

For: State Offices and Service Centers

Power of Attorney Queries and Notification Letter

Approved by: Deputy Administrator, Farm Programs



1 Overview

**A
Background**

Notice CM-440 provides:

- instructions for running queries that generate a list of names of grantors and grantees in the automated power of attorney file, and a notification letter to each grantor
- that a forthcoming directive would provide procedure for handling existing non-FSA power of attorney forms on file.

Because of errors in previously released queries, EDSO informed State Offices to instruct Service Centers to not run the queries or mail the notification letters until directed.

**B
Purpose**

This notice:

- informs State Offices and Service Centers that the power of attorney queries have been corrected
- provides:
 - policy for handling existing non-FSA power of attorney forms on file
 - instructions for:
 - running the queries
 - sending a notification letter to each grantor with non-FSA power of attorney form on file and certain FSA-211's on file.

Disposal Date	Distribution
October 1, 2003 8-21-02	State Offices; State Offices relay to Service Centers

2 Non-FSA Power of Attorney Forms

A

Existing Non-FSA Power of Attorney Forms

FSA's policy regarding the acceptability of non-FSA power of attorney forms has varied as laws changed and different programs were enacted.

Note: Beginning in 1996, non-FSA power of attorney forms were not acceptable for FSA purposes, except in unique cases, such as incompetence.

The Farm Security and Rural Investment Act of 2002 (the Act) provides multiple new programs, options, and responsibilities that are significantly different from those provided under the Agricultural Market Transition Act (AMTA) or other programs enacted before 1996. The new programs, options, and responsibilities authorized under the Act will have a significant economic impact on producers.

Therefore, all non-FSA power of attorney forms on file are not valid for any program authorized under the Act.

Important: Service Centers shall continue to honor existing valid non-FSA power of attorney forms on file for actions related to programs enacted before the Act based on the programs and transactions authorized by the non-FSA power of attorney form.

FSA shall accept only FSA-211 (7-25-02) for FSA and CCC program purposes. Grantors must file FSA-211 (7-25-02) to appoint an attorney-in-fact to act on their behalf for FSA and CCC programs.

Note: Notice CM-440 provides an example of the revised FSA-211.

B

Handling Unique Cases

Forthcoming directives will provide procedure for handling cases when the grantor cannot complete revised FSA-211 (7-25-02) because of unique circumstances such as incompetence.

Notice CM-443

3 Power of Attorney Queries and Letter

A
Queries and Letter

The queries provided in Notice CM-440 have been corrected. The queries generate a:

- list of grantors and grantees, in alphabetical order according to last name of the grantor, recorded in the automated power of attorney file according to 1-CM, Part 25, Section 5
- letter to each grantor recorded in the automated power of attorney file

Notes: See Notice CM-440, Exhibit 2, for an example of the notification letter generated.

On or about August 22, 2002, KC-ITSDO will broadcast the query software to Service Centers. Service Centers shall ensure that the instructions in Information Bulletin 2437 are immediately followed.

B
Running the Queries

The following table provides instructions for running the query to print a list of names of grantors and grantees on file in the automated power of attorney file.

Service Centers shall print and review the list of grantors and grantees according to subparagraph C before printing the notification letters.

Step	Action	Result
1	On Menu FAX250, ENTER "POA1,QRPRADJ1" on command line and PRESS "Enter".	Query POA1 Input/Output Screen will be displayed.
2	Enter the applicable county designation and PRESS "Enter". Example: ENTER "A" for the headquarter county. Important: The query must be run for each applicable county separately.	The list of names of grantors and grantees will print automatically on the default printer.
3	After query process has run and list of names of grantors and grantees begins to print, ENTER "0" and PRESS "Enter".	Menu FAX250 will be displayed.

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3 Power of Attorney Queries and Letter (Continued)

B

Running the Queries (Continued)

The following table provides instructions for running the query to print notification letters to mail to applicable grantors.

Step	Action	Result
1	On Menu FAX250, ENTER "POA2,QRPRADJ1" on command line and PRESS "Enter".	Query POA2 Input/Output Screen will be displayed.
2	Select the applicable county designation. Example: ENTER "A" for the headquarter county. Important: The query must be run for each applicable county separately.	Query POAQRYA,QRPRADJ1 report page will be displayed.
3	PRESS "Cmd 7".	Query POA2 Input/Output Screen will be displayed. Note: The message indicating that a master printout is printing on system printer is incorrect. A master list will not be printed.
4	Enter "0" and PRESS "Enter".	Print options screen will be displayed.
5	Select applicable printer by entering the printer ID in the "printer" field, and PRESS "Enter" Note: No other entries are required on the printer selection screen.	A notification letter to each grantor on file in the automated power of attorney file shall be printed. Note: Processing time to print the notification letters may take 30 minutes or longer, depending on the number of letters to be printed. Important: Do not cancel the job once the query has been executed.

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3 Power of Attorney Queries and Letter (Continued)

C
Comparing and
Sending Letters

Service Centers shall:

- compare the list of grantors generated by the query to the hard copy FSA-211's and non-FSA power of attorney forms, as applicable, on file in the Service Center to ensure that each grantor listed has a valid power of attorney on file
- mark grantors off the list that are covered by the exception, according to Notice CM-440, subparagraph 2 B
- ensure all grantors with non-FSA power of attorney form on file or FSA-211 on file that is invalid according to Notice CM-440, subparagraph 2 A or B receive a letter and a copy of FSA-211 (7-25-02)

Note: See Notice CM-440, Exhibit 2 for an example of the notification letter.

- **not** send a letter to grantors if either of the following apply:
 - grantor does not have a valid power of attorney form on file in the Service Center

Notes: A record may exist in the automated power of attorney file without a valid power of attorney form on file in the Service Center because:

- the grantor revoked the power of attorney, but the Service Center failed to delete the record from the automated system
- the grantor is deceased.

See paragraph 4 for correcting records in the automated power of attorney file.

- FSA-211 on file meets the exception in Notice CM-440, subparagraph 2 B.

If a letter is not generated by the query for a grantor with a non-FSA power of attorney form on file or FSA-211 on file in the Service Center that is invalid according to Notice CM-440, subparagraph 2 A or B, a manual letter must be prepared and mailed to the grantor.

4 Correcting Records and Locking Out Automated Power of Attorney File

A

Correcting the Automated Power of Attorney File

Service Centers shall immediately correct the records in the automated power of attorney file according to 1-CM, Part 25, Section 5, when the query indicates the automated power of attorney file contains a record for a grantor:

- that is deceased
- that revoked the power of attorney.

Important: Service Centers will be locked out of the automated power of attorney file in the near future.

The queries may be run as many times as needed to reflect corrections made in the automated power of attorney file.

B

Lockout of Automated Power of Attorney File

A future software release will lock out the automated power of attorney file. The automated power of attorney file will be locked out to ensure that FSA-211's (7-25-02) are not entered in the automated system until the new automated power of attorney file is developed.

The automated power of attorney file is being redesigned:

- to accommodate the new FSA-211
- to distinguish FSA-211's and non-FSA-211's
- as a web-based application.

Until the new automated power of attorney file is completed, Service Centers shall maintain a file of properly executed valid power of attorney forms. The valid hard copy power of attorney forms shall be used to ensure that proper signature authority is on file until the new automated file is completed.

5 Action

**A
Service Center
Action**

Service Centers shall:

- immediately:
 - run the power of attorney query according to subparagraph 3 B
 - compare the list of grantors generated by the query to the hard copy power of attorney forms on file in Service Centers according to subparagraph 3 C
 - correct the records in the automated power of attorney file according to subparagraph 4 A
 - send the notification letter generated by the query and a blank FSA-211 (7-25-02) to applicable grantors according to subparagraph 3 C.
 - **not** enter FSA-211 (7-25-02) data into the automated power of attorney file until directed
 - attach a copy of the notification letter to the final list of names of grantors and grantees printed
 - file the notification letter and attached list in the power of attorney file according to 25-AS.
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