

PART 2006 - MANAGEMENT

Subpart B - State Issuances

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PART 2006 - MANAGEMENT

Subpart B - State Issuances

§ 2006.51 General.

State issuances should be limited to those necessary to supplement National issuances. They may not alter the Agency's policies or procedures. State issuances should not impose unnecessary burdens or create the need for field office staff to consult other than National issuances unless there is a definite need. They should be clearly and simply written. They should minimize paperwork and the cost of the issuance should always be considered. This Instruction specifies authorized types of State issuances and provides for a standardized format. The Regulations and Paperwork Management Branch (RPMB), National Office, provides assistance for matters dealing with State issuances; program area offices will provide guidance relating to content.

§ 2006.52 Responsibility and approval authority.

(a) The State Director is responsible for and authorized to plan, organize, maintain, supervise, approve, and distribute State issuances according to authorities and routines prescribed in this Instruction.

(b) The State Director is authorized to translate into Spanish, or other languages if necessary, Rural Development forms used by applicants or borrowers. Standard Government or Departmental forms may not be translated. Agency forms translated into Spanish carry the same date and number as the English original except that the letter "S" appears as a suffix to the form number. For example, the Spanish translation of Form RD 3550-1, "Authorization to Release Information," would be "Form RD 3550-1S." An English translation must accompany each Spanish form. When transmitting translated forms on Form RD 2006-3, "Instruction and Form Justification," show the following statement in lieu of answers to the items listed on the form: "The translation is a true and practical interpretation of the original."

(c) The Administrative Officer, or other official designated by the State Director, is responsible for the coordination, clearance, and release of State issuances; the maintenance of the State issuance system; the continuous analyses of State issuances; and the recommendation of improvements in issuances and operations when needed.

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(d) All State Office officials are responsible for knowing and keeping currently advised of all policies and procedures affecting their operation; for developing State issuances to supplement National issuances when necessary; and for training field personnel in the establishment and use of new or revised issuances affecting operations under their jurisdiction.

§ 2006.53 Authorized State issuances and definitions.

(a) State Directors are authorized to issue to employees, the types of issuances listed in this section. All State issuances should fall within the definition of one of the authorized types. The format for each of the issuances follows National issuance format. Use different colored paper to distinguish State from National issuances.

(1) State Administrative Notices (ANs) are temporary issuances which the State Director may use to provide limited information or interpretation to clarify existing policies or procedures. An AN is not used to modify, change, or establish policies or procedures. ANs are applicable for a limited time and should be used for one-time announcements or requests, e.g., requests for special internal reports or reminders of continuing internal reports. ANs should not be reissued year after year.

(2) Unnumbered Letters (ULs) are informal letters which the State Director may use to make general announcements of a nonprocedural nature to inform State Agency employees about matters of procurement, organization, or management and to inform an Agency's borrowers about matters of general interest. An UL is not used to change or modify existing policies or official operating procedures or to establish new policies or procedures.

(3) Forms Manual Inserts (FMIs) are sample copies of forms with information on the purpose of a form; references to Instructions requiring its use, information to be inserted on the form; number of copies to be prepared and who is to sign; and distribution of the form. FMIs are primarily to assist Agency employees; forms to be completed by the public must have directions for completion available to the public.

(4) Forms. State forms are prescribed in State Instructions. They are designed for use only in a particular state.

§ 2006.53 (a) (Con.)

(5) Guide Letters are sample letters which prescribe the style and contain information for use in preparing a letter or memorandum. They are intended to save time in composition, obtain uniformity in handling similar transactions and to expedite work flow. They are useful when it is not practical to establish a printed form and when it is not appropriate to use a printed letter. Guide Letters contain cross-references to Instructions and other directives requiring their use.

(6) State Instructions supplement National Office Instructions when necessary and specifically authorized to handle local situations. They prescribe methods for conducting business, clarify National Office Instructions, and apply State law to National Office requirements. They are issued in the same classification and format as National Office Instructions.

(7) State Procedure Notices (PNs) transmit announcements and summarize new and revised directives. They are issued in the same format as National Office PNs.

(8) Tables of Contents and Checklists are listings of every current State directive indicating its classification, subject, and date of issuance. These include table of contents and checklists for Guide Letters, ANs and forms.

(b) Issuances containing reporting or recordkeeping requirements imposed on 10 or more members of the public are prohibited except when required by State law. Issuances required by State law which contain these requirements must be submitted to the National Office for prior approval in accordance with §2006.55(a).

(1) The term "public" includes applicants and borrowers. It may also include, but is not limited to, individuals, partnerships, associations, corporations, business trusts or legal representatives, an organized group of persons, a State or territorial Government or branch, or a political subdivision. It does not include agencies, instrumentalities, or employees of the United States Government.

(2) "Recordkeeping and reporting" requirements include requirements for the collection or recording of information. This includes Instructions, ANs, Forms, FMIs, or Guide Letters which contain requirements to provide information or maintain records. It includes repetitive or single-time requests.

(3) The term "10 or more" means that answers are required to identical questions from 10 or more members of the public or that 10 or more members of the public are required to keep records. When determining whether there is "10 or more", if the primary or principal respondents must obtain from others the same information that is requested of them (e.g., prime contractors obtaining information from their subcontractors), the secondary respondents are also included in the total number.

(c) State Directors may request the National Office to issue a National form or instruction if there is a need for reporting or recordkeeping requirements to be imposed on 10 or more members of the public which is not already required in existing RD Instructions or by State law. The request should be made by memorandum to the Administrator, Attention: RPMB. The memorandum should thoroughly explain the need for the form or Instruction and include a recommended draft.

§ 2006.54 Coordination, clearance, and release of State issuances.

The responsible official will:

- (a) Determine the type of issuance.
- (b) Set up a file to include the approved drafts and opinions.
- (c) Draft and analyze the proposed issuance for effectiveness and conformity with applicable policies and standards.
- (d) Arrange for clearance of the proposed issuance with officials concerned, including the St. Louis, MO, Office when appropriate.
- (e) Coordinate comments of all interested officials. Refer differences of opinion which cannot be reconciled to the State Director.
- (f) After approval by interested officials, edit the proposed issuance. All issuances must identify the originating office and date of issuance.
- (g) Obtain clearance of the Regional Attorney or Attorney-in-Charge when appropriate.
- (h) Prepare Form RD 2006-3 and necessary authorization for application.
- (i) Submit the proposed issuance and approved drafts and clearances to the State Director for approval.

§ 2006.54 (Con.)

(j) Upon approval by the State Director, arrange for distribution and National Office clearance. See § 2006.55(a). In addition to the field office distribution, furnish sufficient copies to the Regional Attorney or Attorney-in-Charge, and the appropriate Regional Inspector General of the Office of Inspector General according to arrangements between the State Director and these officials.

(k) Send work file to the permanent State files.

§ 2006.55 Review and approval of State issuances by the National Office.

All State issuances must be submitted to the National Office for either prior approval or post approval. If the issuance involves legal issues, attach a copy of the approval or recommendations of the Regional Attorney or Attorney-in-Charge.

(a) Prior approval.

(1) Submit drafts of State Instructions, State ANs, State Forms, FMIs, and State Guide Letters to the National Office for prior approval when:

(i) Prior approval is specifically required by the National Office issuance authorizing a State issuance.

(ii) The issuance contains reporting or a recordkeeping requirement imposed on 10 or more members of the public and is required by State law. (See § 2006.53(b))

(iii) The National Office specifically requires that a particular State issuance or class of issuances be submitted for prior approval for a limited time.

(2) Send a copy of the proposed issuance with Form RD 2006-3 to the National Office. Upon receipt of National Office approval and incorporation of any required changes, the State Office may release the issuance to the field. Send two copies of the duplicated issuance to the National Office with the PN.

(b) Post approval. Submit State Instructions, State ANs, State Forms, State FMIs, and State Guide Letters which do not require prior approval to the National Office with Form RD 2006-3. Consider post approval issuances approved unless notified of disapproval or conditional approval.

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§ 2006.55 (Con.)

(c) National Office submission. The State Director sends State issuances directly to the Division/Staff Director primarily responsible for the subject matter covered by the issuance. See RD Instruction 2003-A for the assignment of functions for National Office organizational units.

(d) National Office review and approval. The National Office official to whom the issuance is sent is responsible for any coordination needed with other National Office officials.

(1) Prior approval. The National Office Division/Staff Director primarily responsible for the subject matter covered by the issuance indicates approval or disapproval on Form RD 2006-3 and notifies the State Director of the approval or disapproval and any recommended changes. The completed Form RD 2006-3 and a copy of the issuance are sent to the National Office Central Files Unit.

(2) Post approval. The National Office Division/Staff Director primarily responsible for the subject matter covered by the issuance indicates approval or disapproval on Form RD 2006-3 and notifies the State Director only if the issuance is not approved or if changes are recommended. The completed Form RD 2006-3 is sent to the National Office Central Files Unit.

§§ 2006.56 - 2006.60 [Reserved]

§ 2006.61 Administrative Notices (ANs).

The AN follows the same format as the National Office AN but includes the State Office identification. Number ANs in the order in which they are issued. In the upper right corner of the first page of the AN, include the classification number in parentheses after the serial number. At the bottom left corner of the first page show an expiration date not later than the last day of the twelfth month after the month in which the AN is issued. At the bottom right corner of the first page of the AN include the instructions for filing the AN in the Instruction manual, e.g., Filing Instructions: Preceding State Instruction 1924-A.

§ 2006.62 Unnumbered Letters (ULs).

The State Director may issue an unnumbered letter for personalized messages or other information not appropriate for ANs or Instructions. Examples include matters of general interest to employees such as health care programs and training opportunities, and matters of general interest to borrowers such as recommended improved farming practices. An UL may include items related only to Rural Development and may not include references to specific firms or brand names unless necessary for clarity.

§ 2006.63 State forms.

The State Office may issue a State form only when a Rural Development or other form has not been prescribed for use or when a Rural Development form cannot meet the requirements for use in the State. The form must be essential to the conduct of Rural Development business. Area and Local Offices are not authorized to issue forms. If Area and Local Office employees believe that a new form is necessary, they may submit the proposed form to the State Director for consideration as a State form.

(a) Assign a State form number to each State form (except one-time-use forms) used in the field offices. The State form number will include the State abbreviation as part of the prefix to the assigned form number which relates to the instruction that prescribes the use of the form. The form number is followed by a serially assigned suffix number, e.g., if New York had a State form to obtain information from landlords or creditors with regard to applications for loans, the form would be numbered RD-NY 410-1. Include the revision date under the form number.

(b) As a general rule, State forms are designed in the State Office and should be made available electronically. If there are special design problems or other reasons which prevent the form from being made electronic at the State Office, submit the approved State form to the National Office, RPMB, for designing an electronic version.

§ 2006.64 National forms prescribed for individual States.

Because of variances in State laws, separate National forms, such as mortgages and deeds, are prescribed for use by individual States. To distinguish these forms from State forms, the abbreviated name of the State is at the end of the form number. When a State Office has more than one State under its jurisdiction, use the name of the lead State in the form number. Include the name of the State(s) in which such a legal form may be used in the heading of the form.

(a) To reorder Rural Development legal series forms when the State Office inventory of a particular legal series form reaches a 6-month supply, the State Director will:

(1) Obtain from the Regional Attorney or Attorney-in-Charge a memorandum approving any changes in the form, or continued use without change.

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§ 2006.64(a)(Con.)

(2) Forward the memorandum from the Regional Attorney or Attorney-in-Charge to the National Office, RPMB, with any recommendations from the State Director. Indicate the quantity on hand in the State Office, the estimated annual usage, and the date the new supply will be needed.

(b) After approval by the National Office, the form will be printed and distributed to the State Office. When a mortgage form is revised, the State Office will, if necessary, retain a small supply of the old form for servicing cases as required by State law.

§ 2006.65 Guide Letters.

Each State Office may issue State Guide Letters in the same format as National Guide Letters except that the Guide Letter number will be preceded by the two-letter state abbreviation, (for example, RD [ND] Guide Letter 1930-02).

§ 2000.66 Instructions.

Issue State Instructions only when authorized by National Office Instructions for when State or local laws or regulations make it necessary. Correlate the State Instruction with the basic National RD Instruction. Identify State Instructions with the abbreviation of the State or States served and assign the Instruction number of the corresponding National RD Instruction. For example, number an Alabama Instruction supplementing RD Instruction 1955-A as "AL Instruction 1955-A." Issue only one State Instruction for each National RD Instruction. Revise State Instructions as needed. Insert the notation "State Supplement" on the margin of each paragraph of the National Instruction supplemented by the State Instruction.

§ 2006.67 Procedure Notices (PNs).

- (a) Each State Office shall include the following in State PNs:
- (1) General notice material,
 - (2) Material describing or listing new or revised issuances,
 - (3) Instructions for inserting and removing material from the Instruction and forms manual,
 - (4) Instructions for changing State issuances, and
 - (5) Instructions for using, requisitioning, and disposing of new, revised, replacement, and obsolete forms.

§ 2006.67 (Con.)

(b) Each State Office shall ensure distribution of State PNs to every office under its jurisdiction as needed.

§ 2006.68 Table of Contents and Checklists.

Each State Office shall distribute the State Table of Contents and its subsequent revisions to every procedure manual holder under its jurisdiction. The State Office periodically will issue a Table of Contents or Checklist of current State Guide Letters and State ANs. State Guide Letters and ANs omitted from the current Table of Contents or Checklist or that have expired or have been superseded may be destroyed.

§ 2006.69 [Reserved]

§ 2006.70 Forms reference list.

Each State Office shall maintain, revise, and issue to every appropriate office under its jurisdiction each new or revised State Forms Reference List.

§ 2006.71 Area and Local Office issuances.

State Directors may authorize Rural Development Managers and Community Development Managers to distribute notices, bulletins, newsletters or announcements to borrowers and County Committee members in counties under their jurisdiction. These issuances are primarily for information or reminders to borrowers. Rural Development Managers and Community Development Managers will submit issuances to the State Office for either prior or post approval as prescribed by the State Director.

§ 2006.72 Maintenance of master manuals.

(a) Current material. Each State Office will maintain a master procedure manual of current material containing:

- (1) One copy of each current National Table of Contents, Forms Reference List, RD Instruction, Rural Development AN and Checklist, FMI, and Guide Letter released by the National Office to the State Office.
- (2) One copy of each National and State PN for five fiscal years after the fiscal year in which it was released. On October 1 of each year, destroy Procedure Notices five fiscal years after the fiscal year in which it was issued.

(3) One copy of each current State Table of Contents, State Instruction, State PN, State AN and Checklist, State Form and Reference List, State FMI, and State Guide Letter and Checklist issued in the State.

(b) Obsolete material. Each State Office will maintain a master manual of obsolete (superseded, revoked, revised or otherwise replaced) material containing one copy of each of the following: National RD Instructions, ANs, FMIs, State Instructions, State AN and AN Checklists, bulletins, notices, newsletters and announcements, State Forms and Checklist, State FMIs, and State Guide Letters and Checklist. On October 1 of each year, destroy this material five fiscal years after the fiscal year in which it was made obsolete.

(c) Working files of State issuances. Each State Office will maintain working papers, signed copies, and related correspondence pertaining to State issuances issued by the State Director. Destroy this material in accordance with RD Instruction 2033-A.

(d) Binders. Each State Office will maintain master manuals in loose leaf binders using appropriate indices necessary for easily locating material within the binders. When an issuance becomes obsolete, make an appropriate notation, including the number and date of the PN which made it obsolete, at the top of the first page of the item. Remove it from the current manual and refile it in the obsolete master manual. Obsolete material may be filed in a separate binder(s) by fiscal year in which it is made obsolete.

§§ 2006.73 - 2006.100 [Reserved]

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