

# UNITED STATES DEPARTMENT OF AGRICULTURE

Farm Service Agency  
Washington, DC 20250

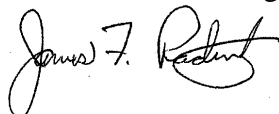
**Notice FLP-709**

2-FLP, 3-FLP

**For:** State and County Offices

## **Reinstating Use of AD-3030 for FLP Only**

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



### **1 Overview**

#### **A Background**

The authority for requesting the information in this notice for USDA Agencies and staff offices is in Sections 744 and 745 of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) (the Act), as amended and/or subsequently enacted. The information will be used to confirm applicant status concerning entity conviction of a felony criminal violation and/or unpaid Federal tax liability status.

To comply with the provisions of the Act, AD-3030 was developed to assist USDA in identifying corporate applicants having a felony conviction or tax delinquent status. Since January 18, 2014, the provision was not required; however, new legislation addressing the financial restrictions was enacted, reinstating the provisions of the Act. As such, County Offices shall once again require corporate applicants applying for FSA FLP's to complete and submit AD-3030. **See Exhibit 1.**

#### **B Purpose**

This notice provides policy and guidance on using AD-3030, including the following:

- programs requiring the use of AD-3030
- AD-3030 availability
- AD-3030 filing requirements
- frequency of submission
- example of AD-3030 and instructions for review.

#### **C Contacts**

For questions about this notice and using AD-3030:

- County Offices shall contact the State Office
- State Offices shall contact LMD by telephone at 202-720-3889.

<b>Disposal Date</b>	<b>Distribution</b>
December 1, 2015	State Offices; State Offices relay to County Offices

## 2 Guidance on Using AD-3030

### A Applicable Programs

The following programs have been determined to be impacted by the restrictions of the Act:

- FLP direct loans (applicant)
- FLP guaranteed loans (lender).

AD-3030 is required to be completed and submitted by corporate applicants when applying for assistance for either of these programs.

**Note:** For FLP direct loans, an applicant who has self-identified as a corporation on FSA-2001, FSA-2314, and FSA-2330 must complete AD-3030. For guaranteed loans, the restrictions of the Act only apply to lenders who are corporations. The restrictions do **not** apply to guaranteed applicants or borrowers.

### B Availability

AD-3030 for:

- employees is available on the FFAS Employee Forms/Publications Online web site at <http://intranet.fsa.usda.gov/dam/ffasforms/forms.html>
- the public may be accessed through the USDA Service Center eForms web site at <http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home> and completed and submitted electronically, FAXed, or taken to the County Office in person.

### C Filing Requirements

**Corporations offering to enter** into contracts and/or loans for the programs identified in subparagraph A are required to complete and submit AD-3030. When completing AD-3030, corporate applicants self-certify **their current Federal and/or State tax delinquency status and their** felony conviction status for a 24-month period preceding the date of the requested assistance.

**Notes:** For AD-3030 purposes, a corporation is an entity that has filed Articles of Incorporation in 1 of 50 States, the District of Columbia, or various territories. Corporations include both profit and nonprofit entities.

The provisions of the Act do **not** apply to entities that do not file Articles of Incorporation, such as trusts or LLC's.

## 2 Guidance on Using AD-3030 (Continued)

### C Filing Requirements (Continued)

For both FSA programs listed in subparagraph A, except guaranteed loans, an executed AD-3030 will be part of a complete application for corporate applicants. FSA officials shall provide AD-3030 to corporate applicants along with other required documentation for the requested assistance. If a corporate applicant fails to submit a completed AD-3030 for any program, the FSA approving official shall consider the application incomplete.

For guaranteed loans, Agency officials will include AD-3030 with each FSA-2232. Lenders that are corporations will be required to complete and return AD-3030 along with FSA-2232.

### D Frequency of Submission

**Each** time a corporate applicant applies for assistance for either of the programs identified in subparagraph A, the applicant must complete and submit an executed AD-3030. It is **not** acceptable to submit and use only one AD-3030 along with subsequent applications.

## 3 Action

### A State Office Action

State Offices shall ensure that County Offices are:

- aware of the contents of this notice
- using AD-3030.

### B County Office Action

County Offices shall require the submission of AD-3030 according to this notice.

## AD-3030, Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants

### A Instructions for Reviewing AD-3030

The reviewing and/or approving official for the applicable contract and/or loan shall review AD-3030. The following table provides instructions for reviewing specific line items on AD-3030.

Item	Required Action
1	Ensure that applicant's name has been entered.
2	Ensure that applicant's address, including ZIP Code, has been entered.
3	Ensure that applicant has entered the last four TIN digits.
4A through 4C	<p>Review applicant responses to questions on corporation felonies and tax delinquent status.</p> <p>If the applicant has indicated “<b>NO</b>” for each of the items 4A, 4B, and 4C, no additional review is required. The executed AD-3030 shall be placed in the applicant's file along with all other supporting documentation for the requested assistance.</p> <p>A “<b>YES</b>” response to any of items 4A through 4C on AD-3030 automatically renders the applicant ineligible for assistance.</p> <p><b>Note:</b> If a “<b>YES</b>” response is received on any item on AD-3030, see 1-APP, paragraph 28.</p>
5A	Ensure that applicable signatures are obtained.
5B	<p>Ensure that person signing on behalf of the corporate applicant has signature authority.</p> <p><b>Note:</b> For guaranteed loans, anyone signing FSA-2211 or FSA-2212 is considered to have authorization to sign on behalf of the lender and, therefore, is considered to have authority to sign AD-3030.</p>
5C	Enter date applicant signs AD-3030.

# AD-3030, Representations Regarding Felony Conviction and Tax Delinquent Status for Corporate Applicants (Continued)

## B Example of AD-3030

The following is an example of AD-3030.

This form is available electronically.		Form Approved – OMB No. 0505-0025 Expiration Date: 02/29/2016
<b>AD-3030</b> (05-15-13)	<b>U.S. DEPARTMENT OF AGRICULTURE</b>	
<b>REPRESENTATIONS REGARDING FELONY CONVICTION AND TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS</b>		
<p>You only need to complete this form if you are a corporation. A corporation is any entity that has filed articles of incorporation in one of the 50 States, the District of Columbia, or the various territories of the United States including American Samoa, Federated States of Micronesia, Guam, Midway Islands, Northern Mariana Islands, Puerto Rico, Republic of Palau, Republic of the Marshall Islands, or the U.S. Virgin Islands. Corporations include both for profit and non-profit entities.</p>		
<p><b>NOTE:</b> <i>The following statement is made in accordance with the Privacy Act of 1974 (5 U.S.C. 552(a), as amended). The authority for requesting the following information for USDA Agencies and staff offices is in §738 and 739 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2012, P.L. 112-55 and subsequent similar provisions. The information will be used to confirm applicant status concerning entity conviction of a felony criminal violation, and/or unpaid Federal tax liability status.</i></p> <p><i>According to the Paperwork Reduction Act of 1985 an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0505-0025. The time required to complete this information collection is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. RETURN THIS COMPLETED FORM TO YOUR COUNTY FSA OFFICE.</i></p>		
<b>PART A – APPLICANT (You must complete this form if you are a Corporation)</b>		
1. APPLICANT'S NAME	2. APPLICANT'S ADDRESS (Including Zip Code)	3. TAX ID NO. (Last 4 digits)
<p>4A. Has the Applicant been convicted of a felony criminal violation under Federal or State law in the 24 months preceding the date of application? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>4B. Has any officer or agent of Applicant been convicted of a felony criminal violation for actions taken on behalf of Applicant under Federal or State law in the 24 months preceding the date of application? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>4C. Does the Applicant have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>		
<p>Providing the requested information is voluntary. However, failure to furnish the requested information will make the applicant ineligible to enter into a contract, memorandum of understanding, grant, loan, loan guarantee, or cooperative agreement with USDA.</p>		
<b>PART B – SIGNATURE</b>		
5A. APPLICANT'S SIGNATURE (BY)	5B. TITLE/RELATIONSHIP OF THE INDIVIDUAL IF SIGNING IN A REPRESENTATIVE CAPACITY	5C. DATE SIGNED (MM-DD-YYYY)
<p><small>The U.S. Department of Agriculture (USDA) prohibits discrimination against its customers, employees, and applicants for employment on the bases of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or all or part of an individual's income is derived from any public assistance program, or protected genetic information in employment or in any program or activity conducted or funded by the Department. (Not all prohibited bases will apply to all programs and/or employment activities.) Persons with disabilities, who wish to file a program complaint, write to the address below or if you require alternative means of communication for program information (e.g., Braille, large print, audiotape, etc.) please contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). Individuals who are deaf, hard of hearing, or have speech disabilities and wish to file either an EEO or program complaint, please contact USDA through the Federal Relay Service at (800) 877-8339 or (800) 845-6136 (in Spanish).</small></p> <p><small>If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at <a href="http://www.ascr.usda.gov/complaint_filing_cust.html">http://www.ascr.usda.gov/complaint_filing_cust.html</a>, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter by mail to U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at <a href="mailto:program.intake@usda.gov">program.intake@usda.gov</a>. USDA is an equal opportunity provider and employer.</small></p>		