

For: FSA Employees

**Updated FSA-211 Required for New 2008 Farm Bill Programs**

Approved by: Acting Deputy Administrator, Farm Programs



**1 Overview**

**A Background**

There has been considerable concern and many questions about the authorization authority of FSA-211's currently on file in County Offices for new Farm Bill Programs. The 2008 Farm Bill authorizes FSA to administer several new programs, including the following:

- reauthorized 2008 DCP
- Supplemental Agricultural Disaster Assistance Program (SURE)
- Average Crop Revenue Election (ACRE).

Producers and landowners (grantors) have previously executed FSA-211 authorizing an attorney-in-fact to act on their behalf for "All current programs", "All current and all future programs", or specifically identified a program or programs, as applicable. Additionally, FSA-211's currently on file either extend "All actions" or specific actions to an attorney-in-fact as selected by the grantor.

**B Purpose**

This notice:

- provides clarification about the validity of previously executed FSA-211's currently on file in County Offices
- advises County Offices to review all FSA-211's on file to ensure that they are valid.

<p><b>Disposal Date</b></p> <p>February 1, 2009</p>	<p><b>Distribution</b></p> <p>All FSA employees; State Offices relay to County Offices</p>
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**2 Validity of FSA-211's Currently on File**

**A FSA-211's Executed With "All Current Programs"**

FSA-211's currently on file, which the grantor has checked the box in Section A, item 1, "All current programs", **are not** valid for programs authorized by the 2008 Farm Bill including 2008 DCP.

**B FSA-211's Executed With "All Current and All Future Programs"**

FSA-211's currently on file, which the grantor has checked the box in Section A, item 2, "All current and all future programs", **are** valid for programs authorized by the 2008 Farm Bill.

**C Future Programs**

Future programs with regard to FSA-211 and continued attorney-in-fact authorities related to the 2008 Farm Bill include the following:

- DCP
- ACRE
- SURE
- Emergency Livestock Assistance Program
- Grassland Reserve Program
- Biomass Crop Assistance Program
- Emergency Forest Restoration Program
- CRP.

**Note:** PECD is in the process of updating FSA-211 that will include programs and transactions related to the 2008 Farm Bill.

**D FSA-211 Program Transactions**

Authorized transactions checked by the grantor in FSA-211, Section B are applicable to programs authorized by the 2008 Farm Bill if "All current and all future programs" is checked in FSA-211, Section A.

**Note:** One exception is 2008 DCP. CCC-509 Appendix, dated June 20, 2008, allows an attorney-in-fact without specific authority to execute CCC-526 to sign CCC-509. By signing CCC-509, the attorney-in-fact is certifying that all assertions made to qualify for the 2007 crop:

- are accurate
- would be accurate if applied to the 2008 crop using the 3 previous crop years applicable to the 2008 crop according to CCC-509 Appendix, Section 3, item I.

**Note:** This is **only** applicable to 2008 DCP.

## Notice CM-612

### 3 Action

#### A County Office Employee Action

County Office employees shall:

- **not** accept attorney-in-fact signatures on any new 2008 Farm Bill Programs, including 2008 DCP documents for FSA-211's authorizing an attorney-in-fact to act on behalf of a grantor for "All current programs"
- ensure that an updated FSA-211 is properly executed and on file according to 1-CM, paragraph 728 and Exhibit 60 before accepting attorney-in-fact signatures on any 2008 Farm Bill Programs, including 2008 DCP documents
- review FSA-211's on file to determine whether grantors need to:
  - file an updated FSA-211 for 2008 Farm Bill programs, including 2008 DCP documents
  - ensure that applicable FSA-211's are executed and on file before accepting attorney-in-fact signatures.

#### B State Office Action

State Offices shall ensure that County Office employees have reviewed FSA-211's on file and are in compliance with this notice.