

For: State and County Offices

**Husband and Wife Eligibility for TAA for Farmers Benefits**

Approved by: Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

TAA for Farmers is:

- authorized by the Trade Act of 1974, as amended
- intended to provide assistance to agricultural producers and fishermen to assist businesses impacted by imports of like or competitive products.

The benefits provided by TAA for Farmers consist of business plan training and cash payments. Producer eligibility provisions are established by FAS.

**B Purpose**

This notice:

- affirms that husbands and wives and members of partnerships and joint ventures may apply as individuals under TAA for Farmers

**Note:** Corporations, LLC's, and trusts are limited to 1 application and 1 payment.

- clarifies application and eligibility requirements for husbands and wives who apply as separate individuals for TAA for Farmers benefits.

**C Contact**

For questions or information about this notice, contact Gene Rosera by either of the following:

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### 2 Eligibility Policy for Entity Members and Husbands and Wives

#### A Policy Background

TAA for Farmers is authorized by the Trade Act of 1974, as amended most recently by the American Recovery and Reinvestment Act of 2009. This statute requires payments to occur within payment limits for counter-cyclical and ACRE limits of \$65,000 established under the Farm Bill.

Producer payment eligibility requirements applicable to TAA for Farmers may be established separately from those established for other Farm Bill programs because TAA for Farmers is:

- authorized by a statute different from the Farm Bill
- established for different policy objectives.

FAS has decided that TAA for Farmers objectives are best met by:

- allowing husbands and wives and members of partnerships and joint ventures to separately apply as individuals
- **not** imposing the actively engaged requirements under which applicants identify their land, labor, capital, equipment, or management contributions to the production of the commodity.

These policy decisions were specifically intended to:

- increase the number of program applications compared to the general level of program participation under the prior TAA program
- increase employment and provide an economic stimulus to agricultural sectors negatively impacted by imports
- maximize participation in TAA for Farmers educational benefits for which there is low marginal cost of delivering training to each additional applicant.

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### 2 Eligibility Policy for Entity Members and Husbands and Wives (Continued)

#### B Husband and Wife Eligibility Regulations and Provisions

FAS has determined that husbands and wives may apply and obtain separate TAA for Farmers benefits if each of them individually:

- meets general program eligibility requirements, as set forth in 1-SP, subparagraph 52 A

**Notes:** The documentation of the family farming/fishing operation may be used by each of the spouses if both apply as individuals. Spouses are considered to be at risk.

The same documentation of production and prices can be used to qualify each spouse, even if they apply separately and even if the documentation only includes 1 spouse's name.

- attends required business plan orientation and business plan training without serving as the alternate attendee for their spouse
- submits an approved initial and long-term business plan.

There is no statutory, regulatory, or procedural requirement for proof of marriage for TAA for Farmers applicants. However, if the County Office has reason to believe that an individual is fraudulently claiming to be a spouse to establish eligibility, the County Office is authorized to require the applicant to submit proof of marriage.

Spouses shall be considered separate persons for payment limitation purposes under TAA for Farmers. Spouses may:

- submit separate applications for TAA assistance according to 1-SP, subparagraph 55 A, including separate payment eligibility forms, either CCC-502A or CCC-902I
- but are not required, establish themselves as a member of a joint venture with their spouse
- but are not required, present a spousal statement that they were paid a share of the family farming/fishing operation
- but are not required, be co-signers of loan obligations of the family operation.

**Note:** The husband and wife ruling applies to only individual operations. For joint operations, such as partnerships or joint ventures, each member may apply separately. However, the spouse of the partner is **not** eligible unless the spouse is also a member of the joint operation.