

UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency
Washington, DC 20250

**Common Management and
Operating Provisions
1-CM (Revision 3)**

Amendment 67

Approved by: Deputy Administrator, Farm Programs



Amendment Transmittal

A Reason for Amendment

Subparagraph 707 D has been amended to clarify that unlike other FSA employees, COC and STC members are permitted to sign for others under a power of attorney. However, members doing so must recuse themselves from acting on any document they signed as attorney.

Page Control Chart		
TC	Text	Exhibit
	25-65, 25-66	

707 Policy on Evidence of Authority and Signature Limitations (Continued)

C Signature Authority for Spouses

Spouses:

- may sign documents on behalf of each other for FSA and CCC programs in which either has an interest, effective August 1, 1992, unless written notification denying a spouse this authority has been provided to the County Office
- shall not sign FSA-211 on behalf of the other
- shall not sign on behalf of the other as an authorized signatory for partnerships, joint ventures, corporations, or other similar entities

Exception: Spouses may sign on behalf of each other for a husband/wife joint venture with a permanent tax ID number and sole proprietorship, unless written notification denying a spouse authority has been provided to the County Office (subparagraph 710 F or 712 A, as applicable).

Notes: See paragraphs 709 through 711.

See applicable directives for acceptable spouse signatures for FLP loans.

- must have a power of attorney on file or sign personally for claim settlements, such as promissory notes.

Important: A spouse's authority to sign documents on behalf of the other spouse does **not**:

- override the FOIA/PA requirements of 5 U.S.C. 552 and 552A
- entitle a spouse to review or receive Agency records of the other spouse.

Note: See 2-INFO for more information about FOIA/PA requirements and Agency records.

County Office shall not provide Agency records of a producer to that producer's spouse unless written authority to provide such records has been provided to the County Office.

Example: Joe and Jane Black, husband and wife, may sign documents on behalf of each other because no written notification denying such authority has been provided to the County Office. Jane Black has requested a copy of Joe Black's Agency records. County Office shall not provide the records to Jane Black unless Joe Black provides the County Office written authority to release the records to Jane Black.

707 Policy on Evidence of Authority and Signature Limitations (Continued)

D State and County Office Employees, and COC and STC Members

County Office and Federal employees * * *:

- must **not** act as a power of attorney in the County Office where employed on behalf of any person, including family members

***--Note:** If COC or STC members act as attorneys for any persons or a legal entity, the member **must** recuse themselves from acting on any document they signed as attorney.--*

- must **not** sign on behalf of a spouse in the County Office where employed
- may in unusual situations such as a hardship case, make a written request to SED for waiver

Note: If there is not a written waiver on file, employees **cannot** act on behalf of participants.

- are not limited from acting in a fiduciary capacity, such as:
 - guardian
 - administrator
 - conservator
 - executor
 - trustee
 - receiver.

E Limited Waiver of Signature Authority

Limited waiver of signature authority requirements may be granted to immediate family members (paragraph 729.5).