

**For:** State and County Offices

**Reporting CRP Waiver of Refunds and Waiver of Standard Payment Reductions**

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



**1 Overview**

**A Background**

COC and STC are authorized to:

- provide equitable relief and waive refunds when all criteria provided in 2-CRP, paragraph 576 are met
- waive or reduce the standard payment reduction assessed for noncompliance when all criteria provided in 2-CRP, paragraph 605 are met.

**No later than December 1 of each calendar year**, COC's and STC's must report all refunds and standard payment reductions waived during the previous FY to FSA's Conservation Division (CD). Negative reports are required.

**B Purpose**

CD has developed a new SharePoint reporting form for CRP waiver of refunds and standard payment reductions to:

- streamline the reporting process
- ensure accuracy in data collected
- save time for staff reporting waivers and standard payment reductions.

CD has clarified policy on CRP waiver of refunds and waiver of standard payment reduction because of many new employees administering CRP.

Disposal Date	Distribution
October 1, 2024 11-16-23	State Offices; State Offices relay to County Offices

## Notice CRP-1010

### 1 Overview (Continued)

#### B Purpose (Continued)

This notice provides:

- policy reminder on Waiver of Refunds
- policy reminder on Waiver or Reduction of Standard Payment Reductions
- guidance on how to submit reports to CD
- a link to the new SharePoint form used to submit reports
- policy on State Office review of County Office data entry.

### 2 Policy Reminders

#### A Waiver of Refunds

2-CRP, paragraph 576 provides guidance and criteria for waiving refunds.

Participants are responsible for submitting a written request for a waiver of refunds.

**Note:** COC and STC must thoroughly document requests for waivers, including reasons and justification for decisions.

COC and STC are responsible for maintaining program integrity and will not approve a waiver for refunds without appropriate justification. Full or partial termination of a contract is not justification to provide a waiver of refunds. COC and STC will only approve a waiver of refunds when extenuating circumstances warrant a waiver. COC and STC must document the justification to support the determination.

When determining whether a waiver of refunds will be approved, COC and STC must ensure **all criteria** provided in 2-CRP, subparagraph 576 C are considered and met for both voluntary and involuntary terminations.

**Note:** A determination of “good faith” when CRP-1 is terminated for a violation is not satisfactory justification for waiver of refunds.

## 2 Policy Reminders (Continued)

### B Waiver of Standard Payment Reduction

2-CRP, paragraph 605 provides guidance and criteria for waiver of standard payment reductions.

Participants are responsible for submitting a written request for waiver or reduction of the standard payment reduction.

**Note:** COC and STC must thoroughly document requests for waiver or reduction of standard payment reduction refunds.

Each case is unique. Determinations to waive or reduce the standard payment reduction must be made on a case-by-case basis based on documented and verifiable facts of the individual case.

**Note:** A determination of “good faith” when CRP-1 is terminated for a violation is not satisfactory justification for waiver of refunds.

## 3 Reporting Waivers of Refunds and Standard Payment Reductions

### A Completing Refund and Standard Reduction Waiver Report

All refunds and standard payment reductions waived during the previous FY must be both:

- reported to CD no later than **December 1** following the FY in which the waiver was approved
- documented through the SharePoint form located at **CRP Waiver of Refunds and Waiver of Standard Payment Reductions Report**.

**Note:** A single SharePoint form is being used to collect data for both waivers. Required entries will update after the user selects the applicable waiver type.

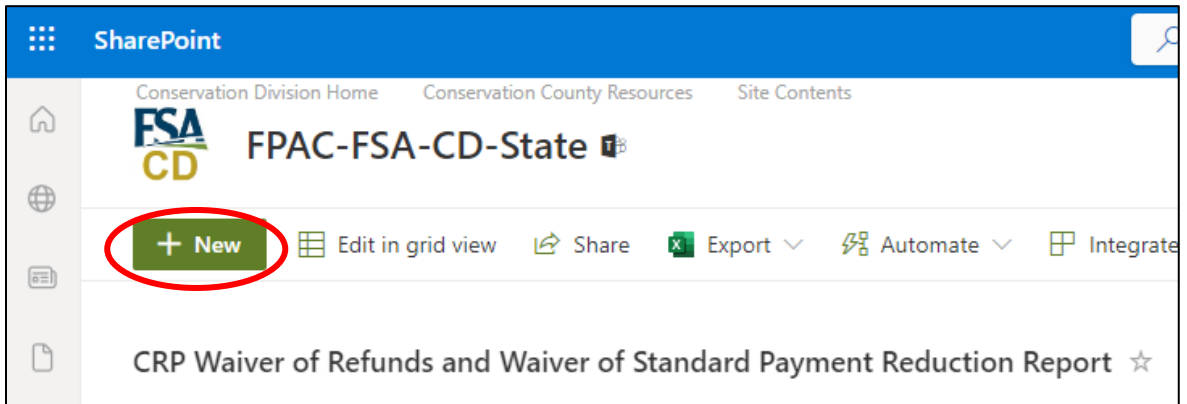
The screenshot shows a SharePoint form titled "This form will collect information for all waiver requests in 2-CRP. When the reference in 2-CRP is selected the form will change to collect the information needed for the waiver request type." The form has two main sections: "2-CRP Reference" and "Waiver Authority". The "2-CRP Reference" section has a search bar labeled "Find items" and a list of results: "Refund Waiver 2-CRP Par 576" and "Standard Payment Reduction Waiver 2-CRP Par 605". The "Waiver Authority" section has a search bar labeled "Find items" and a dropdown menu labeled "County" with a "-" option. Below these sections is a field for "CRP Contract Number(s)".

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

The County Office will select “+New” on the Waiver of Refunds and Waiver of Standard Payment Reduction Report SharePoint.



The County Office will complete the SharePoint form using the instructions provided in this subparagraph.

The County Office must save the SharePoint form once all required entries have been completed.

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

The following is an example of the Refund and Standard Reduction Waiver Report when “Refund Waiver 2-CRP Par 576” is selected.

SaveCancelCopy link

This form will collect information for all waiver requests in 2-CRP. When the reference in 2-CRP is selected the form will change to collect the information needed for the waiver request type.

2-CRP Reference

Refund Waiver 2-CRP Par 576

Waiver Authority

Find items

State

-

County

-

State or County Contact

Find items

CRP Contract Number(s)

CRP Participant Name

CRP-1 Termination Type

Find items

Reason for Termination

Find items

Refund Amount Waived

Date COC, STC, DAFP Waived Refunds

Total Calculated Refund (Do not include Liquidated Damages)

Reason and Justification for Waiver of Refunds

COC must include, but are not limited to, ALL of the considerations provided in 2-CRP, subparagraph 576C. IMPORTANT: A determination of good faith when the CRP-1 is terminated for a violation is not satisfactory justification for waiver of refunds.

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

The following table provides instructions for completing the SharePoint form for a Refund Waiver.

Field	Action
2-CRP Reference	Select the 2-CRP paragraph that grants authority to waive.
Waiver Authority	Select waiver approval authority.
State	Select State from drop-down list.
County	Select administrative county name from drop-down list.
State or County Contact	Select State Office or County Office contact from drop-down list.
CRP Contract Number(s)	Enter all CRP contract numbers associated with the CRP participant's refund waiver request. Separate contract numbers with a comma.
CRP Participant Name	Enter the CRP participant name associated with the refund waiver request.
CRP-1 Termination Type	Choose "Partial Contract Termination" or "Full Contract Termination" from the drop-down list.
Reason for Termination	<p>Choose one of the following reasons for termination from the drop-down list:</p> <ul style="list-style-type: none"> <li>• Voluntary (Participant Request)</li> <li>• Non-Compliance</li> <li>• No CRP-1 Succession</li> <li>• Other.</li> </ul> <p><b>Note:</b> If "Other" is selected, additional information regarding the termination is required in "Reason and Justification for Waiver of Refunds".</p>
Refund Amount Waived	Enter the refund amount waived for the CRP participant.
Date COC, STC, DAFP Waived Refunds	Select date the refund waiver was approved by the approval authority identified in "Waiver Authority".
Total Calculated Refund	<p>Enter the total amount of refunds calculated according to 2-CRP, paragraph 574.</p> <p><b>Note:</b> Do not include liquidated damages.</p>
Reason and Justification for Waiver of Refunds	<p>Enter reason and justification for approved refund waiver.</p> <p><b>Note:</b> COC and STC minutes documenting approval of the refund waiver must include all considerations provided in 2-CRP, subparagraph 576 C.</p>

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

Field	Action
Comments and Additional Explanation	Provide any additional information about the waiver of refunds or waiver of standard payment reduction not captured by the form.
Reviewed By – STO Specialist	Entry is to be completed by the State Office Specialist when the entry by the County Office has been reviewed.
Negative Report	State Office Specialist will communicate with County Office to ensure all waivers are included in the entry before December 1 of each calendar year. If there are no waivers, then the State Office Specialist will select “Yes” for “Negative Report”.

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

The following is an example of the Refund and Standard Reduction Waiver Report when “Standard Payment Reduction Waiver 2-CRP Par 605” is selected.

SaveCancelCopy link

This form will collect information for all waiver requests in 2-CRP. When the reference in 2-CRP is selected the form will change to collect the information needed for the waiver request type.

2-CRP Reference

Standard Payment Reduction Waiver 2-CRP Par 605

Waiver Authority

Find items

State

-

County

-

State or County Contact

Find items

CRP Contract Number(s)

CRP Participant Name

Date COC. STC, DAFP Waived Refunds

Reason for Noncompliance

Find items

Total Standard Payment Reduction Amount

Standard Payment Reduction Amount Waived

Reason and Justification for Waiver of Standard Payment Reduction Amount

Determinations must be made on a case-by-case basis based on the facts of the individual case.



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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

The following table provides instructions for completing the SharePoint form for a Standard Payment Reduction Waiver.

Field	Action
2-CRP Reference	Select the 2-CRP paragraph that grants authority to waive.
Waiver Authority	Select waiver approval authority.
State	Select State from drop-down list.
County	Select administrative county name from drop-down list.
State or County Contact	Select State Office or County Office contact from drop-down list.
CRP Contract Number(s)	Enter all CRP contract numbers associated with the CRP participant's standard payment reduction waiver request. Separate contract numbers with a comma.
CRP Participant Name	Enter the CRP participant name associated with the standard payment reduction waiver request.
Date COC or STC Waived Standard Payment Reduction	Select date the standard payment reduction waiver was approved by the approval authority identified in "Waiver Authority".
Reason for Noncompliance	Choose one of the following reasons for noncompliance from the drop-down list: <ul style="list-style-type: none"><li>• Failure to maintain eligible approved permanent cover.</li><li>• Failure to establish eligible approved permanent cover.</li><li>• Unauthorized haying or grazing.</li><li>• Unauthorized mowing, spraying, and burning during PNS.</li><li>• Unauthorized planting or harvesting of a crop.</li><li>• Non-control of weeds, insects, or rodents.</li><li>• Non-control of wind or water erosion.</li></ul>
Total Standard Payment Reduction Amount	Enter the total standard payment reduction amount calculated according to 2-CRP, paragraph 604.
Standard Payment Reduction Amount Waived	Enter the standard payment reduction amount waived for the CRP participant.

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### 3 Reporting Waivers of Refunds and Standard Payment Reductions (Continued)

#### A Completing Refund and Standard Reduction Waiver Report (Continued)

Field	Action
Reason and Justification for Waiver of Standard Payment Reduction Amount	Enter reason and justification for approved standard payment reduction waiver.  <b>Note:</b> COC and STC minutes documenting approval of the waiver of standard payment reduction must include justification and verifiable facts for the individual case. See subparagraph 602 A.
Comments and Additional Explanation	Provide any additional information about the waiver of refunds or waiver of standard payment reduction not captured by the form.
Reviewed By – STO Specialist	Entry is to be completed by the State Office Specialist when the entry by the County Office has been reviewed.
Negative Report	State Office Specialist will communicate with County Office to ensure all waivers are included in the entry before December 1 of each calendar year. If there are no waivers, then the State Office Specialist will select “Yes” for “Negative Report”

### 4 State Office Required Review and Negative Reports

#### A State Office Required Review

State Offices will review all entries by the County Office to ensure that policy has been followed and all information needed to accurately reflect the reason for the waiver is included in the SharePoint reporting form. The State Office Specialist will edit the entry once the review is complete and then complete the “Reviewed By – STO Specialist” selection on the form and save.

State Office will be prepared to provide COC and STC minutes for National Office Review, if needed.

#### B Negative Reports Required

State Offices will communicate with County Offices to ensure all waivers are included in the entry before **December 1** of each calendar year. If there are no waivers, then the State Office Specialist will select “Yes” for “Negative Report”.

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### 5 Action

#### A State Office Action

State Offices will ensure that:

- County Offices follow this notice and 2-CRP
- contracts terminated with no refunds due, according to 2-CRP, subparagraph 575 A and liquidated damages waived, according to 2-CRP, paragraph 578, are not reported.

State Offices may require County Offices to submit all waivers to the State Office for review before entering into the CRP Waiver of Refunds and Waiver of Standard Payment Reduction Report.

#### B County Office Action

County Offices will:

- follow the provisions of this notice
- review 2-CRP, paragraphs 576 and 605, for additional information regarding CRP Waiver of Refunds and Waiver of Standard Payment Reductions
- **not** report:
  - contracts terminated with no refunds due, according to 2-CRP, subparagraph 575 A
  - liquidated damages waived according to 2-CRP, paragraph 578.