

For: State and County Offices

**Signature Authority**

Approved by: Deputy Administrator, Farm Programs



**1 Implementing Signature Authority**

**A Background**

The Food, Conservation, and Energy Act of 2008 (2008 Act), Pub. L. 110-246, was enacted into law on May 22, 2008. The 2008 Act provides that documents in the County Office that were approved shall not be subsequently determined inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture. The document **cannot** be determined inadequate or invalid unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature. However, a “proper party” can be asked to affirm the document.

**B Purpose**

This notice advises County Offices on implementing the provision in the 2008 Act about signature authority. This policy will be included in a future 1-CM amendment along with additional signature policy and procedure.

**C County Office Action**

County Offices shall consider a signature of an individual acting in a representative capacity to be valid, even though there was not a proper signature authority on file in the County Office at the time the individual signed a contract, application, or other document in a representative capacity, only if **all** of the following apply:

- the contract, application, or other document was acted on and approved by the County Office or COC
- the individual signing the contract, application, or other document did not knowingly or willfully falsify evidence of signature authority or the signature
- documentation of signature authority, considered acceptable according to 1-CM, is submitted to the County Office indicating the individual had authority to sign the contract, application, or other document in a representative capacity.

<b>Disposal Date</b>	<b>Distribution</b>
October 1, 2008	State Offices; State Offices relay to County Offices