taxable years preceding the most immediately preceding complete taxable year of the year for which program benefits are requested.	
Year Amount IRS Form 1040, Line 37) \$	
	\$
*	¢
	Enter the total AGI (both nonfarm and farm) for the 3 complete taxable years preceding the most immediately preceding complete taxable year of the year for which program benefits are requested. Year Amount Specify From Where Information Was Obtained (for example, IRS Form 1040, Line 37) \$

203.8 Average AGI Compliance Review Process (Continued)

C Worksheet for Calculating Average AGI for 2009 and Subsequent Years Based on the Submission of Tax Returns (Continued)

Step	Action	Result
4	Enter AGI for the same 3 years in step 1 that was derived from all	
	activities related to farming, ranching, and forestry operations.	
	Specify From Where	
	Information Was Obtained (for example,	
	Year Amount IRS Form 1040, Line 37)	
	\$	
	Note: See paragraph 191 for guidance.	
5	Total the dollar amounts in step 4.	\$
6	*Calculate the average adjusted gross farm income by dividing the	\$
	result of step 5 by the number of years in step 4.	¢
7	Calculate the average adjusted gross nonfarm income by subtracting the result of step 6 from the result of step 1.	\$
8	If the result of step 3 and step 6 is greater than zero and not a negative	
0	number, calculate the percentage of the average adjusted gross farm	
	income from the average AGI by dividing the result of step 6 by the	
	result of step 3, and multiply by 100. If the result of either step 3 or	
	step 6 is zero or a negative number enter zero in step 8*	%
	If step 8 is 66.66% or greater, and the person or legal entity has	
	income for equipment sales or input services, go to step 14; otherwise,	
	go to step 9.	
		Eligible Based on
	Determination	Determination in
9	If the result of step 7 is \$500,000 or less, the person or legal entity is	This Step Only
,	eligible for all commodity (including direct, counter-cyclical, and	\square No
	ACRE payments under DCP and ACRE), MILC, marketing loan gains,	
	LDP payments, disaster assistance, and conservation program benefits.	
10	If the result of step 6 is \$750,000 or less and step 9 is yes, the person or	□ Yes
	legal entity is eligible for direct payments under DCP and ACRE.	🗆 No
11	*For 2012 and 2013 only, if the results of step 3 is \$1 million or less,	□ Yes
	step 6 is \$750,000 or less, and step 7 is \$500,000 or less, then the	□ No
	person or legal entity is eligible for 2012 or 2013 direct payments	
12	under 2012 or 2013 DCP and ACRE* If the result of step 7 is \$1 million or less, the person or legal entity is	□ Yes
12	eligible for all conservation program payments.	\square No
13	If the result of step 7 exceeds \$1 million, but the result of step 8 is at	\Box Yes
15	least 66.66%, the person or legal entity is eligible for all conservation	\square No
	program payments.	

C Worksheet for Calculating Average AGI for 2009 and Subsequent Years Based on the Submission of Tax Returns (Continued)

Step	Action	Result
14	If the result of step 8 is 66.66 percent or more, and AGI derived from equipment sales and input services are not already included in steps 4, 5, and 6, enter the total AGI derived from equipment sales and input services for the same 3 years in step 1.	
	Year Amount Specify From Where Year Amount IRS Form 1040, Line 37)	
15	Note: See paragraph 191 for guidance.	¢
15	Total the dollar amounts in step 14.	\$ \$
16	Calculate the average AGI from equipment sales and input services by dividing the result of step 15 by the number of years in step 1.	Φ
17	If step 6 does not already include AGI derived from equipment sales and input services in steps 4 and 5, calculate the average adjusted gross farm income including equipment sales and input services by adding the result of step 16 to step 6.	\$
18	Calculate the average adjusted gross nonfarm income by subtracting the result of step 17 from the result of step 3.	\$
19	Calculate the percentage of the average adjusted gross farm income	
	from the average AGI by dividing the result of step 18 by the result of step 3, and multiply by 100.	%
* * *	* * *	* * *

203.8 *** Average AGI Compliance Review Process (Continued)

C Worksheet for Calculating Average AGI for 2009 and Subsequent Years Based on the Submission of Tax Returns (Continued)

Step	Action	Result
		Eligible
		Based on
		Determination in
	Determination	This Step Only
*20	If the result of step 18 is \$500,000 or less, the person or legal entity is	\Box Yes
	eligible for all commodity (including direct, counter-cyclical, and	🗆 No
	ACRE payments under DCP and ACRE), MILC, marketing loan gains,	
	LDP payments, disaster assistance, and conservation program benefits.	
21	If the result of step 17 is \$750,000 or less, the person or legal entity is	\Box Yes
	eligible for direct payments under DCP and ACRE.	🗆 No
22	For 2012 only, if the results of step 3 is \$1 million or less, step 17 is	□ Yes
	\$750,000 or less, and step 18 is \$500,000 or less, then the person or	🗆 No
	legal entity is eligible for 2012 direct payments under 2012 DCP and	
	ACRE.	
23	If the result of step 18 is \$1 million or less, the person or legal entity is	□ Yes
	eligible for all conservation program payments.	🗆 No
24	If the result of step 18 exceeds \$1 million, but the result of step 19 is*	□ Yes
	at least 66.66 percent, the person or legal entity is eligible for all	□ No
	conservation program payments.	

D Admissions

If a person or legal entity submits a revised CCC-931 or CCC-933, or certification is received that the person or legal entity exceeds any of the average AGI limitations for any program, do the following:

- accept the written material and keep with the file
- consider the AGI compliance review complete
- reset the applicable coverage AGI values to "producer not met" in the web-based eligibility files. See 3-PL (Rev. 1), paragraph 31.

If a person or legal entity affirms that 1 or more of the average AGI limitations are exceeded, FSA is:

- **not** required to issue a decision on ineligibility
- not required to issue an adverse decision on average AGI noncompliance
- required to issue adverse overpayment notifications for all programs that FSA administers.

*--E Withdrawing Average AGI Certification

If a person or legal entity requests to withdraw an average AGI certification submitted for an applicable year, the request must be submitted **before** FSA issues any administrative decision relative to the person's or legal entity's average AGI compliance and **all** of the following:

- in writing
- signed by the person or authorized representative of the legal entity
- attached to CCC-926, CCC-931, CCC-933, or to the CPA or attorney statement submitted for the applicable year
- placed in the person's or legal entity's eligibility file.--*

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*--E Withdrawing Average AGI Certification (Continued)

When the request to withdraw an average AGI certification is accepted, the recording County Office **must** do the following:

- reset the eligibility AGI values to "Not Filed" for all commodity, direct payment, and conservation programs for the applicable crop, program and FY according to 3-PL (Rev. 1) paragraph 31
- consider the AGI compliance review complete
- **not** issue an adverse decision on average AGI compliance
- issue adverse overpayment notifications for all programs that FSA administers.--*

203.9 Payment Refunds and Collections

A Participant Fails to Timely Act or Is Determined AGI Noncompliant

If a person or legal entity fails to timely respond to written notices on AGI compliance requirements, or has been determined noncompliant with the applicable AGI limitations, all payment refund determinations and collection efforts will be initiated by:

- NRCS for all payments under programs it administers subject to this AGI compliance determination
- FSA for all payments under programs it administers subject to this AGI compliance determination.

See paragraph 204 for example letters for AGI compliance.

203.9 Payment Refunds and Collections (Continued)

B Errors in Recording Either Determinations or Admissions

When errors are discovered in either determinations or in the recording of determinations, take applicable corrective actions that include, but are not limited to the following:

- reset the eligibility AGI values according to 3-PL
- document on the report that AGI values were reset according to this subparagraph.
- **Example 1:** Participant A certifies compliance with the \$500,000 nonfarm AGI and the \$1 million nonfarm AGI conservation limitations but indicates the farm AGI exceeds \$750,000. When recording those values in web-based eligibility, FSA incorrectly entered all 3 values as "Compliant" resulting in DCP direct payments being inadvertently issued to Participant A.
- **Result 1:** Set correct values and notify the participant of the amount of any overpayment issued. The notification of overpayment (receivable) must later have additional explanation entered into the record of this debt explaining that despite the participant's certification that the participant was not eligible. FSA inadvertently paid the participant and the erroneous payment must be refunded.
- **Example 2:** Participant B completed CCC-926 for program year 2011 as part of an EQIP application. Funds were not approved to fund the application. A review of Participant B's records for 2011 finds that Participant B did not receive any other program payments or benefits either directly or indirectly.
- **Result 2:** Even though Participant B should not become a recipient of an overpayment (receivable) letter because funds were not approved, Participant B could, if Participant B wants to, with CCC-926 and, subsequently, flags could be reset accordingly to avoid having additional AGI compliance communications or notifications sent to Participant B.

C FSA and NRCS Responsibilities

Each Agency will be responsible for all follow-up actions as required under the following:

- respective program procedures for payment refunds
- DCIA.

*--204 Example Letters for AGI Compliance

A Example Letters

Use the example letters in subparagraphs B through G as guides when notifying individuals and legal entities of average AGI limitation requirements or determinations.

B Example of Letter When CCC-931 or CCC-933 is Needed

The following is an example of a notification letter for a person or legal entity when CCC-931 or CCC-933 is needed.

(Date)

Person or legal entity (c/o) Address 1 Address 2

Dear Person or Legal entity:

As of the date of this letter, you have not submitted the **required** form CCC-931 or CCC-933, "Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information". Accordingly, you are ineligible for [*insert 2009, 2010, 2011, 2012, and/or 2013, as appropriate*] program benefits. A refund is required of [*insert 2009, 2010, 2011, 2012, and/or 2013, as appropriate*] program payment benefits received. You and/or any legal entity you may have indirect payment interest in will be notified by separate letter of refund amounts required.

The Food, Conservation, and Energy Act of 2008, commonly referred to as the 2008 Farm Bill, provides average adjusted gross income (AGI) limitations for participants who enroll in certain farm programs. The average AGI limitations are:

- \$500,000 nonfarm average AGI in order to receive commodity, price support or disaster program benefits;
- \$750,000 farm average AGI in order to receive direct payments under the Direct and Counter-Cyclical Program (DCP), or Average Crop Revenue Election Program (ACRE); and
- \$1 million nonfarm average AGI to receive conservation program benefits.
- \$1 million AGI limitation for 2012 and 2013 direct payments.

Completing form CCC-931 or CCC-933 allows the IRS to average your AGI for the three applicable tax years to provide FSA information on whether your average appears to exceed one or more of the applicable limitation amounts. Individuals, legal entities, and all members of legal entities must complete form CCC-931 or CCC-933.

If you believe that FSA has not properly determined the facts of this case regarding your AGI ineligibility, you may appeal this determination to the County Committee by filing a written request no later than 30 calendar days after you receive this notice in accordance with the FSA appeal procedures found at 7 CFR Part 780. If you choose, your appeal can include submission of a completed CCC-931 or CCC-933. If you appeal to the County Committee, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you appeal this determination to the County Committee, you may later appeal an adverse determination of the County Committee or the National Appeals Division. To appeal, write to the County Committee at the following address and explain why you believe this determination is erroneous.

(Insert COC address.)

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

Sincerely,

County Executive Director

C Example With an Attachment Letter for Requesting Additional Information

The following is an example notification letter where indications are average AGI limitations exceeded and additional information is requested for FSA review. This example letter is followed by an attachment.

[Date]

*__

204

[Address Block]

Dear [Name]:

The Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) provides average adjusted gross income (AGI) limitations for participants who enroll in certain farm programs. These limitations apply to individuals and legal entities who receive payments, as well as to members of legal entities that receive payments.

The Farm Service Agency (FSA) and Internal Revenue Service (IRS) formed a partnership to ensure that only those participants who comply with AGI requirements receive farm program benefits. This data-sharing process maintains the confidentiality and privacy of tax return information while providing FSA information necessary to verify your average AGI certification.

You provided written consent allowing the IRS to average your AGI for the applicable tax years and to provide FSA information about whether or not your AGI exceeds limitation amounts.

The information received from the IRS indicates that for [*insert applicable program year* 2009 through 2012] program payment eligibility purposes, your average AGI may exceed the:

\$500,000 nonfarm AGI limitation for commodity program benefits (including direct payments under the Direct and Counter-Cyclical Program (DCP) or Average Crop Revenue Election (ACRE) program), price support or disaster program benefits

_ \$750,000 farm AGI limitation for direct payments under the DCP or ACRE program

\$1 million nonfarm AGI limitation for conservation benefits.

\$1 million AGI limitation for 2012 direct payments.

Additional information is needed to assist FSA's review. Please provide one of the following:

- a signed statement from a CPA or an attorney that verifies your average AGI did not exceed the applicable AGI limitations;
- copies of the complete Federal tax returns that were filed with the IRS for the years [*insert applicable tax years*]; or
- a signed acknowledgement that your income exceeded the limitations, if your [*insert applicable program year 2009 through 2012*] certification was in error.

__*

204 Example Letters for AGI Compliance (Continued)

C Example With an Attachment Letter for Requesting Additional Information (Continued)

*__ «Name» Page 2 [Optional: Note: A cursory review of your application history indicates that you may not have applied for any benefit or payment that would be impacted by the AGI limitation. Accordingly, you may have no payments or benefits directly or indirectly impacted by our finding that you appear to have income in excess of the aforementioned AGI limitation. You may choose not to respond to this notification and your file will be updated to reflect you as ineligible with the aforementioned AGI limitation. Please note that the AGI compliance review is performed separately from any review of payments that you may or may not seek or have sought and only you know for certain whether or not you have sought or will seek payments directly or indirectly under any of the aforementioned programs. Still, if you have not made any application or sought benefits and do not believe you will seek benefits subject to the aforementioned AGI limitation, you can choose not to respond to this letter.] If copies of Federal tax returns are provided, FSA will evaluate the information and re-calculate the average AGI. FSA will provide written notice of the results of this review. If your average AGI exceeded the applicable limits because you filed a joint tax return, but you would have been eligible if you had filed separately, you may provide a CPA or attorney statement certifying that your income, if you had filed separately, would have been within the AGI limits. If a CPA or attorney certification is not provided, the AGI shown on your joint tax return will be considered your AGI for Farm Service Agency and/or Natural Resources Conservation Service program purposes, as applicable. If a signed statement from a CPA or attorney is provided, the statment **must** include all of the items as shown in the sample letter. A sample letter with instructions are enclosed for your CPA or attorney's reference. [Enclose sample notification letters as shown in subparagraphs 189 D or 189 F, as appropriate.] To avoid any delay or interruption in program payments and benefits, please provide all requested information to FSA within 30 days of the date of this letter. Information should be mailed to: [Insert State Office Address.] Failure to timely respond to this notice will result in a determination of ineligibility for all *[insert applicable* program year 2009 through 2012] program benefits. Please be assured that all information provided will be held strictly confidential. If you have questions or concerns, please contact [insert State Office contact number for AGI]. Thank you for your cooperation. Sincerely, [Name] State Executive Director Enclosures __* .

D Example of Initial Letter Notifying Participant of Ineligibility

The following is an example initial decision letter advising of ineligibility because of average AGI limitations.

[Date]

[Address Block]

Dear [Name of Participant]:

The Farm Service Agency (FSA) recently wrote you requesting additional information so that FSA could complete its review of your payment eligibility under the average adjusted gross income (AGI) provisions. We have not received a response from you regarding our previous inquiries; therefore, FSA has determined that you exceed the AGI limitation for [*enter specific AGI limitation exceeded and year*].

As a result of this determination, you are ineligible for program payments subject to that limitation. A refund of program payments is, therefore, required. A separate letter will be sent with the required refund amount and instructions for submitting the refund.

If you believe that FSA has not properly considered the facts related to the determination of your eligibility under the AGI provisions, you have the following options:

Reconsideration of the State Executive Director

You may request that I reconsider this determination by filing a written request no later than 30 calendar days after you receive this notice according to FSA's appeal procedures found at 7 CFR Part 780. If you request reconsideration, you have the right to an informal hearing which you or your representative may attend either personally or by telephone. If you choose to seek reconsideration, you may later appeal the determination to the National Appeals Division. To request reconsideration, write to FSA at the following address and explain why you believe this determination is erroneous. The address is:

USDA – Farm Service Agency Attention: AGI Limitation Review [*Enter address of the State Office for SED reconsideration.*] .

D Example of Initial Letter Notifying Participant of Ineligibility (Continued)

[*Name*] Page 2

Mediation

Mediation is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the time frame in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request no later than 30 calendar days after you receive this notice. To request mediation, write to the FSA State Executive Director at the following address: [*Insert SED address or Mediation Program address, as applicable.*]

Appeal to the Department of Agriculture National Appeal Division (NAD)

You may appeal this determination to NAD by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NAD Appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter. [*Insert applicable NAD address*.]

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

Sincerely,

[*Enter Name*] State Executive Director

E Example of Letter Acknowledging Request for Reconsideration Review

The following is an example letter acknowledging request for reconsideration.

***--**[Date]

[Address Block]

Dear [Name of Participant]:

This letter acknowledges your request for reconsideration of the Farm Service Agency's (FSA's) decision concerning your eligibility under the average adjusted gross income provisions for the [*insert the 2009 through 2012 program year(s), as applicable*].

A representative of the [*enter name*] State FSA Office will review your request on [*enter date which should be no earlier than 17 days from date of mailing*], at [*enter time*]. The hearing will be in a room to be designated for the purpose of conducting a hearing. You, your authorized representative, or both, are invited to attend the hearing and submit any additional information in support of your request for reconsideration. If you choose to personally appear, please come to:

[Enter State Office address and contact phone number.]

The hearings are informal and verbatim transcripts are not ordinarily made. However, if you want a transcript to be made at your expense, please let us know at least 7 calendar days before the hearing, and we will make the arrangements. Neither FSA nor the Department will reimburse you for any costs you may incur in connection with your request for reconsideration. Please note that a verbatim transcript will only be permitted if you choose to attend the scheduled hearing either in person or via telephone.

Should you prefer to attend the scheduled hearing by telephone, in advance of the hearing date please provide us with a telephone number of where you and your authorized representative can be contacted on the day and time of the scheduled hearing. If you choose not to attend the hearing at all (either in person or via telephone) please let us know. However, whether you choose to attend the hearing or not, you may submit before the date of the scheduled review, any further facts or evidence you wish to have considered. The Deputy Administrator will consider your request and arrive at a decision based on the record and other available information. The review will include all of the information submitted by you, in addition to the complete file pertaining to your case. FSA's review determination will be in writing and sent to you and your representative as soon as possible after conclusion of the scheduled meeting or hearing.

If you have any questions about this matter, you may contact the State FSA Office at [*enter complete area code and phone number*]. If you telephone us and receive a voice mail recording, please leave your contact information and we will return your call.

Sincerely,

[*Name*] State Executive Director

F Example of Letter Granting Reconsideration

The following is an example of a letter approving the participant's eligibility on reconsideration.

[Date]

[Address Block]

Dear [Name of Participant]:

This letter is in further reference to the appeal of the Farm Service Agency's (FSA's) decision concerning your eligibility under the Average Adjusted Gross (average AGI) income provisions for the 2010 program years.

You submitted a form CCC-931, Average Adjusted Gross Income (AGI) Statement for the 2010 program year and affirmed on the form that your nonfarm and farm income, as applicable, for the period of years identified in section 4 of the form, was within the limitations set forth in questions 5 through 7. You also certified that your average adjusted gross farm income was NOT at least 66.66 percent of the average adjusted gross income for the 2008, 2007, and 2006 three year period applicable to 2010.

On May 1, 2011, FSA wrote you advising that information from the U.S. Department of Treasury, Internal Revenue Service (IRS), indicated that your average AGI may exceed the AGI limitations for particular programs. FSA requested additional information to assist in its review. In response, you furnished documents that, when examined without any explanation from you, showed that you exceeded the \$1 million nonfarm AGI limitation for 2010 conservation benefits. Accordingly, you were determined ineligible for program payments subject to that AGI limitation. A letter advising you of this decision was issued on October 27, 2011. Upon receipt of that decision, you subsequently sought reconsideration from FSA.

On December 20, 2011, FSA representatives spoke with you in a telephone hearing. In the hearing you explained that the tax documentation you submitted reflected not only your income, but also income of your spouse. You mentioned having provided additional documentation specifying the manner income of you and your spouse would have been declared and reported if you each had filed two separate returns. In addition, you affirmed that the calculations were consistent with the information supporting the joint return. At the time of the hearing, FSA had received your documentation but did not have a certified statement by a certified public accountant or attorney affirming the calculations on division of the joint return. On December 22, 2011, FSA received a September 19, 2011, letter from an attorney affirming your calculations and certification of not having income in excess of the \$1 million nonfarm AGI limitation for 2010.

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*--204 Example Letters for AGI Compliance (Continued)

F Example of Letter Granting Reconsideration (Continued)

[*Name*] Page 2

Based on all the information submitted, including the information submitted on reconsideration, FSA has determined that you do not exceed the \$1 million AGI limitation for 2010 conservation benefits.

This concludes FSA's reconsideration of this matter in accordance with 7 CFR parts 780 and 1400. A copy of this decision will be provided to local FSA offices.

Sincerely,

[*Name*] State Executive Director

cc: CED, [Name] County FSA Office

G Example Letter for Disapproving Reconsideration

The following is an example of a letter disapproving the participant on reconsideration.

[Date]

[Address Block]

Dear [Name of Participant]:

This letter is in further reference to your appeal of the Farm Service Agency's (FSA's) decision concerning your eligibility under the Average Adjusted Gross Income Limitation Provisions for the 2009 and 2010 program years.

BACKGROUND

You submitted a form CCC-931, Average Adjusted Gross Income (AGI) Statement, for each of the 2009 and 2010 program years and affirmed on each form that your nonfarm and farm income, as applicable, for the period of years identified in section 4 of each form, was within the limitations set forth in questions 5 through 7. You also certified that your average AGI farm income:

- was at least 66.66 percent of the total average AGI for the 2007, 2006, and 2005, three year period applicable to 2009, and
- was **not** at least 66.66 percent of the total average AGI for the 2008, 2007, and 2006, three year period applicable to 2010.

On May 1, 2011, FSA wrote you advising that information from the U.S. Department of Treasury, Internal Revenue Service (IRS), indicated that your average AGI may exceed the average AGI limitations for particular programs. FSA requested additional information from you to assist in its review. In response, you furnished documents affirming that your average AGI exceeded the \$750,000 income limitation applicable to direct payments under the Direct and Counter-Cyclical Program (DCP) or Average Crop Revenue Election Program (ACRE) Program for 2009 and 2010. Consequently, you were determined ineligible for program payments subject to that average AGI limitation. A letter advising you of the decision was issued on October 27, 2011. You subsequently appealed FSA's decision to the State committee.

ISSUE

Does [*Name*] have average AGI in excess of average AGI limitations for particular programs?

G Example Letter for Disapproving Reconsideration (Continued)

[*Name*] Page 2

GENERAL PROGRAM PROVISIONS

The regulations governing average AGI limitations appear at 7 CFR part 1400.

APPELLANT'S POSITION

You assert that FSA's decision is in error because it is based on one-time capital gains in 2006 of more the \$3 million which resulted from a sale of trailer parks. You indicate that income shown on previous and subsequent years was far below average AGI limitations.

FINDINGS OF FACT

- 1. [*Name*]'s average AGI farm income was not at least 66.66 percent of the average AGI for the 2007, 2006, and 2005 three year period applicable to 2009. (IRS information and copy of May 17, 2011, e-mail correspondence to you from Jason Accountant, CPA).
- 2. The majority of [*Name*]'s average AGI for each three year period applicable to each of the 2009 and 2010 program years, as applicable, was from nonfarm income (sale of trailer parks). (IRS information and copy of May 17, 2011, e-mail correspondence to you from Jason Accountant, CPA).
- 3. [*Name*]'s average AGI nonfarm income is in excess of the \$500,000 AGI nonfarm limitation for commodity programs (including direct payments under the DCP and ACRE Programs) specified at 7 CFR § 1400.1 for 2009 and 2010. [*Name*]'s November 15, 2011, letter to FSA with attachments.)

ANALYSIS

A review of the IRS information and copy of May 17, 2011, e-mail correspondence to you from Jason Accountant, CPA, indicate, contrary to your certification, that your average AGI farm income was not at least 66.66 percent of the average AGI for the 2007, 2006, and 2005 three year period applicable to 2009. Rather, the majority of your average AGI for each three year period applicable to each of the 2009 and 2010 program years, as applicable, was from nonfarm income (sale of trailer parks). You confirmed these facts in your correspondence to FSA and in the hearing with the FSA. Accordingly, you are ineligible for payments and benefits under the \$500,000 average AGI nonfarm limitation for commodity programs (including direct payments under the DCP and ACRE Programs) specified at 7 CFR § 1400.1 for 2009 and 2010.

*

G Example Letter for Disapproving Reconsideration (Continued)

[*Name*] Page 3

If you believe that this decision is erroneous, you have the following options:

Mediation

Mediation is available as part of FSA's informal appeal process. Mediation may enable us to narrow the issues and resolve the matter by mutual agreement. You may have to pay all or part of the cost of mediation. If you request mediation, the running of the time frame in which you may file an appeal stops. When mediation closes, the clock restarts and you will have the balance of the days remaining in that period to file an appeal. To request mediation, you must submit your written request no later than 30 calendar days after you receive this notice. To request mediation, write to the FSA State Executive Director at the following address: [*Insert SED address or Mediation Program address, as applicable.*]

Appeal to the Department of Agriculture National Appeal Division (NAD)

You may appeal this determination to NAD by filing a written request no later than 30 calendar days after you receive this notice in accordance with the NAD Appeal procedures found at 7 CFR Part 11. If you appeal to NAD, you have the right to a hearing which you or your representative may attend. Once a hearing with NAD begins, you waive any rights you might have to reconsideration, appeal to FSA, and mediation. To appeal, you must write to NAD at the following address, explain why you believe this determination is erroneous, and provide a copy to FSA. You must personally sign your written appeal to NAD and include a copy of this letter. [*Insert applicable NAD address*.]

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

Sincerely,

[*Name*] State Executive Director

H Example for the Requesting Information

The following is an example for the request of a response for additional information from the participant previously notified of the AGI compliance review.

[Date]

[Address Block]

Dear [Name]:

The Farm Service Agency (FSA) recently sent you a letter dated [*insert date*] requesting information so that FSA can complete its review of your average Adjusted Gross Income (AGI) compliance and subsequent eligibility for [*insert the appropriate program year 2009 through 2012*] program payments and benefits. As of the date of this letter, [*insert 1 of the following phrases and modify it to fit the specific instance or situation (these examples are not inclusive and only describe some situations*) [we have not received a response from you regarding *this matter*] OR [we received incomplete sets of tax returns] OR [the statement prepared by John Doe, CPA, fails to provide the required information as specified in the attached example of a CPA *statement*] OR [the information submitted showing how income would have been reported by *spouses had separate returns been filed must be accompanied by a certification of a CPA or attorney*] OR [the information submitted appears to be for a person or legal entity that is not the *subject of our review*], please submit the information for you as the person or legal entity that is subject to these AGI compliance provisions. OR

Therefore, we request that you respond to this second request for additional information within 14 days of the date of this letter in order to to avoid a determination of ineligibility for [*insert appropriate program year 2009 through 2012*] program benefits. A determination of ineligibility would result in you or any legal entity in which you have an interest being required to refund all [*insert appropriate program year 2009 through 2012*] program payments and benefits plus interest that you have directly or indirectly received. Please mail your response to:

[State] Farm Service Agency Attn: AGI Compliance Review [mailing address] [city, State ZIP Code]

All information provided in response to this inquiry will be maintained in a system of records and treated by FSA as confidential. If you have questions or concerns, please contact [*insert name*], Program Specialist, at [insert phone number].

Thank you for your cooperation.

Sincerely,

[*Name*] State Executive Director Your State FSA Office

I Example Notification for AGI Compliance Review Completion

The following is an example for the notification of a participant following the completion of the AGI compliance review.

*_-[Date] [Address Block] Dear [*Name*]: The Farm Service Agency (FSA) has completed an examination of your [insert the appropriate program year 2009 through 2012] average Adjusted Gross Income (AGI) certification and the additional information submitted. Based on the data available to FSA and the supplemental documents you provided, FSA has determined that you comply with the [insert the following, as applicable: \$500,000 nonfarm AGI limitation for commodity program benefits/\$750,000 farm AGI limitation for direct payments under the DCP or ACRE program/\$1 million nonfarm AGI limitation for conservation benefits; \$1 million AGI limitation for 2012 direct payments]. Consequently, with the regard to the provisions of average AGI compliance, you are eligible for [insert the appropriate program year 2009 through 2012] program payments affected. The review for [insert the appropriate program year 2009 through 2012] average AGI compliance is now considered complete. We appreciate your cooperation. Sincerely, [name] SED [State] FSA State Office cc: County Office

205 (Reserved)

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Part 7 Payment Eligibility and Payment Limitation Determinations

Section 1 COC Responsibilities

206 COC Determinations

A Introduction

COC shall make the initial actively engaged in farming and eligibility reviews and determinations.

B Determination Deadlines

Payment eligibility determinations **must** be made within 60 calendar days after the required ***--**CCC-902, related forms, and supporting documentation needed in making payment eligibility determinations, are received in the County Office.--*

This table provides requirement deadlines for COC to make eligibility and actively engaged in farming determinations and producer notification.

IF CCC-902 is filed for programs	THEN make eligibility
not requiring actively engaged in	determinations and notify producers within
farming determinations	60 calendar days of the date the complete
	CCC-902 was filed.
requiring actively engaged in farming	and actively engaged in farming determinations
determinations	and notify producers within 60 calendar days of
	the date the complete CCC-902 was filed.

206 COC Determinations (Continued)

C Insufficient Information

If the file does **not** contain adequate information for COC to make determinations, COC shall request additional information. This does **not** extend COC's 60 calendar day time limit to make initial determinations.

Note: If the file does **not** contain sufficient information for a favorable determination, COC shall make the determination, based on the file as it exists, to avoid a default determination.

D Determination Appeals

COC shall hear appeals by applicants of the initial COC determinations of actively engaged in farming and eligibility.

207 Completing CCC-903's

A Introduction

COC shall use CCC-903 to document determinations for payment eligibility and payment limitation purposes.

B Documenting Determinations

Record the factors on CCC-903 that COC used to make the actively engaged in farming and eligibility determinations. Significant contributions **must** be identified and recorded. Include how the cash-rent tenant and substantive change rules were met, when applicable.

* * *

207 Completing CCC-903's (Continued)

*--C Example CCC-903 for 2009 Program Year

The following is an example of a completed CCC-903 for the 2009 program year.--*

	903 U.S. DEPARTMENT OF AGRICULTURE 1. NAME 7-09) Commodity Credit Corporation Beringer Partners			
	WORKSHEET FOR PAYMENT ELIGIBILITY AND 2. COUNTY AND STATE PAYMENT LIMITATION DETERMINATIONS Johnson, TX			
	3. PROGRAM YEAR 2009			
PAR	T A – Type of operation			
4. T	ne operation reviewed is a: Person Sole Proprietor/Small Business General Partnership Limited Partnership Pestate City, County or State-owned Entity Joint Venture Limited Liability Company Charitable/Non-Profit Indians rep. by BIA Revocable Trust Other:			
	Corporation Irrevocable Trust Public School			
	T B - Review of Eligibility Requirements and Contributions			
Ansv	er the following questions by checking "YES, "NO" or N/A".	YES	NO	N/
		X	NO	PU.
1	Are the Name and SSN (or EIN) provided for the person, legal entity and each member or interest holder? If participant is an Estate, has a tax identification number (EIN) been provided for the estate?	~		
3	If participant or any interest holder is a trust, has an EIN been provided for the trust, unless the trust is revocable			Х
5	trust and the grantor is the sole income beneficiary?			х
4	Is the person a US Citizen or a holder of a valid form I-551 (Alien Registration Receipt Card)? If the participant is a legal entity, are all interest holders US Citizens or holders of valid form I-551s?	х		
5	If this person or any interest holder in this legal entity is under 18-years-old, has the MINOR qualified to receive payment separate from the parent or guardian? (If "NO", Common Attribution is shown in Remarks.)			x
6	 Does this person or legal entity meet ALL of the following with regard to the farming operation: has a separate and distinct interest in the land, crops, and livestock demonstrates separate responsibility for the interest in land, crops and livestock maintains funds and accounts separate from all other farming operations. 			
7	Are cash rent tenant provisions met with significant contributions of either of the following: active personal labor, or active personal management and equipment (NOTE: If participant is a joint operation, each member must meet cash rent tenant provisions.)			
8	(NO IE: If participant is a joint operation, each member must meet cash rent tenant provisions.) If equipment or land is leased from a person or legal entity with interest in this farming operation, are rates and repayment terms reasonable and customary for the area? (If "NO", the input is not a significant contribution.)			
9	If hired labor and leased equipment originate from the same source, are separate contracts provided for the labor and for the equipment? (If "NO", equipment is not a significant contribution.)			Х
10	For limited partnerships, LLPs, LLCs, corporations and other similar legal entities, are all partners, members or stockholders providing active personal labor and/or active personal management?			X
11	If participant or any interest holder is an estate that has been in existence for over 2 years, has required documentation been provided and determination made according to 4-PL?			х
12 13	If a trust, does the trust provide for modification or interest by the grantor, or provide for transfer to the remainder beneficiary in less than 20 years from the date the trust is established? If an irrevocable trust, has trust documentation been provided and is such documentation on file?			X
14	For a State, political subdivision, or an agency thereof, is the land owned by the entity and used solely for the support of public schools?			K X
15	If a charitable organization, does the land or proceeds from the farming operation transfer to an entity that exercises control over the organization? (If " YES ", Common Attribution is shown in Remarks)			х
16	Substantive change rules were met by (check each applicable substantive change):			
	\underline{X} Addition of <u>2</u> (number) adult family member(s)	x		
	For a landowner only, a change from cash rent to share rent			х
	A 20% increase in base acres, allowing recognition of one person or legal entity for payment			х
	A qualifying change in ownership of equipment			X
	A qualifying change in ownership of land			X

	03 (04-07-09) icipant's Name: Beringer Partners	Crop Year: 2009	Page	2 of 2		
	T C – DETERMINATIONS OF THE REVIEWING					
Base		he following: (Or, for joint operations with 6 or more members, the	YES	NO		
1	LANDOWNER PROVISIONS apply to this partic	cipant.		х		
2A	ACTIVELY ENGAGED IN FARMING. (If "NO",	· · · · · · · · · · · · · · · · · · ·	x			
2B	For JOINT OPERATIONS ONLY, each member's contributions are SIGNIFICANT, COMMENSURATE and AT RISK; And EACH MEMBER is ACTIVELY ENGAGED IN FARMING. (If "NO ", explanation is in REMARKS)					
3	COMMON ATTRIBUTION rules apply (Persons	s and Entities with common attribution are listed in Remarks)		х		
4	A CROPLAND FACTOR applies because CASH or more members of the joint operation. (If "YES	H RENT TENANT rules are not met by the person, the entity, or by one S", explanation is in Remarks)		x		
		mplete Item 5A if the participant is a PERSON or ENTITY. Complete Iter C if the participant is either an ENTITY or JOINT OPERATION.	n 5B if i	the		
5A	The PERSON or ENTITY is determined to make following CONTRIBUTIONS:	e the ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGE	MENT			
5В	The JOINT OPERATION is determined to make following CONTRIBUTION(S).					
	MEMBERS of the JOINT OPERATION are dete	rmined to make the following CONTRIBUTIONS:				
	Member(s) Name(s): Jack Beringer, Bobby Beringer	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGE	MENT			
	Member(s) Name(s): Ana Beringer, Ida Beringer					
	Member(s) Name(s):	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGE	MENT			
	Member(s) Name(s):	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGE				
	Additional Pages are attached to show signi	ficant contributions of additional members.				
	Special rules for SPOUSES are used to creater personal management in this farming operation	dit a spouse with a significant contribution of active personal labor or acti ation.	ve			
5C	personal management to the farming operation	an ownership interest represent a contribution of active personal labor a that meets all of the following: 1) performed on a regular basis; 2) identi at of any other partner, stockholder, or member with an ownership interest the stockholder.	fiable a			
3. Li	ist in REMARKS all partners, stockholders, or mer	mbers and their ownership shares that did not meet requirements in Item	5C.			
7. C	OMMON ATTRIBUTION applies to:					
3 In	eligible FOREIGN PERSONS are:					
	T D - REMARKS					
PAR	T E – SIGNATURE OF REVIEWING AUTHORIT	Y				
1. C	OC or STO Representative Signature 2. T					
Rag	rer Jahnsan Cha	ispersan, COC 4/12/2009				
sex, m derive	narital status, familial status, parental status, religion, sexual orie d from any public assistance program. (Not all prohibited bases am information (Braille, large print, audiotape, etc.) should conta	all its program and activities on the basis of race, color, national origin, age, disability, and w entation, genetic information, political beliefs, reprisal, or because all or part of an individual's i a apply to all programs.) Persons with disabilities who require alternative means for communi cct USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of Discrii SW., Washington, DC 20250-9410, or call (800) 795-3272 (voice) or (202) 720-6382 (TDD).	ncome is cation of mination,	write		

*--D Example CCC-903 for 2010 and Subsequent Program Years

ccc-	rm is available electronically. -903 U.S. DEPARTMENT OF AGRICULTURE 1. NAME			
)1-23	3-13) Commodity Credit Corporation Beringer Partners I			
	WORKSHEET FOR PAYMENT ELIGIBILITY AND PAYMENT LIMITATION DETERMINATIONS			
	3. PROGRAM YEAR (select one) 2010 2011 21	2012	20	013
_	T A – TYPE OF OPERATION			
. Th	he operation reviewed is a: Person Sole Proprietor/Small Business General Partnership Limited Partnership			
F	□ Person □ Sole Propretor/Small Business □ General Partnership □ Limited Partnership □ Estate □ City, County or State-owned Entity □ Joint Venture □ Limited Partnership			
	Charitable/Non-Profit Indians rep. by BIA Revocable Trust Other:			
	Corporation Irrevocable Trust Public School			
	T B - REVIEW OF ELIGIBILITY REQUIREMENTS AND CONTRIBUTIONS			
nsw	ver the following questions by checking "YES, "NO" or N/A".			1
1	Are the Name and SSN (or EIN) provided for the person, legal entity and each member or interest holder?	YES	NO	N/A
2	[1-CM (Rev 3) Part 6]	X		
_	If participant is an Estate, has a tax identification number (EIN) been provided for the estate? [1-CM (Rev 3) Part 6]			Х
3	If participant or any interest holder is a trust, has an EIN been provided for the trust, unless the trust is revocable			Х
4	trust and the grantor is the sole income beneficiary? [1-CM (Rev 3) Part 6] Is the person a US Citizen or a holder of a valid form I-551 (Alien Registration Receipt Card)? If the participant	\square		
5	is a legal entity, are all interest holders US Citizens or holders of valid form I-551s? [4-PL Part 3]	Х		
	If this person or any interest holder in this legal entity is under 18-years-old, has the MINOR qualified to receive payment separate from the parent or guardian? (If "NO", See Common Attribution, Part D, Item 5.) [4-PL Part 4]			Х
6	 Does this person or legal entity meet ALL of the following with regard to the farming operation: has a separate and distinct interest in the land, crops, and livestock 			
	 has a separate and distinct interest in the land, crops, and livestock demonstrates separate responsibility for the interest in land, crops and livestock 	Х		
	• maintains funds and accounts separate from all other farming operations. [4-PL Part 2, Section 6]			
7	Are cash rent tenant provisions met with significant contributions of either of the following: (check as applicable) active personal labor, or active personal management and equipment	x		
	(NOTE: If participant is a joint operation, each member must meet cash rent tenant provisions.) [4-PL Part 2, Section 7]	^		
8	If equipment or land is leased from a person or legal entity with interest in this farming operation, are rates and repayment terms reasonable and customary for the area? (If "NO", the input is not a significant contribution.)	x		
9	If hired labor and leased equipment originate from the same source, are separate contracts provided for the labor and for the equipment? (If "NO", equipment is not a significant contribution.) [4-PL Part 2, Section 6, Subsection 2]			x
10	For limited partnerships, LLPs, LLCs, corporations and similar legal entities, do the partners, members or stockholders providing active personal labor and/or active personal management collectively hold at least			x
11	50 percent interest in the legal entity? [4-PL Part 4, Section 4] If participant or any interest holder is an estate that has been in existence for over 2 years, has required			X
12	documentation been provided and determination made according to 4-PL? [4-PL Part 4, Section 5] If a trust, does the trust provide for modification or interest by the grantor, or provide for transfer to the remainder	\square		
	beneficiary in less than 20 years from the date the trust is established? [4-PL Part 4, Section 6]			X
13	If an irrevocable trust, has trust documentation been provided and is such documentation on file? [4-PL Part 4, Section 6]			X
14	For a State, political subdivision, or an agency thereof, is the land owned by the entity and used solely for the support of public schools? [4-PL Part 4, Section 1]			Х
15	If a charitable organization, does the land or proceeds from the farming operation transfer to an entity that exercises control over the organization? (If "YES", See Common Attribution in Part D, Item 5)			X
16	[4-PL Part 4, Section 1] Substantive change rules were met by (check each applicable substantive change): [4-PL Part 2, Section 5]			
	X Addition of 1 (number) adult family member(s)	X		\square
	For a landowner only, a change from cash rent to share rent			Х
	A 20% increase in base acres, allowing recognition of one person or legal entity for payment			X
	A qualifying change in ownership of equipment			Х
1	A qualifying change in ownership of land	X		
7	Addition of equipment not previously involved in the farming operation			X

*--D Example CCC-903 for 2010 and Subsequent Program Years (Continued)

CON	T C – FINDINGS OF THE REVIEWING AUTHORITY ITRIBUTIONS were determined as follows: Complete participant is a JOINT OPERATION. Complete Items 3 t	Item 1 if the participant is a PERSON or LEGAL ENTITY. Complete Item 2 if hrough 5 if the participant is a LEGAL ENTITY.			
1	The PERSON or LEGAL ENTITY is determined to make the following CONTRIBUTIONS:				
2	The JOINT OPERATION is determined to make the following CONTRIBUTION(S).				
	MEMBERS of the JOINT OPERATION are determined	d to make the following CONTRIBUTIONS:			
	Member(s) Name(s): Jack Beringer				
	Member(s) Name(s): Bobby Beringer				
	Member(s) Name(s): Ana Beringer	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Member(s) Name(s): Ida Beringer	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Member(s) Name(s): Jason Beringer	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Member(s) Name(s):	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Member(s) Name(s):	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Member(s) Name(s):	ACTIVE PERSONAL LABOR ACTIVE PERSONAL MANAGEMENT			
	Additional Pages are attached to show significant	contributions of additional members.			
	Special rules for SPOUSES or MINOR CHILDREN labor or active personal management in this farm	I are used to credit a spouse with a significant contribution of active personal ng operation. [4-PL Paragraph 116 and 147B]			
3	represent a contribution of active personal labor and/o	/, did all partners, stockholders, or members with an ownership interest r active personal management to the farming operation that meets all of the ble and documentable; and 3) separate and distinct from that of any other erest in the farming operation? YES NO [4-PL Paragraph 147]			
4	For any partner, stockholder or member that failed to an exception?	neet the requirement in Item 3, are both of the following requirements met for			
	- Total DCP direct payments received collectively by all partners, stockholders, and members directly and indirectly, does not exceed \$40,000 (Attach documentation of projected DCP/ACRE direct payments), <u>AND</u>				
	management to the farming operation of the legal entity.	ity is held by partners, stockholders, or members that are actively providing labor and YES NO [4-PL Paragraph 147]			
5	List all partners, stockholders, or members that do not applicable.	meet requirements in Item 3 <u>and</u> to whom the exception in Item 4 is not			

*--D Example CCC-903 for 2010 and Subsequent Program Years (Continued)

	cipant's Name: Beringer Partner	s II			Crop Year: 2013		
PAR	T D – DETERMINATIONS OF THE REV	IEWING AUT	HORITY				
	ed on the information provided, COC dete e Office determined):	rmined the fo	ollowing:	(Or, for joint operations with 6 or more	members, the	YES	NO
1	The farming operation is NOT ELIGIBL holder were not provided.	E for paymer	nt becaus		nember or interest 1-CM (Rev 3) Part 6]		Х
2	LANDOWNER PROVISIONS apply to a	all or part of t	his partic	ipant's farming operation.	[4-PL Paragraph 62]	X	
ЗA	For PERSONS or LEGAL ENTITIES: 1 AT RISK; <u>And</u> the person or entity is A			N FARMING. (If "NO", explain in REM			
3B	For JOINT OPERATIONS ONLY, each member's contributions are SIGNIFICANT, COMMENSURATE and AT RISK; And EACH MEMBER is ACTIVELY ENGAGED IN FARMING. (If "NO ", explain in REMARKS)						
4	[4-PL Paragraphs 136-141] A CROPLAND FACTOR applies because CASH RENT TENANT rules are not met by the person, the entity, or by one or more members of the joint operation; or because the participant is only partially actively engaged in farming (If "YES", explain in Remarks) [4-PL Paragraphs 64; 91 and 92]				х		
5	A PAYMENT REDUCTION applies bec contributions of active personal labor a following: 1) performed on a regular be any other partner, stockholder, or mem	nd/or active p asis; 2) identif	personal r fiable and	nanagement to the farming operation the documentable; and 3) separate and d interest in the farming operation.	nat meets all of the		x
6	COMMON ATTRIBUTION applies to th	e following:					
7	Ineligible FOREIGN PERSONS are:						
8	Ineligible ESTATES OVER 2 YEARS C	LD are:					
9	SUBSTANTIVE CHANGE was required	. but NOT M	ET by:				
PAR	T F – SIGNATURE OF REVIEWING AUT	THORITY					
. C	OC or STO Representative Signature	THORITY		2. Title	3. Date	/1.2	
. C		THORITY		2. Title Chairperson COC	3. Date 3/15	/13	
. C Isl	OC or STO Representative Signature	THORITY				/13	
. C Isl	OC or STO Representative Signature <i>Roger Johnson</i>	THORITY					
. C Isl	OC or STO Representative Signature <i>Roger Johnson</i>	Action			3/15 Da	te	
. C Isi Par	OC or STO Representative Signature Roger Johnson T G – ACTIONS COMPLETED	Action I issued to all	l parties.	Chairperson COC	3/15 Da t 7] 3/19	te /13	
I. C Isl PAR	OC or STO Representative Signature Roger Johnson T G – ACTIONS COMPLETED Written NOTICE OF DETERMINATION	Action I issued to all LIGIBILITY fi	l parties. les.	Chairperson COC [4-PL Pa [3-PL (Rev. 1) Paragraphs 24-	3/15 Da t 7] 3/19	te /13 /13	
1. C <i>Isl</i> 2	OC or STO Representative Signature Roger Johnson T G – ACTIONS COMPLETED Written NOTICE OF DETERMINATION Determinations recorded in the WEB E For Entities and Joint Operations: Sub - members - shares - member contributions	Action I issued to all LIGIBILITY fi sidiary files w	l parties. les. vere verifi	Chairperson COC [4-PL Pa [3-PL (Rev. 1) Paragraphs 24 ed or updated to reflect correct:	3/15 Da t 7] 3/19 31] 3/19	te /13 /13	

208 COC Requirements to Make Timely Determinations

A Overview

COC shall make the initial actively engaged in farming and eligibility determinations within the deadlines established in paragraph 206.

Note: See paragraph 236 for required State Office determinations.

B Definition

<u>Default determination</u> means all persons or legal entities are considered to be actively engaged in farming.

C Rule

If COC does **not** make the initial determinations within the 60-calendar-day time limit, the applicant shall receive a default determination. COC **must** still make actively engaged in farming and eligibility determinations. If the correct determination is different:

- FSA will honor the default determination for the current year, if the farm operation plan is followed **exactly**
- the proper determination will apply, if the farm operation plan is **not** followed exactly
- the proper determination will apply the following year, if the operation is **exactly** the same.

D Notification to Producer

See paragraphs 243 and 244 for notification requirements of both the default and correct determination letters to the producer.

* * *

209-215 (Reserved)

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216 Redelegating Authority

A Introduction

COC may redelegate their authority to CED to make actively engaged in farming and eligibility determinations in certain circumstances.

B Redelegating Circumstances

COC's authority to make actively engaged in farming and eligibility determinations may be redelegated to CED when the cases delegated are routine.

C Spot-Checking Redelegated Determinations

Periodically, COC's and DD's shall review a sufficient number of redelegated cases to ensure that proper determinations are being made.

*--D AGI

SED's are delegated authority to make AGI determinations.--*

Note: Record all COC determinations in COC minutes, including determinations made by CED for COC.

217 * * * Relief and Incorrect Determinations

A Misaction or Misinformation

See 7-CP for cases involving misaction or misinformation.

*--B Incorrect Payment Limitation or Actively Engaged in Farming Determination Corrective Action

Use this table if a payment limitation or actively engaged in farming determination is--* found to be in error by any reviewing authority.

IF a determination is	
found to be in error	THEN the
within 60 calendar days of the date the producer filed a complete CCC-902	 producer shall be immediately notified of the corrected determination and advised of the right to appeal according to 1-APP corrected determination shall be applicable for the current year, unless
	COC determines and DD concurs that both of the following apply:
	• error was not so great that the producer should have noticed the error
	• producer, relying on the erroneous written determination and acting in good faith:
	• materially changed plans because of the erroneous determination
	• was not notified in time to comply with the correct determination without suffering a loss.
but not within 60 calendar days of the date the producer filed a complete CCC-902	• initial determination shall be considered a default determination according to paragraph 208 for the current year and any previous year to which CCC-902 is applicable
	Exception: The correct determination shall apply for the current year if both of the following apply:
	• incorrect determination was made in a previous year and considered to be in effect for subsequent years
	• error was discovered and the producer was notified before a payment.
	 producer shall be notified of the correct determination according to paragraph 244.

--Note: The provisions of this paragraph are not applicable to average AGI determinations.--

218-225 (Reserved)

Section 2 County Office Responsibilities

Subsection 1 Multiple State and County Producers

226 Responsibilities of County Office Receiving CCC-902

A Overview

This paragraph explains the basic responsibilities of a County Office that receives CCC-902 from a multiple county producer.

B Responsibilities

Counties receiving CCC-902 for a multiple county producer shall follow this table.

Step	Action
1	Immediately photocopy all forms and supporting documentation submitted.
2	Prepare a letter advising other County Offices involved of:
	the filing datewhich county is the control county.
3	Mail the letter with a set of the photocopied documents to each County Office where the producer has a farming interest.

C Determination Deadline

COC **must** make determinations and notify the producer within 60 calendar days after the producer files a complete CCC-902. The 60 calendar day period begins on the date a complete CCC-902 is filed, regardless of whether or **not** the County Office receiving the filing is the control county.

227 Control County Responsibilities

A Responsibilities

This table contains a list of responsibilities of control counties in different situations.

IF the multiple county producer is involved in	THEN the control County Office shall make
only 1 farming operation	eligibility determinationsactively engaged in farming determinations.
multiple farming operations and all operations are in the control county	 all eligibility determinations all actively engaged in farming determinations.
multiple farming operations and all farming operations are not in the	• all eligibility determinations
control county	 actively engaged in farming determinations for the farming operations located in the control county.

B Actively Engaged Determination Exception

The control county is **not** responsible for making the actively engaged determination for a farming operation located entirely in another county.

A Overview

Counties with multiple county producers shall remain in close contact. This paragraph provides the interaction that **must** take place between counties.

B Control County Responsibilities

The control county shall:

- notify the producer of the determination within 60 calendar days of the producer filing date
 - **Note:** The control county shall **not** delay notification to the producer to obtain the concurrence of other COC's.
- notify COC's involved with the multiple county producer of the determinations
- upon receiving concurrence from other COC's, update eligibility flags according to *--3-PL (Rev. 1).--*

228 Interaction Between Counties (Continued)

C Other County Initial Determination Responsibilities

COC's in noncontrol counties receiving an initial determination notification by the control county COC for a multiple county producer shall respond according to this table.

IF COC's in noncontrol	
counties	THEN the noncontrol county shall
agree with the determination	notify the control county of the concurrence in writing.
do not agree with the determination made by the control county	• immediately contact the control county to resolve the differences
	• involve DD's and State Offices if needed to resolve the differences
	• notify the control county of concurrence, in writing , when the differences have been resolved.

Note: If the original determination is changed for any reason, the control county shall immediately repeat the procedures in this paragraph.

D Other County Updated Determination Responsibilities

COC's in noncontrol counties receiving an updated determination notification by the control county COC for a multiple county producer shall take the following action.

IF COC's in noncontrol counties	THEN that county
agree with the determination that is	is not required to respond when the letter sent by
being updated	the control county indicates that an agreeing
	response is not needed.
do not agree with the updated	shall follow the instructions in subparagraph C
determination	when a noncontrol county does not agree.

229 Producers With Multiple State Interests

A COC Determinations for Multiple State Producers

Procedure applicable to multicounty producers shall be followed for multiple State producers, according to paragraph 228.

B State Office Concurrence

Counties should communicate directly with and provide notification and determination copies to the State Offices for concurrence.

230-235 (Reserved)

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Subsection 2 State Office Determinations

236 Required State Office Determinations

A Rule on Required State Office Determinations

[7 CFR 1400.2] State Office review and determination is:

- **required** in 2009 for initial eligibility and actively engaged in farming determinations for joint operations with 6 or more members
- •*--not required in 2010 through 2013 when both of the following apply:--*
 - State Office made eligibility and actively engaged in farming determinations for the joint operation in a previous year
 - producer certifies minor changes in the farming operation and COC determines that the changes will **not** affect determinations previously made by the State.
- **Notes:** State Offices are **not** required to make initial determinations for Indians receiving payment through affiliation with BIA or on lands owned by or held in trust for an Indian tribal venture.

Complex cases **must** be reviewed by STC.

COC's shall **not** make or recommend a determination.

236 Required State Office Determinations (Continued)

B Related Farming Operations

If State Office is required to make eligibility and actively engaged in farming determinations for a producer and the producer is also involved in another farming operation as an individual or member of a joint operation or entity:

- CCC-902's for the other farming operations are **not** required to be sent to the State Office for determination
 - **Exception:** If there is reason to believe the additional CCC-902's would change the determination, the State Office may require CCC-902's for the other farming operations.
- the applicable control COC for the other farming operations shall:
 - make the required determinations for that farming operation
 - notify the producer.

236 Required State Office Determinations (Continued)

C Determination Deadlines

This table provides deadlines for the State Office to make eligibility and actively engaged in farming determinations and producer notification (subparagraph 237 B)

IF CCC-902 is filed	
for programs	THEN make
not requiring an	an eligibility determination and notify the producer within
actively engaged in	60 calendar days of the date the applicable CCC-902 was filed.
farming determination	
	Note: An actively engaged in farming determination is not
	required until benefits are requested for a program
	requiring an actively engaged in farming determination.
not requiring an	• an eligibility determination, and notify the producer within
actively engaged in	60 calendar days of the date the applicable CCC-902 was
farming determination,	filed
but benefits are later	
requested for a	• an actively engaged in farming determination within
program requiring an	60 calendar days of the later of the following:
actively engaged in	
farming determination	• date the application or contract to participate for the
C	program subject to an actively engaged in farming
	determination is filed
	• date a new or updated CCC-902 is filed, if applicable.
requiring an actively	eligibility and actively engaged in farming determinations, and
engaged in farming	notify the producer within 60 calendar days of the date the
determination	applicable CCC-902 is filed.

D Default Determinations

If the State Office does **not** make the initial determinations within the 60 calendar day time limit, the applicant shall receive a default determination according to paragraph 208.

237 Required Documentation

A Sending Files to the State Office

If a State Office determination is required according to this paragraph, County Offices shall send, by fastest means possible, new or updated CCC-902's with supporting documentation to State Office no later than 3 workdays following the day CCC-902's were received in the County Office.

Supporting documentation shall include a copy of:

- the requests for program benefits filed by the producer
- CCC-902's for the interests of the producer in other farming operations as an individual or member of a joint operation or entity as required by the State Office.

Supporting documentation may also include:

- copy of cash or share leases
- legal documentation about:
 - corporations
 - land ownership
 - partnerships
 - trusts
- additional documentation, as required by the State Office.

B Notifying Producers of Joint Operations With 6 or More Members

County Offices shall notify applicable producers by letter that:

- CCC-902 and supporting documentation, if applicable, has been sent to the State Office according to the requirement that State Offices make initial eligibility and actively engaged in farming determinations for joint operations with 6 or more members
- determination notifications will be sent from the State Office.

238-240 (Reserved)

Subsection 3 Notifying Producers of Determinations

241 Notifying Producers of COC Determinations

A Introduction

County Offices shall notify producers of COC's payment eligibility and payment limitation determinations as soon as possible after the determinations are made.

B Rule

County Offices shall notify producers of COC's determinations **no** later than 60 calendar days after the date the completed CCC-902 was filed.

C Types of Notifications

County Offices shall mail the following types of notification letters to producers:

- payment approvals to entities with more than 10 percent foreign ownership
- default
- foreign person ineligibility
- payment eligibility and payment limitation
- proper determination after default determination
- payment reductions.

242 Payment Eligibility and Payment Limitation Determinations

A Notification Requirements

Notification letters informing participants of the COC's determinations for payment eligibility and payment limitation purposes must include information on the following:

- actively engaged in farming determination
- if applicable, determinations for cash-rent tenant * * *
- the number of payment limitations applicable
- for a legal entity and joint operation, that payments will also be attributed to each partner, stockholder, or member according to the ownership share represented
- an explanation of any reduction in payment to the legal entity commensurate with the ownership interest held by the stockholder, partner, or member that failed to make a contribution of active personal labor and/or active personal management to the farming operation that are performed on a regular basis; identifiable and documentable; and separate and distinct from such contributions of any other partner, stockholder, or member of the farming operation
- the statement, "This determination is based on facts as submitted. You are responsible for promptly notifying the County Office of any change that would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule."
- these determinations will remain in effect for the current and subsequent years and a new farm operating plan will not be required unless a change occurs in the farming operation that would affect these determinations
- a statement that the determination may be appealed within 30 calendar days of notification, if the determination is adverse.

A Rule

Every participant shall receive a determination **no** later than 60 calendar days after submitting a completed CCC-902. If COC **cannot** make an initial determination within the required 60-calendar-day period, the producer will receive and be notified of a default determination.

B Notification Example

This is an example of a letter notifying the producer of a default determination.

[*Letterhead*] **Riverside County FSA Office** Box 123 Anytown CA 92241-0123 Date Ms. Becky Montana, President Montana Farms, Inc. POBox 3 Anytown CA 92241-0003 Dear Ms. Montana: The Orange County FSA Committee did not complete its review within 60 calendar days of the date CCC-902 was filed in the County Office. Therefore, you will receive the determination that you sought for [year], provided the information given accurately reflects your farming operation. Montana Farms, Inc., will be considered. [Insert the correct determination response; for example; actively engaged in farming; restricted to one limitation.] Any payments received by this corporation will be attributed to each stockholder listed, based on the ownership shares as represented. If it is subsequently determined that the farming operation was **not** conducted as indicated on the CCC-902, the determination sought by you will no longer automatically apply, and a more restrictive determination may be applied. [Give appeal rights according to 1-APP.] Sincerely,

Tom Jones County Executive Director

A Rule

A default determination does **not** relieve COC from making a proper determination. If the proper determination is different from the default determination, notify the producer of the following:

- the proper determination
- that FSA will honor the default determination for the current year, if the operating plan is followed **exactly**.

Note: The proper determination will apply for the:

- current year, if it is determined that the farm operating plan is **not** followed **exactly** as presented
- following year, if the operation is **exactly** the same in the following year.

244 **Proper Determinations (Continued)**

B Example Notification

This is an example letter notifying producers of a proper determination after a default determination.

[Letterhead]		
Orange County FSA Office Box 123 Anytown CA 92680-0123		
Date		
Ms. Sandra Fields P O Box 3 Anytown CA 92680-0003		
Dear Ms. Fields:		
By letter dated is [<i>are</i>] considered to be eligible for [<i>year</i>], separate and distinct from any other individual or entity.		
The Orange County FSA Committee has completed a more thorough review of the farm operation plan for [<i>year</i>] and found the original determination to be incorrect. If there are no changes in your operation for [<i>next year</i>] and subsequent years, this revised determination will be effective for those years.		
Based on the information submitted, the Committee determined that		
Based on these understandings, the Committee determined that		
As stated above, this revised determination does not affect the determination given you earlier for this year. However, the determination will be effective for [<i>year</i>], if no changes are made for that year.		
This determination is based on the facts as submitted. Any unrevealed circumstances could require the application of a more restrictive rule.		
[Give appeal rights according to 1-APP.]		
Sincerely,		
F. Amos County Executive Director		

A Introduction

Use the example notification letters in subparagraphs B and C as guides when notifying participants of payment eligibility and payment limitation determinations.

B Letter for an Individual

This is an example of a letter notifying the producer of COC determination for an individual.

[Letterhead]
Date
Mr. Charles Ludlow 2342 Burke Rd Glen Rose, TX 74444
Dear Mr. Ludlow:
The Erath County FSA Committee has completed its review of your farm operating plan for [year]. Based on the information submitted, the Committee determined the following:
• you are "actively engaged in farming" and eligible for payments and benefits that may be requested under programs subject to the payment eligibility and payment limitation provisions
• you are restricted to one limitation for payment limitation purposes.
These determinations will remain in effect for the current and subsequent years and a new farm operating plan will not be required unless a change occurs in your farming operation that would affect these determinations.
These determinations are based on the facts as submitted. You are responsible for promptly notifying the County FSA Office in writing of any change that would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule.
[Provide appeal rights according to 1-APP if determination is adverse.]
Sincerely,
Joe B. Grumpy County Executive Director

245 Notification Letters (Continued)

C Letter for a Legal Entity

This is an example of a letter notifying the producer of COC determination for a legal entity.

[Letterhead]		
[Lenemeda]		
Date		
Mr. John Hardesty J and J Inc. N 1024 Rd Someplace, OK 98764		
Dear Mr. Hardesty:		
The Sooner County FSA Committee has completed the review of the farm operating plan and supporting documentation submitted on behalf of J and J Inc. for [<i>year</i>]. The Sooner County FSA Committee understands that J and J Inc. is a properly chartered corporation having 2 stockholders, each owning 50 percent of the stock. Corporate interests are as follows:		
Individual/legal entityPercent InterestJohn Hardesty50Jimmy Hardesty50		
Based on the information submitted, the Committee determined the following:		
• J and J Inc. is "actively engaged in farming" and eligible for payments under programs subject to the payment eligibility and payment limitation provisions		
• J and J Inc. is restricted to one limitation for payment limitation purposes and payments will also be attributed to each stockholder in accordance with the ownership share represented.		
These determinations will remain in effect for the current and subsequent years and a new farm operating plan will not be required unless a change occurs in your farming operation that would affect these determinations.		
These determinations are based on the facts as submitted. You are responsible for promptly notifying the County FSA Office in writing of any change that would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule.		
[Provide appeal rights according to 1-APP if determination is adverse.]		
Sincerely,		
Jane C. Doe County Executive Director		

C Letter for a Legal Entity (Continued)

[Letterhead]		
Date		
Mr. John Smith S & J LLC N Dusty Road Sometown, NE 98764		
Dear Mr. Smith:		
The Huskers County FSA Committee has completed the review of the farm operating plan and supporting documentation submitted on behalf of J & S LLC for [<i>year</i>]. The Huskers County FSA Committee understands that J & S LLC is a properly organized limited liability company with 2 interest holders, each owning 50 percent of the entity. Entity interests are identified as follows:		
Individual/legal entity Pr John Smith Jimmy Jones	ercent Interest 50 50	
Based on the information submitted, the C	ommittee determined the following:	
• J & S LLC is "actively engaged in farming" and eligible for payments under programs subject to the payment eligibility and payment limitation provisions.		
• J & S LLC is restricted to one limitation for payment limitation purposes and payments will be attributed to each stockholder in accordance with the ownership share represented.		
• Program payments issued to J & S LLC will be reduced by 50 percent, the interest held by Jimmy Jones. All interest holders in an entity are required to make contributions of active personal labor and/or active personal management to the farming operation. Such activities must be contributed to the farming operation on a regular basis throughout the crop year; identifiable and documentable; and separate and distinct from such contributions of any other interest holder. The failure of an interest holder to meet these requirements results in a reduction in payments commensurate with the ownership interest held by such interest holder in the entity. The CCC-902E farm operating plan submitted for J & S LLC revealed that Mr. Jones did not make any contributions to the farming operation.		
• These determinations will remain in effect for the current and subsequent years and a new farm operating plan will not be required unless a change occurs in your farming operation that would affect these determinations.		
These determinations are based on the facts as submitted. You are responsible for promptly notifying County FSA Office in writing of any change that would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule.		
[Provide appeal rights according to 1-APP.]		
Sincerely,		
Jane C. Doe County Executive Director		

D Letter for a Joint Operation, Eligible for Payment

*__

(Date)

PRODUCER NAME ADDRESS1 ADDRESS2

Dear JOINT OPERATION NAME:

The COUNTY NAME County FSA Committee has completed its review of the YEAR farm operating plan and supporting documentation for JOINT OPERATION NAME, a joint operation. The County Committee did not consider any other farming operations in which the joint operation is involved as a member of an entity or a member of another joint operation because these determinations will be made with respect to the Farm Operating Plans filed by such entities or joint operations.

Based on the information submitted, the County Committee determined that the following members of JOINT OPERATION NAME, a joint operation, are eligible for payments subject to the payment eligibility and payment limitation provisions:

Member Name	Percent Share
(MEMBER NAME)	XX

The COUNTY NAME County Committee determined each member:

is actively engaged in farming

(only include this statement if it applies) meets cash rent tenant rules

is restricted to one limitation for payment purposes and payments will be attributed to each member in accordance with their ownership share. Payments to members who are entities will be attributed to members based on their ownership shares to the 4th level of ownership.

(Only include this statement if it applies) Payments will be restricted as indicated:

- MEMBER NAME, a minor child, will have payments attributed to PARENT'S NAME
- MEMBER NAME, a revocable trust, will have payments attributed to GRANTOR'S NAME

These determinations will remain in effect for the current and subsequent years. A new farm operating plan will not be required unless a change occurs that would affect the determinations.

These determinations are based on the facts as submitted. You are responsible for promptly notifying the COUNTY NAME County Office in writing of any change which would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule.

Sincerely,

CED NAME County Executive Director COUNTY NAME FSA Office

__*

245 Notification Letters (Continued)

E Letter for a Joint Operation, Ineligible for Payment

*__ (Date) PRODUCER NAME ADDRESS1 ADDRESS2 Dear JOINT OPERATION NAME: The COUNTY NAME County FSA Committee has completed its review of the YEAR farm operating plan and supporting documentation for JOINT OPERATION NAME, a joint operation. The County Committee did not consider any other farming operations in which the joint operation is involved as a member of an entity or a member of another joint operation because these determinations will be made with respect to the Farm Operating Plans filed by such entities or joint operations. Based on the information submitted, the County Committee determined that the following members of JOINT OPERATION NAME, a joint operation, are eligible for payments subject to the payment eligibility and payment limitation provisions: Member Name Percent Share (MEMBER NAME) XX (MEMBER NAME) XX The COUNTY NAME County Committee determined each of these members: is actively engaged in farming (only include this statement if it applies) meets cash rent tenant rules is restricted to one limitation for payment purposes and payments will be attributed to each member in accordance with their ownership share. Payments to members who are entities will be attributed to members based on their ownership shares to the 4th level of ownership. (Only include this statement if it applies) Payments will be restricted as indicated: MEMBER NAME, a minor child, will have payments attributed to PARENT'S NAME MEMBER NAME, a revocable trust, will have payments attributed to GRANTOR'S NAME The County Committee further determined that the following members are NOT ELIGIBLE for payment for the following reasons: Percent Share Reason for Ineligibility (describe as applicable) Member Name (MEMBER NAME) XX (for example: This member is not actively engaged in farming. The member does not make a significant contribution of active personal labor or active personal management.) (MEMBER NAME) XX (for example: This member does not meet cash rent tenant rules. A significant contribution of equipment is provided by the joint operation, but this member does not make a significant contribution of active personal labor or active personal management) (MEMBER NAME) XX (for example: This member is a foreign person who does not meet foreign person rules. Capital and land are provided, but a significant contribution of active personal labor is not provided.) These determinations will remain in effect for the current and subsequent years. A new farm operating plan will not be required unless a change occurs that would affect the determinations. These determinations are based on the facts as submitted. You are responsible for promptly notifying the COUNTY NAME County Office in writing of any change which would affect these determinations. Any unrevealed circumstances could require the application of a more restrictive rule. [Provide appeal rights according to 1-APP Rev. 2)] Sincerely,

Sincerely, CED NAME County Executive Director COUNTY NAME FSA Office

246-250 (Reserved)

251 Filing Payment Limitation Documentation

A Introduction

County Offices shall file applicable payment limitation documentation received from producers and other County Offices.

B How to File

County Offices shall file producer and County Office documentation:

- in separate folders
- alphabetically by producer.

252-255 (Reserved)

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256 Monitoring COC Determinations

A Introduction

DD's shall monitor COC initial, end-of-year, scheme or device, and default determinations to ensure that proper and timely determinations are made.

B Initial Determinations

DD's shall review initial COC determinations to ensure that COC has timely:

- made determinations that properly considered:
 - cash-rent tenant provisions
 - commensurate contributions
 - significant contributions
 - substantive change rules
- and properly notified producers, in writing, of determinations
- and adequately monitored determinations for multiple county producers.

256 Monitoring COC Determinations (Continued)

C End-of-Year Determinations

DD's shall review a number of cases selected for end-of-year review to ensure that:

- cases for review were properly selected
- correct determinations were made based on documentation provided
- documentation was sufficient to support the determination
- reviews were made in a timely manner.

Note: DD's are encouraged to review documentation **before** COC determination. In all cases, DD's should review **before** producer is notified of the outcome of the review.

D Scheme or Device Determinations

DD's shall:

- provide assistance to COC, as appropriate
- concur with COC's determination of scheme or device **before** the producer is notified of the determination
- initial COC determination in COC minutes.

257 Corrective Actions

A Introduction

If DD's review of COC determinations or County Office determination handling reveals errors or other problems, DD's shall take immediate and appropriate action.

B Guidelines

DD's shall determine the magnitude of the situation when errors or problems are discovered. Based on the magnitude, DD's shall determine how to provide assistance to correct the situation.

IF the error or problem is	THEN	
isolated to a small number of cases	review with COC or County Office the correct procedure and corrective action, if applicable.	
widespread	 review with COC or County Office the correct procedure and corrective action contact State Office specialist to determine whether additional 	
	action, such as training, is necessary.	
recurring after DD's	contact State Office specialist for assistance in correcting the	
guidance to correct	situation.	

DD's shall use this table to decide the best way to handle situations.

C Subsequent Review

After subsequent visits to County Offices, DD's shall review to determine whether:

- errors or problems have been resolved
- COC or County Office is following procedure.

D Report to State Office

DD shall be prepared to report to STC or State Office any errors or problems encountered in the district.

258 DD Disagreement With COC Determinations

A Introduction

DD's do **not** have authority to overrule COC determinations.

B Determination Disagreements

If a disagreement on the determination **cannot** be resolved at the local level, DD shall:

- submit the case with all documentation to STC for a determination
- transmit the file with a memorandum containing a short narrative explaining:
 - why COC determination is believed to be incorrect
 - DD's recommended determination.

259, 260 (Reserved)

Section 4 STC Responsibilities

261 STC Authority

A Introduction

STC's have authority over COC's, County Offices, DD's, and State Office specialists to implement the provisions of this handbook.

B Responsibilities

STC's shall:

- assign a State program specialist the responsibility to carryout provisions of this handbook
- resolve questioned COC determinations
- establish a date by which end-of-year reviews **must** be completed
- establish a date for submitting end-of-year review report
- be responsible for reviewing cases involving initial eligibility determinations for joint operations consisting of 6 or more members.

C Actions

STC's may take any action authorized or required to be taken by COC's that is **not** taken by COC. STC's may also:

- correct, or require COC's to correct, any action taken by COC that is **not** according to the provisions of this handbook
- require COC's to withhold taking any action that is **not** according to this handbook.

261 STC Authority (Continued)

D Assigning Program Specialist

STC shall assign a State program specialist the overall responsibility for the day-to-day administration of payment limitation determinations.

E Questioned COC Determinations

STC's shall:

- resolve determinations that are questioned by DD's
- complete determination resolution responsibilities by reviewing material submitted by DD's according to paragraph 258.

F End-of-Year Reviews

STC shall specify a date by which all end-of-year reviews **must** be completed within the State. STC shall take into consideration the following:

- different dates may be established for specific areas within the State
- an action; such as marketing of a crop, may **not** be completed at the time of the end-of-year review

Note: Do **not** consider the determination incorrect simply because the action is **not** completed by the established end-of-year review date.

• that some factors to be considered may require verification beyond the STC-established end-of-year review date

Note: The end-of-year review should be completed to the extent that followup actions are known and scheduled.

- the date final payments will be made.
- **Note:** This paragraph shall be supplemented by each State Office to specify dates by which end-of-year reviews shall be completed.

262 State Office Specialist Responsibilities

A Introduction

The State Office specialist is assigned the overall responsibility for the day-to-day operation of payment limitation determinations according to this handbook within the State. The State Office specialist shall:

- provide training
- provide technical assistance
- accumulate reports.

B Training

State Office specialists shall provide payment limitation procedure training to COC's, DD's, and County Offices. **Each** year, State Office specialists shall assess training needs within the State and provide training, as necessary.

C Technical Assistance

The State Office specialist shall provide technical assistance to all levels within the State by:

- assisting with reviews of any determination questioned by DD
- obtaining assistance of OIG, if appropriate, for scheme or device determination
- following up on DD reports of improper or insufficient COC determinations
- preparing cases, as necessary, for STC determinations
- selecting a sufficient number of CED's and program assistants to serve as members of district teams to conduct end-of-year reviews.

Notes: Review team members shall **not** participate in the review of producers who operate in the same county that employs the review team member.

The State Office specialist shall oversee progress and adequacy of findings by requiring reports, as appropriate.

262 State Office Specialist Responsibilities (Continued)

D Accumulating Reports

The State Office specialist shall:

- monitor the number of default determinations made by each County Office
- be prepared to provide a cumulative report of the total number of default determinations in the State to DAFP, if requested
- require a report of default determinations end-of-year reviews from each County Office.

E Required Determinations

State Offices shall:

- make initial eligibility and actively engaged in farming determinations for joint operations receiving payment with 6 or more members
- **not** make determinations for all other farming operations in which the producer is involved as an individual or member of a joint operation or entity.

The control County Office shall make all other eligibility determinations according to paragraph 227.

F Determination Priority

Determinations shall be sorted to prioritize determinations involving newly filed CCC-902's, operations with payments exceeding \$40,000, or any other applicable limitation.

If the volume of determinations prevents timely determinations in all cases, producers shall receive a default determination according to paragraph 243.

G Determination Required Action

State Offices shall:

- notify applicable producers of determinations made according to this handbook
- notify designated control county for the producer of determinations
- maintain a record of determinations made by the State Office
- conduct end-of-year reviews for determinations required to be made by State Office.

263-265 (Reserved)

266 General Responsibilities

A General Supervision

[7 CFR 1400.2] The provisions of this handbook shall be administered under the general supervision and direction of the Executive Vice President, CCC and the Administrator, FSA.

B DAFP Authority

[7 CFR 1400.2 (d)] DAFP may take any action authorized or required to be taken by either COC or STC that is **not** taken by COC or STC. DAFP may also:

- correct or require COC or STC to correct any action taken by COC or STC that is **not** according to the provisions of this handbook
- require COC or STC to withhold taking any action that is **not** in keeping with provisions of this handbook.

267-400 (Reserved)

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*--Part 8 End of Year Reviews for 2009 and Subsequent Years

Section 1 Selections and Notifications

401 Overview

A Introduction

The determinations required by this handbook are made by the reviewing authority based on the producer's certification of the farming operation as represented on CCC-902's and supporting documents.

To maintain the integrity of payment limitation and payment eligibility provisions, end-of-year reviews are conducted to determine that farming operations were carried out as represented when initial determinations were made.

B Purpose

This section provides instructions for selecting and notifying producers of the end-of-year review.--*

*--402 Selection Process

A Introduction

Producers selected for an end-of-year review may be chosen for the following reasons:

- a judgmental selection by DAFP
- a required spot check
- an additional case selected for review by the reviewing authority.

B Judgmental Selection

A judgmental selection is performed on a nationwide basis to select producers for review using criteria including, but not limited to:

- the restructure of a farming operation in the past year by the addition of a new partner, deletion of a partner, change in stockholders, etc.
- the formation of a new farming operation in the past year
- a comparison of farming operations to determine whether an individual or legal entity is involved in more than 1 operation
- farming operations earning more than a specified dollar amount.

C Required Spot Checks

A default determination made according to paragraph 243 must be selected as an end-of-year review if the proper determination made according to paragraph 244 differed from the default determination.

Note: Determinations involving FSA employees are required to be selected for review only if selected according to this paragraph.--*

402 Selection Process (Continued)

D Additional Cases

In addition to cases that are judgmentally selected, or otherwise required to be selected, the following cases will also be selected for end-of-year review:

- any case which the reviewing authority has reason to believe the farm operating plan was not followed as represented
- any cases considered necessary by a State Office representative to maintain program integrity.

E Timing End-of-Year Reviews

Complete end-of-year reviews by the date established by STC, according to paragraph 261.

F Waiver Authority for State Offices

State Offices may waive judgmentally selected end-of-year reviews under the following circumstances:

- •*--farming operations involving **only** a spouse--*
- farming operation was previously reviewed in the last 3 years, did **not** receive an adverse determination, **and** the reviewing authority has determined that there have been no changes that affect the original determinations
- farming operations with **all** land meeting the landowner exemption
- for 2011 and subsequent years, farming operation conducted by a legal entity with no embedded legal entities as members.

Notes: State Offices shall include the number of any waived judgmentally selected reviews in the remarks sections of the final CCC-902EYR.

Any waiver request not within State Offices' approval authority may be sent to DAFP, along with adequate justification to support the request.

A Overview

After being notified, the producer is responsible for providing requested documents in a timely manner. This paragraph contains information to be included in the producer notification letter and explains what the producer must do after receiving the notification letter.

B Producer Notification

Producers who are required to submit documents shall be notified about their selection for end-of-year review no later than 90 calendar days before the end-of-year review completion date established by STC according to paragraph 261.

The notification letter shall contain the following:

- purpose of the end-of-year review
- documents required to be submitted
- the requirement to submit documents to the County Office within 30 calendar days
- actions that will be taken if documents are not submitted
- notification that the producer will receive results of the end-of-year review when completed.

C Producer Responsibility

It is the responsibility of the producer to submit requested documents within 30 calendar days from the date requested.

Note: It is recognized that some requested documents, such as crop sales documents, may not be available when the producer submits other documentation. The producer must submit all documents that are available at the time. The reviewing authority shall schedule followup action to obtain additional information if necessary.--*

403 **Producer Notification (Continued)**

*--D Example Notification Letter

This is an example of a letter notifying a producer of being selected for an **end-of-year** review.

[Letterhead]	Any County FSA Office 502 Spotcheck Ave	
[Date]	Some City US 55555-1234	
Wandering Brook, Inc. Fred Friendly, President 777 Lucky Day Rd Some City US 55555-1234		
Dear Mr. Friendly:		
Your farming operation has been selected for a 20XX pays end-of-year review.	ment limitation and payment eligibility	
End of year reviews are conducted annually on a number of are participants in various FSA administered programs. In limitation determinations are made based on the producer' operation will be conducted for the year.	itial payment eligibility and payment	
To ensure overall program integrity, it is necessary that the producer's farming operation be reviewed and documented. Accordingly, your farming operation will be reviewed to determine whether the operation was conducted in 20XX as represented on CCC-902, Farm Operating Plan, on which the initial payment eligibility and payment limitation determinations were based.		
[Delete the following paragraphs that are not applicable t	o the producer.]	
To verify capital contributions, the following documents a <i>this letter as a checklist when responding to this request</i>):	nd information are required (please use	
 operating loan documents income and expense ledgers canceled checks for expenditures, such as: fertilizer seed fuel equipment leases and purchases land leases and purchases hired labor and management any other farming operation expenditures. 		

*

403 **Producer Notification (Continued)**

*--D Example Notification Letter (Continued)

To verify land contributions, documents and information are required as follows:
 lease agreements sales contracts property tax statements canceled checks associated with land.
To verify equipment contributions, documents and information are required as follows:
 equipment listings lease agreements purchase contracts canceled checks associated with equipment.
To verify labor contributions, documents and information are required as follows:
 documentation of who provided actual labor contributions and type of labor employee time sheets or books, if applicable canceled checks for hired labor, if applicable.
To verify management contributions, documents and information are required as follows:
 documentation of who provided actual management contributions and specific duties canceled checks for hired management documents showing signature of individual involved in management, such as: canceled checks for significant purchases loan documents lease and purchase agreements sales documents.
Other documents and information necessary to make a complete review includes, but is not limited to, the following:
 crop sales documents warehouse ledgers gin ledgers corporation papers, including documentation of share ownership

403 **Producer Notification (Continued)**

*--D Example Notification Letter (Continued)

partnership agreements or articles of partnership
trust agreements
legal documents and contracts
accounting records
court records
crop insurance documents.
Please provide the requested information to this office within 30 calendar days of the date of this letter. We will photocopy and return the documents and written information you submit. Copies of the documents and information will be forwarded to the individual(s) who will be conducting the actual review and documenting their findings. The (<i>Any County FSA Committee or State FSA Office, as applicable</i>) will then make determinations based on findings supported by the documents and information you provide. Therefore, it is important that you provide complete and accurate documentation.
You may also be contacted for an interview to obtain additional information and clarification concerning contributions to the farming operation and transactions about the farming operation. During the interview, you may be requested to provide access to additional records.
Upon completion of the review, you will be notified of the results of the review and any further action required.
If, within 30 calendar days of the date of this letter, you have not provided adequate documentation for the reviewing authority to make its findings and determinations, you will be:
• determined ineligible for the 20XX crop, program or fiscal year benefits
 notified of the revised determination, and given appeal rights
 required to refund payments earned as a result of the previous payment eligibility and payment limitation determination.
Thank you for your cooperation. If you have any questions, please contact this office.
Sincerely,
James E. Cricket
County Executive Director

404-410 (Reserved)

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*--Section 2 Documentation

411 Required Documentation

A Overview

Producers selected for an end-of-year review must provide adequate documents for the reviewing authority to determine that the farming operation was carried out as represented when initial determinations were made.

This paragraph contains instructions for obtaining documents to verify the entries made on CCC-902 and related forms.

B What to Verify

The reviewing authority must obtain adequate documents to verify that:

- inputs used to determine significant contributions to the farming operation were significant
- contributions were commensurate with claimed shares of the farming operation
- contributions were at risk
- land ownership has been accurately reported when the landowner rules were used in the original determination
- any other pertinent factors used in making the original determination are substantiated.

C Filing Evidence

County Office personnel shall photocopy documents obtained during the end-of-year review process. File the photocopies with other payment limitation documents. A sufficient number of documents used to make the determination must be filed to support the determination made by the reviewing authority.--*

*--411 Required Documentation (Continued)

D Examples of Required Documents

Adequate documentation is required to verify whether contributions are commensurate and significant. This table lists examples of documents used to verify these contributions.

Contribution	Examples of Documents	
Capital	• Operating loan documents.	
	• Income and expense ledgers.	
	• Canceled checks for expenditures, such as:	
	• fertilizer	
	• seed	
	• chemicals	
	• fuel	
	 equipment leases and purchases 	
	land leases and purchases	
	hired labor or management	
	• other farming operation expenditures.	
Land	Lease agreements.	
	• Sales contracts.	
	Property tax statements.	
	Canceled checks associated with land.	
Equipment	Lease agreements.	
	• Purchase contracts.	
	• Equipment listings.	
	Canceled checks associated with equipment.	
Labor	Employee time sheets or books.	
	Canceled checks for hired labor.	
Management	Canceled checks for hired management.	
	• Documents showing signature of person involved in management.	
	Examples: Canceled checks for significant purchases.	
	Loan documents.	
	Lease and purchase agreements.	
	Sales documents.	

--*

*--411 Required Documentation (Continued)

E Examples of Other Documents Needed

Other documents that may be needed to make a complete review could include, but are not limited to, the following:

- crop sales documents
- warehouse ledgers
- gin ledgers
- corporation papers, including documentation of share ownership
- partnership agreements or articles of partnership
- trust agreements
- legal documents and contracts
- accounting records
- court records
- crop insurance documents.--*

*--412 Failure to Provide Documentation

A Introduction

Producers selected for an end-of-year review must provide the reviewing authority with requested documents. This paragraph explains the adverse actions that will be taken if a producer does not comply with this requirement.

B Documentation Not Provided

A producer's failure to submit end-of-year review documentation shall result in the following actions.

IF the producer	THEN the producer shall be	
• refuses to provide the requested information	• determined not "actively engaged in farming" and ineligible for the year of the review and all later years until eligibility can be reestablished	
 does not provide information within 30 calendar days 	• notified of the revised determination, and given appeal rights	
	• required to refund payments earned as a result of the previous "actively engaged in farming" and eligibility determinations, according to the applicable program handbook.	
	Note: Follow 58-FI for issuing the initial notification letter.	
Note: This determination does not require COC action.		

Note: The reviewing authority may extend the deadline to provide information if merited by unusual circumstances.

C County Office Action

After a producer is determined ineligible for payment be, County Offices shall update the eligibility records through the eligibility or entity file.--*

412-414 (Reserved)

*--Section 3 Conducting Reviews

415 **Responsibilities**

A Overview

This section provides the required action and worksheets to be used to conduct end-of-year reviews.

This paragraph provides guidelines for required action for conducting end-of-year reviews.

B Review Teams

Members of the review team, established according to paragraph 262, shall:

- complete the review for all cases according to paragraph 402
- obtain additional documentation directly from producers whenever it is needed to determine that actual farming operations are or are not in compliance with approved farm operating plans
- document end-of-year review conclusions and make recommendations for action by the initial review authority.

C Determinations by Initial Reviewing Authority

The reviewing authority that made the initial determination for the producer selected for end-of-year review shall:

- thoroughly review conclusions and recommendations submitted by the review team
- collect any additional information needed to make an informed determination.

Note: If the State Office made the initial determination for the producer, the State Office shall make end-of-year review determination.--*

*--415 Responsibilities (Continued)

D Required Action and Responsibility

Follow this table to determine required action and responsibility.

Step	Action	Responsibility
1	Producer selection.	• Judgmental selection, DAFP.
		• All other cases, initial reviewing
		authority.
2	Producer notification.	Initial reviewing authority
3	Accumulation of requested information.	Producer's designated control County
		Office.
	Note: Documents shall be copied and	
	returned to the producer.	
4	Assigning and coordinating reviews.	State Office specialist.
5	Reviewing documents and fact findings.	Review team member or members under
		the supervision of the State Office
		specialist.
6	Determination and producer notification.	Initial reviewing authority.
7	End-of-year reports.	• Designated control County Office.
		• State Office.

--*

*--415 Responsibilities (Continued)

E Discrepancies

Follow this table if discrepancies with the farm operating plan are discovered.

IF a discrepancy is discovered that	THEN notify the producer of the
does not affect the original determination	discrepancy and confirm the original
	determination.
affects the original determination	 not "actively engaged in farming" determination or other revised determination amount of payments to refund, if applicable Note: See 58-FI.
	• producer's appeal rights.

416-420 (Reserved)

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*--421 Completing and Documenting Reviews

A Information Collection and Comparison

An end-of-year review requires the following actions:

- collection of copies of all program applications, contracts, payment eligibility documentation, and payment limitation documentation submitted by the producer for the applicable year
- collections of specific business-related documents and related information for the producer's farming operation for the applicable year
- comparison of both sets of information to the rules and regulations governing payment eligibility and payment limitation for the program year subject to review.

B Results and Findings

The results and findings of the review are the basis to determine whether the producer is either of the following:

- eligible, either all or in part, for the program payments and benefits received or requested
- ineligible for the program payments and benefits received or requested for the year or years subject to the review.

C Review Activities

All review actions and activities are to be recorded with using the 5-part CCC-900 package, which includes the following:

- CCC-900-1
- CCC-900-2
- CCC-900-3
- CCC-900-4
- CCC-900-5.--*

D Review Record

The 5-part CCC-900 package:

- must be completed for each producer selected for review
- becomes the permanent record of the review
- is the basis for the recommendations to the reviewing authority for subsequent determinations for payment eligibility and payment limitation.

E Availability and Using CCC-900 Package

All 5 parts of the CCC-900 package:

- •*--are available online at http://fsaintranet.sc.egov.usda.gov/dam/ffasforms/currentforms.asp--*
- are online fillable
- may be completed manually.

F Example of Completed CCC-900 Package

The following is an example of a completed CCC-900 package.

	n is available electronically.				
CCC-9		NT OF AGRICULTURE edit Corporation	A. Producer Name		
(08-12-1	U) Commodity Cre	son Corporation	Beringer Partners		
			B. State and County Office	Name	
		IBILITY/LIMITATION NOTIFICATION,	The second second second	C	
		TION COLLECTION	Johnson County FSA Of		
		CKLIST 1	C. Program Year Reviewed	1	
			⊠ 2009 🛛 2010	2011	2012
Follow t	the steps in this table to conduct	t EYR. Attach documents and additional info	ormation as appropriate.	1	
Step	Process	Action		Initial	Date
1	Producer Selection	Indicate how the case was selected:			
	4-PL, Par 402	A. Judgmental selection by DAFP.			
		B. Required spot check.		PT	8-10-2010
		C. Other case required by the reviewing	ng authority.		
2	Producer Notification 4-PL, Par 403 and 412	Date of letter notifying producer of selection	on: <u>8-10-2010</u>		
	4-FL, Fai 400 and 412	Note: The requested documents and info the producer on: 8-26-2010	rmation were provided by		
		If producer refused or failed to prov	ide records for EYR, date	PT	8-26-2010
		producer was notified of ineligibility:			
3	Collection of Agency Records	Obtain copies of all forms and related corr	espondence for producer:		
		A. CCC-901			
		⊠ B. CCC-902			
		⊠ C. CCC-903		PT	8-26-2010
		D. Notice of determination			
		E. MABDIG for joint operation or legal	entity		
		F. Program contracts and applications	for year reviewed		
Steps 4	4 and 5 will be completed by t	he Review Team			<u></u>
4	Review of Initial Information	Review documents and information initially to determine whether an interview with the			
		Note: Producer shall be interviewed unles for not interviewing the producer is justified in writing.			
		A. Is interview with producer required?	🛛 YES 🗌 NO		
		B. If "YES":			
		 (1) date the producer was notified: <u>8-</u> (2) go to step 5. 	27-2010	HD	8-27-2010
		C. If "NO":			
		(1) give justification for not interviewing	g the producer:		
		(2) go to step 5. imination in all its programs and activities on the basis of race, c			
status, parent bases apply t 202) 720-260 9410, Washir	tal status, religion, sexual orientation, genetic i to all programs.) Persons with disabilities who 00 (voice and TDD). To file a complaint of disc.	inframation, political beliefs, reprisal, or because all or part of an i o require alternative means for communication of program inform rimination, write to USDA, Assistant Secretary for Civil Rights, Off) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642	individual's income is derived from any publi nation (Braille, large print, audiotape, etc.) sh fice of the Assistant Secretary for Civil Rights	c assistance progr nould contact USE 1, 1400 Independer	ram. (Not all prohibited A's TARGET Center at nce Avenue, S.W., Stop

Step	Process	Action		Initial	Date
5	Producer Interview	Interview the producer(s) or representative obtain details of the farming operation and t the crop year. Note: Consider interviewing separately (wit principal spokesperson) those produknowing nothing about the farming of General interview information: A. In discussing the farming operation, doe description of the operation differ with ofYESNOC Note: If "YES", explain: B. If applicable, advise the producer(s) that need to be reviewed and the lending age	he method of operation for chout farm manager or cers that are suspected of peration. s the producer's(s') ther available information?		
	C. Name of Producer/Me	may need to be contacted to verify finance	-	-	
	Jack Beringer		D. Date of Interview 8-31-2010	-	
	Jack Beringer Ana Beringer		8-31-2010	HD	9-2-2010
	Bobby Beringer		8-31-2010	-	
	Ida Beringer		8-31-2010		
	knowledgeable of th member was able to responsibilities re operation's financi activities. All of	erviewed individually by the Review 7 e different aspects of the farming of provide details of their respective of presented. All of the members knew 4 ng, marketing, crop production, and 7 the members knew what the grain and rates for the day of the interview.	peration. Each duties and the details of the livestock production		
. Sigr	nature of Reviewing Authori	ty or Review Team Member		E. Date (N	IM-DD-YYYY)

F Example of Completed CCC-900 Package (Continued)

F Example of Completed CCC-900 Package (Continued)

(08-12-10) Commodity PAYMENT ELIG DOCUMENTS RECE CHEC	IENT OF AGRICULTURE y Credit Corporation SIBILITY/LIMITATION SIVED FROM PRODUCER CKLIST 2 ments submitted by the producer and initial a	 A. Producer Name Beringer Partners B. State and County Of Johnson County FS2 C. Program Year Revie ⊠ 2009 □ 20 and date. If a contribution of 	A Office ewed 010 □ 2	2011 🗌 2012	2
Contribution or Determination	Documentation Requ	uired	Initial	Date	N/A
1. Capital	 A. Operating loan documents. B. Income and expense ledgers. C. Canceled checks for expenditures, (1) fertilizer (2) seed (3) chemicals (4) fuel (5) equipment leases and purchases (6) land leases and purchases (7) livestock and livestock related (8) hired labor or management (9) other farming operation expended 	ses purchases	HD	9-2-2010	
2. Land	(Specify): ☑ A. Lease agreements. ☑ B. Sales contracts. ☑ C. Property tax statements. ☑ D. Canceled checks associated with la ☑ E. Other: (Specify):	ind.	HD	9-2-2010	
3. Equipment	 A. Lease agreements. B. Purchase contracts. C. Equipment listings. D. Canceled checks associated with equipment is a sociated with equipme	quipment.	HD	9-2-2010	
4. Labor	 ☑ A. Employee time sheets or books. ☑ B. Canceled checks for hired labor. □ C. Other: (Specify): 		HD	9-2-2010	
and where applicable, sex, marital status, fa all or part of an individual's income is derive who require alternative means for communic 720-2600 (voice and TDD). To file a comple Rights, 1400 Independence Avenue, S.W., S	prohibits discrimination in all its programs and ac amilial status, parental status, religion, sexual orie, ed from any public assistance program. (Not all p action of program information (Braille, large print, aint of discrimination, write to USDA, Assistant Se Stop 9410, Washington, DC 20250-9410, or call 00) 845-6136 (Spanish Federal-relay). USDA is a	entation, genetic information, p prohibited bases apply to all p audiotape, etc.) should conta ecretary for Civil Rights, Office toll-free at (866) 632-9992 (E	political beli programs.) ot USDA's T e of the Ass English) or (iefs, reprisal, or be Persons with disa TARGET Center al sistant Secretary fo '800) 877-8339 (Tl	ecause abilities t (202) or Civil

Par. 421

*--421 Completing and Documenting Reviews (Continued)

	Producer Name: Beringer Partners			Page
Contribution or Determination	Documentation Required	Initial	Date	N/#
Management	A. Canceled checks for hired management.			
	B. Loan documents.			
	C. Lease and purchase agreements.			
	D. Sales documents.			
	E. Appointment books.			
	F. Calendars.			
	G. Narrative summaries.	IID	0 0 0010	
	H. Phone logs.	HD	9-2-2010	
	I. Activity logs.			
	J. Other:			
	(Specify):			
. Commensurate	A. Program documents:			
	(Specify):CCC-509′ s			
	B. Crop sales documents.			
	⊠ C. Warehouse ledgers.			
	☐ D. Gin ledgers.			
	E. Corporation papers, including ownership share.			
	⊠ F. Partnership agreements.			
	G. Trust agreements.	HD	9-2-2010	
	☐ H. Legal documents and contracts.			
	☑ I. Accounting records.			
	J. Court records.			
	\boxtimes K. Crop insurance documents.			
. Signature of Reviewing Authority	(Specify):	E Data (A	IM-DD-YYYY)	
's/ Helen Dawson			09-02-2010	

F Example of Completed CCC-900 Package (Continued)

F Example of Completed CCC-900 Package (Continued)

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This form is available electror	nicallv.							
CCC-900-3 U.S. DEPAR	TMENT OF AGRICU			A. Producer Name				
(09-27-10) Commo	odity Credit Corporatio	n		Beringer Partners				
				B. State and County Office Name				
	ELIGIBILITY/L							
				Johnson County 1				
				C. Program Year Re ⊠ 2009 □	viewed 2010 □ 2011	□ 2012		
PART A – TOTAL VALUE OF								
Complete Part A to determine	the total value of the	e farming operation 2.	3.	4.	5.	6.		
	Capital	Land	Equipment		Management	Total		
Beringer Part	\$2,500,000	\$1,087,450	\$305,70	\$200,000	-	\$4,093,150		
Jack	-	-		- active	active			
Anna	-	-		- active	active			
Bobby	-	-		- active	active			
Ida	-	-		- active	active			
7. TOTAL 8. Notes and Remarks						\$4,093,150		
Total value of the farming oper management that is contributed made.								
Use information provided by th county committee.			,		,	,		
The U.S. Department of Agriculture (USDA) pro- status, parental status, religion, sexual orientatic bases apply to all programs.) Persons with disa (202) 720-2600 (voice and TDD). To file a comp 9410, Washington, DC 20250-9410, or call toll- opportunity provider and employer.	on, political beliefs, genetic int bilities who require alternative plaint of discrimination, write t	formation, reprisal, or becaus a means for communication of o USDA, Assistant Secretary	e all or part of an indi f program informatior for Civil Rights, Offic	ividual's income is derived from ar n (Braille, large print, audiotape, e e of the Assistant Secretary for C	ny public assistance program tc.) should contact USDA's 7 ivil Rights, 1400 Independen	. (Not all prohibited ARGET Center at ce Avenue, S.W., Stop		

F Example of Completed CCC-900 Package (Continued)

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Joinple	ete Part B to determine whether capital qualified as a significant contribution.	YES	NO	N/A
Nas ca	apital used as a significant contribution? If "YES", complete this Part B. If "NO", go to Part C.	X	NO	IN/A
Step				
1	Determine how the capital used as a significant contribution was acquired.			
	Note: Check the appropriate item or items, and go to the corresponding step of Part B.			
	A. Direct out-of-pocket input by individual, entity, joint operation, or members of joint operation. Go to step 2.			
	B. Capital borrowed by individual, entity, joint operation, or member of joint operation. Go to step 3.			
2	Determinations if direct out-of-pocket capital input.			
	A. If the capital was funded by an individual, entity, or member of the joint operation, were these contributions made directly to the farming operation? If "NO", explain:			
	B. If a joint operation in which the capital is contributed by a member or members of the joint operation rather than the joint operation itself, review member accounting records, checks, and loan documents to determine amounts invested.			<u> </u>
	C. Was each member's contribution of capital commensurate with their share of the operation? If "NO", other contributions may justify the claimed share of operation:			
	D. Interview the individual, entity representative, or member of the joint operation to ensure that capital contributions were out-of-pocket if not adequately established by documentation. Determine whether they borrowed the capital to provide their contribution.			
	Was capital borrowed? If "YES", go to step 3. If "NO", go to step 4.			
3	Determination if capital was borrowed.			
	If the capital contribution was borrowed:			
	A. Interview the producer to determine from whom the capital was borrowed, and annotate the lender's name:			
	First Commercial National Bank and Trust			
	B. Indicate the percentage of capital contribution that was borrowed: <u>70</u> %			
	C. Review accounting records to determine whether the capital was contributed directly to the farming operation.			
	D. Arrange with the producer to contact the lender and review the loan file.			

01.	Producer Name: Beringer Partners			
Step	Action	YES	NO	N/
4	Determination of significant contribution.			
	A. Did the producer provide the initial reviewing authority an estimated expense report for the year?			
	(1) If "YES", verify that the contribution equals as least 50 percent of the estimated expenses.			
	(2) If "NO", how did the reviewing authority determine that the individual's or entity's contribution was equal to 50 percent of the total capital necessary to conduct the farming operation?	x		
	B. Based on the review of the capital represented by the farming operation as qualifying, did the farming operation or individuals meet the requirements for a significant contribution of capital?			
	(1) If "YES", the farming operation has met its significant "left-hand" contribution.	x		
	 (2) If "NO", the farming operation has not met the requirements for significant "left-hand" contributions without additional "left-hand" contributions. Go to step 5. 	A		
	considered comparable to the annual capital requirements believed necessary for operation. Information from the county extension service and FLP values were us			
	comparative purposes.			
	C - EQUIPMENT CONTRIBUTION			
		YES	NO	N/.
Comple Nas ec	C – EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D.	YES X	NO	N//
Comple	C – EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution.	-	NO	N//
Comple Nas ec Step	C – EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action	-	NO	N//
Comple Nas ec Step	C – EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired.	-	NO	N//
Comple Nas ec Step	C – EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet.	-	NO	N//
Comple Nas ec Step	C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. Image: A. Owned by an operation or its members. Go to step 2.	-	NO	
Comple Nas ec Step 1	C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. Image: A. Owned by an operation or its members. Go to step 2. Image: B. Leased by an operation or its members. Go to step 3.	-		
Comple Nas ec Step 1	C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. Image: A. Owned by an operation or its members. Go to step 2. Image: B. Leased by an operation or its members. Go to step 3. Equipment owned and contributed by individual, entity, or joint operation.	-	x	
Comple Nas ec Step 1	 C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. A. Owned by an operation or its members. Go to step 2. B. Leased by an operation or its members. Go to step 3. Equipment owned and contributed by individual, entity, or joint operation. A. Did the farming operation or its members own all of the equipment used in the farming operation? Note: Review accounting or tax depreciating records, if provided, and other information to confirm 	-		
Comple Nas ec Step 1	 C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. ☑ A. Owned by an operation or its members. Go to step 2. ☑ B. Leased by an operation or its members. Go to step 3. Equipment owned and contributed by individual, entity, or joint operation. A. Did the farming operation or its members own all of the equipment used in the farming operation? Note: Review accounting or tax depreciating records, if provided, and other information to confirm ownership of the equipment by the individual, entity, or joint operation. (1) If "NO", did the producer own a sufficient amount of equipment to conduct the farming operation and 	x		
Comple Nas ec Step 1	 C - EQUIPMENT CONTRIBUTION ete Part C to determine whether equipment qualified as a significant contribution. quipment used as a significant contribution? If "YES", complete this Part X. If "NO", go to Part D. Action Determine how the equipment used as a significant contribution was acquired. Note: Check the appropriate item or items, and go to the corresponding step of this worksheet. ☑ A. Owned by an operation or its members. Go to step 2. ☑ B. Leased by an operation or its members. Go to step 3. Equipment owned and contributed by individual, entity, or joint operation. A. Did the farming operation or its members own all of the equipment used in the farming operation? Note: Review accounting or tax depreciating records, if provided, and other information to confirm ownership of the equipment by the individual, entity, or joint operation. (1) If "NO", did the producer own a sufficient amount of equipment to conduct the farming operation and to meet the significant contribution requirement? B. If the farming operation is conducted by an individual, entity, or joint operation, was the equipment 	x		

F Example of Completed CCC-900 Package (Continued) *--

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CCC-900-3 (09-27-10) Page 4 of 11 Producer Name: Beringer Partners Step Action YES NO N/A 2 C. For equipment contributed to the farming operation, determine whether this equipment was acquired as (cont) a result of a loan. If the equipment was acquired as a result of a loan, was the loan made to, guaranteed by, or secured by any individual, joint operation, entity, or member of a joint operation that has an interest in the farming operation? х If "NO", equipment may be used as a significant contribution. If "YES", obtain and copy information about the loan, and discuss with both the producer and County Office to determine whether significant contribution requirements were met. 3 Equipment leased and contributed by individual, entity, or joint operation. Determine what equipment was leased and from whom the equipment was leased. Obtain copies of relevant lease documents and equipment listings. A. Was the equipment leased from someone with an interest in the farming operation? х If "NO", leased equipment may qualify as a significant contribution to the farming operation. Go to Step 4. If "YES": (1) Is the leased equipment necessary for a significant contribution of equipment? If "NO", explain fully and go to step 4: (2) Explain fully the interest of the lessor in the farming operation: (3) Determine and explain how payments were made for the equipment: Note: If the equipment was leased by the hour, day, or acre basis, payment must be made in a timely manner. Review accounting records, checks, and billing invoices (4) Were equipment lease payments timely paid? If "YES", was capital borrowed by the individual, entity, or joint operation from any other individual, entity, or joint operation with an interest in the farming operation? Note: If "YES", explain how the farming operation paid for the cash-leased equipment. Obtain and copy necessary documents to support the finding: If "NO", interview the producer and determine why lease agreements were not paid in a timely manner, and go to step 4: 4 Determination of significant contribution. A. How did the initial reviewing authority determine the total rental value of the equipment? Information from the county extension service and FLP values were used for comparative purposes. B. Based on the review of the equipment used in the farming operation, did the equipment qualify as a significant contribution? х If "YES", the individual, entity, or joint operation has met the "left-hand" contribution requirement. -_*

F Example of Completed CCC-900 Package (Continued)

F Example of Completed CCC-900 Package (Continued)

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CCC-90	D0-3 (09-27-10)		Page !	5 of 11
	Producer Name: Beringer Partners			
Step	Action			
5	Summarize the facts involved in this determination, develop findings as appropriate, and go to Part D. The majority of the equipment contributed to the farming operation was owned by p	partne	rship.	
PART	D – LAND CONTRIBUTION			
Comple	ete Part D to determine whether the land qualified as a significant contribution.			
		YES	NO	N/A
Was la	nd used as a significant contribution? If "YES", complete this Part D. If "NO", go to Part E. Action	x		
1	Determine how the land used as a significant contribution was acquired.			
	Note: Check the appropriate block or blocks, and go to the corresponding step of this worksheet.			
	A. Landowner: individual, entity, or joint operation. Go to step 2.			
	B. Landowner: owned and contributed by members of joint operation. Go to step 3.			
	C. Crop-share lease. individual, entity, or joint operation. Go to step 4.			
	D. Cash-leased: individual, entity, or joint operation. <i>Go to step 5.</i>			
2	E. Land contributed by combination of methods. Go to applicable steps 2 through 5. Determination if land is owned by individual, entity, or joint operation.			
	Obtain and review documents supporting ownership of land, such as deeds or other title documents.			
	Note: If not available from the County Office, this information should be filed with the appropriate county court.			
	A. Was ownership of the land established for the applicable crop, program, or FY?			
	Note: If "NO", the individual, entity, or joint operation cannot qualify under the landowner provisions as actively engaged in farming.			
	B. During the review of the deed and/or title documents, determine whether the land was acquired by "Contract for Deed," "Deed of Trust," "Land Contract," or other similar arrangement.			
	Note: This is considered to be acquired as a result of a loan.			
	C. Was this land acquisition guaranteed by, or secured by an individual, entity, or other joint operation, including members, that have an interest in the farming operation?			
	Note: If "YES", the land cannot qualify as a significant contribution to the farming operation. Document and copy appropriate information:			
	D. If the landowner provision is used by a joint operation holding title to the land, review the joint operation agreement for dissolution of the operation.			
	Does this agreement provide that, upon dissolution, the title to the land owned or proceeds from the sale of the land will revert to the individual members according to their respective shares?			
	Note: If "NO", the landowner provisions cannot be used unless the regional attorney advises that state law provides that, upon dissolution of the joint operation, the land will be sold and the proceeds divided according to each member's share in the joint operation and there is no documentation otherwise.			

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F Example of Completed CCC-900 Package (Continued)

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3	Determination if land is sumed and contributed by member or members of joint operation	YES	NO	N/4
3	Determination if land is owned and contributed by member or members of joint operation.			
	Obtain and review the deed or other title documents for the land.			
	Note: If not available from the County Office, this information should be filed with the appropriate county court.			
	A. Was ownership of the land established for the applicable crop, program, or FY? If "NO", the individual, entity, or joint operation cannot qualify under the landowner provisions as "actively engaged in farming."			
	 During the review of the deed and/or title documents, determine whether the land was acquired by "Contract for Deed," "Deed of Trust," or other similar arrangement. 			
	Note: This is considered to be acquired as a result of a loan.			
	B. Was this land acquisition guaranteed by, or secured by an individual, entity, or other joint operation, including members, that have an interest in the farming operation?			
	If "NO", go to step 4.			
	If "YES", the land cannot qualify as a contribution to the farming operation. Document and copy appropriate information.			
				I
4	Determinations if land is crop-share leased.			1
	Obtain and review the lease agreements between the farming operation and the landowner.		x	
	A. Does the lease agreement require a minimum cash payment? If "YES", determine if it is a cash or share lease.			
-	 Review the accounting records, crop settlement sheets, or other records and compare the percentage division of crop or crop proceeds to the percentage of division on applicable contracts and applications. 			
	B. Was the landowner's share of the production the same as reported to FSA?	x		
	If "NO", discuss this with the producer to determine why the landowner's share was different than that reported.			
	C. Was the land leased from someone with an interest in the farming operation other than as a			
	landlord? If "YES", explain.		x	

F Example of Completed CCC-900 Package (Continued)

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CCC-90	00-3 (09-27-10) Producer Name: Beringer Partners		Page	7 of 11
Step	Action			
5	Determinations if land is considered cash-leased by individual, entity, or joint operation.	YES	NO	N/A
	 Review CCC-902 and cash-lease agreements. Determine who the land was leased from and if they had an interest in the farming operation. 		x	
	 If the cash-leased land is owned and contributed by someone with an interest in the farming operation, determine by interviewing the member or their representative and by reviewing documents, if the land is mortgaged and if the loan to acquire the land was made by, guaranteed by, or secured by, anyone having an interest in the farming operation. 		L	1
	Note: A "Contract for Deed," "Deed of Trust," "Land Contract," or other similar arrangement is considered to be acquired as the result of a loan.			
6	Determination of significant contribution.			
	How did the reviewing authority determine total rental value of the land?			
	Note: Rental value will not be listed on CCC-902 unless the land is leased from someone with an interest in the operation.			
	 Compare the land owned and leased by the farming operation and used to determine the producer "actively engaged in farming" with all land operated by the farming operation. Use producer's CCC- 902 and obtain other County Office records, such as the producer payment record, to identify all farms operated. 		x	
	A. Did the producer operate more land than was initially used by COC to make the "actively engaged in farming" determination? If "YES", determine and explain how the contribution was found to equal 50 percent of the individual's or entity's commensurate share.			
	B. Based upon this comparison of the land operated by the producer to the land initially used by CCC in making determinations, does the land owned and/or leased by the farm operation qualify for inclusion as a significant contribution and have a value equal to at least 50 percent of the individual's, entity's, or joint operation's commensurate share of the total rental value of the land?	x		
	Note: If "NO", the individual, entity, or joint operation cannot qualify as "actively engaged in farming" using land as its significant contribution.			
7	Summarize the facts involved in this determination, develop findings as appropriate, and go to Part E. All share rented and cash leased land was acquired by the farming operation at ranormal and customary for the area. The crop production from the share rented land according the shares represented and reported. The rent for the cash rented land and in accordance with the terms of the lease agreements. No land was rented or individual or entity that had an interest in the farming operation of the partner.	nd was 1 was <u>p</u> leased	divid paid t	ed imely

F Example of Completed CCC-900 Package (Continued)

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	10-3 (09-27-10) Producer Name: Beringer Partners		Page	8 of 11
ART I	E – CASH-RENT TENANT			
omple	te Part E to determine whether the producer meets the cash-rent tenant rule.			1
4	Action	YES	NO	N//
tep 1	Action A. If the producer is a cash-rent tenant, did the producer provide a contribution of active personal labor			
	to the farming operation?			
	If "YES", complete Part G to determine if the contribution of active personal labor was significant.		x	
			л	
	 If "NO", complete Part C and Part H to determine if the producer provided a combination of significant contributions of equipment and management. 			
2	Upon completion of Parts C and H, does the producer meet the cash-rent tenant rules of 4-PL paragraphs 91 and 92.			
	If "YES", complete step 3 and go to CCC-900-5.	x		
	 If "NO", determine the producer ineligible for payment on the cash-rent land. Complete step 3 and go to worksheet CCC-900-5. 			
3	Summarize the facts involved in this determination, develop findings as appropriate, and go to Part F.			
	Documentation provided clearly illustrated that a significant contribution of eq by the partnership and each of the members made significant contributions of act management.			
ART I	- COMBINATION OF CAPITAL, EQUIPMENT, AND LAND CONTRIBUTION			
mple	te Part E determine whether a combination of capital, equipment, and land qualified as a significant contributio	n.		
		YES	NO	N//
	y combination of capital, equipment, and land used to qualify as a significant contribution. If "YES", complete If "NO", go to Part G.		х	
tep	Action			
1	 If the contribution is a combination of the 3 "left-hand" inputs (capital, equipment, and land): Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: 	ontributio	on requi	remei
1	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) 	ontributio	on requi	reme
1	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) 	ontributio	on requi	reme
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. 	ontributio	on requi	reme
2	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) 	ontributio	on requi	reme
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent c to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. 			reme
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? 			
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 	0 percen	t of the	
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (<i>go to Part B</i>) B. Equipment (<i>go to Part C</i>) C. Land (<i>go to Part H</i>) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Does the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation? If "YES", the requirements for significant "left-hand" contribution have been met. 	0 percen	t of the	
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Does the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation?	0 percen	t of the	
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Does the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation? If "YES", the requirements for significant "left-hand" contribution have been met. If "NO", the requirements to be "actively engaged in farming" have not been met unless exception	0 percen	t of the	N/A
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Does the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation? If "YES", the requirements for significant "left-hand" contribution have been met. If "NO", the requirements to be "actively engaged in farming" have not been met unless exception applies.	0 percen	t of the	
2	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Dees the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation? If "YES", the requirements for significant "left-hand" contribution have been met. If "NO", the requirements to be "actively engaged in farming" have not been met unless exception applies. Check the appropriate exception if applicable: A. Family member provision (joint operation only) B. Sharecropper 	0 percen	t of the	
	 Check the appropriate item or items and complete the applicable worksheets using the 30 percent of to determine whether the rules have been met for the appropriate contributions: A. Capital (go to Part B) B. Equipment (go to Part C) C. Land (go to Part H) Go to step 2 of Part E after completing the appropriate Parts. Determinations. How did the reviewing authority determine that the combined contribution of "left-hand" inputs was equal to 3 individual's or entity's commensurate share of the total value of the farming operation? Does the actual contribution of the inputs equal to 30 percent of the individual's or entity's commensurate share of the total value of the farming operation? If "YES", the requirements for significant "left-hand" contribution have been met. If "NO", the requirements to be "actively engaged in farming" have not been met unless exception applies. Check the appropriate exception if applicable: A. Family member provision (joint operation only) 	0 percen	t of the	

F Example of Completed CCC-900 Package (Continued)

*--

ompier	e Part G to determine whether active personal labor qualified as a significant contribution.	YES	NO	N/A
/as acti	ive personal labor used as a significant contribution. If "YES", complete Part G. If "NO", go to Part J.			11/7
step	Action			
1	Review CCC-902 and interview the individual or individuals contributing active personal labor.			
	• Determine by interview or documentation if the individual or individuals indicated as contributing labor			
	know how may hours of labor it takes for the farming operation and how many hours they provide.			
	 Is there any record of hours worked by the contributing individual or individuals? If "YES", review and obtain copies to document the determination? 			
2	Is this producer a joint operation?			
	 If "YES", determine whether labor performed by a member of a joint operation, was excluded as a contribution. 			
	Note: If a member of joint operation is paid for any part of the contribution, the contribution cannot be counted.			
	Review accounting records and determine whether salaries were paid by the joint operation to any member.			
_	If "NO", go to step 3.			
3	Determine whether the individual could have provided the labor reported on CCC-902.			
	A. Was the individual living away from the farm?			
	B. Did the individual correctly report his or her residence to the County Office?			
	Note: Consider interview with the individual (without manager or principal present), if information			
4	indicates that it is doubtful the individual provided active personal labor to the farming operation. Review the payroll and accounting records.			
	A. Was the individual paid for labor? If "NO", go to step 5.			
	B. If "YES", how much was the individual paid and who paid the labor cost?			
				L
5	Determine:			
	 How "draws" on capital accounts were considered at the end of the year when the profit or loss was disbursed 			
	 For joint operations, if commensurate shares were maintained for the members. 			

*

F Example of Completed CCC-900 Package (Continued)

*	-

C-90	00-3 (09-27-10)		Page 1	0 of 11
ART	Producer Name: Beringer Partners H – ACTIVE PERSONAL MANAGEMENT CONTRIBUTION			
	ete Part H to determine whether active personal management qualified as a significant contribution.			
		YES	NO	N/A
	tive personal management used as a significant contribution? If "YES", complete Part H.	x		
"NO", Step	, go to Part I. Action			
1	Review the description of management shown on CCC-902.			
2	Is this a joint operation?			
	 If "YES", determine whether management performed by a member of a joint operation, was excluded as a contribution. 			
	Note: If a member of joint operation is paid for any part of the contribution, the contribution cannot be counted.	x		
	Review accounting records and determine whether salaries were paid by the joint operation to any member.			
	If "NO", go to step 3.			
3	If documentation does not adequately establish management contributions, interview the individual(s) and discuss management.			
	Does the individual(s) have knowledge of the farming operation commensurate with their claimed contribution of management?			
	 Ask the individual(s) how the management duties performed contribute to the profitability of the farming operation. 			
	Compare the written description of management on CCC-902 with the individual's comments. Note: Consider interview with the individual (without manager or principal present), if information indicates that it is doubtful the individual provided active personal management.			
4	Has the individual(s) prepared written management reports during the year? If "NO", go to step 5. If "YES", review and obtain copies.	x		
5	Compare all the individual's residences with the farm location.	x		
	Was onsite management provided?			
	If "YES", how often?			
	On a daily basis			
	If "NO", how are management duties performed?			
6	Determine:			
	How "draws" upon capital accounts were considered at the end of the year when the profit or loss was	disburse	ed.	
	For joint operations, if commensurate shares were maintained for the members.			
	No draws were made by any of the members during the year.			
7	Compare the reported management contribution to the operation with the review results, and determine whet significant difference.	her there	e is a	
	There were no significant differences found or noted.			
8	Summarize the facts involved in this determination, develop findings as appropriate, and go to Part I.			
	The documentation and personal interviews supported the members' representations management duties and responsibilities.	of th	eir	

F Example of Completed CCC-900 Package (Continued)

*--

Producer Name: Beringer Part PART I - CONTINUATION OF ACTIVE PERSONAL LABOR AND ACTIVE PERSONAL MAT Complete Part H to determine whether a combination of active personal labor and active personal management used as a signifi "YES", complete Part I. If "NO", go to Part J. Step Action 1 Review the description of labor and management shown on CCC-902. Complete Part F and Part G to determine that the combination of active personal labor critical impact on the profitability of the farming operation in an amount at least equal consideration when taken alone. 2 Determine how the reviewing authority determined that the contribution would have a farming operation. 3 Summarize the facts involved in this determination, develop findings as appropriate, and active personal appropriate.	ACCEMENT CONTRIBUTION nal management qualified a cant contribution. If r and active personal mana to the significant contribution critical impact on the profita	es a signi ES No x gement h n of eithe	O N/A				
Was a combination of active personal labor and active personal management used as a signifi "YES", complete Part I. If "NO", go to Part J. Step Action 1 Review the description of labor and management shown on CCC-902. Complete Part F and Part G to determine that the combination of active personal labor critical impact on the profitability of the farming operation in an amount at least equal consideration when taken alone. 2 Determine how the reviewing authority determined that the contribution would have a farming operation.	cant contribution. If r and active personal mana o the significant contribution critical impact on the profita	gement h	nas a				
1 Review the description of labor and management shown on CCC-902. Complete Part F and Part G to determine that the combination of active personal labor critical impact on the profitability of the farming operation in an amount at least equal consideration when taken alone. 2 Determine how the reviewing authority determined that the contribution would have a farming operation.	o the significant contribution	n of eithe	er				
Complete Part F and Part G to determine that the combination of active personal labor critical impact on the profitability of the farming operation in an amount at least equal consideration when taken alone. 2 Determine how the reviewing authority determined that the contribution would have a farming operation.	o the significant contribution	n of eithe	er				
critical impact on the profitability of the farming operation in an amount at least equal consideration when taken alone. 2 Determine how the reviewing authority determined that the contribution would have a farming operation.	o the significant contribution	n of eithe	er				
farming operation.		bility of t	he				
3 Summarize the facts involved in this determination, develop findings as appropriate, a	nd go to CCC-900-4.						
PART J – COMMENSURATE AND AT-RISK CONTRIBUTIONS Complete Part J to determine if contributions were commensurate and at-risk for a loss.							
Were the contributions of each member commensurate with the claimed share of the profits or			0 N/A				
List each member:		ES NO	O N/A				
Jack		x					
Anna	:	x					
Bobby	:	x					
Ida	:	x					
Were the member's contributions at risk for a loss?							
List each member:	Y	ES NO	O N/A				
Jack	:	x					
Anna	:	x					
Bobby	:	x					
Ida	:	x					
Summarize the reasons for the responses.							
Each member individually signed all financing documents and security responsible for repayment Each member contributed active personal labor and active personal man The members have no other farming interests. Personal interviews confirmed that this business is their livelihood.		_					
D. Signature of Reviewing Authority or Review Team Member	Personal interviews confirmed that this business is their livelihood.						
/s/ Jack C. Morgan	E. Date	9-03-2					

F Example of Completed CCC-900 Package (Continued)

08-12-1	00-4 0)	U.S. DEPARTMENT OF AGRICULTURE Commodity Credit Corporation		A. Producer Name Beringer Partners		
				B. State and County Office Nar	ne	
SU	RSTA	PAYMENT ELIGIBILITY/LIMITATION NTIVE CHANGE AND OTHER DETERMINA	TIONS			
00	DUTA	WORKSHEET	nono	Johnson County FSA Offic	ce; TX	
				C. Program Year Reviewed		
				🛛 2009 🗌 2010 🗌	2011 🗌	2012
Jompie	ele Part	A to determine whether the substantive change require	ments were	applicable.	YES	NO
		crease in the number of limitations for payment in this ete Part A. If "NO", go to Part B.	farming ope	eration from the previous year?	TES	X
Step		Action		Finding		
1	Was s	ubstantive change required?		-		
		· · · · · ·				
	•	If "YES", go to step 2.				
	•	If "NO", enter the reason in the "Finding" column and go to Part B.				
	Exam	ple: The formation of a husband and wife joint venture does not require substantive change.				
2		tantive change was required, list what COC ered substantive change.				
3	Includ	e the substantive change that occurred.				
	Note:	Go to the following step containing the substantive change that occurred.				
	Step	Action				
	A	If addition of adult family member , determine whether the adult family member qualifies according to paragraph 138.				
	В	If change in land rental from cash-lease to share- lease, determine whether the change qualifies a landowner only according to paragraphs 54 through 58.				
	С	If a 20 percent increase in base acres , determine whether the change qualifies according to paragraphs 54 through 58.				
	D	If a change in ownership of equipment or land , determine whether the change qualifies according to paragraphs 54 through 58.				
	E	If addition of equipment not previously involved in the farming operation, determine whether the change qualifies according to paragraphs 54 through 58.				
4		arize the facts involved in this determination, p findings as appropriate, and go to Part B.				

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F Example of Completed CCC-900 Package (Continued)

	0-4 (08-12-10)	Producer Name: Beringer	Page 2 of 3 Partners
ART F	3 – FOREIGN PERSONS	AND OTHER DETERMINATIONS	
		hether foreign person determinations and other determinati	ons were correctly made.
tep	Determination	Action	Finding
1	Other farming interest	Did the producer indicate any other farming interests,	No other farming interests found.
		including interest of spouse and minor children in accordance with 4-PL Par. 52?	No other ranking meeres is round.
		🗆 YES 🛛 NO	
		 If "YES", verify that all were reported by reviewing system reports. 	
		 If "NO", verify by reviewing system reports, such as the entity interest report. 	
2	Common attribution	Review the initial determination to determine whether	
		any common attribution rule applies in accordance with 4-PL par. 179.	
		Is there a reason that common attribution applies?	
		🗌 YES 🛛 NO	
		If "YES", explain.	
3	Foreign person	Do foreign person rules apply in accordance with 4-PL Part. 3?	All members were represented to be U.S. citizens.
		🗌 YES 🛛 NO	
		• If "YES", specify and go to CCC-900-3.	
		If "NO", go to next item.	
4	Estate	If the producer is an estate in existence for 2 program years after the program year in which the producer died, or if the producer under review is a joint operation or legal entity with an estate as a member, was the estate reviewed in accordance with procedure in 4-PL Par. 156?	Not applicable. No members were represented to be an estate.
		□ YES □ NO	
		 Was the estate kept open for the purpose of receiving program payment and benefits? 	
		□ YES □ NO	
		• If "YES", estate is not eligible for the year reviewed.	
5	Deceased Producer	Was the individual producer identified as deceased, or if the producer under review is a joint operation or legal entity, were any members an individual identified as deceased during the year reviewed?	Not applicable. No members were identified as deceased individuals in 2009.
		🗌 YES 🛛 NO	
		 If "YES", were reviews completed and appropriate actions taken in accordance with 1-PL Part 8? 	
		□ YES □ NO	
		• If "NO", document in Findings.	

F Example of Completed CCC-900 Package (Continued)

CCC-90)0-4 (08-12-10)	Producer Name: Beringer	Page 3 of 3
PART	B – FOREIGN PERSON	S AND OTHER DETERMINATIONS (Continuation)	
6	Required State Office Determinations	Is the producer a joint operation with 6 or more members?	
		□ YES ⊠ NO (go to step 7)	
		 If "YES", did the State Office timely make the initial eligibility and actively engaged in farming determinations in accordance with 4-PL Par. 236? 	
		• If "NO", note explanation in Findings.	
7	County Committee Determinations	Did the county committee make all payment eligibility determinations within 60 calendar days after the required forms and supporting documentation needed for the determinations were received in the county office?	
		X YES INO	
		 If "NO", document in Findings as a default determination in accordance with 4-PL Par. 208. 	
D Sig	 nature of Reviewing Aut	hority or Review Team Member	E. Date (MM-DD-YYYY)
_	losephine Rodriguez		09-03-2010

F Example of Completed CCC-900 Package (Continued)

*--

This	This form is available electronically.							
CC	C-900-5 U.S. DEPARTMENT OF AGR (16-13) Commodity Credit Corpor		RE		A. Producer Na	ame		
(00					Beringer Partners			
					B. State and County Office Name			
	PAYMENT ELIGIBILITY/ SUMMARY OF FINDINGS AND R			-	Johnson Cour	nty F:	SA Office, TX	
					C. Program Ye	ar Rev	iewed	
					⊠ 2009 🛛	2010	2011 2012 2013	
Complete this form to summarize findings for the initial reviewing a							Handbook or Worksheet	
Factor YES NO OUESTIONED N/A		Reference						
1.	CCC-902 followed.	Х					4-PL, Parts 2, 3, and 4	
2.	Significant contribution of land.	Х					4-PL, Pars. 61 and 74	
3.	Significant contribution of capital.	Х					4-PL, Pars. 61 and 72	
4.	Significant contribution of equipment.	Х					4-PL, Pars. 61 and 73	
5.	Significant contribution of "left-hand" combination.	х					4-PL, Pars. 61, 71, and 77	
6.	Significant contribution of active personal labor.		Х				4-PL, Pars. 61 and 75	
7.	Significant contribution of active personal management.	Х					4-PL, Pars. 61 and 75	
8.	Significant contribution of "right-hand" combination.		Х				4-PL, Pars. 61, 71, and 77	
9.	Share of profits and losses commensurate with contributions.	х					4-PL, Pars. 61 and 78	
10.	Contributions at risk.	Х					4-PL, Pars. 61 and 79	
11.	Foreign person rule met.					Х	4-PL, Pars. 106-111	
12.	Spousal provision requirements met.					Х	4-PL, Par. 116	
13.	Common attribution determination correct.					Х	4-PL, Par. 179	
14.	Minor child determination correct.					Х	4-PL, Par. 117	
15.	For a legal entity, such as a corporation, LLC, or LLP, were contributions of active personal labor and/or active personal management:					х	4-PL, Pars. 147 and 148	
	Performed on a regular basis							
	Identifiable and documentable							
	 Separate and distinct from contributions of other partners, stockholders, or members? 							
disabi incom prohit altern Individ	stockholders, or members? The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, lisability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's ncome is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all norbiblied bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require itemative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). ndividuals who are (464, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at 800 877-8339 or (800) 645-6136 (in Spanish).							

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to US. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.Intake@usda.gov. USDA is an equal opportunity provider and employer.

F Example of Completed CCC-900 Package (Continued)

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CCC-900-5 (05-16-13)			Page 2 of 2
Producer Name: Beringer Partners			
16. Number of members of the farming operation claiming to make a significant contribution of active per	ersonal labo	r.	0
17. Number of members of the farming operation determined to have made a significant contribution of	active perso	onal labor.	0
18. Number of members of the farming operation claiming to make a significant contribution of active per	ersonal man	agement.	4
 Number of members of the farming operation determined to have made a significant contribution of management. 	active perso	onal	4
	YES	NO	N/A
 20. "Actively engaged in farming" requirements met. If "YES", select the following factors or findings that explains how: ☑ Land 			
 ☑ Capital ☑ Equipment ☑ Active personal labor ☑ Active personal management ☑ Landowner exemption 	X		
21. Cash-rent tenant rule met. If "YES", select the following factors or findings that explains how: ☐ Active personal labor ⊠ Equipment	x		
Active personal management			
22. Substantive change rule met. If "YES", select the following factors or findings that explains how:			
 Land rental change (landowner only; cash to share rent) Increase of base acres of 20 percent or more Ownership change of land or equipment by sale or gift to new member Addition of equipment to the farming operation 			х
 Were the initial determinations correct? If "YES", go to Item 27. If "NO", provide a detailed explanation of why not in Item 29. 	х		
24. If discrepancies were found, will the discrepancies result in an adverse determination? If "YES", go to Item 25. If "NO", provide a detailed explanation of why not in Item 29.			
25. If discrepancies or adverse findings were made, did the findings include scheme or device, fraudulent representations, or other actions to circumvent payment eligibility or payment limitation provisions?			
26. Total dollar amount of payments affected by the discrepancy or adverse findings.		\$	
27. Did the producer provide the requested documentation to complete the review?	YES		
28. Is the review complete?	🛛 YES		
29. Recommendations The review team recommends that the determinations of record be affirmed and remains eligible for all 2009 program payments and benefits subject to limit.		ing operat	tion
D. Signature of Reviewing Authority or Review Team Member	E. Da	te (MM-DD-Y	(YY)
/s/ John Doe		05-24-20	13
Submitted to the COC or STC for review and determinations.			
F. Date Submitted (MM-DD-YYYY): 05-24-2013			

422 (Withdrawn--Amend. 6)

423-440 (Reserved)

Section 4 CCC-902EYR's

441 County Office Action for Submitting CCC-902EYR

A Overview

This section provides instructions for preparing CCC-902EYR.

This paragraph instructs County Offices to submit CCC-902EYR's to the State Office.

B Submission Date

STC shall establish a date or dates for County Offices to submit CCC-902EYR's to the State Office for review (paragraph 261).

C Submission Format

County Offices shall use CCC-902EYR to report end-of-year reviews to the State Office.

Note: On CCC-902EYR, item 10, "Dollar Amount", record the total actual and projected amount of payments or benefits for which the producer is known to be ineligible as a result of the end-of-year review.

*--D "Remarks" Section

Include the following in the "Remarks" section:

- all EYR worksheets have been completed
- EYR results entered in EYRT
- all waivers accounted for in EYRT.--*

441 County Office Action for Submitting CCC-902EYR (Continued)

E Example of CCC-902EYR

Following is an example of CCC-902EYR.

*_-

of-Year Report at Limitation Re PT-I-00-PL-10-01R) on ving authority ch additional sheets if 9. Discrepancy Four	A. 5 6 0	Selected	2. Reporting Date (MM-DD-YY 10-15-2013 4. Report Status Progress Report Negative Report ber of Reviews B. Completed 6 0 6	YY) 3. Year Reported 2011 Revised Report Final Report C. Number of Discrepancies Found (If any, complete Items 8, 9 & 10) 1 0 2
ving authority ch additional sheets if 9.	6 0 6	Selected	Progress Report Negative Report Iber of Reviews B. Completed 6 0 6	Final Report C. Number of Discrepancies Found (<i>If any, complete</i> <i>Items 8, 9 & 10</i>) 1 0
ving authority ch additional sheets if 9.	6 0 6	Selected	B. Completed 6 0 6 6	C. Number of Discrepancies Found (If any, complete Items 8, 9 & 10)
ch additional sheets if 9.	6 0 6		6 6	Items 8, 9 & 10) 1 0
ch additional sheets if 9.	0	ert office name	6	0
ch additional sheets if 9.	6	ert office name	6	
ch additional sheets if 9.		ert office name		2
9.	needed. Inse	ert office name		
			e on attachments.	
			10. Action Taken	11. Dollar Amount
actively engaged ing		determina Receivable	es established	\$ 10,000
rent tenant rul	e not met.	determina	written notice of tion es established	\$ 5,000
er contribution irements not met		determina	written notice of tion es established	\$ 4,000
				\$
				\$
				\$
				\$
		in EYRT.	13B. Date (MM-DD-	YYYY) 10-15-2013
F	RT for 2011 waived are accou	RT for 2011	RT for 2011 waived are accounted for in EYRT.	AT for 2011 vaived are accounted for in EYRT. ort, SED for State Report 13B. Date (MM-DD-

442 State Office Action for Submitting CCC-902EYR

A Overview

To assess the overall effectiveness of the end-of-year reviews, one CCC-902EYR summarizing results of County Office reviews conducted is **required**.

B Preparing Summary CCC-902EYR

State Offices shall do the following.

Step	Action
1	Review County Office CCC-902EYR's.
2	Use CCC-902EYR to summarize totals of County Office CCC-902EYR, items 5, 6,
	and 7.
3	Attach a copy of the County Office CCC-902EYR's to the State Office
	CCC-902EYR.
4	*Enter the following in the "Remarks" section:
	• all EYR worksheets were completed
	• EYR results entered in EYRT for each review
	 all waivers entered and accounted for in EYRT*
5	Send the State Office CCC-902EYR to PECD. Negative reports are required.
	* * *

C Example of CCC-902EYR

See subparagraph 441 E for an example of CCC-902EYR.

443-475 (Reserved)

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476 Introduction

A EYRT

EYRT means a web-based system:

- in which National, State, and County Office users can record all findings, recommendations, and conclusions from EYR's completed on selected farming operations for 2009 and subsequent years' payment eligibility and payment limitation compliance purposes
- that provides reporting and summarization capabilities for EYR findings, determinations, and related information recorded for the farming operations reviewed.

B EYRT Design

EYRT was designed for the following:

- recording and tracking, by participant/farming operation and program year, all EYR review findings, results, and determinations
- as source data for status reports on the completion and results of EYR's
- providing information to use when evaluating the application and the effectiveness of current payment eligibility and payment limitation provisions.

C Accessing EYRT and Versions Available

EYRT is accessible from the Payment Limitation EYR's Share Point site at https://fsa.sc.egov.usda.gov/mgr/dafp/PECD/PL_EYR/default.aspx. * * *

*--476 Introduction (Continued)

D Content of EYRT Database

After the initial construction of EYRT, the database was prepopulated with the following:

- 2009 DAFP EYR selections
- 2010 DAFP EYR selections
- 2011 DAFP EYR selections.

Before nationwide deployment, results were entered for completed, DAFP-selected 2009 and 2010 EYR's.

E State Office Action

For the 2009 and 2010 EYR records, State Offices are encouraged to do the following:

- review the records for accuracy
- update the preloaded records, if necessary
- enter records for additional EYR selections made
- for all incomplete EYR's, enter results as EYR's are completed, if applicable.--*

477 Payment Limitation EYRs Screen

A Accessing the Payment Limitation EYRs Screen

The Payment Limitation EYRs Screen allows State and County Office users to access all options available in EYRT. To access the following Payment Limitation EYRs Screen, go to https://fsa.sc.egov.usda.gov/mgr/dafp/PECD/PL_EYR/default.aspx.

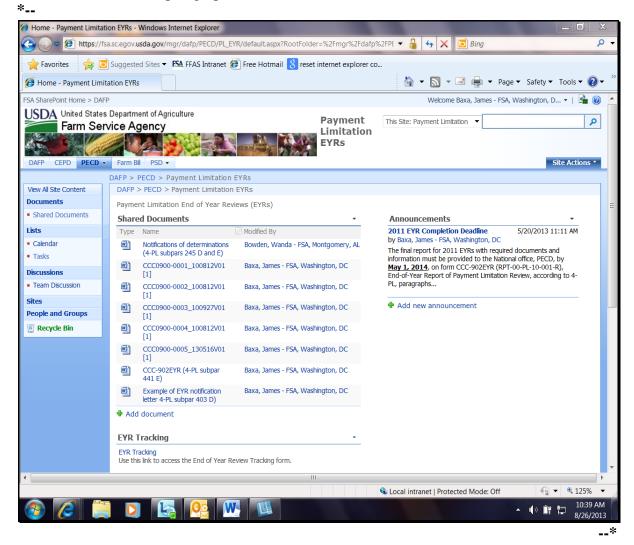
<form></form>	FSA SharePoint Home > DAF	=P	Welcome Baxa, James - FSA, Washington, D 👻 👔 🛞
Vew Al Size Content DAFP > PECD > Payment Limitation EVRS Documents List - List - Calendar - Tasks Discussions - Decussions - File Tracking - Tracks Propola and Groups - Propola and Groups - - - Tracks Bite Broupsoin - Decussions - - - Tracking - - Propola and Groups - - - Tracking - - - Tracking - - - Tracking - - Propola and Groups - - - Tracking - - - Tracking - - - Tracking - - - - Tracking - - - - - Tracking - - - - - - - Tracking - - - - - - - - - Tracking -	USDA United States	s Department of Agriculture rvice Agency EVRS	This Site: Payment Limitation
Particular • Shard Documents • Shard Documents • Cardiar • Tarians Bople and Groups • Cardiar • Cardiar • Add document • Detains • Detains • Add documents • Detains			
Shared Documents Iska Calendar Tasks Decusions Team Documents W Reycke tim Met Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P L FYR Metenia Back James - SS, Washington, DC P R Sycke tim Decusion Back Back James - SS, Washington, DC P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R Sycke tim P R		DAFP > PECD > Payment Limitation EYRs	
Lists • Calendar • Calendar • Decussions • Tasks • Add document • Calendar • Add document • Recycle Bin • Recycle Bin		Payment Limitation End of Year Reviews (EYRs)	
 Calendar Calendar Tasis Decussions Stee Paceycle Bin PL EYR Materials Baxa, James - FSA, Washington, DC PL EYR Materials Baxa, James - FSA, Colege Station, TX A dd document CMT Tacking CMT Tacking CMT Tacking Summary CMT Tacking		Shared Documents	
 Calification Calification<		Type Name Modified By	
 Tasks Packsons Add document PA fracking PR Tracking Summary Composition of the provide to the National office, PECD, by the provide to the providet			
Unclusions Sites People and Groups C R Crycle Bin EVR Tracking C R Crycle Bin EVR Tracking Summary C Copen in Excel D Data - View [VRSumChar]] Add new announcement Add new announcement	 Tasks 	FY2011 Selections Sullivan, David - FSA, College Station, TX	information must be provided to the National office, PECD, by
Sites Propie and Groups C Recycle Bin EVR Tracking C Recycle Bin EVR Tracking Summary C C Open in Excel C Data View VIew VIEw VIEw Waivers Gra C Data View VIEw VIEw Scor C Data VIEw VIEw Scor C Data VIEw VIEw VIEw Scor C Data VIEw VIEw VIEw VIEw VIEw Scor C Data VIEw VIEw VIEw VIEw Scor C Data VIEw VIEw VIEw VIEw VIEw VIEw VIEw VIEw	Discussions	🖶 Add document	End-of-Year Report of Payment Limitation Review, according to 4-
State People and Groups Recycle Bin EYR Tracking Use this link to access the End of Year Review Tracking form. Image: Cycle Bin Image: Cycle Bin <td> Team Discussion </td> <td></td> <td>PL, paragraphs</td>	 Team Discussion 		PL, paragraphs
The this link to access the End of Year Review Tracking form.	Sites		Add new announcement
Recycle Bin Image: Comparing Summary	People and Groups		
File Copen in Excel Data • View: EVERSumChar 350 0 0 0 0 250 0 0 0 200 0 0 0 150 0 0 0 0 0 0 0	Recycle Bin		
Number of St 200 200 2010 2010 2011		EYRTracking Summary	•
A mumber of Si and S		File 🔣 Open in Excel 🔯 Data 🔹 View: EYRSumChar	
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4			
Number of Si Waivers Gra Reviews Corr So 2010 2010 2011 *		300	
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Reviews Corr			
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	4		•

477 Payment Limitation EYRs Screen (Continued)

B Payment Limitation EYRs Screen Content

On the Payment Limitation EYRs Screen, under the heading "Shared Documents", is folder *--"PL EYR Materials" that contains the following letters and forms, which will be displayed when "PL EYR Materials" is selected:--*

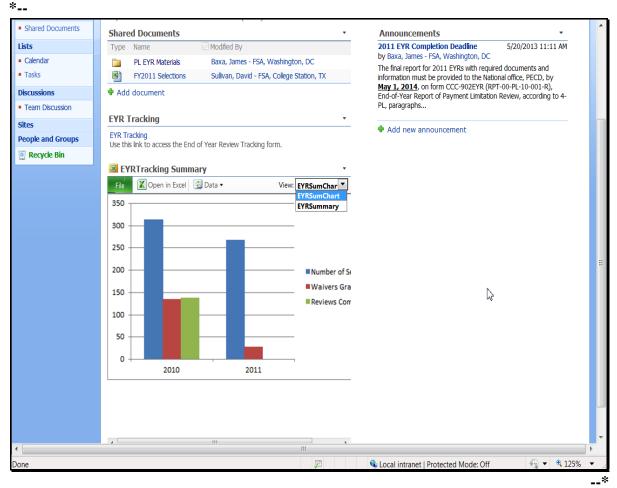
- EYR notification (subparagraph 403 D)
- payment eligibility and limitation determinations made by the appropriate reviewing authority following completing EYR's (subparagraphs 245 D and E)
- the complete 5-part CCC-900 EYR package (subparagraph 421 E)
- CCC-902EYR (subparagraph 441 E).



477 Payment Limitation EYRs Screen (Continued)

B Payment Limitation EYRs Screen Content

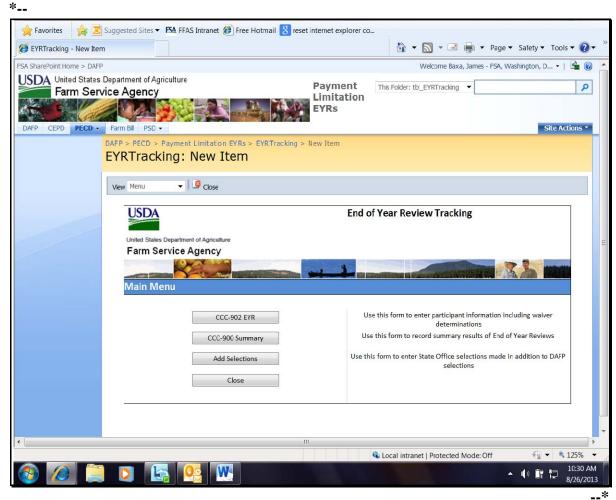
On the Payment Limitation EYRs Screen, under the heading "**EYR Tracking**," is another selection, "**EYR Tracking Summary**". This selection provides various reports that can be generated from the data collected on EYR's.



477 Payment Limitation EYRs Screen (Continued)

B Payment Limitation EYRs Screen Content (Continued)

On the Payment Limitation EYRs Screen, under the heading "**EYR Tracking**", is the following selection, "**EYR Submit**", for loading 2009 and subsequent years' EYR review information for the DAFP selections and additional selections made by the appropriate reviewing authority or State Office representative.



478 EYRT for Entering Participant Information

A "EYRsubmit..." Option

On the Payment Limitation EYRs Screen, under "Shared Documents", when users CLICK ***--**"SelectionRpt", the End of Year Review Tracking Screen will be displayed.

Favorites 🚖 💽 Suggested Sites 🕶 🛤	FAS Intranet 🝘 Free Hotmail 🙁 reset internet explorer co 🦓 🔹 🔊 😴 🖃 📻 💌 Page 👻 Safety 👻 Tools 💌 👰 💌
FSA SharePoint Home > DAFP	Welcome Baxa, James - FSA, Washington, D 🔻 🚘 🎯 🐣
United States Department of Agricult Farm Service Agency DAPP CEPD PECD - Farm BI PSD +	
DAFP > PECD > Payr EYRTracking	ent Limitation EYRs > EYRTracking > New Item : New Item
United States Depa Farm Servi Main Menu	End of Year Review Tracking ment of Agriculture e Agency
	CCC-902 EVR Use this form to enter participant information including waiver determinations CCC-900 Summary Use this form to enter participant information including waiver determinations Add Selections Use this form to enter State Office selections made in addition to DAFP selections Close Close
4	III
🚳 🙋 🚞 🔼	🝳 🗤 🗊 🖫 10:30 AM 8/26/2013

*--478 EYRT for Entering Participant Information (Continued)

B "CCC-902 EYR" Option (Continued)

If on the following End of Year Tracking Main Menu, users click "CCC-902 EYR", users can enter farming operation information including any waivers of DAFP-selected EYR's.

USDA	End of Year Review Tracking
United States Department of Agriculture	
Farm Service Agency	
Main Menu	
CCC-902 EYR CCC-900 Summary Add Selections	Use this form to enter participant information including waiver determinations Use this form to record summary results of End of Year Reviews Use this form to enter State Office selections made in
Close	addition to DAFP selections

*--478 EYRT for Entering Participant Information (Continued)

B "CCC-902 EYR" Option (Continued)

The following End of Year Review Tracking CCC-902EYR (Individual Case Reporting) Screen will be displayed. Information on all EYR waivers approved by the State Office and/or DAFP **must** be entered. Using the "State", "County", and "Producer Name" make applicable selections, in "Review FY" box, enter year, and CLICK "**Save**".

USDA	End of Year Review Tracking			
United States Department of Agriculture				
Farm Service Agency				
		The subscription of Concessed	ANTINA DE LA CAR	5. <u>3</u> mm
CCC-902EYR (Individual Case	Reporting)			
State:			•	
County:			•	
Producer Name:				•
Review FY:				
Producer Name:		Business Type:	Select	* 🗸
Answer all applicable questions.				
Identify the type of selection used t	o request an EYR o	of this operation:	Select	* 🗸
Was a waiver used to cause operati	on to be exempt fr	rom review?	Yes	No
				ě
If yes, identify the type of waiver us	ed to exempt ope	ration from an EYR:	Select	•
	< Main Menu	Save		

*--478 EYRT for Entering Participant Information (Continued)

B "CCC-902 EYR" Option (Continued)

After selecting the State, county, and producer name, and clicking "Save", the End of Year Review Tracking CCC-902EYR (Individual Case Reporting) Screen will be redisplayed with entries populated based on selections.

From the "Business Type" drop-down list, users **must** select the applicable business.

USDA	End of Year Review Tracking		
United States Department of Agriculture			
Farm Service Agency			
CCC-902EYR (Individual Ca	se Reporting)		
State:	Arizona	•	
County:	Maricopa	•	
Producer Name:			T
Review FY:	2011		
Producer Name:	Business Type:	Select	* 🗸
Answer all applicable questions. Identify the type of selection used to request an EYR of this operation:		Select Individual Joint Operation Legal Entity Select	•
Was a waiver used to cause operation	ation to be exempt from review?	Yes	No ©

B "CCC-902 EYR" Option (Continued)

From the "Identify the type of selection used to request an EYR of this operation" drop-down list, users **must** select the type of EYR.

USDA	End of Year Review Tracking
United States Department of A	Agriculture
Farm Service Age	-
CCC-902EYR (I	ndividual Case Reporting)
State:	Arizona 👻
County:	Maricopa 🗸
Producer Name:	▼
Review FY:	2011
Producer Name:	Business Type: Select * 🗸
Answer all applice	ble questions.
Identify the type o	f selection used to request an EYR of this operation: Select * \checkmark
	Select Judgemental
Was a waiver used	to cause operation to be exempt from review? Required Spot Check
	Reviewing Authority
L	*

B "CCC-902 EYR" Option (Continued)

Answer the question, "Was a waiver used to cause operation to be exempt from review?" by clicking the applicable "Yes" or "No" radio button.

If EYR selected was waived, from the "If yes, identify the type of waiver used to exempt operation from an EYR" drop-down list, select the reason for waiver. CLICK "**Save**" after completing the required entries.

USDA	End of Ye	ar Review	/ Tracking	
United States Department of Agriculture				
Farm Service Agency				
CCC-902EYR (Individual Case	Penorting)			
	(Reporting)			
State:	Arizona		•	
County:	Maricopa		•	
Producer Name:				-
Review FY:	2011			
Producer Name:	Busine	ss Type:	Select	* 👻
Answer all applicable questions.				
Identify the type of selection used t	o request an EVR of this operat	tion:		*
identity the type of selection used	orequest an Erry or this operation	lion.	Select	•
			Yes	No
Was a waiver used to cause operat	on to be exempt from review?		۲	0
If yes, identify the type of waiver us	ed to exempt operation from a	an EVR.		*
			Select Select	▼
	< Main Menu Save	e	Husband and \	Wife
			Landowner Pro	
			Previously Rev	
			Entity with no	Embedded E

C "CCC-900 Summary" Option

If on the following End of Year Tracking Main Menu, users click "CCC-900 Summary", users can record information and summary results for EYR's.

USDA	End of Year Review Tracking
United States Department of Agriculture	
Farm Service Agency	
Main Menu	
CCC-902 EYR CCC-900 Summary Add Selections Close	Use this form to enter participant information including waiver determinations Use this form to record summary results of End of Year Reviews Use this form to enter State Office selections made in addition to DAFP selections
	*

C "CCC-900 Summary" Option (Continued)

The following End of Year Review Tracking CCC-900 Summary (Individual Case Reporting) Screen will be displayed. Enter all information collected and used to support the determination of whether the farming operation subject to EYR was eligible or ineligible for program benefits and payments. This State, county, producer name, and review year will be prefilled based on subparagraph B entries.

After completing each item, CLICK "Save" to record EYR results in EYRT.

Note: This screen will **not** be available to enter information if EYR is waived.

USD/	A	End of Y	'ear Review Trac	king
	ates Department of Agriculture			
arm	Service Agency			
			Ren Change and Statistics	
CC-9	900-5 Summary (Individual Case Repo	rting)		
State:	Arizona 🗸		County:	
state.				-
Produ	cer Name:		Review FY: 2011	
	•			
Answe	er all questions	Yes	No	n/a
1.	CCC-902 followed			
2.	Significant contribution of land	\bigcirc		
3.	Significant contribution of capital	\bigcirc		
4.	Significant contribution of equipment			
5.	Significant contribution of "left-hand" combination	۲	0	0
6.	Significant contribution of active personal labor		0	0
7.	Significant contribution of active personal management		0	0
8.	Significant contribution of "right-hand" combination		0	0
9.	Share of profits and losses commensurate with contributions		0	0
10.	Contributions at risk	\bigcirc		
11.	Foreign person rule met	\bigcirc		
12.	Spousal provision requirements met	۲		
13.	Common attribution determination correct	\bigcirc		
14.	Minor child determination correct	\bigcirc	۲	
15.	For a legal entity, such as a corporation, LLC,	۲		0

C "CCC-900 Summary" Option (Continued)

16.	Number of members in the farming operation contribution of active personal labor	claiming to m	ake a signific	ant	0
17.	Number of members in the farming operation contribution of active personal labor	determined to	o make a sign	ificant	0
18.	Number of members in the farming operation contribution of active personal management	claiming to m	ake a signific	ant	0
19.	Number of members in the farming operation contribution of active personal management		o make a sign	ificant	0
20.	"Actively Engaged in Farming" Requirements Met	Yes	No		
•	If Yes , select the following factors or findings that explains how:		or 🔲 AP Ma	tal 🔲 Equipn nagement 🔲 nption	
21. •	Cash-rent tenant rule met If Yes , select the following factors or findings that explains how:	OYes		n/a [] Equipment a gement	nd 🔲 AP
	Substantive change requirements met If yes, select the following factors or findings that explains how:	Increase t	base acres or equip	n/a Land renta Ownership o sale/gift p to farming o	change of land
23.	Were the initial determinations correct?		0		
24.	If discrepancies were found, did they result in an adverse determination?		۲		
25.	Adverse determination included Scheme and Device, fraud, or other actions to circumvent regulations				
26.	Total dollar amount of payments affected by t	he discrepancy	γ?		\$0
27.	Did producer provide requested documentation to complete the review?				
28.	Review is complete:		\odot		
	< Main Menu	Save			

C "CCC-900 Summary" Option (Continued)

The following illustrates a printed copy of the CCC-900-5 Summary completed through EYRT. The automated version can be used in place of the manual CCC-900-5 displayed in subparagraph 421 F.

	A	End of Year	Review ITac	KING	
	States Department of Agriculture Service Agency				
i ann					
-					
CCC-9	000-5 Summary (Individual Case Reporting)				
State:			County:		
Produc	er Name:		Review FY: 201	1	
Answei	r all questions	Yes	No		n/a
1.	CCC-902 followed	r	r		
	Significant contribution of land	ſ	C C		C C
	Significant contribution of capital	C	C		C .
	Significant contribution of equipment	C .	C C		<u>с</u>
	Significant contribution of "left-hand" combination	C	C		C
	Significant contribution of active personal labor	C	C		<u>с</u>
	Significant contribution of active personal management	C .	C .		<u>с</u>
	Significant contribution of "right-hand" combination	C C	C C		C C
	Share of profits and losses commensurate with contributions	C	C.		(
10.	Contributions at risk	Ċ	C		
11.	Foreign person rule met	ſ	C		۲ ۲
12.	Spousal provision requirements met	ſ	ć		r
13.	Common attribution determination correct	C C	C		C C
14.	Minor child determination correct	C C	ſ		۲ ۲
	For a legal entity, such as a corporation, LLC, or LLP, were	C	C		C
	contributions of active personal labor and/or active personal management of each partner, stockholder, or		-		
	member:				
	 Performed on a regular basis Identifiable and documentable 				
	 Separate and distinct from contributions of other 				
	partners, stockholders, or members? Number of members in the farming operation claiming to ma	ke a significant o	ntribution of acti	ve personal labor	0
	Number of members in the farming operation determined to	-			0
	labor	make a significal	it contribution of a	active personal	U
	Number of members in the farming operation claiming to ma management				0
	Number of members in the farming operation determined to management			active personal	0
	"Actively Engaged in Farming" Requirements Met If Yes , select the following factors or findings that explains				
	how:	☐ AB Labo	I Land I Capi r 厂 AP Manager	ital 「 Equipme	
21.	Cash-rent tenant rule met	C Yes		C n/a	wher exemption
	If Yes, select the following factors or findings that explains		or or 「Equipr		Management
	how:				
	Substantive change requirements met	C Yes	C No	Cn/a	
	If yes, select the following factors or findings that explains how:		Family Member		-
		Increase	base acres C O sale	wnership change e/gift	of land or equip
		Ľ		ip to farming ope	ration
23.	Were the initial determinations correct?	C	C		
	If discrepancies were found, did they result in an adverse determination?	Ć	C		
	Adverse determination included Scheme and Device, fraud, or other actions to circumvent regulations	Ċ	C		C
26.	Total dollar amount of payments affected by the discrepancy	?	I	I	\$0
	Did producer provide requested documentation to complete the review?	ſ	C		
	Review is complete:	C	C		

D "Add Selections" Option

If on the following End of Year Tracking Main Menu, users click "Add Selections", users can record information and summary results for additional EYR's selected by COC, STC, State Office, or other reviewing authority.

USDA		End of Year Review Tracking
United States Department	5	
Farm Service A	gency	
Main Menu		
	CCC-902 EYR	Use this form to enter participant information including waiver determinations
	CCC-900 Summary	Use this form to record summary results of End of Year Reviews
	Add Selections	Use this form to enter State Office selections made in addition to DAFP selections
[Close	

D "Add Selections" Option (Continued)

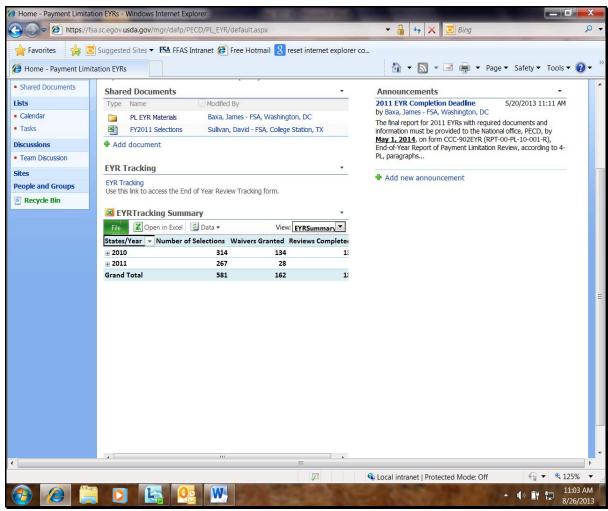
The following End of Year Review Tracking Additional EYR Selections Screen will be displayed. Enter information about the farming operation selected for EYR and responses about the farming operation from each drop-down list and CLICK "**Save**".

USDA	End of Year Review Tracking
United States Department of Agriculture	
Farm Service Agency	
Additional EYR Selecti	ons
State:	
Recording County:	
Producer Name:	
Core Customer ID:	
Business Type:	Select *
Review FY:	2011
Selection Type:	Select *
Total Attributed Payments:	
	< Main Menu Save
	*

479 EYRT for Reports by State and Program Year

A "EYR State Selection Report" Option

*--On the Payment Limitation EYRs Screen, under Shared Documents, CLICK "FY2009, FY2010, or FY2011 Selections" and a report of DAFP EYR selections for any given State and program year 2009 through 2011 will be generated.



B State Selection Report

The following State Selection Report Screen will be displayed. From the "State" drop-down list, select the desired State and CLICK "**Run Query**" to generate the EYR State Selection Report.

* * *

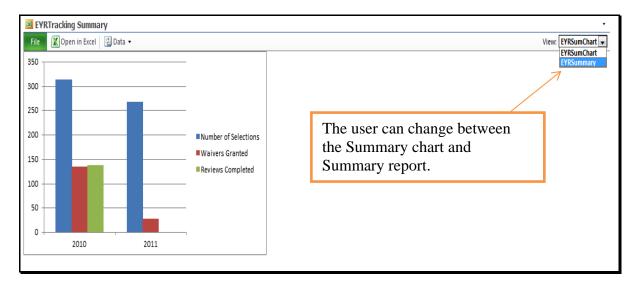
			State Selectio	n Report				
State:				\langle	Ru	un Query		
Core Customer ID	State	Recording County	Producer Name	Business Type	Revie w FY	Selection Type	Waiver Granted	Total Attributed Payments
			< Main Me	enu				

The following is an example of the EYR State Selection Report that will be displayed.

		State Selecti	on Report				
		T		R	un Query		
State	Recording County	Producer Name	Business Type	Revie w FY	Selection Type	Waiver Granted	Total Attributed Payments
Colorado	Yuma	XXXXXXXXXXX		2011	DAFP		Śxxxxxxxx
Colorado	Yuma	XXXXXXXXXXX		2011	DAFP		Śxxxxxxxx
Colorado	Yuma	XXXXXXX XXXXX		2011	DAFP		Śxxxxxxxx
Colorado	Kit Carson	XXXXXXXX		2011	DAFP		Śxxxxxxxxx
	State Colorado Colorado Colorado	State Recording County Colorado Yuma Colorado Yuma Colorado Yuma	State Recording County Producer Name Colorado Yuma XXXXXXXXXXX Colorado Yuma XXXXXXXXXXXX Colorado Yuma XXXXXXXXXXXX Colorado Yuma XXXXXXXXXXXX	State Recording County Producer Name Business Type Colorado Yuma XXXXXXXXXX Colorado Yuma XXXXXXXXXXX Colorado Yuma XXXXXXXXXXX	State Recording County Producer Name Business Type w FY Revie w FY Colorado Yuma XXXXXXXXXXX 2011 Colorado Yuma XXXXXXXXXXX 2011 Colorado Yuma XXXXXXXXXXXX 2011	State Recording County Producer Name Business Type w FY Revie w FY Selection Type Colorado Yuma XXXXXXXXXX 2011 DAFP Colorado Yuma XXXXXXXXXXX 2011 DAFP Colorado Yuma XXXXXXXXXXX 2011 DAFP	State Recording County Producer Name Business Type w FY Revie w FY Selection Type Granted Waiver Granted Colorado Yuma XXXXXXXXXX 2011 DAFP 1 Colorado Yuma XXXXXXXXXXX 2011 DAFP 1 Colorado Yuma XXXXXXXXXXX 2011 DAFP 1 Colorado Yuma XXXXXXXXXXXX 2011 DAFP 1

C Report Options

*--On the Payment Limitation EYRs Screen, under EYR Tracking Summary, information can be summarized and illustrated either in Excel spreadsheet format or as a chart. The following screens illustrate and include instructions on how the report information can be selected, filtered, summarized, refreshed and saved.



EYRTracking St	ummary				
File 🕅 Open in	Excel 💈 Data 🔻				View: EYRS
States/Year 🔽 Nun	nber of Selections Waive	rs Granted Review	s Completed		
# 2010	314	134	137		
1 2011	267	28			
Grone rost	581	162	137		
Urunur rest	The in	itial setu	p for Sun	nmary Report is collapsed line items. ded by clicking each "+" symbol.	

C Report Options (Continued)

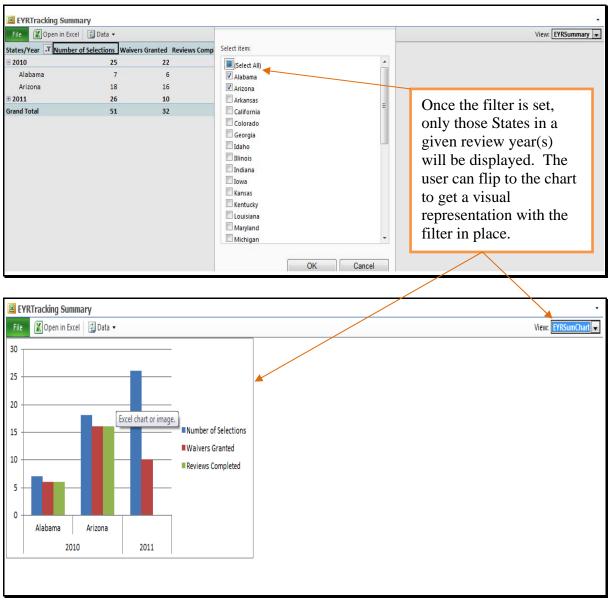
*__

🖹 Open in Excel	🗐 Data 🔻			
s/Year 🗾 Num	ber of Selections	Waivers Granted	Reviews Completed	
.0	314	134	137	
labama	7	6	6	
rizona	18	16	16	
rkansas	65	56	65	
alifornia	28	4	2	
olorado	3	3	2	From the expanded view for each
eorgia	11			year, the summary data for each
daho	5			• •
llinois	4			State is displayed.
ndiana	7	7	7	
owa	4	3	4	
ansas	6	6	5	
entucky	2			
ouisiana	22	16	14	
1ichigan	1	1		
linnesota	5			
Aississippi	69			
Aissouri	10	10	10	

EYRTrackin	n in Excel 🛛 🕎 Data 🗸	EVPTracki	ng Summary - Use the	Event Web Access to	View: EYRSummary
tates/Year	Number of Select		ith an Excel workbook		
2010	ReviewFY 🕨	14	134	137	
Alabama	State 🕨	7	6	6	
Arizona		18	16	16	The report can be filtered by the Review Year
Arkansas		65	56	65	and/or State by selecting the drop down box
California		28	4	2	next to "States/Year".
Colorado		3	3	2	
Georgia		11			

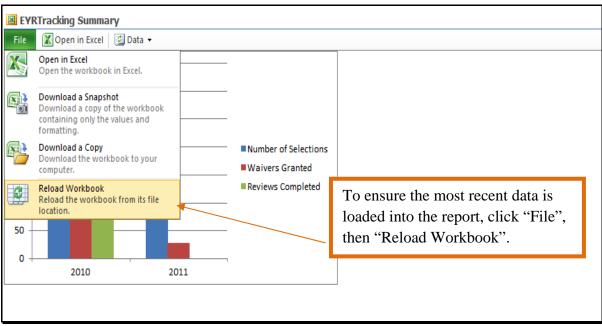
C Report Options (Continued)

*_-

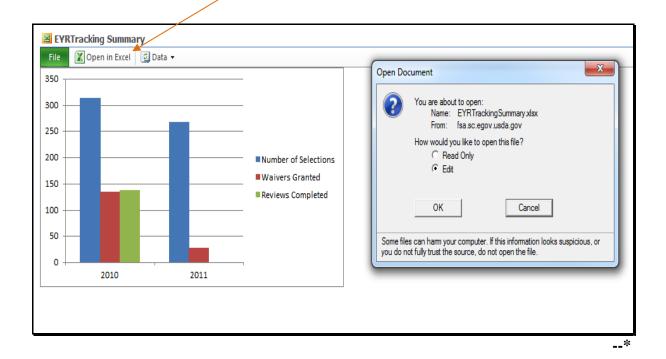


C Report Options (Continued)

*--



To refresh the report, click "Open in Excel", then select "Edit" in the Open Document dialog box, then "OK".



C Report Options (Continued)

*__

Once Excel is open, go to the "Data" tab, the click "Refresh All".

laivers Gran	ted Reviews Com	pleted	Dite	nber of Selecti	one White	ore Cr	nated Da	vious C	molated			
С	D		E	F	G		Н	1	J	K	L	
N5	- (*	f _x										
s Web T	From From Other Text Sources * Get External Data	Existing Connection	Refr		erties Links	A Z↓ Z↓	AZA Sort	Filter ort & Fil	K Clear Reapply Advanced ter	Text to Columns	Remove Duplicates	Data Validati Data

Then o	click "Sa	ve" at the top	or go to "Fil	e" then, S	Save.				
	5-6	-	-	1	1	ł]		ł
File	Hon	ne Insert	Page Layou	t For	mulas	Data	Review	View	De
From	From Web	From From O Text Source		ng Re	fresh	Display Connection Connection Connection Connection	ies Z↓	A Z Z A Sort	Filter
		Get External Da				nections		s	ort & Fil
	N5	+ (f _x	_					
	С		D	E		F	G	Н	1
1 Wa	ivers Gra	nted Reviews	Completed	N	umber o	fSelections	Waivers G	ranted Re	eviews C

To use the form, click the "EYR Tracking" link. A new window will open with the form.

EYR Tr	racking	•
<u>EYR Trac</u> Use this	dang dink to access the End of Year Review Tradking form.	
🛛 EYF	RTracking Summary	•
File	🔣 Open in Excel 🛛 🛃 Data 👻	View: EYRSumChart 💌

--*

480-500 (Reserved)

*--Part 9 ARCT

Section 1 Overview and Access

501 Introduction

A ARCT

<u>ARCT</u> is a web-based system:

- in which National, State, and County Office users can record all AGI-related review information and activities for 2009 and subsequent years' program participants
- that provides reporting capability for both AGI reconciliation and compliance review information recorded for program participants.

B Purpose and Uses of ARCT

ARCT is designed for the following purposes and uses:

- record and track, by producer, all AGI reconciliation and compliance review activities
- source data for AGI reconciliation and compliance review reporting
- a tool to ensure that any participant in programs subject to AGI limitations and recipient of 2009 and subsequent years payments and benefits complies with the applicable AGI limitations.

C ARCT Access

Access privileges are granted only to authorized FSA personnel who have USDA e-Authentication Level 2 credentials.

D ARCT Help and Quick Reference Guide

In addition to the instructions and illustrations provided, abbreviated instructions and examples can be found under the "Help" button located at the top of each display screen.--*

502-510 (Reserved)

*--Section 2 AGI Reconciliation

511 AGI Reconciliation Actions

A ARCT and AGI Reconciliation

ARCT allows users to record the following AGI reconciliation activities:

- acceptance of CCC-931 or CCC-933 for the identified participant
- rejection of CCC-931 or CCC-933 by IRS
- issuance of written notice of a determination of AGI noncompliance because of the failure of the participant to timely file CCC-931 and/or CCC-933
- the amount of receivable established for the applicable program year
- voluntary withdrawal of CCC-931 or CCC-933 by the participant
- no further actions required of the participant.

B Search of Participants for AGI Reconciliation

ARCT enables users to search participants to complete the following:

- enter AGI reconciliation information
- edit or revise previously recorded AGI reconciliation information.

C Reports for AGI Reconciliation Activity

ARCT enables users to track progress and overall information status of AGI reconciliation though a series of AGI reconciliation reports that can be generated by:

- program year
- upload time period
- State
- county.

Note: The reports will be generated in MS Excel format.--*

*--512 ARCT AGI Reconciliation – Producer Search

A Producer Search

The following are examples of ARCT screens for searching producers for AGI reconciliation actions.

Description/Action

The AGI reconciliation form will allow State and County Office users to record reconciliation actions taken for 2009 and subsequent years' program participants identified on the AGI reconciliation reports based on the information received. To access ARCT, go to **https://wdcprod81.sc.egov.usda.gov/arct**. The eAuthentication Warning Screen will be displayed. CLICK "**I Agree**". The eAuthentication Login Screen will be displayed.

Enter user's eAuthentication user ID, password, and CLICK "**Login**." The following Search Producer for Reconciliation Screen will be displayed.

ARCT Menu	Search Producers For Reconciliation
Welcome	* Screen Displays Sensitive Information
RECONCILIATION	Search Criteria
Search Producers for Reconciliation	* Program Year:
AGI Review & Reconciliation Tracking Report	* State:
New Producers Report	* County: 💌
COMPLIANCE	Producer Name:
Search Producers for Compliance	Tax Id Number (Last 4 digits): Tax Id Type: Any
AGI Review & Compliance Tracking Report	Search Clear Criteria
New Producers Compliance Report	
TOOLS	
Compliance Calculation Worksheet	

*--512 ARCT AGI Reconciliation – Producer Search

A Producer Search (Continued)

	Description/Action	
rom the drop-down li	ists, select the appropriate:	
program year State		
county.		
CLICK " Search ".		
ARCT Menu	Search Producers For Reconciliation	
Welcome	* Screen Displays Sensitive Information	
RECONCILIATION	Screen Displays Sensitive Information	
RECONCILIATION	Search Criteria	
Search Producers for Reconciliation	* Program Year:	
AGI Review & Reconciliation Tracking	* State:	
Report New Producers Report	* County: 💌	
COMPLIANCE	Producer Name:	
Search Producers for Compliance	Tax Id Number (Last 4 digits): Tax Id Type: Any	
AGI Review & Compliance Tracking Report	Search Clear Criteria	
New Producers Compliance Report		
TOOLS		
Compliance Calculation Worksheet		

*--512 ARCT AGI Reconciliation – Producer Search

A Producer Search (Continued)

Description/Action

The following Search Producer for Reconciliation Screen will be displayed with "Search Criteria" section and "Producers" section with the following information:

- producer name
- SSN/TIN
- USDA Core Customer ID
- producer type ("**B**" (business) or "**I**" (individual))
- determination (status).

In the "Producers" section, under the "Producer Name" column, **click** the participant's name to access its questionnaire.

creen Displays Sensiti		Reconcil	lation					
Search Criteria								
Program Year:	2010	2010						
State:	Connecticut	Connecticut (09)						
County:	Fairfield (00	Fairfield (001)						
Producer Name:								
Tax Id Number Tax Id Type: Any (Last 4 digits):								
				<u>Modify Criteria</u>				
roducers								
Producer Name	<u>Last Four</u> <u>SSN/TIN-</u> <u>Type</u>	USDA Core Customer ID	<u>Producer</u> <u>Type</u>	<u>Determination</u>				
Bill	-S	11012772	I					
Richard's Floral	-E		в					

*--513 ARCT AGI Reconciliation – Producer Details

A Producer Details

Description/Action

The following Producer Detail Screen will be displayed with the following information and questions. Complete the following questions:

- USDA Core Customer ID
- Tax ID Number Type
- Producer Name
- Producer Type
- State
- County
- Program Year
- Original Reported Date
- Valid CCC-931 or CCC-933 Received by the County Office (Yes, No, or N/A)
- Valid CCC-931 or CCC-933 Returned by IRS (Select a Reason)
- Determination (Status)
- Receivable(s) Amount Established (\$)
- Determination Letter Sent on
- Response Document Received On.

CLICK "Save".

Producer Detail			
Screen Displays Sensitive Infor	mation		
Back To List			<u>Next</u> →
USDA Core Customer ID:	11012772	Tax ID Number - Type:	xxx-xx-
Producer Name:	Producer, Bill	Producer Type:	I
State:	Connecticut (09)	County:	Fairfield (001)
Program Year:	2010	Original Reporting Date:	8/20/2011
Valid CC-931/933 Retu Det Receivable(s) Amount Est Determination Lett	ermination:	▼ ▼ ────	
Det Receivable(s) Amount Est	ermination:		

*--513 ARCT AGI Reconciliation – Producer Details

A Producer Details (Continued)

Description/Action

When completing the "Determination" drop-down list:

- "AGI Certification Withdrawn" indicates the following:
 - admission of AGI noncompliance
 - NRCS-only participant and the application for conservation practice was withdrawn
 - producer chose to withdraw and not participate in any programs subject to AGI limitations
- "Ineligible" indicates the producer:
 - certified as AGI noncompliant
 - was determined as AGI noncompliant
 - failed/refused to provide and AGI compliance certification and consent for disclosure
- "No Determination Required" indicates the following:
 - IRS-rejection reason is, "No record found on master file."
 - producer provided a valid CCC-931 or CCC-933, but does not receive, directly or indirectly, any program payments or benefits that are subject to AGI limitations
 - deceased individual.

Subsidiary files **must** be updated to reflect what is recorded here.

A AGI Review & Reconciliation Tracking Report

The following are actions needed and ARCT display screens for generating progress reports for AGI reconciliation.

Description/Action	
ARCT reports allow the users to track progress and overall information status of AGI	
reconciliation.	

To access ARCT reports, go to **https://wdcprod81.sc.egov.usda.gov/arct**. The eAuthentication Warning Screen will be displayed. CLICK "**I Agree**" and the eAuthentication Login Screen will be displayed. Enter user's eAuthentication user ID, password and CLICK "**Login**." The Search Producer Screen will be displayed. Under ARCT Menu, Producer, CLICK "**Generate a Report**".

The following AGI Review & Reconciliation Tracking Report Screen will be displayed. From the drop-down lists, select the appropriate:

- program year
- State
- county.

Note: Select "All" for "County" when generating a State report.

CLICK "Generate Report".

AGI Review	& Reconciliation Tracking Report
Program Year:	
State:	
County:	
	Generate Report

AGI Review & Reco	nciliation Tracki	ng Report						
Year: 2010								
State: Virginia (51)								
County: Fauquier (061)								
Generated On: February 2	4, 2013							
Generated By:								
*Sensitive Personnel Data	is shown below. Us	e is Restricted	1. Please ensure	that data is	s password p	rotected and (encrypted before forwarding vi	a email.
USDA Core Customer ID	Last Four SSN/TIN	Tax ID Type	Producer Type	Last Name	First Name	Middle Name	Producer Name	Business Name
		s	I	PRODUCER	BILL		PRODUCER, BILL	
	0020	s	в				RICHARD'S FLORAL BUSINESS	RICHARD'S FLORAL BUSINESS

*--514 ARCT AGI Reconciliation – Producer Reports

A AGI Review & Reconciliation Tracking Report (Continued)

	Description/Action
Τh	e AGI Review & Reconciliation Tracking Report will be displayed with the following header,
	lumn headers, and data:
•	Year
•	State
•	County
•	Generated On (Date)
•	Generated By (FSA User).
	e following Sensitive Personnel Data will be displayed. Use is restricted . Users shall ensure t data is password protected and encrypted before forwarding by e-mail.
Ð	USDA Core Customer ID
	Last Four SSN/TIN
•	Tax ID Type
	Producer Type
	Business Name
	Eligibility Recording State
)	State Code
•	Eligibility Recording County
•	County Code
•	Last Name
•	First Name
)	Middle Name
•	Producer Name
)	Original Reporting Date
	Address Status
)	Address
•	Delivery Address
)	Foreign Address
•	Mailing City
•	Mailing State
,	Mailing Zip
,	CCC-931 Received by COF
•	Reason CCC-931 Returned by IRS
,	Determination Letter Sent to Producer
•	Documents Received by FSA
•	Determination
•	Receivable Amount Established
•	Last Updated By
•	Last Updated On.
	r

*--514 ARCT AGI Reconciliation – Producer Reports

B New Producers Report

The following are actions needed and ARCT display screens for generating reports for the identifications of new producers for AGI reconciliation.

		Descr	iptior	Actio	n			
ARCT reports allow the AGI reconciliation recon that this report be gene	ds since the la	nforma st recoi	tion on	new pa	rticipants that have rt was generated. I	t is recommended		
Under ARCT Menu, Red	conciliation, C	LICK '	'New I	Produce	er Report".			
The following New Proc appropriate:	lucers Report	Screen	will be	display	red. From the drop-	-down lists, select	the	
 "Uploaded On" (sel "Program Year" "State" "County". 	ect the approp	riate qu	uarterly	v period)			
Note: Select "All"	for "County"	when g	generat	ing a Sta	ate report.			
CLICK "Generate Rep	ort".							
New Produc	ers Repo	ort						
Uploaded On:			•					
Program Year:	•							
State:				•				
County:			•					
	Gene	erate R	Report	t				
The following is an exar	The following is an example of the New Producers Report.							
New Producers Report Uploaded On: 2012-Q3 (11/02/2012) Year: 2011 State: Iowa (19) County: Boone (015) Generated On: February 24, 2013								
Generated By: "Sensitive Personnel Data is shown below. Use is Restricted. Please ensure that data is password protected and encrypted before forwarding via email.								
USDA Core Customer ID Last Four SSN/TIN		pe Last Name	e First Name	Middle Name		Business Name		
	E B S I	DODUCED	105		PRODUCER TRUST PRODUCER, JOE	PRODUCER TRUST		
	l i i	PRODUCER	JOE		Indeden, de			

*--514 ARCT AGI Reconciliation – Producer Reports

B New Producers Report (Continued)

	Description/Action
The	New Producers Report will be displayed with the following header, column headers, and data
•	Year
•	State
•	County
	Generated On (Date)
	Generated By (FSA User).
	e following Sensitive Personnel Data will be displayed. Use is restricted . Users shall ensure data is password protected and encrypted before forwarding by e-mail.
•	USDA Core Customer ID
•	Last Four SSN/TIN
•	Tax ID Type
•	Producer Type
•	Business Name
•	Eligibility Recording State
•	State Code
•	Eligibility Recording County
•	County Code
•	Last Name
•	First Name
•	Middle Name
•	Producer Name
•	Original Reporting Date
•	Address Status
•	Address
•	Delivery Address
	Foreign Address
	Mailing City
	Mailing State
•	Mailing Zip
•	CCC-931 Received by COF
	Reason CCC-931 Returned by IRS
	Determination Letter Sent to Producer
	Documents Received by FSA
	Determination
	Receivable Amount Established
	Last Updated By
	Last Updated On.
	•
	at or save the "ARCT Report by County" or "ARCT Report by State". CLICK "Logout of 1th " or "Exit ARCT" to exit the system.

*--Section 3 AGI Compliance Review

526 AGI Compliance Review Actions

A ARCT and AGI Compliance Review

ARCT allows users to record the following AGI compliance review activities:

- results of the completed review of the participant's documentation
- determination of compliance or noncompliance with each AGI limitation
- issuance of written notice of a determination of AGI compliance or noncompliance with the applicable AGI limitations
- the amount of receivable established for the applicable program year
- voluntary withdrawal of CCC-931 or CCC-933 by the participant
- removal from compliance review.

B Search of Participants for AGI Compliance Review

ARCT enables users to search participants to complete the following:

- enter AGI compliance review information
- edit or revise previously recorded AGI compliance information.

C Reports for AGI Compliance Review Activity

ARCT enables users to track progress and overall status of AGI compliance though a series of AGI compliance review reports that can be generated by:

- program year
- State
- county.

Note: The reports will be generated in MS Excel format.--*

*--527 ARCT AGI Compliance Review – Producer Search

A Producer Search

The following are examples of ARCT screens for searching producers for AGI compliance reviews.

	Description/Action
1	iew form will allow State Office users to record compliance 009 and subsequent years' program participants identified for
Screen will be displayed. displayed. Enter user's eA	dcprod81.sc.egov.usda.gov/arct . The eAuthentication Warning CLICK " I Agree " and the eAuthentication Login Screen will be Authentication user ID, password, and CLICK " Login ." Under e, CLICK " Search Producers for Compliance " and the following
From the drop-down lists,	select the appropriate:
 program year State county	
CLICK "Search".	
	ers For Compliance
* Screen Displays Sensi	itive Information
Search Criteria	
* Program Year:	
* State:	
* County:	
Producer Name:	
Tax Id Number (Last 4 digits):	Tax Id Type: Any
	Search Clear Criteria

*--527 ARCT AGI Compliance Review – Producer Search

A Producer Search (Continued)

Description/Action

The following Search Producers Screen will be displayed with "Search Criteria" section and "Producers" section with the following information:

- producer name
- SSN/TIN
- USDA Core Customer ID
- producer type ("**B**" (business) or "**I**" (individual))
- determination (status).

In the "Producers" section, under the "Producer Name" column, **click** the participant's name to access their records.

Search Producers For Compliance								
* Screen Displays Sensitive Information								
Search Criteria								
Program Year:	2012							
State:	Kansas (20)							
County:	Ford (057)							
Producer Name:								
Tax Id Number (Last 4 digits):	Tax Id Type: Any							
	<u>Modify Criteria</u>							
				1 2				
Producers								
Producer Name	Last Four SSN/TIN-USDA Core CustomerProducer TypeReview CompletedTypeID							
PRODUCER, BILL	-S		I					
PRODUCER, JOE	-S		I					
PRODUCER, ONE !New	I I							

*--528 ARCT AGI Compliance Review – Producer Details

A Producer Details

		Description/Action		
The following Producer I	Detail Scree	en will be displayed.		
Producer Detail				
* Screen Displays Sensitive Inf	formation			
← <u>Back To List</u>			← <u>Previous</u>	<u>Next</u> →
USDA Core Customer ID:	6141611	Tax ID Number - Type:	xxx-xx-: S	
Producer Name:		Producer Type:	I	
State:	Kansas (20)	County:	Ford (057)	
Program Year:	2012	Original Reporting Date:	7/21/2012	
AGI Limitation Potentially Exceeded:	\$750K FI, \$1N rule does not Total AGI	4 NFI and 66% apply, \$1M Tax Records Filed:	2008, 2009, 2010	
Is a Compliance re	view required?			
Type of Tax Documentat	ion Submitted:	💌		
Determination	for \$500K NFI:			
Determination	n for \$750K FI:			
Determinatio	n for \$1M NFI:			
Determination for s	\$1M Total AGI:			
Revie	ew Completed:	O Yes O No © N/A		
Adverse Deter	mination Date:			
Subsi	diary Updated:			
Total Receivables f	Established(\$):			
Appeal Do	cuments Filed:			
← <u>Back To List</u>		Save Save >>		

*--528 ARCT AGI Compliance Review – Producer Details

A Producer Details (Continued)

Description/Action

On the Producer Detail Screen, update the 2009 and subsequent years' records with the appropriate determinations and receivable amounts established, if applicable. The producer information, State, county, last 4 TIN, etc., are locked from edit. Each limitation for each year has the following options available:

- Eligible
- Ineligible
- Withdrawn
- Producer-Not Met
- Removed from Review
- n/a.

When selecting the appropriate option from the drop-down list:

- "Eligible" indicates that the producer was determined to be compliant with the average AGI limitation (corresponds to the "SED determined" flag)
- "Ineligible" indicates that the producer was determined to be noncompliant with the average AGI limitation (corresponds to the "SED determined" flag)
- "Withdrawn" indicates that the producer withdrew CCC-931 previously filed for the program year
- "Producer-Not Met" indicates that the producer provided a written admission of average AGI noncompliance
- "Removed from Review" may be used to indicate that the producer is deceased

Note: AGI compliance review will not be pursued and the review is considered completed.

• "n/a" indicates that the producer did not request program payments or benefits subject to this average AGI limitation.

After completing data entry, CLICK "Save" to send updates to the database.

Note: Subsidiary files **must** be updated to reflect what is selected here.

*--529 ARCT AGI Compliance Review – Producer Reports

A AGI Review & Compliance Tracking Report

The following are actions needed and ARCT display screens for generating progress reports for AGI compliance reviews.

Description/Action
ARCT reports allow the users to track progress and overall information status of AGI
compliance reviews.

To access ARCT Reports, go to **https://wdcprod81.sc.egov.usda.gov/arct**. The eAuthentication Warning Screen will be displayed. CLICK "**I Agree**" and the eAuthentication Login Screen will be displayed. Enter user's eAuthentication user ID, password and CLICK "**Login**." The Search Producer Screen will be displayed. Under ARCT Menu, Compliance, CLICK "**AGI Review & Compliance Tracking Report**".

The following AGI Review & Compliance Tracking Report Screen will be displayed. From the drop-down lists, select the appropriate:

- program year
- State
- county.

Note: Select "All" for "County" when generating a State report.

CLICK "Generate Report".

AGI Review & Compliance Tracking Report										
Program Year:										
	State:									
с	County:									
	Generate Report									
AGI Review & Comp	liance Tracking	Report								
Year: 2012	5									
State: Maryland (24)										
County: Kent (029)										
Generated On: February 24	4, 2013									
'	Generated By:									
*Sensitive Personnel Data	*Sensitive Personnel Data is shown below. Use is Restricted. Please ensure that data is password protected and encrypted before forwarding via email.									
USDA Core Customer ID	Last Four SSN/TIN	Tax ID Type	Producer Type	Last Name	First Name	Middle Name	Producer Name			
	9260	S	I	PRODUCER	BILL		PRODUCER, BILL			
		S	I	PRODUCER	JOE		PRODUCER. JOE			

*--529 ARCT AGI Compliance Review – Producer Reports

A AGI Review & Compliance Tracking Report (Continued)

	Description/Action
Гhe	e AGI Review & Compliance Tracking Report will be displayed with the following header,
	umn headers, and data:
•	Year
	State
	County
	Generated On (Date)
	Generated By (FSA User).
ħ	e following sensitive personnel data will be displayed. Use is restricted. Users shall ensure
	t data is password protected and encrypted before forwarding by e-mail.
	USDA Core Customer ID
	Last Four SSN/TIN
	Tax ID Type
	Producer Type
	Business Name
	Eligibility Recording State
	State Code
	Eligibility Recording County
	County Code
	Last Name
	First Name
	Middle Name
	Producer Name
	Original Reporting Date
	Address Status
	Address
	Delivery Address
	Foreign Address
	Mailing City
	Mailing State
	Mailing Zip
	CCC-931 Received by COF
	Reason CCC-931 Returned by IRS
	Determination Letter Sent to Producer
	Documents Received by FSA
	Determination
	Receivable Amount Established
	Last Updated By
	Last Updated On.
	Lust Opdated Off.
ri	nt or save the "ARCT Report by County" or "ARCT Report by State". CLICK "Logout of
	uth" or "Exit ARCT" to exit the system.

*--529 ARCT AGI Compliance Review – Producer Reports

B New Producers Report

The following are actions needed and ARCT display screens for generating reports for the identifications of new producers for AGI compliance review.

			Descr	ription/Act	ion			
to the AGI com	npliance rev nerated. It	view rec is reco r	cords sind mmende	ce the last A d that the S	AGI Rev State Of	iew & C	s that have been added Compliance Tracking nerate this report	
Under ARCT N	Menu, Com	pliance	, CLICK	"New Pro	ducer R	eport".		
The following l down lists, sele			-	e Report Sc	reen wil	l be disp	played. From the drop-	
-								
Note: Sele	ect " All " fo	or "Cour	nty" whe	n generatin	g a State	Report.		
CLICK "Gener	rate Repoi	ɛ t ".						
New Pro	oducer	s Coi	mplia	nce Re	port			
Upload	ded On:	012-03-(1						
Program	m Year:	•						
	State:		64)	•				
c	County:			•				
		Ge	nerate R	Report				
New Producers Com Uploaded On: 2012-Q3 (11, Year: 2012 State: Maryland (24) County: Kent (029) Generated On: February 24 Generated By: "Sensitive Personnel Data	4, 2013		d. Please ensure	e that data is passw	ord protected	and encrypted	before forwarding via email.	
USDA Core Customer ID	Last Four SSN/TIN	Tax ID Type	Producer Type	PRODUCER	First Name	Middle Name	Producer Name	
		S	I	PRODUCER	JOE		PRODUCER, BILL PRODUCER, JOE	
		ii	H	THOUGH	002	II	11000021, 002	

*--529 ARCT AGI Compliance Review – Producer Reports

B New Producer Report (Continued)

	Description/Action
Γhe	e New Producer Report will be displayed with the following header, column headers, and data
	Year
	State
	County Concentrated On (Data)
	Generated On (Date)
	Generated By (FSA User).
	e following sensitive personnel data will be displayed. Use is restricted. Users shall ensure
ha	t data is password protected and encrypted before forwarding by e-mail.
	USDA Core Customer ID
	Last Four SSN/TIN
•	Tax ID Type
	Producer Type
•	Business Name
•	Eligibility Recording State
	State Code
	Eligibility Recording County
•	County Code
•	Last Name
•	First Name
•	Middle Name
•	Producer Name
,	Original Reporting Date
•	Address Status
,	Address
,	Delivery Address
,	Foreign Address
,	Mailing City
	Mailing State
	Mailing Zip
	CCC-931 Received by COF
	Reason CCC-931 Returned by IRS
•	Determination Letter Sent to Producer
•	Documents Received by FSA
	Determination
	Receivable Amount Established
	Last Updated By
	Last Updated On.
. .	
ru	nt or save the "ARCT Report by County" or "ARCT Report by State". CLICK "Logout of

*--Section 4 Tools and Help Guides

541 ARCT Tools

A Compliance Calculation Worksheet

ARCT provides a printable Compliance Calculation Worksheet to assist in the determination of the average AGI amount for:

- each program participant (person, legal entity, and members of a legal entity)
- the applicable program year
- the number of years of taxable income for the participant
- each of the AGI limitations

B Using the Compliance Calculation Worksheet

The Compliance Calculation Worksheet:

- requires the user to select the appropriate program year and enter the amounts of income for the applicable years
- requires the user to enter the number of years of the 3-year period in which the participant had taxable income
- displays the calculated AGI amounts and the eligibility status of the participant under each of the applicable AGI limitations.--*

*--541 ARCT Tools (Continued)

Description/Action

ARCT provides an AGI Compliance Calculation Worksheet to assist in the determination of the average AGI amounts. Under ARCT Menu, Tools, CLICK "**Compliance Calculation Worksheet**" and the Compliance Calculation Worksheet Screen will be displayed.

From the drop-down list, the user must select the appropriate "Program Year" and then enter the following information:

- number of years in the 3-year period the participant had taxable income
- income amounts derived from farm and nonfarm sources
- income derived from equipment sales and input services, if applicable.

CLICK "Calculate"

Compliance Calculation	Worksheet
Program Year:	
Number of Tax Years*:	
Enter Total AGI (both nonfa	arm and farm) for the years:
2008:	
2009:	
2010:	
Enter AGI derived from all	activities related to Farming, Ranching, and Forestry Operations:
2008:	
2009:	
2010:	
Enter the Total AGI derived	from Equipment sales and input services:
2008:	
2009:	
2010:	
Clear Calculate	Print Window Close

*--541 ARCT Tools (Continued)

C Example of a Compliance Calculation Worksheet (Continued)

Description/Action				
pliance Calculation Worksheet				
Igains, LDP payments, di The person or legal enti Average adjusted gross person or legal entity is Average adjusted gross	ty is eligible for all commodity (including direct, counter- nents under DCP and ACRE), MILC, marketing load saster assistance, and conservation program benefits. ty is eligible for direct payments under DCP and ACRE. non farm income is less than or eqal to \$1M. The eligible for all conservation program payments. non farm income is more than \$1M but the percentage ss farm income from the average AGI is at least legal entity is eligible for all conservation program	Not Eligible Not Eligible Eligible Not Applicable		
Program Year:	2011 -			
Number of Tax Years*:	3			
Enter Total AGI (both nor	farm and farm) for the years:			
2007:	750000.00			
2008:	800000.00			
2009:	750000.00			
Sum:	2300000.00			
Average:	766666.67			
Enter AGI derived from a	II activities related to Farming, Ranching, and Forestry Oper	ations:		
2007:	150000.00			
2008:	200000.00			
2009:	200000.00			
Sum:	55000.00			
Average:	183333.33			
Average Adjusted Gross I	NonFarm Income:			
	583333.34			
Percentage of Average A	djusted Gross Farm Income:			
	23.91			
Enter the Total AGI derive	ed from Equipment sales and input services:			
2007:	0.00			
2008:	0.00			
2009:	0.00			
Sum:	0.00			
Average:	0.00			
Total Adjusted Gross Farr and Input Services:	n Income from all Farming, Ranching, and Forestry Operation	ons PLUS Equipment Sales		
2008:	150000.00			
2009:	20000.00			
2010:	20000.00			
Sum:	55000.00			
Average:	183333.33			
Average Adjusted Gross I				
	583333.34			
Percentage of Average A	djusted Gross Farm Income 2:			
Olaas Ostaut t	23.91			
Clear Calculate	Print Window Close			

D ARCT Help and Reference Guide

Assistance with any ARCT capabilities, including options for reports in MS Excel, can be found by:

- selection of "Help" on any ARCT display screen
- referring to the ARCT Help Guide found in Exhibit 30.

E Mail Merge and AGI Notifications

AGI compliance and reconciliation reports generated through ARCT can be used for sending identified participants notifications of the following:

- the requirement to timely submit CCC-931 or CCC-933
- AGI compliance review
- request for AGI information or for additional information
- completion of a compliance review
- determination of AGI compliance or noncompliance.

Sample AGI notification letters and mail merge instructions can be found on the AGI SharePoint web site.--*

Reports, Forms, Abbreviations, and Redelegations of Authority

Reports

None.

Forms

This table lists all forms referenced in this handbook.

		Display	
Number	Title	Reference	Reference
AD-1026	Highly Erodible Land Conservation (HELC) and		Ex. 14
	Wetland Conservation (WC) Certification		
CCC-501A	Member's Information		Ex. 10
CCC-501B	Designation of "Permitted Entities"		Ex. 10
CCC-502	Farm Operation Plan for Payment Eligibility		Ex. 10
	Review for		
CCC-509	2009-2012 Direct and Counter-Cyclical Program		3, 119, 157
	Contract		
CCC-526	Payment Eligibility Average Adjusted Gross		190
	Income Certification		
CCC-526C	Payment Eligibility - Average Adjusted Gross		190, Ex. 14
	Income Certification For Certain Conservation		
	Reserve Program Contracts Approved Before		
	October 1, 2008		
CCC-580	Milk Income Loss Contract (MILC)		186
CCC-770 CPA	AGI Compliance Review Checklist	Ex. 21	
	CPA or Attorney Certification Statement		
CCC-770 TAX		Ex. 21	
	IRS Tax Information - Returns and Schedules		
CCC-900-1	Payment Eligibility/Limitation Selection,	421	
	Notification, and Information Collection Checklist		
	1		
CCC-900-2	Payment Eligibility/Limitation Documents	421	
	Received From Producer Checklist 2		
CCC-900-3	Payment Eligibility/Limitation Contribution	421	
	Worksheet		
CCC-900-4	Payment Eligibility/Limitation Substantive Change	421	
	and Other Determinations Worksheet		
CCC-900-5	Payment Eligibility/Limitation Summary of	421	478
	Findings and Recommendations		
CCC-901	Member's Information - 2009 and Subsequent	99	Text, Ex. 10,
	Years		14
CCC-902			31, Ex. 10,
Automated	2009 and Subsequent Program Years		14
CCC-902	Continuation Sheet for Leased or Owned Land	140	Text, Ex. 10
Continuation	(Attach to Form CCC-902I or CCC-902E)		

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

Forms (Continued)

		Display	
Number	Title	Reference	Reference
CCC-902E	Farm Operating Plan for an Entity - 2009 and	120, 122,	Text, Ex. 10
	Subsequent Program Years	140, 149,	
		158, 170	
CCC-902E	Continuation Sheet for Farm Operating Plan for an	141	34, 120
Continuation	Entity - 2009 and Subsequent Program Years		
CCC-902EYR	End-of-Year Report of Payment Limitation Review	441	402, 442
CCC-902I	Farm Operating Plan for an Individual - 2009 and	130	Text, Ex. 10
	Subsequent Program Years		
CCC-902I	Farm Operating Plan for an Individual - 2009 and	131	34, 74
Short Form	Subsequent Program Years		
CCC-903	Worksheet for Payment Eligibility and Payment	207	33, 109
	Limitation Determinations		
CCC-926 <u>1</u> /	Average Adjusted Gross Income (AGI) Statement		Text, Ex. 10,
			14, 21
CCC-927 <u>1</u> /	Consent to Disclosure of Tax Information - Individual		Ex. 11-13
CCC-928 <u>1</u> /	Consent to Disclosure of Tax Information - Legal Entity		Ex. 11-13
CCC-929	Average Adjusted Gross Income (AGI) Supplemental	201	199, 200
CCC-931	Average Adjusted Gross Income (AGI) Certification	200.5	Text, Ex. 12,
	and Consent to Disclosure of Tax Information		13.5, 21
CCC-931C	Average Adjusted Gross Income (AGI) Certification	200.5	Text, Ex. 12,
	and Consent to Disclosure of Tax Information		13.5, 21
	For Successors to Conservation Program Contracts		
	and Agreements Only		
CCC-933	Average Adjusted Gross Income (AGI) Certification	200.5	Text, Ex. 13.5,
	and Consent to Disclosure of Tax Information		21
	For the 2013 crop, program, and fiscal years only.		
CRP-1	Conservation Reserve Program Contract		13, 187, 190,
			Ex. 10
CRP-1F	CRP-1 Modification to Extend the Contract		Ex. 10
Addendum	Expiration Date for Years		
FSA-211	Power of Attorney		200.5
I-151 <u>1</u> /	Alien Registration Receipt Card		107
I-551	Permanent Resident Card/Resident Alien Card	107	108, 120, 130,
TD G 6 5 5			131, 141, Ex. 2
IRS-990	Return of Organizations Exempt From Income Tax		97
IRS-990-T	Exempt Organization Business Income Tax Return		191, Ex. 21
	(and proxy tax under section 6033(e))		
IRS-1040	U.S. Individual Income Tax Return		188, 191,
			200.5, 203.8,
			Ex. 21

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

Number	Title	Display Reference	Reference
IRS-1041	U.S. Income Tax Return for Estates and Trusts		191, Ex. 21
IRS-1065	U.S. Return of Partnership Income		191, Ex. 21
IRS-1120	U.S. Income Tax Return for an S Corporation		191, Ex. 21
IRS-1120S	U.S. Income Tax Return for an S Corporation		191, Ex. 21
IRS-2848	Power of Attorney and Declaration of Representative		200.5
IRS-3210	Document Transmittal	Ex. 8	200

Forms (Continued)

Abbreviations Not Listed in 1-CM

The following abbreviations are **not** listed in 1-CM.

Approved Abbreviation	Term	Reference
AMA	Agriculture Management Assistance	11, 187
ARCT	AGI Review and Compliance Tracking System	203.5, Part 9
AWEP	Agricultural Water Enhancement Program	11, 187
CBWP	Chesapeake Bay Watershed Program	11, 187
ССРІ	Cooperative Conservation Partnership Initiative	11, 187
СРА	Certified Public Accountant	189, 200, 200.5, 203.7, 203.8, 204, Ex. 21
CSTP	Conservation Stewardship Program	11, 14, 187
EIN	employer identification number	136, 156, 168, 200, Ex. 2
EYR	End-of-Year Report	402, 441, 442, 476-479
EYRT	End-of-Year Review Tracking	441, 442, 445-449, 476-479
FRPP	Farm and Ranchland Protection Program	11, 187
IRA	individual retirement account	167
LLP	limited liability partnership	34, 52, 147, 148, 149, 191
LP	limited partnership	34, 52, 120, 147, 148, 149, 191, Ex. 2
MLG	marketing loan gain	3, 11, 12, 14, 186
TAAF	Trade Adjustment Assistance for Farmers	11, 14, 34, 187
WHIP	Wildlife Habitat Incentives Program	11, 14, 187

Redelegations of Authority

This table lists redelegations of authority in this handbook.

Redelegation	Reference
Making Determination Decisions	216
Monitoring Determinations	216

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Active Personal Labor

<u>Active personal labor</u> means personally providing physical activities necessary in a farming operation. These activities include physical activities:

- involved in land preparation, planting, cultivating, harvesting, and marketing of agricultural commodities
- required to establish and maintain conserving cover crops or conserving use acreages
- required in livestock operations.

Active Personal Management

Active personal management means personally providing:

- the general supervision and direction of activities and labor involved in the farming operation
- services, whether performed on-site or off-site, reasonable related and necessary to the farming operation, including any of the following:
 - supervision of activities necessary in the farming operation
 - business-related actions that include discretionary decision making
 - evaluation of the financial condition and needs of the farming operation
 - assistance in structuring or preparing financial reports or analyses for the farming operation
 - consultations in or structuring of business-related financing arrangements for the farming operation
 - marketing and promoting agricultural commodities produced by the farming operation
 - acquiring technical information used in the farming operation
 - any other management function necessary to conduct the farming operation and for which the operation would ordinarily be charged a fee.

Adequate Documentation

<u>Adequate documentation</u> means whatever documentation is required by the reviewing authority to make proper actively engaged in farming, attribution, and average AGI compliance determinations.

Adjusted Gross Income (AGI)

AGI means, for a:

- person, the amount reported to IRS on the appropriate tax filing documents as AGI
- legal entity, the comparable measure according to this handbook.

*--AGI Review and Compliance Tracking System (ARCT)

<u>ARCT</u> is a web-based system:

- in which National, State, and County Office users can record all AGI-related review information and activities for 2009 and subsequent years' program participants
- that provides reporting capability for both AGI reconciliation and compliance review information recorded for program participants.--*

"Arm's Length" Business Transaction

<u>"Arm's length" business transaction</u> means a transaction between 2 parties, however closely related they may be, conducted as if the parties were strangers, so that no conflict of interest arises.

Attribution

<u>Attribution</u> means crediting payments made to entities, such as corporations, estates, trusts and limited partnerships, to "real persons" based on the share of the entity held by the individual stockholder, heir, beneficiary, etc.

Average Adjusted Gross Farm Income

<u>Average adjusted gross farm income</u> of a person or legal entity means income or benefits derived from the following sources.

Income Related to Livestock and Crops	Other Types of Income		
Production of livestock, including but not	The sale of land that has been used for		
limited to:	agriculture.		
	The sale of easements and development		
• cattle, sheep, goats, swine	rights to:		
• elk, reindeer, bison, deer	• farmland, ranchland, or forestry land		
	• water or hunting		
• horses	• environmental benefits.		
• poultry			
 fish and other aquaculture products used for food 			
1000			
• honeybees.			
The feeding, rearing, or finishing of livestock.	The rental or lease of land or equipment used		
Products produced by or derived from livestock.	for farming, ranching or forestry operations,		
rioduces produced by or derived from investock.	including water or hunting rights.		
Production of crops, specialty crops, and	Any payment or benefit, including benefits		
unfinished raw forestry products.	from risk management practices, crop		
	insurance indemnities, and catastrophic risk		
	protection plans.		
The processing, packing, storing, shedding, and	Payments and benefits authorized under any		
transporting of farm, ranch, and forestry	program made applicable to payment		
commodities, including renewable energy.	eligibility and payment limitation rules.		
	Production of farm-based renewable energy.		
Any other activity related to farming, ranching, or forestry as determined by the Deputy			
Administrator.			
Any income reported on IRS Schedule F or other schedule used by the person or legal entity to			
report income from farming, ranching, or forestry operations to IRS.			
The sale of equipment to conduct farm, ranch, or forestry operations and the provision of			
production inputs and services to farmers, ranchers, foresters, and farm operations, if the			
average adjusted gross farm income is at least 66	b.66 percent of the average AGI.		

--Note: Wages earned through employment by farming operation are not farm income.--

Average AGI for a Person or Legal Entity

<u>Average AGI for a person or legal entity</u> means the average AGI, or comparable measure, of the individual or entity over the 3 taxable years preceding the most immediately preceding complete taxable year for which benefits are requested.

Note: Exclude any years that the individual or entity did **not** have income or had AGI considered as zero.

Capital

For payment limitation purposes, <u>capital</u> means the funding provided by a person or legal entity to the farming operation for the operation to conduct farming activities.

Cash-Rent Tenant

*--<u>Cash-rent tenant</u> means a producer who rents land from another producer or landowner under either of the following conditions:

- for a fixed cash amount
- guaranteed crop share as the amount of the commodity to be paid in rent.--*

Common Attribution

<u>Common attribution</u> means crediting payments made to persons or legal entities collectively to 1 limitation, for the applicable program, based on a specific or unique relationship between the persons or legal entities.

Complete Control

<u>Complete control</u> means exclusive access and use by the tenant.

Corporation

<u>Corporation</u> means an entity recognized by law comprised of 1 or more persons or legal entities, which has certain rights and duties.

Note: For payment limitation purposes, a subchapter S corporation is included in this definition.

Custom Services

<u>Custom services</u> mean the hiring of a contractor or vendor that is in the business of providing such specialized services or to perform services for the farming operation in exchange for the payment of a fee for such services performed.

Default Determination

<u>Default determination</u> means all persons or legal entities are considered actively engaged in farming.

*--Enrolled Agent

<u>Enrolled agent</u> means someone who is authorized to deal with IRS on behalf of another; however, enrolled agent certifications are **not** acceptable for AGI eligibility purposes.--*

Embedded Legal Entity

<u>Embedded legal entity</u> means an entity that has an interest, directly or indirectly, as a stockholder, member, beneficiary, or heir, in another entity that is earning payments.

Equipment

For payment limitation purposes, <u>equipment</u> means the machinery and implements used by the farming operation to conduct activities of the farming operation.

This includes:

- machinery and implements for:
 - land preparation, planting, cultivating, or harvesting of the crops involved
 - establishing and maintaining conservation cover crops or conservation use of acreages
 - conducting livestock operations
- irrigation equipment that is:
 - **not** of a permanent nature
 - commonly used in the area.

*--End-of-Year Review Tracking (EYRT)

EYRT means a web-based system:

- in which National, State, and County Office users can record all findings, recommendations, and conclusions from EYR's completed on selected farming operations for 2009 and subsequent years' payment eligibility and payment limitation compliance purposes
- that provides reporting and summarization capabilities for EYR findings, determinations, and related information recorded for the farming operations reviewed.--*

Family Member

<u>Family member</u> means a person to whom another member in the farming operation is related as lineal ancestor, lineal descendant, sibling, spouse, or otherwise by marriage.

The term family member shall include:

- great grandparent
- grandparent
- parent
- child, including legally adopted children and stepchildren
- grandchild
- great grandchild
- sibling of the family members in the farming operation
- spouse of family members.

Farming Operation

<u>Farming operation</u> means a business enterprise engaged in production of agricultural products, commodities, or livestock, operated by a person, legal entity, or joint operation that is eligible to receive payments, directly or indirectly, under 1 or more programs specified in § 1400.1. A person or legal entity may have more than 1 farming operation if this person or legal entity is a member of 1 or more joint operations.

Foreign Entity

<u>Foreign entity</u> means a corporation, trust, estate, or other similar organization, that has more than 10 percent of its beneficial interest held by individuals who are **not**:

- citizens of the U.S.
- lawful alien possessing a valid Permanent Resident Card or Resident Alien Card (Form I-551).

Foreign Person

<u>Foreign person</u> means someone who is **not** a:

- citizen of the U.S.
- lawful alien possessing a valid Permanent Resident Card or Resident Alien Card (Form I-551).

*--General Partnership

General partnership means:

- comprised of 2 or more persons or legal entities
- formed under State law
- subject to the terms of a formalized agreement
- identified with EIN.--*

Income From Farming, Ranching, or Forestry Operations

<u>Income from farming, ranching or forestry operations</u> means income derived from producing crops, livestock, or unfinished raw forestry products.

Indian Tribe

<u>Indian tribe</u> means any Indian tribe, band, nation, pueblo, or other organized group or community, including any Alaska Native village or regional corporation as defined in or established under the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the U.S. because of their status as Indian.

Joint Operation

*--Joint operation means a general partnership or joint venture, whose members are jointly and severally liable for the obligations of the organization, in which 2 or more individuals or entities pool their resources, such as land, labor, capital, management, and equipment, to conduct the farming operation for a common purpose, sharing the profits and losses.

Joint Venture

<u>Joint venture</u> means a short-term association of persons or legal entities, where the association exists without an actual partnership or corporate designation.--*

Land

For payment limitation purposes, <u>land</u> means farmland consisting of cropland, pastureland, wetland, or rangeland that meets the specific requirements of the applicable program.

"Left-Hand" Contribution

"Left-hand" contribution to the farming operation means 1 or a combination of the following:

- capital
- land
- equipment.

Legal Entity

<u>Legal entity</u> means an entity created under Federal or State law that owns land or an agricultural commodity, product, or livestock.

Limited Partnership (LP)

For payment limitation purposes, <u>LP</u> means LP has both of the following:

- at least 1 general partner entrusted with managing and controlling the partnership's business
- at least 1 limited partner.

Minor Child

Minor child means a person that is **not** 18 years of age on or before April 1 of the current year.

Note: Court action conferring majority on such person does **not** change this person's status as a minor child.

Person

Person means a natural person (individual) and does not include a legal entity.

Note: A cooperative association of producers that market commodities shall **not** be considered the person, and payments and benefits thereby limited for the commodities marketed for the producers.

Public School

<u>Public school</u> means a primary, elementary, secondary school, college, or university which is directly administered under the authority of a governmental body or which receives a predominant amount of its financing from public funds.

"Right-Hand" Contribution

"Right-hand" contribution to the farming operation means 1 or a combination of the following:

- active personal labor
- active personal management.

Separate and Distinct Contribution

<u>Separate and distinct contribution</u> is a contribution to the farming operation that is:

- unique and apart from other contributions
- distinguishable from the contributions of other partners, stockholders, or members of the same legal entity or joint operation.

Sharecropper

Sharecropper means an individual who:

- performs work in connection with the production of the crop under the supervision of the operator
- receives a share of the crop in return for the provision of such labor.

*--Taxable Income

<u>Taxable income</u>, for average AGI purposes, means income used by FSA to determine if the person or legal entity had any amount that could be included as income on an IRS tax return and is subject to taxation. AGI has nothing to do with the person's or legal entity's taxable income liability. A person or legal entity with AGI as defined in 7 CFR Part 1400 in any year is considered to have taxable income in that year regardless of the amount shown as taxable income on the person's or legal entity's tax return for that year.

Example: A person has total adjusted gross income of \$7,600 in 2008. The person claims 2 exemptions on the tax return and thereby reduces taxable income using IRS-allowable exemptions and/or deductions to \$0. For AGI purposes under 7 CFR Part 1400, the person has taxable income for 2008, and that taxable income is \$0.--*

Total Value of a Farming Operation

<u>Total value of a farming operation</u> means the total of the costs, excluding the value of active personal labor and active personal management that is contributed by a member of the farming operation, needed to carry out the farming operation for the year for which the determination is made.

Tribal Venture

<u>Tribal venture</u> means a joint operation conducted by members of a Native American or Indian tribe.

Menu and Screen Index

Menu or Screen	Title	Reference
	End of Year Review Tracking Additional EYR Selections Screen	478
	End of Year Review Tracking CCC-900 Summary (Individual Case Reporting) Screen	478
	End of Year Review Tracking CCC-902EYR (Individual Case Reporting) Screen	478
	End of Year Tracking Main Menu	478
	Farming Operation Summary Page (Short Form) Screen	132
	Farming Operation Summary Page Screen	130.5
	Payment Limitation EYRs Screen	477
	State Selection Report Screen	479

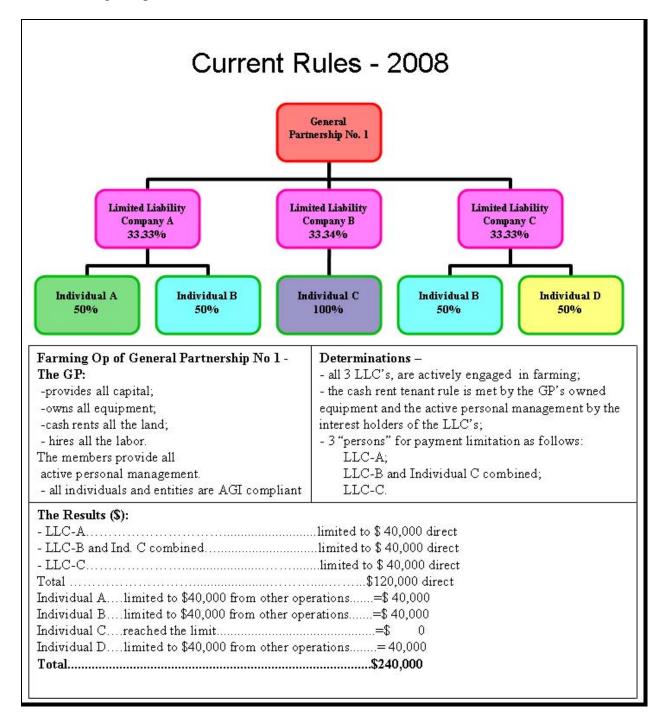
The following table lists the menus and screens displayed in this handbook.

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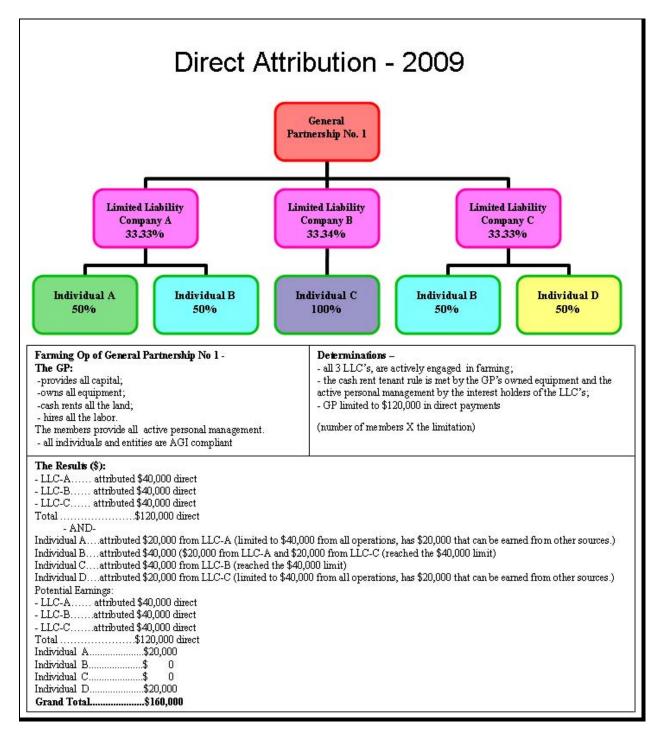
Direct Attribution

A 2008 and 2009 Rules

The following compares rules for 2008 and 2009.



A 2008 and 2009 Rules (Continued)



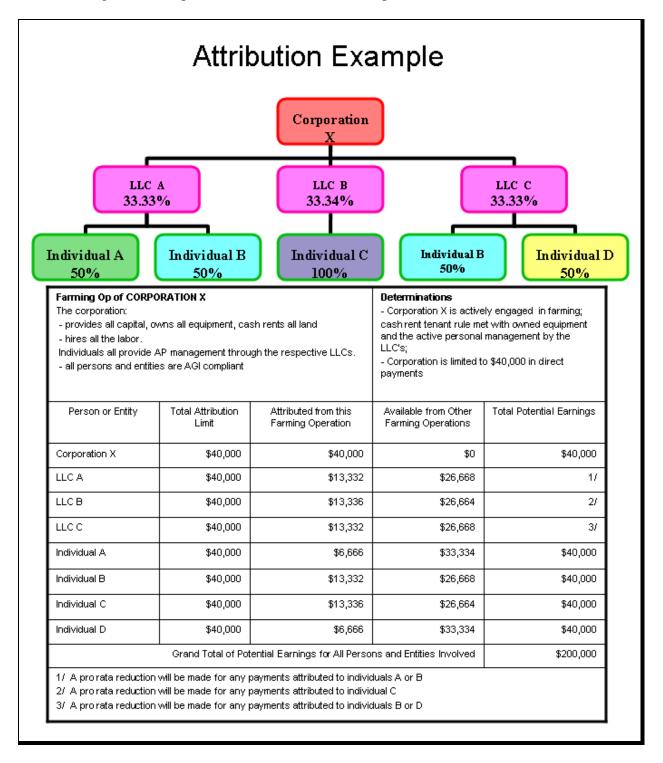
B Attribution Examples

The following show the effect of attribution rules on spouses with multiple interests.

Description of Farming Operations				
Husband and Wife share 50/50 in a joint operation.	Wife is 100% beneficiary of a trust.	Husband has 25% interest in his father's estate.	Husband has 35% interest in a limited partnership with his brothers	Husband has 50% interest in the corporation that is the general partner of the Limited Partnership.
Husband/Wife Jt Op. H = 50%, W = 50% Earns \$70,000 NAP Earns \$66,000 DCP	Trust W = 100% Earns \$8,000 NAP Earns \$10,000DCP	Estate H = 25% Earns \$12,000 NAP Earns \$9,000 DCP	Bros Cattle LTD H = 35% Earns \$10,000 NAP Earns \$15,000 DCP	Bros Cattle LTD Corp = 1% H = 50% of Corporation LTD earns \$10,000 NAP LTD earns \$15,000 DCP
	Attribu	ted Amounts from	Each Operation	
From the Jt Op	From the Trust	From the Estate	From his interest in LTD	Embedded interest in Corp
NAP H = \$35,000 VV = \$35,000 Jt Op = \$0 DCP H = \$_33,000 VV = \$_33,000 Jt Op = \$_0	NAP H = \$0 VV = \$8,000 Estate = \$8,000 DCP H = \$0 VV = \$ 7,000 * Trust = \$7,000_	NAP H = \$3,000 VV = \$0 Estate = \$12,000 DCP H = \$2,250 VV = \$0 Estate = \$_9,000	NAP H = \$3,500 VV = \$0 LTD = \$10,000 DCP H = \$_4,750 VV = \$_0 LTD = \$_14,425	NAP H = \$50 VV = \$0 Corp = \$100 DCP H = \$_0 VV = \$_0 Corp = \$_ 75
	* Wife's DCP payment through the trust is limited because she already received \$33K in the Jt Op.		Husband's DCP earnings from his direct interest in the LTD is limited to his available attribution limit, bringing his total DCP to \$40,000. Amount attributed to the corporation reflects reductions made for the Husband's interests exceeding the direct attribution limit.	Husband's interest in the corporation is not eligible because his available attribution is \$0. His 50% of the corporation's 1% will not be paid.

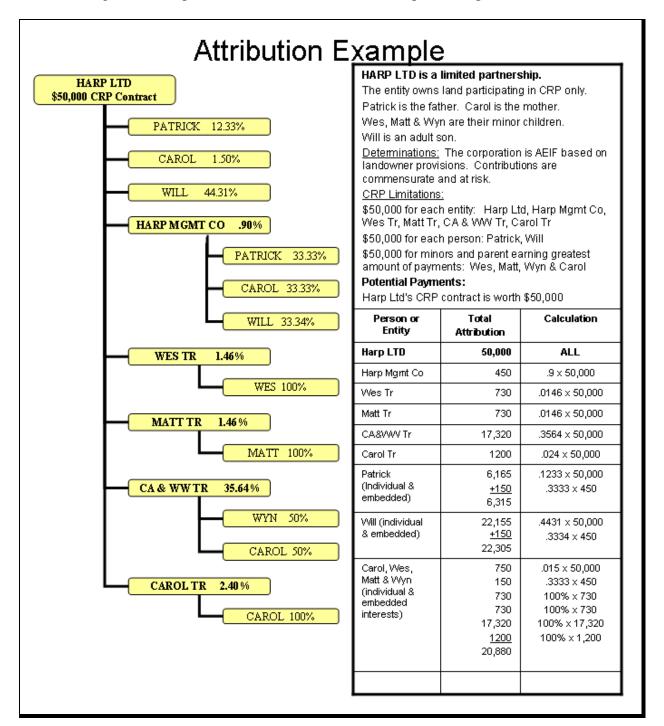
B Attribution Examples (Continued)

The following is an example of attribution rules for a corporation.



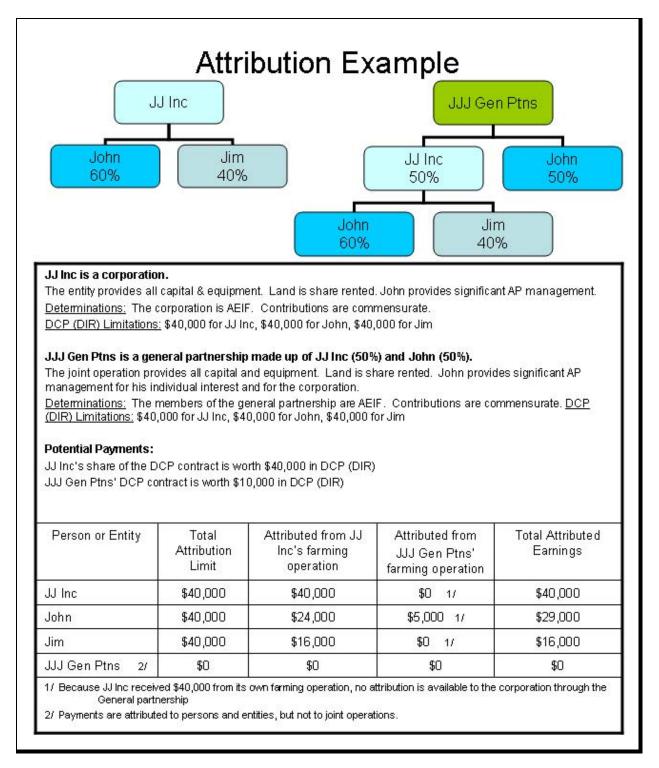
B Attribution Examples (Continued)

The following is an example of attribution rules for a limited partnership.



B Attribution Examples (Continued)

The following is an example of attribution rules for a corporation and limited partnership.



C Test Questions and Answers

The following are test questions to reinforce direct attribution rules.

Test Questions

Question 1.

John Brown was a participant in a 2009 DCP contract which generates \$10,000 in direct payments. John Brown passed away before any contract payments were issued. John Jr. inherited his father's farm and became the successor to the DCP contract once held by his father. John Jr. has other 2009 DCP contracts with direct payments that total \$35,000. What is the maximum amount of direct payments that John Jr. can receive under the 2009 DCP contracts?

Α.	\$35,000
В.	\$40,000
С.	\$45,000

Question 2.

Stooges Incorporated has three equal stockholders, Larry, Curly and Moe. Stooges Inc is a participant with a 100% share in a DCP contract that generated \$21,000 in direct payments. Curly is the only interest holder in Curly LLC., and that entity is also a participant with 100% share in a DCP contract that generates \$1,000 in direct payments. Under direct attribution, how should the Hollywood COF correctly issue the DCP payments?

- A. \$7,000 to Larry; 7,000 to Moe; \$8,000 to Curly
- B. \$21,000 to Stooges Inc.; \$1,000 to Curly LLC.
- C. None of the above.

C Test Questions and Answers (Continued)

Test Questions

Question 3.

Steve has applied for 2009 NAP benefits and is eligible to receive \$20,000. An application was also filed for Steve Inc., of which Steve holds 60% interest and his spouse holds the remainder, and the entity was approved to receive \$20,000. What are the payment limitations for NAP for these individuals and entity?

- A. Steve and Spouse combined for \$100,000; Steve Inc \$100,000
- B. Steve, Spouse, and Steve Inc. combined for \$100,000
- C. Steve \$100,000; Spouse \$100,000; Steve Inc. \$100,000
- D. Steve \$60,000; Spouse \$40,000; Steve Inc. \$0.

Question 4.

John has an average AGI of \$1.1 million and according to his complete tax return, the average of the amounts from the Schedule F's was \$800,000. What program benefits is John eligible for? (66.66% of the \$1.1 million is \$733,260).

- A. Nothing his average AGI is too high
- B. DCP and EQIP
- C. DCP (including direct payments) and LDP's
- D. DCP (excluding direct payments), EQIP and LDP's
- E. LDP's only.

IRS-3210, Document Transmittal

This is an example of IRS-3210 that is available in a fillable format at http://intranet.fsa.usda.gov. CLICK "FFAS Employee Forms/Publications Site" and CLICK "Find Current Forms Using Our Form Number Search". For "Form Number", ENTER "IRS 3210".

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		Internal Revenue Service P.O. Box 24033 Fresno, CA 93779				
	DENTIFICATIO	N	REMA	ARKS:		
			Date:	02-03-2012		
QUANTITY	TYPE				REC'D	
100	CCC-931	Average Adjusted Gros to Disclosure of Tax	ss Income (AGI) Certification Information	n and Consent		
ROM:			Releasing Official			
USDA Farm Service Agency Any County FSA Office 1010 Government Way Town, ST 10101-9999			Martin S. Jones, County Executive Director Received and Verified			
				_		
			Originator Telephone Number (111) 222-3333			
			Date Acknowledged			

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Payment Eligibility and Payment Limitations for Disaster Assistance Programs

This is an example of the payment eligibility and limitations for Disaster Assistance Programs.

		Payment Eligibility		Annual Payment Limitation		Payment Limitation Control	
Program	Years	Gross Revenue	AGI	Regula- tion	Amount	Regulation	Method
CDP	2005 - 2007		\$2.5 million	7 CFR Part 760	\$80,000 total for all 3 years	7 CFR Part 1400	"Person" as defined.
ECP	2008		\$2.5 million <u>1</u> /	7 CFR Part 701	\$200,000 per disaster	7 CFR Part 1400	"Person" as defined.
	2009 forward		\$1 million nonfarm		1	7 CFR Part 1400 as revised for 2009 forward.	Direct attribution to person or legal entity.
EFRP	2010 forward		\$1 million nonfarm	7 CFR Part 701	\$500,000 per disaster	7 CFR Part 1400 as revised for 2010 forward.	Direct attribution to person or legal entity
ELAP and SURE	2008		\$2.5 million	7 CFR Part 1480	\$100,000 total for ELAP,	7 CFR Part 1400	"Person" as defined.
	2009 - 2011		\$500,000 Nonfarm AGI	7 CFR Part 1439	SURE, LFP, and LIP	7 CFR Part 1400 as revised for 2009 forward.	Direct attribution to person or legal entity.
LFP	2008		\$2.5 million	7 CFR Part 1439		7 CFR Part 1400	"Person" as defined.
	2009 - 2011		\$500,000 Nonfarm AGI			7 CFR Part 1400 as revised for 2009 forward.	Direct attribution to person or legal entity.
LIP	2008		\$2.5 million			7 CFR Part 1400	"Person" as defined.
	2009 - 2011		\$500,000 Nonfarm AGI			7 CFR Part 1400 as revised for 2009 forward.	Direct attribution to person or legal entity.
LCP	2005 - 2007		\$2.5 million	7 CFR Part 760	\$80,000 total for all 3 years	7 CFR Part 1400	"Person" as defined.
LIP	2005 - 2007		\$2.5 million	7 CFR Part 760	\$80,000 total for all 3 years	7 CFR Part 1400	"Person" as defined.
NAP	2008 2009 forward	\$2 million	\$500,000	7 CFR Part 1437	\$100,000	7 CFR Part 1400 7 CFR	"Person" as defined. Direct
			Nonfarm AGI			Part 1400 as revised for 2009 forward.	attribution to person or legal entity.
ТАР	2008		\$2.5 million	7 CFR Part 783	\$100,000	7 CFR Part 1400	"Person" as defined.
	2009 - 2011		\$500,000 Nonfarm AGI		\$100,000	7 CFR Part 1400 as revised for 2009 forward.	Direct attribution to person or legal entity.

 $\underline{1}$ / If applicable, see subparagraph 11 A.

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Exhibit 10 (Par. 190)

Impact of Food, Conservation, and Energy Act of 2008 on CRP-1 Payment Eligibility and Payment Limitation

Notes: See subparagraph 190 E for forms required for AGI provisions. *--

	Date Action Was Approved				
Type of Action	10/1/02 Through 9/30/08	10/1/0 8 or Later	Applicable Payment Eligibility/Limitation Rules	Forms	Example
New CRP-1	<i>√</i>		Based on original CRP-1 Approval Date: Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	COC approves original CRP-1 after October 1, 2002.
Succession-in- Interest (When CRP-1 was not subject to AGI before succession.)	~	~	Based on original CRP-1 Effective Date: Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	New producer succeeds to a 1999 CRP-1 approved July 1, 2004. According to 1-PL, AGI rules do not apply for CRP-1 with an effective date before October 1, 2002; therefore, AGI rules will not apply to the successor.
Succession-in- Interest (When CRP-1 was subject to AGI before succession.)	~	~	Based on the CRP-1 succession Effective Date : Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	New producer succeeds to a 2004 CRP-1, effective August 1, 2009. (1-PL rules apply for life of CRP-1 based on the original October 1, 2003, effective date.)
	Before 12/29/06				
REX Extension (When CRP-1 was not previously subject to AGI.)	~		Based on CRP-1 Extended Period Start Date: Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	COC approves a 3-year extension to a 1997 CRP-1 on November 16, 2006. Effective date of the extension is October 1, 2007. (CRP-1F Addendum activates AGI from the CRP-1 extended period.)
REX Re-Enrollment (Created new CRP-1 subject to AGI.)	~		Based on the reenrollment CRP-1 Approval Date : Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	COC approves a reenrollment (new CRP-1) for a 2000 CRP-1 on December 5, 2006. Effective date for the reenrollment is October 1, 2010. (1-PL rules will apply based on the approval date before October 1, 2008.)
New CRP-1		\checkmark	Based on CRP-1 Approval Date: Direct Attribution.	CCC-901 CCC-902 <u>1</u> / CCC-931	COC approves original CRP-1 after October 1, 2008.
Succession-in- Interest (When CRP-1 was subject to 2008 Act AGI before succession.)		~	Based on CRP-1 Approval Date: Direct Attribution.	CCC-901 CCC-902 <u>1</u> / CCC-931	New producer succeeds to a 2009 CRP-1, effective August 1, 2011.

1/ CCC-902 parts that are applicable according to subparagraph 34 D.--*

Exhibit 10 (Par. 190)

Impact of Food, Conservation, and Energy Act of 2008 on CRP-1 Payment Eligibility and Payment Limitation (Continued) *--

Type of Action	Applicable Payment Eligibility/Limitation Rules	Forms	Example	
New CRP-1 Succession-in-Interest	Based on CRP-1 Effective Date : Person, actively engaged in farming, permitted entity. Based on the parent CRP-1 Effective	a 9/30/08 CCC-501A CCC-501B CCC-502	New CRP-1 is approved September 10, 2008. New producer succeeds to a 1999 CRP-1, effective July 1, 2008.	
(When CRP-1 was not subject to AGI before succession.)	Date : Person, actively engaged in farming, permitted entity.			
Succession-in-Interest (When CRP-1 was subject to AGI before succession.)	Based on the parent CRP-1 Effective Date : Person, actively engaged in farming, permitted entity.		New producer succeeds to a 2004 CRP-1, effective August 1, 2008.	
REX Extension (When CRP-1 was not previously subject to AGI.)	Based on the Extended Period Start Date : Person, actively engaged in farming, permitted entity.		COC approves a 3-year extension to a 2000 CRP-1 on November 16, 2006. Effective date of the extension is October 1, 2010.	
Re-Enrollment (New CRP-1 subject to AGI.)	Based on the reenrollment CRP-1 Approval Date: Person, actively engaged in farming, permitted entity.		COC approves a reenrollment (new CRP-1) on December 5, 2006. Effective date for the reenrollment is October 1, 2009.	
	Action Approved 10/1/08 o	r Later		
New CRP-1	Based on CRP-1 Approval Date : Direct Attribution.	CCC-901 CCC-902 <u>1</u> /	New CRP-1 is approved on December 12, 2009.	
Succession-in-Interest (When CRP-1 was not subject to AGI before succession.)	Based on the original CRP-1 Approval Date: Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	New producer succeeds to a 2001 CRP-1, approved December 10, 2008.	
Succession-in-Interest (When CRP-1 was subject to AGI before succession.) REX Extension during the extended period.	Based on CRP-1 Approval Date : Person, actively engaged in farming, permitted entity.	CCC-501A CCC-501B CCC-502	New producer succeeds to a 2006 CRP-1, approved June 10, 2009.	
Succession-in-Interest (When CRP-1 was subject to 2008 Act AGI before succession.)	Based on CRP-1 Approval Date : Direct Attribution.	CCC-901 CCC-902 <u>1</u> / CCC-931	New producer succeeds to a 2009 CRP-1 effective August 31, 2010.	

1/ CCC-902 parts that are applicable according to subparagraph 34 D.--*

*--2009 and 2010 Schedule for Average AGI Compliance Actions

Follow this table for the 2009 and 2010 schedule for average AGI compliance actions.

Date	Action	Process
June 15	Deadline for submitting CCC-927 or CCC-928 to IRS.	
To be determined	Reconciliation of data returned from IRS and 2009/2010 payment recipients.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2009 and/or 2010. Report only those names and ID numbers that lack a corresponding data return from IRS.
To be determined	First notice of no data returns from IRS. Provide 30 calendar days to submit CCC-927 or CCC-928 to IRS.	Notice generated and mailed from KC.
To be determined	Second notice of no data returns from IRS. Provide 30 calendar days to submit information to correct condition; otherwise, will be determined ineligible for 2009 and/or 2010 program payments and benefits subject to average AGI compliance. First notice of questionable average AGI compliance based on data returned from IRS. Provide 30 calendar days to submit information that demonstrates compliance with the applicable average AGI limitations; otherwise, will be determined ineligible for 2009 and/or 2010 program payments and benefits subject to average AGI compliance.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2009 and/or 2010. Report only those names and ID numbers that lack a corresponding data return from IRS. Notice generated and mailed from KC. Compare sub-files with "Y" in the "Average AGI" field for 2009 and/or 2010 with the data returned from IRS for the names and ID numbers with indicators of questionable average AGI compliance. Provide results by State and county codes. Once list is provided to each State, notice will be issued from State Offices.
October 1	Final 2010 DCP and ACRE payments.	
October 1	CRP annual rental payments.	
To be determined	No data returns from IRS or no additional information was timely provided. Send written notice of ineligibility for 2009 and/or 2010 program payments and benefits because of average AGI noncompliance. Include appeal rights according to 1-APP.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2009 and/or 2010. Report only those names and ID numbers that lack a corresponding data return from IRS. Provide lists to each State Office.
To be	Sub files abarrend to reflect status of inclinibility for 2000	
determined	Sub-files changed to reflect status of ineligibility for 2009 and/or 2010 program payments and benefits because of average AGI noncompliance.	State Offices notify control/recording County Offices of the determinations. Control/recording County Offices shall take appropriate actions.

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2011 and 2012 Schedule for Average AGI Compliance Actions

Follow this table for the 2011 and 2012 schedule for average AGI compliance actions.

Date	Action	Process
*To be determined	Deadline for submitting CCC-927, CCC-928, or CCC-931 to IRS.	
To be determined	Reconciliation of data returned from IRS and 2011/2012 payment recipients.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2011 and/or 2012. Report only those names and ID numbers that lack a corresponding data return from IRS.
To be determined	First notice of no data returns from IRS. Provide 30 calendar days to submit CCC-927, CCC-928, or CCC-931 to IRS.	Notice generated and mailed from KC.
To be determined	Second notice of no data returns from IRS. Provide 30 calendar days to submit information to correct condition; otherwise, will be determined ineligible for 2011 and/or 2012 program payments and benefits subject to average AGI compliance. First notice of questionable average AGI compliance based on data returned from IRS. Provide 30 calendar days to submit information that demonstrates compliance with the applicable average AGI limitations; otherwise, will be determined ineligible for 2011 and/or 2012 program payments and benefits subject to average AGI compliance.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2011 and/or 2012. Report only those names and ID numbers that lack a corresponding data return from IRS. Notice generated and mailed from KC. Compare sub-files with "Y" in the "Average AGI" field for 2011 and/or 2012 with the data returned from IRS for the names and ID numbers with indicators of questionable average AGI compliance. Provide results by State and county codes. Once list is provided to each State, notice will be issued from State Offices.
To be determined	No data returns from IRS or no additional information was timely provided. Send written notice of ineligibility for 2011 and/or 2012 program payments and benefits because of average AGI noncompliance. Include appeal rights according to 1- APP.	Match by ID number the data returned from IRS with sub-files with "Y" in the "Average AGI" field for 2011 and/or 2012. Report only those names and ID numbers that lack a corresponding data return from IRS. Provide lists to each State Office. State Offices issue notice of determination.
To be determined*	Sub-files changed to reflect status of ineligibility for 2011 and/or 2012 program payments and benefits because of average AGI noncompliance.	State Offices notify control/recording County Offices of the determinations. Control/recording County Offices shall take appropriate actions.
October 1	Final DCP and ACRE payments.	
October 1	CRP annual rental payments.	

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*--Example of IRS Letter of Explanation

Department of the Treasury **Internal Revenue Service** Notice XXX (3-2010)U.S. Department of Agriculture Forms CCC-927 and CCC-928 Consent To Disclosure of Tax Information – Individual and Legal Entity Your USDA Form CCC-927 or CCC-928 is being returned to you due to incomplete entries or illegibility. The following information is required on all USDA Forms CCC-927 and CCC-928: Box Number 1: Person's name and address for Form CCC-927 or the Legal entity's name and address for Form CCC-928. (Please enter the name and address as it appears on the returns filed for the taxable years checked in Box 3. Box Number 2: Enter the complete social security number of the individual identified in Box 1 of Form CCC-927. Enter the complete employer identification number of the legal entity identified in Box 1 of Form CCC-928. Box Number 3: Check the appropriate box(es) to indicate the 3 year period(s) used for determination of the average adjusted gross income for payment eligibility. Box Number 4: Signature of the individual identified in Box 1 of Form CCC-927. Signature of the individual authorized under State law to represent the legal entity identified in Box 1 of Form CCC-928. Box Number 5, Form CCC-928: Enter the title or relationship to the legal entity identified in Box 1. Box Number 5, CCC-927: Enter the signature date in month, day, and year. Box Number 6, CCC-928: Enter the signature date in month, day, and year. Please submit a new completed request to: Internal Revenue Service P.O. Box 24033 Fresno, CA 93779 If you have any questions, contact your local USDA Service Center.

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If the IRS rejection message, "Not found on master file" is received, follow this table.

IF CCC-931 or CCC-933 filer is	THEN FSA actions are as follows
 minor child Native American member of recognized tribe Alaskan Native Pacific Islander individual with annual income less than minimum threshold of required filing apostolic or religious organization (504c designation by the IRS) charitable organization nonprofit organization (501c designation by the IRS) 	 place rejection message and CCC-931 or CCC-933 in producer's eligibility files consider the producer AGI compliant for the specific program year. Note: Additional information may be requested and/or required by the reviewing authority to verify tax status or classification.
new legal entity	 place rejection message and CCC-931 or CCC-933 in producer's eligibility files consider the new legal entity AGI compliant for the specific program year only obtain valid CCC-931's or CCC-933's from all interest holders for the specific program year.
individual opposed to filing Federal income taxes individual knowingly failed to file Federal income taxes in all 3 years of the qualification period	 determine the producer as AGI noncompliant and ineligible for all payments and benefits under programs subject to the AGI limitations provide written notice with review rights according to 1-APP
	 if requested, do not issue payments and benefits under any program subject to AGI limitations initiate receivables if payments and benefits have been issued under any program subject to AGI limitations.

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Memorandum of Agreement

Following is the Memorandum of Agreement between NRCS, FSA, and CCC for implementing common provisions, including payment eligibility and payment limitation provisions through *--September 30, 2013.

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		Memorandum of Agreement (MOA)
		Between
		Natural Resources Conservation Service (NRCS),
		Farm Service Agency (FSA), and
		Commodity Credit Corporation (CCC)
		For the Implementation of Common Provisions, Including
		Payment Eligibility and Payment Limitation Provisions
		Through September 30, 2013
	I.	PURPOSE
		The purpose of this (MOA) is to provide for the implementation, cooperation, expectations and responsibilities between FSA, NRCS, and CCC in administering provisions common to the agencies including all payment eligibility and payment limitation provisions as found in the Food, Security Act of 1985, as amended, and regulations at 7 CFR Part 1400.
	II	GENERAL PROVISIONS
		FSA and NRCS administer various farm commodity and conservation programs in which participants are subject to payment eligibility and payment limitation requirements in 7 CFR Part 1400. The administration of these programs requires the obtaining of information, determination of eligibility, and maintenance of this data. FSA has the administrative responsibilities for collecting and maintaining data that includes the name and address of the participant (SCIMS and farm records); information about the participant's farming operation (subsidiary files); and information on the participant's annual income (AGI files). FSA uses this information to make determinations of the participant's eligibility for program payments and restrictions on the amount of such payments that can be received by the participant, both directly and indirectly, for direct attribution. FSA has developed custom software applications for both the System 36 and web-based environments to store the eligibility data of all participants. FSA maintains this data and ensures the credibility and accuracy of this data. FSA performs the administrative compliance duties of the payment eligibility requirements and determinations of all participants of record. As such, FSA has also entered into agreements with the IRS and the Social Security Administration to verify and validate the accuracy of the participant information. FSA provides this data and
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	develops common eligibility routines for use by NRCS in the administration of conservation programs for which they have responsibility.
III	AUTHORITY
	This MOA is authorized by Title I of the Farm Security and Rural Investment Act of 2002 (2002 Act), Title I of the Food, Conservation, and Energy Act of 2008 (2008 Act), the American Taxpayer Relief Act of 2012, and Title XII of the Food Security Act of 1985 (1985 Act), as amended. Other authorities may also apply.
IV.	RESPONSIBILITIES
	A. FSA and CCC responsibilities:
	1. In consultation with NRCS, develop and maintain rules, regulations, policies, and procedures that govern payment eligibility, payment limitation and average adjusted gross income (AGI) limitation requirements common to multiple programs administered by FSA and NRCS.
	2. Annually publicize and provide information on all requirements of payment eligibility, payment limitation, and AGI limitations.
	3. Provide leadership and guidance to all USDA agencies as needed on all payment eligibility, payment limitation and average AGI limitation issues.
	 Provide consultation regarding common policies and procedures between FSA and NRCS leadership.
	5. Develop and maintain information collection processes necessary to obtain program participant information such as name and address; farming operation types and locations; legal entity types; farm and nonfarm income data as reported to the IRS for periods of at least three years (CCC-902; CCC-901; CCC-931; CCC-933; CCC-931C; CCC-526C; and, other forms and documents determined applicable).
	6. Timely make determinations regarding the participant's eligibility for program benefits and the amounts that can be received annually.
	7. Annually, or as otherwise applicable, obtain an acceptable certification of average AGI from all persons, legal entities, and members of legal entities for the appropriate reporting time period.
	8. Develop common eligibility routines for use by FSA and NRCS. Significant changes to existing routines, or the addition of new routines, will be planned in conjunction with NRCS and with adequate testing time allowed prior to implementation.
	2

Memoran	dum of Agreement – FSA/CCC and NRCS
9.	Record determinations for payment eligibility and payment limitation purposes for immediate use by both FSA and NRCS in payment processing.
10.	Timely provide written notice to program participants of the determinations made for payment eligibility and payment limitation purposes with rights to appeal if determinations are considered adverse.
11.	Timely acknowledge appeals and administrative hearing proceedings on all appeals.
12.	Maintain the administrative case files on appeal hearings with the National Appeals Division (NAD).
13.	Respond to any further administrative proceedings as necessary with NAD for appeals, reconsiderations and reviews.
14.	Develop software user requirements and technical specifications, program, test, implement, and maintain common software routines used by all agencies to determine eligibility, payment eligibility, payment limitation, and average AGI limitations. Maintain a software test environment as well as a software production environment.
15.	Maintain FSA and NRCS customer records for Farm and Tract Eligibility (FTE), and Highly Erodible Land Conservation and Wetland Conservation (AD-1026).
16.	Make available and allow secure access by NRCS software applications via web-services to the current data on all program participants that includes information recorded in SCIMS, farm tract records, entity files, subsidiary files and eligibility files as developed under regulations pertaining to FSA.
17.	Make available to program participants the appropriate forms for Consent for IRS to disclose pertinent information to FSA for AGI limitation compliance purposes.
18.	Process information and data returned from the IRS for participants that previously submitted valid consent forms to the IRS.
19.	On a regular basis as data is returned from IRS, record and update eligibility files for participants with average AGI amounts below the threshold levels as verified with IRS data.
	3

Memoran	dum of Agreement – FSA/CCC and NRCS
20.	Notify participants that appear to have average AGI amounts above the threshold levels of the results of the IRS data analysis, and require all such participants to provide actual tax records or other acceptable documentation within 30 days to demonstrate that average AGI does not exceeds the established limits.
21.	Revise business rules to not allow any payment activity or otherwise disable all eligibility files for participants that are notified that average AGI amounts have been determined to be above the applicable thresholds for payment eligibility.
22.	Review tax data and other information provided by program participants with questionable AGI amounts and conclusively determine AGI compliance.
23.	Notify participants subject to the AGI review the results of the evaluation and determination of AGI compliance for the applicable year or years reviewed.
24.	Provide to NRCS a list of participants determined to be non-compliant with the average AGI limitations for appropriate actions.
25.	Conduct regular reconciliation processes to identify participants that have received current year benefits, but have not been included on any data return from the IRS, which indicates a consent form has not been submitted.
26.	Provide to NRCS a list of participants identified as current year payment recipients, but have not provided a consent form to the IRS for appropriate follow-up actions.
В.	NRCS responsibilities:
1.	Make available to program participants the appropriate forms needed for payment eligibility and payment limitation purposes.
2.	Make available to program participants the appropriate forms for Consent for IRS to disclose pertinent information to FSA for AGI limitation compliance purposes.
3.	Timely deliver to the local FSA office any forms and documentation completed for payment eligibility and payment limitation purposes by participants of NRCS-administered programs.
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Memorandum of Agreement (Continued)

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Memor	randum of Agreement – FSA/CCC and NRCS
	4. Timely reimburse FSA and/or CCC no less than one-third of the annual cost that IRS will charge FSA/CCC for the average AGI validation process. Based on the estimated annual cost for FY 2013 of \$ the reimbursable amount is \$
V. 1	MISCELLANEOUS PROVISIONS
. 1	1. FSA, CCC and NRCS mutually agree to cooperate at all levels to ensure consistent implementation of all payment eligibility and payment limitation requirements applicable to all conservation programs.
2	2. It is mutually agreed that this Agreement is effective when signed by all parties and shall continue in full force and effect through September 30, 2013. This Agreement may be terminated at any time with thirty days notice by one party. Should this Agreement be terminated, billing will be submitted for services rendered prior to the date of termination for which payment has not been received. This Agreement may be modified by amendment duly executed by officials of FSA and NRCS. NRCS and FSA will enter annually into a National Level Reimbursement Agreement (Form AD-672) based on this interagency agreement and any amendments hereto.
3	. Neither CCC, FSA, nor NRCS, shall assign or transfer any rights or obligations under this Agreement without prior written approval of the other party.
:	CCC, FSA and NRCS agree that, to the extent possible under applicable law, each party will be solely responsible for its own acts omissions, and the results thereof, and shall not be responsible for the results thereof caused by the acts or omissions of the other party.
5.	The Deputy Administrator for Farm Programs, Farm Service Agency or the Deputy Administrator designee or successor, is delegated authority to carry out this Agreement for FSA and CCC, and, with the NRCS Chief, or designee, may further amend this Agreement consistent with the provisions of the 1985 Act, as amended, and the regulations at 7 CFR Part 1400. The provisions of this Agreement may only be modified by written agreement between the parties.
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*__ Memorandum of Agreement - FSA/CCC and NRCS 6. All parties to this MOA will comply fully with the information gathering provisions of section 1619 of the 2008 Act, the Privacy Act, the Freedom of Information Act, and any other related acts concerning privacy and the dissemination of records. FARM SERVICE AGENCY/ NATURAL RESOURCES COMMODITY CREDIT CORPORATION CONSERVATION SERVICE N9 Richard Pazdalski, Director Budget Division/OBF/FSA 9/16/2012 Date Date 6 *__

AGI Compliance Review Checklists

*--A Example of CCC-770 CPA

The following CCC-770 CPA will be included in the State Office AGI Compliance Review File created for each participant and program year reviewed.

Thi	s form is avail	ilable e	electr	onical	ly.																				
CC	CC-770 CP -16-13)			J.S. DE	PARTI			GRICU		E				1.	State	e Of	fice	Nan	ne						
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8.	Was the state																					\perp			
9.	Does the stat purposes? (3	See pa	age 2	of this	form)				e cons	sidered a	ccep	ptable	or ave	rage	AGI co	ompli	iance	e ver	ificat	ion					
10.	 Has the state the correl 	ect and	d app	licable	3-year	perio	d for q	qualifica																	
	 the aver the refer 																								
	 the filing 								returns	э,															
11.	Has the Aver correctness of					kshee	t (see	4-PL, 5	subpar	ragraphs 2	203.	8 C ar	d 541	C) be	een cor	mple	ted t	to ve	rify						
12.	Has a copy o recording Co				ion (CC	C-92	6, CC(C-931,	CCC-9	933, or CF	PA o	or attor	ney cei	rtifica	ation) b	been	rece	eived	from	the					
13.	Has a copy o	of the p	artici	pant's	subsidi	ary pri	int bee	en print	ed for	the applic	cable	e year	s) bein	ig re∖	viewed	?									
14.	Was the parti was certified									web eligit	bility	/ file?	(Note:)	Com	pare si	ubsic	liary	prini	t to w	hat					
15.	If the participathe the determination of the determ							or the y	/ear(s)) reviewed	d, ha	as the v	web elig	gibilit	y file b	been	upda	ated	to ret	flect					
16.	Has written n reconsiderati															tions	of								
17.	For participar received for t					le, ha	s a rec	ceivable	e been	1 properly	esta	ablishe	d in NF	RRS	for the	prog	gram	ben	efits						
18.	 AGI Complian docume 								docum	nents upo	on co	ompleti	on of th	he re	view:										
	 copy of 	subsid	diary p	orint be	ofore co	omplet	ting re	view;																	
										CCC-933 L, subpara);								
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AGI Compliance Review Checklists (Continued)

*--A Example of CCC-770 CPA (Continued)

	-770 CPA (05-16-13) Page 2	2
Re	ference 4-PL, Subparagraphs 189 B and C	
In	structions, Terms, and Conditions for CPA or Attorney Certification Statement	
<u>ei</u> lir	ertification statements will only be accepted from licensed certified public accountants (CPA's) and attorneys. <u>Statements from</u> <u>nrolled agents will not be accepted</u> . If a statement is submitted by a CPA or an attorney to certify compliance with an average AGI nitation for which a person or legal entity received notification of possible noncompliance, the statement must include the following ements:	
1)	CPA's or attorney's State license identification number.	
2)	Explanation of the reason for the certification statement.	
3)	Acknowledgement of having read and understood, and agreement to, the terms and conditions of AGI Enclosure 1, including the following:	
	 The CPA/attorney acknowledges and agrees to having reviewed and being familiar with the average AGI limitations, definitions, and compliance requirements in 7 CFR Part 1400, with the programs involved, having made such inquiries as are necessary to apprise the CPA/attorney of such matters and understands that the tax years used to calculate the average AGI are the 3 taxable years preceding the most immediately preceding complete taxable year for which program benefits are requested. 	
	 The representations the CPA/attorney makes in the certification statement may be relied on by the government to allow benefits to be retained or received and that a false certification can result in sanctions including criminal sanctions for those persons associated with the false representations. 	
	 Additional information may be requested by USDA, a review may be conducted by USDA, and further inquiry may be made to IRS to ensure that all information filed with USDA by all parties is true, correct, and complete. 	
4)	Relevant information on the most recently filed tax returns for the period in question.	
5)	If applicable, detailed explanations of how the applicable average AGI limitation(s) was not exceeded even though the information on the tax returns indicate otherwise.	

AGI Compliance Review Checklists (Continued)

*--B Example of CCC-770 TAX

The following CCC-770 TAX will be included in the State Office AGI Compliance Review File created for each participant and program year reviewed.

This	s form	n is available	elect	tronic	ally.																							
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7.	Was	the tax inform	nation	n provi	ded for	the co	orrect	particip	pant s	ubject t	the /	AGI	l comp	liance	e revi	iew	?											
8.	Was revie	the tax inform	nation	n signe	ed, or o	therwis	se veri	ified as	s filed	with th	e IRS,	, by i	the pa	articipa	ant s	subj	ect to	o the	AG	l cor	nplia	nce						
9.		e the sets of ta								cceptab	le for a	aver	rage /	AGI co	mpli	and	e ver	rifica	ation	puŋ	poses	s?						
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12.		a copy of the rding County (ation ((CCC-9	26, CC	CC-931	1, CC0	C-933,	or CP/	A or	r attor	ney ce	ertific	catio	on) be	een	rece	ived	from	h the						
13.		a copy of the											-															
14.		the participan certified on the								he web	eligibi	ility f	file?	Note:	Con	npa	re su	ibsid	liary	prin	t to w	hat						
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16.		written notice nsideration to																ions	of									
17.		participants de wed for the ap				ible, h	as a r	eceival	ble be	een prop	perly e	estal	blishe	d in N	RRS	5 fo	r the	prog	gram	ber	efits							
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AGI Compliance Review Checklists (Continued)

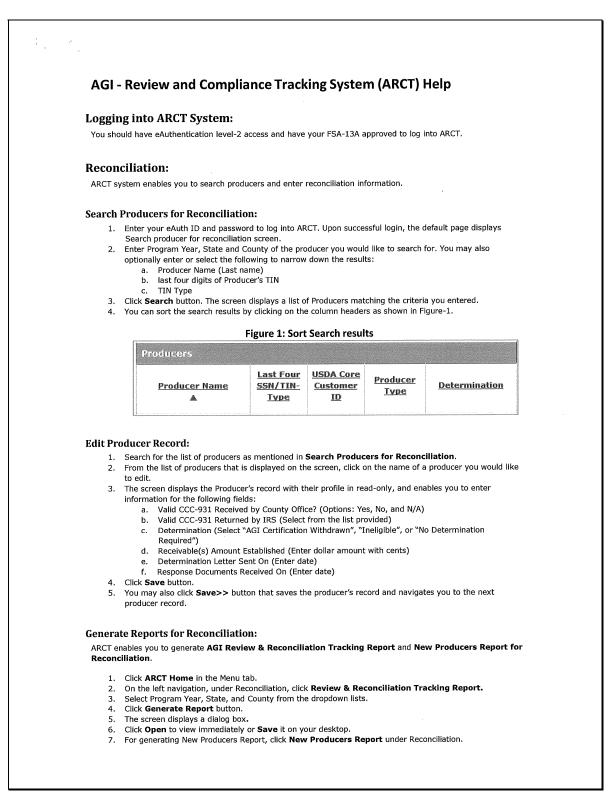
*--B Example of CCC-770 TAX (Continued)

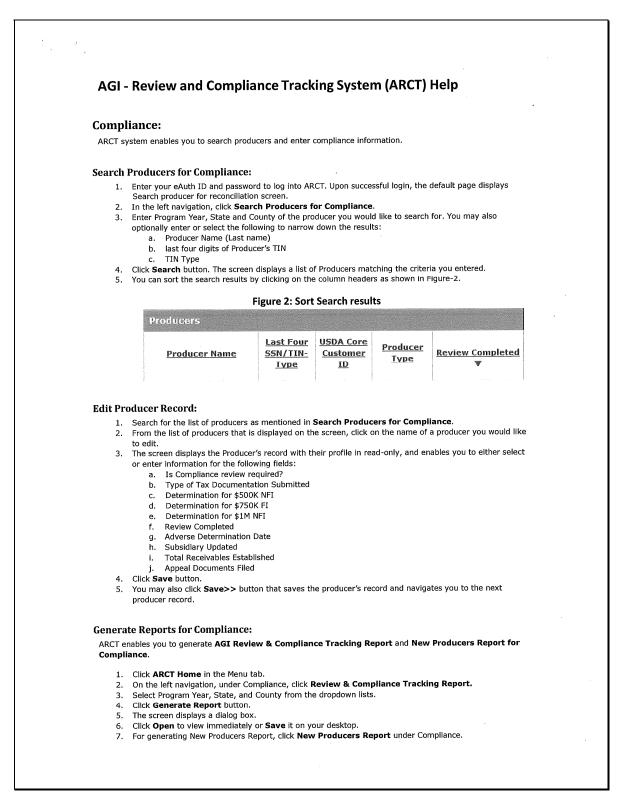
C-770 TAX (05-16-13	,		Page 2			
eference 4-PL, Para	graph 191					
e following provides	guidance fo	or the forms us	sed when determining AGI using data reported to IRS.			
E determining tota	AGI for	THEN see IRS Form	AND use the amount entered on			
IF determining total AGI for corporations		1120	either of the following:			
			 line 30 (total taxable income), plus line 19 (charitable contributions) for years 2000 through 2011 			
estates or trusts		10.11	 for S corporations, use only on IRS-1120S, line 21 (ordinary business income). 			
		1041	line 22 (taxable income) plus line 13 (charitable deductions) for years 2000-2011.			
LC's, LLP's, LP's, d	or other	1065	line 22 (total income from trade or business)			
similar type organization			plus			
persons		1040	line 10 (guaranteed payments to partners) for years 2000-2011. line 37 (AGI) for 2005-2011.			
ax-exempt or charit	able	990-T	line 34 (unrelated business taxable income)			
organizations			minus			
			income that CCC determined to be from non-commercial activity for years 2000-2011.			
e following provides ported to IRS.	s guidance o	n the supporti	ng schedules and forms that may be used when determining farm AGI using data			
Schedule/Form			Line Item and Description			
Schedule C		let profit or (lo				
Schedule D	Line 11 – Gains from Form 4797, Part I, long-term gain from Forms 2439 and 6252; and long-term gain or (loss) from Forms 4684, 6781, and 8824.					
Schedule E			of farming and fishing income.			
Schedule F	Line 36 – N	let farm profit	or (loss).			
Form 4797	Line 4 – Section 1231 gain from installment sales from Form 6252, line 26 or 37.					
E 1005	Note: This amount is carried forward to Schedule D, line 11. Line 32 – Net farm rental income or (loss).					
Form 4835			income or (loss). carried forward to Schedule E, line 40.			
Form 6252		nstallment sale				
1 0111 0202						
	Note: Th	is amount in o	carried forward to Schedule D, line 11 and to Form 4797, line 4.			

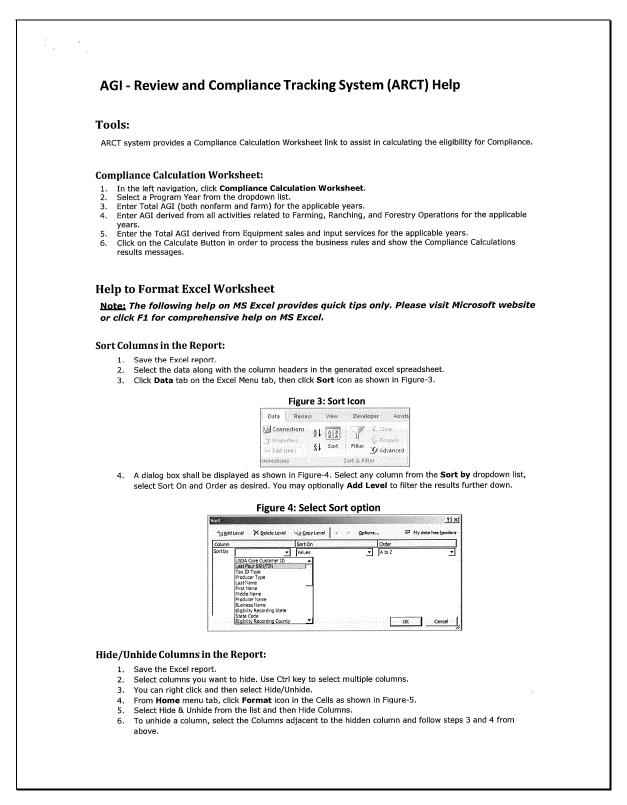
*--ARCT Help Guide

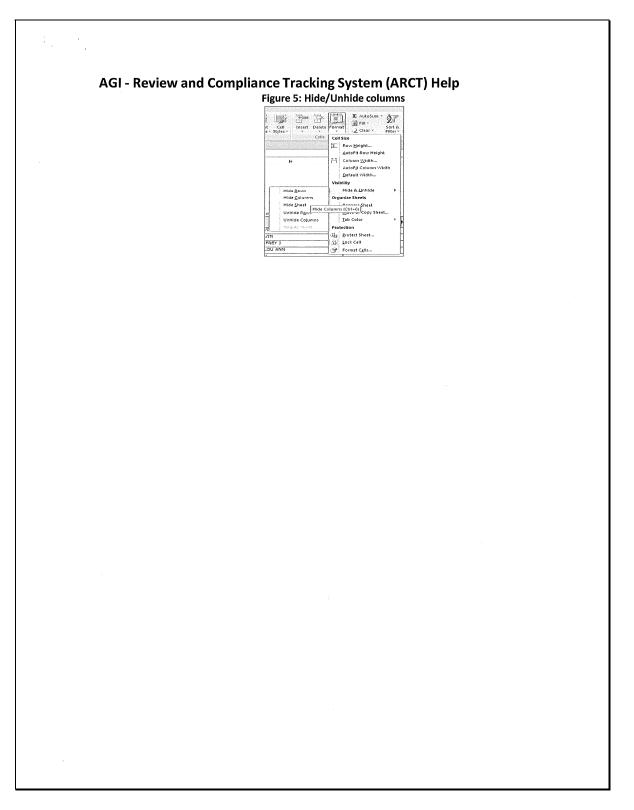
The following is the ARCT Help Guide.

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	AGI - Review and Compliance Tracking System (ARCT) Help	
	ontents	
	Logging into ARCT System:	
	Reconciliation:	
	Search Producers for Reconciliation:	
	Edit Producer Record:2	
	Generate Reports for Reconciliation:2	
	Compliance:	
	Search Producers for Compliance:	
	Edit Producer Record:	
	Generate Reports for Compliance:	
	Tools:	
	Compliance Calculation Worksheet:4	
	Help to Format Excel Worksheet4	
	Sort Columns in the Report:4	
	Hide/Unhide Columns in the Report:4	
	Frequently Asked Questions:6	
	Glossary:7	
	4	









AGI -	Review and Compliance Tracking System (ARCT) Help
Frequ	ently Asked Questions:
1.	What is ARCT system? AGI- Review & Compliance Tracking System (ARCT) is a web application that enables users to enter Reconciliation and Compliance information.
	Reconciliation: ARCT enables users to enter Reconciliation related information for the producers who have not submitted the required written consent to disclosure (CCC-927, CCC-928, or CCC-931) to IRS with a 2009, 2010, and/or 2011 eligibility record. Users can also enter reconciliation information for the producers into the system and generate reports with producer data.
	Compliance: KCMO matches the SSN/EIN of each Participant to FSA subsidiary records (including Customer ID) and compares the IRS reported income limitation flag against current subsidiary system flags for each limitation. ARCT enables users to enter Compliance related information for those producers who have been listed on the reports generated by KCMO.
2.	Who can use ARCT system? Users are identified and approved by FSA/DAFP/PECD prior to using ARCT. Users must be FSA personnel with eAuthentication level-2 access.
3.	Who are the Producers in ARCT System?
	Producers for Reconciliation: All persons and legal entities who have not submitted the required written consent to IRS for 2009 and later years average AGI verification purposes.
	Producers for Compliance: All persons and legal entities who have been listed in the KCMO reports as mentioned in the question #1.
4.	Why can't I view complete TIN number? Only last four digits of the TIN number are displayed on the screens and report due to privacy restrictions.
5.	What is USDA Core Customer ID? It is the unique alphanumeric identifier that was given to each producer by the FSA-USDA.
6.	 How do I sort the Producers list? Click on the header fields in the grid that displays Producers list. You can sort by the following fields: a. Producer Name b. TIN c. USDA Core Customer ID d. Producer Type Determination (for Reconciliation) e. Review Completed (for Compliance)
7.	Why does it say, "There are no producers matching the search criteria." This message is displayed when there are no matching records to the criteria you selected. Click Modify Criteria to change your criteria and continue search.
8.	Do I have to enter all the information about the Producer before saving the record? No. All data that you enter into the system is optional.
9.	What are Previous and Next links? Previous and Next links enable you to navigate and open Producer's record that is in the order displayed in the search results grid.
10.	How do go back to the Search screen when I completed editing a Producer record? Click Back to List link either at the top or bottom of the Edit producer screen.
11.	How do I generate a report for all producers in a State? On the generate Report screen, Select "All" in the County dropdown list.

AGI - Review and Compliance Tracking System (ARCT) Help

Glossary:

Term	Description
AGI	Average Gross Income
CCC-931	AVERAGE ADJUSTED GROSS INCOME (AGI) CERTIFICATION AND CONSENT TO DISCLOSURE OF TAX INFORMATION
Program	The year during which the producer participated in certain FSA farm program.
Year	
TIN	Tax Identification Number

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