

Part 530 – Working Lands Conservation Programs Manual

Subpart C – Application for Assistance

530.20 General

A. This subpart provides policy related to requests for conservation program assistance including eligibility requirements. NRCS accepts requests for financial assistance for all conservation programs on a continuous basis and evaluates and administers them in a fair, transparent, and consistent manner. See program-specific subparts within this manual for additional application requirements.

Note: See program-specific manuals for application and eligibility requirements for NRCS easement programs.

B. Producer.—Eligible applicants must be—

- (1) A person, legal entity, Indian Tribe, Alaska Native corporation, or joint operation with signature authority.
- (2) Engaged in agricultural production or forestry management or have an interest in the agricultural or forestry operation associated with the land offered for enrollment. Interest in the agricultural operation means one of the following:
 - (i) Owner or renter of the land in the agricultural operation;
 - (ii) Have an interest in the agricultural products, commodities, or livestock produced by the agricultural operation; or
 - (iii) Be a member of a legal entity or joint operation that either owns or rents land in the agricultural operation or has an interest in the agricultural products, commodities, or livestock produced by the agricultural operation.

Note: NRCS must not establish or use any additional criteria for determining that an applicant is a producer other than criteria cited in this section. Do not use the following criteria to determine eligibility as a producer:

- Type of operation or agricultural enterprise
- Size of operation
- Location of operation
- Income; profit or loss

C. Potential Applicants Include—

- (1) Persons.—Producers who apply with a Social Security number (SSN) and under the producer’s individual name.
- (2) Legal Entities.—Producers who apply with an Employer Identification Number (EIN) generally using a business name.

Note: Some trusts and limited liability corporations may operate using an SSN.

- (3) Joint Operation.—Joint operations exist where each member or partner shares direct liability or responsibility for the partnership, and the eligibility information of each individual transfers to the joint operation.
 - (i) Joint operations, such as a general partnership, must have an EIN to receive payments directly to the joint operation.
 - (ii) Unlike a general partnership, a joint venture may or may not be formed under State law and may be an informal agreement between two or more individuals or businesses. Informal joint ventures require each member to be signatory to the

contract for their individual interest and are not based on an EIN. NRCS will pay members directly using their individual tax identification numbers.

- (4) Indian Tribes, Alaska Native corporations, and trusts involving the Bureau of Indian Affairs (BIA).—A unique situation occurs in contracting with Indian Tribes and related corporations and trusts. See section 530.21B, in this subpart, for additional information.
- (5) Water Management Entities.—A State, irrigation district, ground water management district, acequia, land grant-merced, or similar entity, with responsibilities related to irrigation water delivery or management. These may be public or semi-public agencies or organizations with the purpose of assisting individual producers.
- (6) NRCS Employees.—NRCS employees who wish to participate in an NRCS program as an individual or as an entity of which they are a member must follow ethics guidance contained in Title 110, General Manual, Part 405, Subpart F, “Employee Participation in NRCS Programs.”
- (7) Conservation District Employee.—Subject to the ethics requirements specified in the approved cooperative working agreement between NRCS and the conservation district.
- (8) Minor.—Eligible as a contract participant if legally responsible and independently participating in the operation of the farm or ranch as an eligible individual. A parent or legal guardian must also be signatory to the contract. In most cases, NRCS will attribute payments earned by a child under 18 years of age to the parent or any court-appointed person such as a guardian or conservator who is responsible for the minor child. See Farm Service Agency (FSA) Handbook 5-PL, “Payment Eligibility, Payment Limitation, and Average Adjusted Gross Income – Agricultural Act of 2014,” Paragraph 172, and 7 CFR Section 1400.101 for additional guidance related to when NRCS will attribute a payment to a minor.
- (9) Foreign Person.—A foreign person who is providing land, capital, and a substantial amount of personal labor in the production of crops may be eligible if the foreign person meets all other program eligibility requirements as determined by FSA and obtains a tax identification number from the Internal Revenue Service (see 7 U.S.C. Section 1308-3). With respect to a legal entity, any member, partner, or stockholder who is not a U.S. citizen or resident alien is ineligible for payment unless the person provides a significant amount of active personal labor to the farming operation.

Note: See program-specific eligibility matrix in subpart O, section 530.143C, “Program Eligibility Matrices for Individuals, Entities, and Joint Operations” of this manual for applicant-type filing requirements. For business-type descriptions, see FSA Handbook 11-CM, “Customer Data Management,” and 11-CM, Exhibit 10, “Business Partner Customer Roles/Business Types and Valid Tax ID Types.”

D. Group Projects.—Participants may enroll in joint contracts according to guidelines established in the program-specific subparts. These projects are made up of two or more eligible applicants on two or more operations, intending to pool resources, efforts, finances, or other contributions to address collaboratively the same resource concerns. Joint participation is permitted when it will result in greater environmental benefit than individual participation, or in a cost savings, and all producers receiving direct or indirect benefits from the group project meet eligibility requirements. See subpart R, “Environmental Quality Incentives Program” of this manual for additional guidance.

E. Ineligible Applicants

- (1) A producer is ineligible for USDA program benefits if engaged in controlled substance activities, including growing marijuana on any part of their agricultural operation in violation of Federal law, even if the requested assistance does not relate to the part of the agricultural operation used for the production of the controlled substance. See section 530.21D, in this subpart, for guidance on hemp production.

- (2) Federal, State, county, and local governments, and political subdivisions of State government (e.g., school districts, conservation districts, etc.) and entities with members of units of government or subdivisions, are not eligible. See to subpart R, section 530.402, “EQIP Eligibility,” of this manual for exceptions to this policy.

F. See program-specific subparts of this manual for additional eligibility requirements.

G. Applications Crossing State or Ranking Pool Boundaries

- (1) Contracts that cross over State, ranking pool, or servicing area boundaries may be developed and administered within the State or service area where the majority of the land is located.
- (2) For applications crossing State, ranking pool, or servicing area boundaries, State conservationists will evaluate the application and the producer’s request for servicing office or other factors to determine which office will service the application.

530.21 Producer Types with Additional Considerations

A. Historically Underserved (HU) Producers and Groups

- (1) See subpart A, “General Information,” of this manual for a description of HU producers, and Title 440, Conservation Programs Manual (440-CPM), Part 502, “Terms and Abbreviations Common to All Programs,” for specific definitions of each HU category.
- (2) To receive program-specific HU considerations, participants on the contract must meet, at a minimum, the percent interest requirements according to the following table.

Table 530.C1: HU Participant Interest

HU Category	Percent Interest of HU Participants
Limited resource farmer/rancher (LRF)	100
Beginning farmer/rancher (BFR)	100
Socially disadvantaged farmer/rancher	50
Veteran farmer/rancher	100

- (3) Based on statutory authority NRCS does not recognize gender as an HU category.
- (4) For LRF, a self-determination tool is publicly available at <https://lrftool.sc.egov.usda.gov/> or producers may request a copy from the local NRCS field office.
- (5) See section 530.143O, “Veteran Farmer or Rancher Determination Matrix for Historically Underserved Payment Rate and Veteran Preference” of this manual for guidance on determining when to provide veteran preference.

Note: Unless a landowner is directly involved in the day-to-day management of the farming operation, the landowner does not qualify for program-specific HU considerations for BFR, including higher payment rates.

B. A federally recognized Indian Tribe means any Indian Tribe, Band, Nation, Pueblo, or other organized group or community, including any Alaska Native regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. Federally recognized Indian Tribes are exempt from payment limitation requirements, contract limitations, and adjusted gross income (AGI) requirements. The following requirements apply to Indians represented by BIA:

- (1) Current business tools do not maintain a payment limitation record for Indians Represented by BIA.
- (2) NRCS can make payments exceeding the payment limitation to the Tribal participants if a BIA official certifies in writing that no one individual will receive more than the payment limitation.

Note: Individual Tribal members are not exempt from payment limitations, contract limitations, and AGI requirements.

- (3) The BIA must produce, at the request of NRCS, proof of payments made to the person or legal entity that incurred costs or lost income related to conservation practice or activity implementation, as record of payment limitations.

C. Organic Producers.—Organic regulations are found under 7 CFR Part 205, “National Organic Program,” and are administered by the USDA Agricultural Marketing Service (AMS). See subparts Q, “Conservation Stewardship Program (CSP),” and R, “Environmental Quality Incentives Program (EQIP),” within this manual for program-specific information pertaining to organics, including the national organic initiative offered through EQIP.

Organic producers include those who are certified organic, transitioning to organic production, or exempt from organic certification. The following apply to organic producers who receive ranking preference points or other program-specific benefits because of their status as organic producers:

- (i) USDA-certified organic producers agree to implement conservation practices or conservation activities that are consistent with an approved organic system plan (OSP) or requirements of the Organic Foods Production Act of 1990 (7 U.S.C. Sec. 6523). A private or governmental agency, accredited by USDA as a certifying agent, must certify a producer’s organic system plan.

Note: Organic operations or organic producers that sell less than \$5,000 a year in organic agricultural products are exempt from USDA organic certification (7 U.S.C. Sections. 6501 to 6522).

- (ii) Although certified-organic and transitioning-to-organic applicants are not required to provide a copy of their OSP, the applicant is responsible for providing information as needed for the development of a plan of operations that identifies conservation practices or activities that are consistent with the requirements of an OSP.
- (iii) When developing a schedule of operations to support organic operations, NRCS or a technical service provider must address the National Organic Program requirements in the conservation practice or activity design to ensure that the planned conservation practices or activities are consistent with OSP standards.
- (iv) The designated conservationist must annually determine whether the participant is implementing conservation practices or activities consistent with an OSP. See subpart H, “Contract Reviews and Quality Assurance,” in this manual. If a participant is not implementing conservation practices or activities according to schedule or not consistent with an OSP, the contract may be subject to termination. See subpart I, “Contract Violations,” in this manual.

D. Hemp Producers.—USDA published a final rule effective March 22, 2021, to establish a domestic hemp production program. Through the rule, USDA specified the rules and regulations to produce legal hemp and outlined the process by which States and Tribes can submit plans for hemp production for USDA approval. The rule also established a USDA plan to regulate hemp production by producers in areas where hemp production is legal but not

covered by an approved State or Tribal plan. AMS is the lead USDA agency for hemp regulations.

For NRCS to determine a hemp producer eligible for financial assistance through NRCS-administered conservation programs, the following conditions apply:

- (i) A State or Indian Tribe with a USDA-approved plan for the domestic production of hemp has licensed or otherwise authorized the producer to produce hemp or AMS has directly authorized hemp production when the producer is in a State or territory of an Indian Tribe that authorizes hemp production, but such State or Indian Tribe does not have (or seek to have) a USDA-approved plan.
- (ii) Hemp producers authorized under a USDA-approved plan or through AMS must record a valid license or authorization number with FSA.
- (iii) NRCS will refer to FSA records to determine whether the producer is authorized to produce hemp.

Note: Hemp information can be found at <https://www.ams.usda.gov/rules-regulations/farbill-hemp>.

Note: Producers participating in unauthorized hemp production are ineligible for NRCS financial assistance; however, they may be eligible for conservation technical assistance on land not included in the unauthorized hemp production.

530.22 Application Requirements

A. NRCS receives applications on a continuous basis and provides timely notification to applicants of all missing documents and filing requirements and eligibility status. Applicants must provide records, certifications, and other required documents within NRCS specified timeframes.

B. Required Records and Forms.—Applicants will establish farm records with FSA and must complete required certifications to complete the application process. Producers with established farm records should review their business structure and farm operating plan and make updates with FSA if needed. NRCS uses the following forms, in coordination with FSA as appropriate, to accept applications, establish farm records, complete certifications, and document other program eligibility requirements:

- (1) Form NRCS-CPA-1200, “Conservation Program Application”
- (2) Form AD-1026, “Highly Erodible Land Conservation (HELIC) and Wetland Conservation (WC) Certification”
- (3) Form CCC-941, “Average Adjusted Gross Income (AGI) Certification and Consent to Disclosure of Tax Information,” or equivalent successor forms as applicable for reporting years
- (4) Form CCC-902, “Farm Operating Plan,” for individuals, legal entities, and joint operations, or equivalent successor forms as applicable for reporting years. The FSA County Committee will use the information collected on Form CCC-902 to make payment eligibility and payment limitation determinations.

Note: NRCS no longer accepts Form CCC-901, “Members Information,” as a standalone document for participation in NRCS programs. Individuals, legal entities, and joint operations must file Form CCC-902, and as determined necessary by FSA, Form CCC-901.

Note: If producers previously filed Form CCC-902 and FSA has made a determination, it is not necessary for NRCS to collect duplicate information or to request that the applicant refile forms because of NRCS program participation. FSA eligibility

determinations carry over from one fiscal year to the next. However, applicants must update their Form CCC-902 when there are changes made to the farming operation that affect the previous FSA determination.

Note: See program-specific subparts within this manual for additional application records and forms that may be needed.

C. Certifications

- (1) Applicants, excluding those applying under Agricultural Management Assistance, must meet conservation compliance provisions of the Food Security Act of 1985, as amended, for “Highly Erodible Land Conservation (HELC) and Wetland Conservation (WC) Certification.” A person who FSA determines is ineligible for USDA program benefits under the HELC and WC provisions may not participate in conservation programs or receive any payments for the crop year for which the person is found ineligible. Additionally, participants will not receive payments for—
 - (i) Violations of the HELC provisions, for all subsequent years that the person remains ineligible.
 - (ii) Violations of the WC provisions, for the crop year of the conversion and all subsequent crop years that the person remains ineligible.
- (2) Applicants must submit Form CCC-941 or equivalent successor forms as applicable for reporting years. A person or legal entity is not eligible to receive program payments if their AGI exceeds the AGI limitation; however, the Financial Assistance Division Director, may waive this requirement under some circumstances. See section 530.23 C, “Adjusted Gross Income (AGI) Waivers,” in this subpart. Additionally—
 - (i) NRCS will reduce any payment issued to a legal entity or joint operation with members who do not meet the AGI requirement by an amount commensurate with their direct or indirect ownership interest (member share). Previously ineligible applicants may reapply in subsequent years.
 - (ii) FSA makes the AGI determination in the fiscal year NRCS approves the conservation program contract, and the determination applies throughout the term of the contract unless there is a change in contract participants or to the members of a legal entity or joint operation. For contract transfers or membership changes, FSA makes the AGI determination for the new participant or member based on the fiscal year NRCS approves the transfer or the membership changes. Transferees must meet the applicable Farm Bill AGI requirements in place at the time NRCS originally obligated the contract.
 - (iii) This applies to all contract participants, entity members, and successors to these contracts.

Note: Changes in the members or in member shares of an entity must be documented by the entity submitting revised FSA forms. Failure to update the FSA Subsidiary Business File will result in a mismatch between business tools, which will prevent obligation and payment.

D. Other Requirements

- (1) Signature authority for an individual requesting benefits for a legal entity or joint operation is discussed in section 530.24, “Signature Authority,” in this subpart.
- (2) Control of Land Requirements.—NRCS may enter into a contract with one or more participants having control of the offered land. The word “control” means possession of the land by ownership, lease, or other agreement.
 - (i) Applicants self-certify control of the land unit and relationship (owner, operator, or both), and, if leased or through other agreement, on Form NRCS-CPA-1200 at the time of application. NRCS verifies that the participant continues to maintain control

prior to contract obligation, during annual contract reviews, and prior to approval of any payments. See subpart H of this manual for additional information.

- (ii) When available, NRCS should use FSA records, such as the Producer Farm Data Report, to verify the participant's interest in the land (owner, operator, or other tenant). In the absence of FSA records, NRCS may use other reliable documentation such as a lease, survey maps, tax parcel data, official land use maps, etc., to verify control of land.
 - (iii) State conservationists may waive this requirement for Tribal land and other unique cases in which a written lease is not customarily used.
 - (iv) Applicants who sublease portions of their operation to other producers during the term of the proposed contract may not have control of the land. Under these circumstances, NRCS must verify during the application process or contract review that the lease agreement demonstrates to the satisfaction of NRCS that the applicant/participant remains in full control of the land and will be able to meet all contract provisions.
- (3) Prior to obligation, tenants must obtain and provide to NRCS written concurrence from the landowner to apply a structural or vegetative conservation practice or activity. Use subpart O, section 530.144D, Form NRCS-CPA-1257, "Landowner Concurrence for Structural or Vegetative Conservation Activities," of this manual, or other written landowner concurrence.

For the land included in the contract offer—

- If a parcel has multiple landowners, only one landowner is required to sign the form.
 - NRCS needs separate, signed forms for each parcel with different owners.
- (4) Program applicants must comply with the provisions for protecting the interests of tenants and sharecroppers, including the provisions for sharing payments on a fair and equitable basis. Consent must be obtained, in writing, from each identified tenant or sharecropper before excluding them from a contract to ensure that all parties having a share in the agricultural operation receive equitable treatment. This determination is applicable before contract obligation and to all owner or operator changes during the term of the contract.
 - (5) See program-specific subparts within this manual for additional eligibility requirements.

530.23 Submitting Applications

A. Submitting Applications

- (1) NRCS must have a separate application, Form NRCS-CPA-1200, on file for each program by the program-specific application cut-off deadline for NRCS to consider an assessment for the funding period. NRCS will consider applications received after the application cut-off deadline in subsequent funding periods.

Note: An applicant does not need to submit a new application if they do not receive a contract under that program during the fiscal year. See section 530.23H, in this subpart, for guidance on servicing unfunded applications.

Note: Applicants who receive partial funding of an assessment during a fiscal year, must submit a new application in a subsequent fiscal year for NRCS to consider them for additional contracts under that program. NRCS must notify the applicant at the end of the funding cycle, typically the end of the fiscal year, of the status of their unfunded

assessments using subpart O, section 530.141R, “Unfunded Notification for Partially Approved Application Letter” of this manual.

Note: Applicants must submit a separate application for special one-time funding opportunities such as for specific disaster events.

- (i) Applicants can submit a signed and dated Form NRCS-CPA-1200 in the office, hand delivered, mailed, faxed, scanned, submitted by email, or submitted through agency-approved business tools. Applicants can access forms at the local NRCS office or electronically through the USDA eForms website located at <https://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home> or through the Farmers.gov portal located at <https://www.farmers.gov/>.
 - (ii) If NRCS receives a program application request by other means, such as by telephone, email, or letter, an NRCS representative must manually prepare Form NRCS-CPA-1200, using the date NRCS received the request in order to establish the application cut-off deadline has been met, with either a copy of the request, or a note about the application request if received verbally. NRCS must obtain the applicant’s signature on Form NRCS-CPA-1200 to ensure NRCS properly completed the information prior to ranking. See section 530.25, in this subpart, for signature documentation requirements and digital signature policy.
- (2) The tax identification number (tax ID) on the application and contract documents must match the tax ID for the established vendor record. NRCS reports all financial assistance funds the participant receives to the Internal Revenue Service using this tax identification number, even when the participant assigns payment to a third party.
 - (3) The NRCS field office should provide applicants with a copy of the completed application and relevant fact sheets, information about the availability of advance payments when applicable, and other materials that explain program requirements.

B. Early Start Waiver.—State conservationists or their designee, at their discretion, may grant an early start waiver based on an evaluation of the specific circumstances for which the applicant is requesting the waiver and a determination that the applicant did not start the conservation practice or activity prior to approval of the waiver. Approved waivers expire on a date determined by the State conservationist, but no later than 12 months after the approval date. See subpart O, sections 530.141D, “Early Start Waiver Approval Letter,” and 530.141E, “Early Start Waiver Disapproval Letter,” of this manual. NRCS must inform applicants that the—

- (1) Approved waiver does not guarantee contract approval;
- (2) Conservation practices or activities must meet NRCS standards and specifications; and
- (3) Applicant must maintain eligibility, or the applicant will be ineligible to receive payments.

Note: Conservation practices or activities completed prior to contract obligation but after the waiver has expired are not eligible for payment.

C. Adjusted Gross Income (AGI) Waivers.—There are various authorities with respect to waiving AGI provisions.

- (1) NRCS may waive the AGI limitation on a case-by-case basis if NRCS determines that the application or contract will protect environmentally sensitive land of special significance as a result of the AGI waiver. This is not a waiver of the requirement to file Form CCC-941. Persons or legal entities who exceed the AGI limit or whose payment would be subject to a commensurate reduction, as determined by FSA, may request a waiver.

- (2) For water conservation or irrigation efficiency projects, NRCS may waive the applicability of the AGI provisions if NRCS determines that the waiver is necessary to fulfill the objectives of a water conservation project implemented through an EQIP contract with a water management entity. Under this specific authority, NRCS will not require a water management entity that requests and receives this waiver to file Form CCC-941 or have AGI determinations made by FSA. See subpart R of this manual for additional guidance.
- (3) For the 2018 Farm Bill Regional Conservation Partnership Program (RCPP)—During the initial programmatic partnership agreement negotiation, NRCS may waive the applicability of the AGI provisions if NRCS determines that the waiver is necessary to fulfill the objectives of the program. With an NRCS approved RCPP applicability waiver in place, persons or legal entities participating through individual contracts are not required to file Form CCC-941 or have AGI determinations made by FSA. See subpart S of this manual for additional guidance.

Note: See NI 440-314 “Adjusted Gross Income (AGI) Waiver Process” for procedural guidance.

Note: For RCPP contracts obligated under a 2014 Farm Bill project, see 440-CPM, Part 529, section 529.44, “Adjusted Gross Income Authority,” and subpart S of this manual, as applicable.

D. Applications for Disaster Recovery and Resiliency Assistance.—See subpart D, section 530.36, “Disaster Assistance,” of this manual and National Instruction 440-312, “Addressing Natural Disasters Using NRCS Financial Assistance Program Funds,” for guidance.

E. The designated conservationist will review all applications for completeness and consistency with customer and farm information and applicant-supplied data to ensure that it meets program-specific eligibility, and that the applicant signed the application.

- (1) When there will be more than one participant on the contract, the decisionmaker must identify all other applicants at the time of application; however, only the decisionmaker must sign the application. States must determine eligibility for all applicants before contract obligation.

Note: If the decisionmaker fails to identify all applicants at the time of application, the decisionmaker may correct this omission prior to contract obligation in order to allow NRCS to make eligibility determinations for all applicants.

Note: Producers must be an eligible applicant before NRCS can enter into a contract with them. No one can become a participant unless they applied to the program and NRCS determined their eligibility.

- (2) NRCS services applications based on the signup and evaluation cut-off dates, screening when used, the availability of program funds, and other requirements, as specified for the applicable program.

Note: See subpart H, “Contract Reviews and Quality Assurance,” of this manual.

F. NRCS must determine final eligibility prior to contract approval per guidance in subpart E, section 530.41A and section 530.41C, of this manual.

G. Ineligible Applications.—NRCS determines whether the applicant and the land meet the general eligibility requirements in this subpart in addition to any program-specific eligibility requirements. If NRCS determines that the applicant or the land does not meet general or program-specific eligibility requirements, NRCS must notify the applicant of this adverse decision using subpart O, section 530.141B, “Ineligibility Determination for Conservation Program Contract Letter,” of this manual, and include section 530.143M, “Appeal Rights.”

H. Servicing Unfunded Applications.—At the beginning of the new fiscal year, NRCS will defer unfunded applications to the new fiscal year. NRCS must send unfunded applicants a deferral letter which notifies the applicant of the options to keep the application active for consideration in a subsequent funding period or to request cancelation. See subpart O, section 530.141A, “Application Deferral Letter,” or section 530.141R of this manual.

Note: Applicants may request deferral of eligible applications prior to the end of the fiscal year.

I. The designated conservationist must cancel any application for producers who die or become incapacitated. Successors wishing to continue the application must sign a new application. Applications cannot be transferred.

530.24 Signature Authority

A. Documentation Required for Signature Authority

- (1) For individuals operating under business type code 1, “Individual,” NRCS only requires documentation of signature authority if another individual is signing in a representative capacity. For this situation, use Form FSA-211, “Power of Attorney,” or another document approved by NRCS. See section 530.24C, in this subpart, for additional information related to a Power of Attorney.
- (2) Legal entities may establish signature authority using Form CCC-902 or equivalent successor form, with FSA. Form CCC-901 may also be used for embedded entities if a manual Form CCC-902 is completed.

Note: Both Farm Bill 2014 and Farm Bill 2018 use the same forms, CCC-901 and CCC-902.

Note: Form CCC-501, “Member’s Information,” and Form CCC-502, “Farm Operating Plan for Payment Eligibility Review,” used in prior Farm Bills, provide a list of entity members but do not establish signature authority for the business.

B. Authorization for Joint Operations and Legal Entities

- (1) Members of legal entities operating with an EIN self-certify signature authority using Forms CCC-901 and CCC-902, as determined by FSA. See section 530.24A(2) in this subpart. Only members with designated signature authority are authorized to sign on behalf of the legal entity.
- (2) In cases where Form CCC-901 or CCC-902 does not document signature authority, NRCS may accept a copy of the corporate charter, bylaws, court orders of appointment, trust agreement, last will and testament that designates an executor of a trust or estate and which has been approved by the applicable court, articles of partnership, or other legal documents clearly designating who has signature authority for the joint operation or legal entity. Where the documents do not provide specific signatory authority, all members must sign the contract documents or use a power of attorney designating an individual to act as the attorney-in-fact or agent for the joint operation or legal entity.
- (3) Although the electronic FSA Subsidiary Business File records are not stored with signatures, the presence of Form CCC-901, CCC-902, or equivalent successor forms in FSA’s Business Partner system indicates that FSA received a signed copy when the legal entity originally filed or updated the form. NRCS does not need to obtain a signed copy of these forms.
- (4) For joint operations without an EIN, NRCS requires each member be identified on the application and sign Form NRCS-CPA-1202, “Conservation Contract,” and the appendix to Form NRCS-CPA-1202 or provide documentation as identified in section

530.24A, “Documentation Required for Signature Authority” or section 530.24C, “Power of Attorney” in this subpart.

C. Power of Attorney (POA)

- (1) An individual, legal entity, or joint operation may use Form FSA-211, “Power of Attorney,” (revision 12/17/2008 or after) which specifies applicability for NRCS programs, to establish signature authority. Form FSA-211 must indicate that the appointed attorney-in-fact may act on behalf of the grantor(s) for NRCS programs and the grantor must have the form notarized or witnessed by an authorized FSA employee. NRCS employees are not authorized to sign as a witness. NRCS has accepted this form since 2009. See FSA Handbook 1-CM, “Common Management and Operating Provisions,” for details.
- (2) An executor or other estate representative can sign for an estate with no further authorizations when they provide NRCS with appropriate supporting documentation.
- (3) NRCS may accept other forms of POAs provided the Office of the General Counsel (OGC) concurs that they are legally sufficient to document signature authority and specify that the attorney-in-fact may conduct program activities on behalf of the grantor.

Note: Under 7 CFR Section 718.9, “Signature Requirements,” spouses may sign on behalf of one another without a POA only as authorized for specific FSA programs. This authorization does not extend to NRCS programs. NRCS program applicants or participants must execute the appropriate POA to give spouses authority to sign contract documents.

Note: All POAs expire upon the death of the grantor of the POA.

530.25 Signature Documentation

A. The signature on the contract document indicates agreement to the terms of the contract; therefore, NRCS must ensure the validity of the signature, especially when an individual is signing on behalf of a legal entity or another individual.

- (1) Individuals signing on their own behalf:
 - (i) Signatures should match the name printed on the contract documents. Variations that do not cause disagreement between signature and the printed name are permitted.
 - (ii) NRCS can confirm the validity of an illegible signature or applicant or participant’s use of a mark or stamp, by comparing it with a previously witnessed signature or through verbal confirmation with the individual. NRCS must note any verbal confirmation on the relevant contract document or in the case file.
- (2) Individuals signing on behalf of another individual or legal entity:
 - (i) The individual signing should indicate that they are doing so in a representative capacity using terms such as “by” or “for” and include their title, relationship, or capacity for which they are signing.
 - (ii) When the signature is missing the indicator of the representative, NRCS must confirm that the individual has appropriate authority to sign on behalf of the individual or legal entity. See section 530.24, “Signature Authority” in this subpart.
- (3) If NRCS does not have documentation of signature authority on file or cannot confirm the validity of a signature, NRCS must reject the signature.

B. Acceptable signature methods

- (1) NRCS may accept electronic signatures if they comply with agency-approved signature guidance. An electronic signature is a symbol or graphical representation of a person’s

name recorded in a digital format on a document. Electronic signatures do not always ensure the authenticity of the signer. As such, NRCS will only accept electronic signatures if one of the following conditions can be met:

- (i) The signature is a digital signature. Digital signatures are a subset of electronic signatures which use databases and unique certificates per each signature to prove the time and location (IP address) of the person signing and ensure the authenticity of the signer. Agency-approved digital signatures which are not USDA e-Authenticated must include software solutions that have 2-factor authentication.
- (ii) Non-digital electronic signatures (such as photo or scanned copies) are limited to situations where NRCS can compare the electronic signature with an original ‘wet’ signature. In most cases, the original signed documents must be subsequently provided to NRCS.

Note: Please see NI 440-319 for additional guidance specific to each document.

- (2) NRCS will accept contract documents with original signatures and digital signatures when uploaded through agency-approved, e-Authenticated, web portals.

Note: If the form transfers contract rights or payments to a participant not currently on the contract, NRCS will only accept digital signatures obtained via agency-approved, e-Authenticated, web-portals.

- (3) States may accept digital signatures for other documents not included in NI 440-319, “Guide to Acceptable Signatures,” as long as the following criteria are met:
 - (i) USDA has approved the software system used to obtain the digital signature. The system used for the digital signature requires a two-factor authentication to ensure validity of the signatures.
 - (ii) The document is used to obtain a signature between NRCS and a program applicant or participant.

Note: NRCS does not accept digital signatures obtained on documents between an NRCS client and a third party unless specifically authorized by program-specific policy.
 - (iii) Program-specific policy does not prohibit the use of electronic or digital signature.
- (4) NRCS employees acting in their official capacity may use their LincPass/PIV to sign contract documents as delegated. NRCS employees must not use their LincPass/PIV if applying to or participating in NRCS programs. See section 530.20C(6), in this subpart, for additional guidance.
- (5) States must require additional documentation to validate questionable digital signatures and consult National Headquarters if, needed.