

**UNITED STATES DEPARTMENT OF AGRICULTURE**

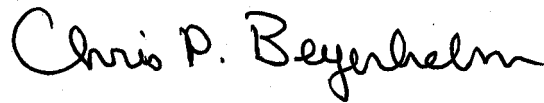
Farm Service Agency  
Washington, DC 20250

**Notice CM-715**

**For:** State and County Offices

**Using AD-3030**

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



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**1 Overview**

**A Background**

Sections 738 and 739 of the Consolidated and Further Continuing Appropriations Act, 2012, Pub. Law 112-55, and the Continuing Appropriations Resolution, 2013, Pub. Law 112-175 (the Acts) impose new restrictions on financial transactions with corporations. The Acts restrict the use of funds to be used to enter into any contract, MOU, cooperative agreement, grant, loan, or loan guarantee with any corporation that has a felony conviction or tax delinquency.

To comply with the provisions of the Acts, AD-3030 was developed to assist USDA in identifying corporate applicants having a felony conviction or tax delinquent status. Effective immediately, County Offices shall require corporate applicants applying for certain FSA programs to complete and submit AD-3030. See Exhibit 1.

**B Purpose**

This notice provides 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.

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Disposal Date	Distribution
January 1, 2013	State Offices; State Offices relay to County Offices

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## 2 Guidance on Using AD-3030

### A Applicable Programs

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

- FLP Direct Loans (applicant)
- FLP Guaranteed Loans (lender)
- BCAP
- CRP
- CREP
- DIPP
- EFRP
- Farmable Wetlands Program (FWP)
- GRP
- TIPP
- Feed Stock Flexibility Program (FSFP)
- Voluntary Public Access Habitat Incentive Program (VPAHIP)
- Reimbursement Transportation Cost Payment Program (RTCP)
- Trade Adjustment Assistance for Farmers Program (TAAF).

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

**Note:** For FLP direct loans, an applicant who has self-identified as a corporation on FSA-2001 must complete AD-3030. For guaranteed loans, the restrictions of the Acts 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://fsaintranet.fsa.usda.gov/dam/ffasforms/forms.html>
- for the public may be submitted to the FSA County Office in person, by FAX, or electronically through the USDA Service Center eForms web site at <http://forms.sc.egov.usda.gov/eForms/welcomeAction.do?Home>.

### C Filing Requirements

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

## 2 Guidance on Using AD-3030

### C Filing Requirements (Continued)

For all 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, lenders will be notified of the appropriation restriction and certifications by the National Office using **Exhibit 2** of this notice. Agency officials will include AD-3030 with each FSA-2232 issued after the date of this notice. Lenders which are corporations will be required to complete and return AD-3030 along with FSA-2232.

**Notes:** For guaranteed loans, lenders will **not** be required to execute AD-3030 if FSA-2232 has been executed by FSA before the date of this notice.

For all other programs, AD-3030 is **not** required if the application/contract was received before the date of this notice.

### D Frequency of Submission

**Each** time a corporate applicant applies for assistance for any 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 in conjunction with subsequent applications.

## 3 Action

### A State Office Action

State Offices shall ensure that County Offices are aware of the contents of this notice and using AD-3030.

### B County Office Action

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

## 4 Contact

### A Contact Information

For questions about this notice and using AD-3030:

- County Offices shall contact the State Office
- State Office shall contact:
  - DAFLP, Loan Making Division by telephone at 202-720-3889
  - DAFP, Melonie Sullivan, by either of the following:
    - email at **melonie.sullivan@wdc.usda.gov**
    - telephone at 202-690-1003.

## Instructions for Reviewing and Example of AD-3030

### A Instructions for Reviewing AD-3030

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

Item	Required Action
1	Ensure applicant has entered name.
2	Ensure applicant has entered address, including ZIP Code.
3	Ensure applicant has entered last 4 digits of TIN.
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 AD-3030 has applicable applicant signature.
5B	Ensure person signing on behalf of the corporate applicant has signature authority.

## Instructions for Reviewing and Example of AD-3030 (Continued)

## B Example of AD-3030

This form is available electronically.

Form Approved – OMB No. 0505-0025  
Expiration Date: 12/31/2012AD-3030  
(10-31-12)

U.S. DEPARTMENT OF AGRICULTURE

REPRESENTATIONS REGARDING FELONY CONVICTION  
AND TAX DELINQUENT STATUS FOR CORPORATE APPLICANTS

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.

**NOTE:** 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.

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.

## PART A – APPLICANT (You must complete this form if you are a Corporation)

1. APPLICANT'S NAME	2. APPLICANT'S ADDRESS (Including Zip Code)	3. TAX ID NO. (Last 4 digits)
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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? ☐ YES ☐ NO

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? ☐ YES ☐ NO

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? ☐ YES ☐ NO

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.

## PART B – SIGNATURE

5A. APPLICANT'S SIGNATURE (BY)	5B. TITLE/RELATIONSHIP OF THE INDIVIDUAL IF SIGNING IN A REPRESENTATIVE CAPACITY	5C. DATE SIGNED (MM-DD-YYYY)
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The U.S. Department of Agriculture (USDA) prohibits discrimination in all of its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, political beliefs, genetic information, reprisal, or because all or part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD). To file a complaint of discrimination, write to USDA, Assistant Secretary for Civil Rights, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, S.W., Stop 9410, Washington, DC 20250-9410, or call toll-free at (866) 632-9992 (English) or (800) 877-8339 (TDD) or (866) 377-8642 (English Federal-relay) or (800) 845-6136 (Spanish Federal-relay). USDA is an equal opportunity provider and employer.

**Notice of Appropriations Restrictions on Dealing with Corporations**

The following is the letter guaranteed loan lenders will be notified with about the appropriation restriction and certifications.

Dear Lender:

I would like to take this opportunity to thank you for your participation in Farm Service Agency's (FSA) guaranteed loan program. As a participant, I need to inform you that the Consolidated and Further Continuing Appropriations Act, 2012 (Public Law 112-55), and Continuing Appropriations Resolution, 2013 (Public Law 112-175) (the Acts) which provided funds for FSA to issue loan guarantees, established certain restrictions when dealing with corporations.

I realize that not all FSA guaranteed lenders are corporations and therefore will not be affected by these restrictions. However, I am notifying all guaranteed lenders of the restrictions contained in the Acts regarding corporate felony convictions and corporate tax delinquencies. Under the Acts' restrictions, no guarantees can be made to any corporation that has a felony criminal violation under any Federal or State law within the preceding 24 months, or Federal tax delinquency as provided in sections 738 and 739 of Public Law 112-55.

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.

For FSA's guaranteed loan program, the restrictions apply only to lenders who are corporations; they do not apply to guaranteed applicants or borrowers. To comply with the Acts, FSA will be including AD-3030 "Representations Regarding Felony Conviction and Tax Delinquency Status for Corporate Applicants" with all FSA-2232 "Conditional Commitment."

If your institution is a corporation, your authorized representative is required to complete, sign and return AD-3030 along with FSA-2232.

Please note that if you have a felony conviction or Federal tax delinquency you are not eligible for a guarantee. If you are ineligible, it is possible that you can regain eligibility if certain conditions are met.

Please contact your local FSA office if you have any questions.  
Sincerely,

Chris P. Beyerhelm  
Deputy Administrator for  
Farm Loan Programs