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United States
Department of
Agriculture

Office of the Chief
Information Officer

1400 Independence
Avenue SW

Washington, DC
20250

TO: Drew Perraut
Desk Officer
Office of Management and Budget

FROM: Yvonne T. Jackson *YAJ*
Associate Chief Information Officer

SUBJECT: Request for Emergency Approval for a New Information Collection
Request Package – Representations Regarding Felony Convictions and
Tax Delinquent Status for Corporate Applicants

This request is for Office of Management and Budget (OMB) review and emergency approval of a new collection of information necessary for all of the U.S. Department of Agriculture agencies and staff offices to comply with Fiscal Year 2012 appropriations restrictions on the expenditure of funds to avoid Anti-Deficiency Act violations. Implementation of these restrictions for USDA agencies and offices (except the Forest Service) is found in Sections 738 and 739 of the Agriculture, Rural Development Food and Drug Administration, and Related Agencies Appropriations Act, 2012 (the 2012 Ag Appropriations Act) (P.L. 112-55). Implementation of these restrictions for Forest Service is found in Sections 433 and 434 of the Consolidated Appropriations Act for FY 2012 (P.L. 112-74). The FY 2012 appropriations restricts the use of FY 2012 funds to be used to enter into any contract, memorandum of understanding, cooperative agreement, grant, loan, or loan guarantee with any corporation that has a felony conviction or tax delinquencies.

Currently, USDA agencies and staff offices do not have data available to assist them in determining, prior to entering into a 2012 contract, loan, or agreement with a corporation, that the corporate applicant does not have a felony conviction or tax delinquent status. Accordingly, USDA agencies and staff offices need to collect the following information from corporate applicants:

- Whether the applicant is an entity that has filed articles of incorporation in one of the 50 states, the District of Columbia, or various territories of the United States;
- Whether the applicant or any officer or agent of the applicant has been convicted of a criminal felony violation under Federal or State law in the 24 months preceding the date of the application;
- Whether the applicant has any unpaid Federal tax liability that has been assessed and for which all judicial and administrative remedies have been exhausted or lapsed.

Emergency clearance of the new information collection request is needed by June 22, 2012, to ensure compliance with the FY 2012 appropriations restrictions.

Immediate compliance is required because applicants are currently applying for 2012 loans and contracts for the programs affected under these laws. Without this information, USDA agencies and staff offices will be unable to fully evaluate a corporation's criminal felony and tax liability status prior to approving such loans, which may result in inappropriate disbursement of FY 2012 funds.

If there are any questions or concerns, please call Ruth Brown at 202-720-8958 ruth.brown@ocio.usda.gov or Charlene Parker at 202-720-8681 charlene.parker@ocio.usda.gov.