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Department of Agriculture

Farmers Home Administration

7 CFR Part 2003

Functional Organization of the Farmers Home Administration

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations to show that the functions under the Deputy Administrator for Management have been reorganized to more closely align organizational responsibilities under appropriate Assistant Administrators along with elevating specific functions within the Agency. The effect of this reorganization will create an administrative structure which will better enable FmHA to perform its mission in service to Rural America.

EFFECTIVE DATE: May 16, 1991.

FOR FURTHER INFORMATION CONTACT: Glorious Leatherwood, Personnel Management Specialist, Human Resources Program Staff, Farmers Home Administration, USDA, 14th and Independence Ave., SW., Washington, DC 20250, telephone (202) 245-5578.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in Departmental regulation 1512-1 which implements Executive Order 12291, and has been determined to be exempt from those requirements because it involves only internal agency management. It is the policy of this department to publish for comment rules relating to the public property, loans, grants, benefits, or contracts, notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rule making

since it involves only internal agency management, making publication for comment unnecessary.

The Assistant Administrator for Administration, the Administrative Services Division, and the Personnel Division have been abolished. The Deputy Assistant Administrator for Management Information Systems and the Deputy Assistant Administrator for Financial Systems under the Assistant Administrator for Information Systems Management have been established to assure improved control and management of the Agency's automation program; to reallocate resources to maximize responsiveness to the FmHA user community nationwide; and to establish an organizational focus for improved management of software testing, technology, and systems life cycle planning.

The new Assistant Administrator for Human Resources position centralizes control over all training and personnel programs and staff resources by shifting reporting lines for personnel management programs from the Personnel Office (St. Louis) to the National Office. The three new staffs created will result in a more logical and functional alignment of personnel management policies, operations, and training activities. The new Assistant Administrator for Procurement and Administrative Support increases productivity and accountability by centralizing control over all FmHA contracting, procurement, property management, and administrative services functions by shifting reporting lines from the FmHA Finance Office (St. Louis) to the National Office. The Agency will have the ability to provide increased organizational attention to key procurement activities, including ADP acquisition, field program management, and operation responsiveness. The new Assistant Administrator for Budget, Finance and Management establishes a central point of authority for all FmHA budget and financial management policy, planning, and activities. FmHA also corrects an error in the previous publication, i.e., the omission of "07 02 00 0002 Executive Secretariat Staff" mission and functions statement.

Environmental Impact Statement

This document has been reviewed according to 7 CFR part 1940, subpart G,

Environmental Program. It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Public Law 91-190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 2003

Organizations and functions (government agencies).

Accordingly, part 2003, title 7, Code of Federal Regulations, is amended as follows:

PART 2003—ORGANIZATION

1. The authority citation for part 2003 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301; 7 CFR 2.23 and 2.70.

Subpart A—Functional Organization of Farmers Home Administration

2. Exhibit A to subpart A of part 2003 is amended by adding immediately preceding "07 02 01 Assistant Administrator—Housing" Item "07 02 00 0002 Executive Secretariat Staff" to read as follows:

Exhibit A to Subpart A—U.S. Department of Agriculture Farmers Home Administration

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07 02 00 0002 Executive Secretariat Staff

Assignment of Functions

1. Serves as advisor to the Deputy Administrator Program Operations on all controversial and sensitive communications from the White House, the Congress, State and local governments, other Federal agencies, USDA departmental officials, public interest groups, and the general public.

2. Has primary responsibility for ensuring effective and efficient correspondence management and coordination of Agency response within the Farmers Home Administration, the Program Operations areas, and the immediate Office of the Administrator.

3. Maintains effective coordination of written responses within the agency's program areas, assists in monitoring correspondence flow, tracks receipt of incoming correspondence, and follows up on official responses to meet agency deadlines.

4. Develops agency correspondence handling procedures, resolves problem issues pertaining to official responses, and develops

improvements for handling the Executive Secretariat Staff.

5. Maintains standards of consistent high quality for written material prepared for the approval of the Deputy Administrator Program Operations, the Administrator and the Secretary of Agriculture.

3. Exhibit A to subpart A of part 2003 is amended by revising the part of the exhibit from "07 06 01 Assistant Administrator—Finance Office" to the end to read as follows:

**Exhibit A to Subpart A—U.S.
Department of Agriculture Farmers
Home Administration**

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**07 06 01 Assistant Administrator—Finance
Office**

Assignment of Functions

Responsible to the Administrator and the Deputy Administrator for Management for the development of policies that affect the operation of the accounting system, and for other activities the Deputy Administrator may prescribe from time to time.

1. Supports the National Office, State Offices and FmHA field offices nationwide in areas related to loan making and servicing, finance, collection accounting, and financial reporting. Establishes policies and standards for the Agency accounting program.

2. Manages the day-to-day operation of the fiscal and accounting system. Oversees the preparation of special and recurring financial reports to aid Agency management or to meet regulatory requirements (e.g., Office of Management and Budget, Treasury, etc. required reports). Also oversees the preparation of reports based on data in the accounting system which relates to the FmHA budget.

3. Carries out the provisions of the Federal Manager's Financial Integrity Act to assure that adequate internal controls exist to prevent fraud, waste, or abuse of government resources and to assure that the FmHA accounting system meets accounting principles and standards established by the Comptroller General.

4. Responsible for verifying and reconciling accounting data reflecting loan payments deposited by field offices nationwide through wholesale lock box and concentration banking processes. Performs detailed audits of loans and accounts receivable on a continuing basis, and for special purposes such as litigation, refunds, repayments and reconciliation of accounts between the Finance Office and field offices.

5. Participates in the design, evaluation, and implementation of new or revised financial and loan accounting, cash and credit management systems, methods and procedures to improve operations and meet changing legislation or program requirements.

6. Maintains liaison and working relationship with the Deputy Assistant Administrator for Financial Systems, which provides oversight for the Automated Data Processing operations which support the FmHA accounting operation. Also maintains liaison with the General Accounting Office

on audit and financial matters relating to the accounting system and with the U.S. Department of the Treasury on matters relating to the deposit of collections from borrowers.

7. Serves as Deputy Equal Employment Opportunity Officer for the entire FmHA work force located in St. Louis, Missouri.

**07 06 04 Assistant Administrator for
Information Systems Management**

Assignment of Functions

1. Responsible for developing, implementing, and evaluating Agency-wide plans, policies, regulations, standards, and guidelines for information processing activities in support of FmHA's missions consistent with Federal and Departmental requirements.

2. Reasonable for identifying, evaluating, and applying emerging information management technology in support of FmHA program needs.

3. Assures the operation, maintenance, and support of existing financial and management information systems, and Agency hardware used to support FmHA's missions.

4. Responsible for the administration of Agency-wide information resources maintained in ADP systems.

5. Responsible for policy and planning for all ADP security functions.

6. Assures the development of new or enhanced financial and management information systems necessary to support FmHA's new or continuing missions.

7. Assures the development and implementation of systems in accordance with the Applications Portability Profile sponsored by the National Institute for Standards and Technology and assurance of FmHA compliance with all Federal Information Processing Standards.

8. Serves as FmHA's senior IRM Official (SIRMO) in accordance with USDA procedures, policies, and delegated authorities.

9. Assures a regular liaison and productive working relationship with officials of the Agency, Department, and other Federal and professional organizations concerning information processing activities.

07 06 04 0001 ADP Security Staff

Assignment of Functions

1. Responsible for development, coordination, implementation, and oversight of ADP Security policy and procedures.

2. Responsible for security coordination of the database, applications development, software and systems software development.

3. Responsible for telecommunications security.

07 06 04 0002 Management Support Staff

Assignment of Functions

1. Responsible for providing direction and oversight for all technical contract management activities.

2. Responsible for all ISM budget planning, development, support and execution, and oversight.

3. Responsible for personnel resource tracking.

4. Responsible for project tracking and reporting.

5. Responsible for administrative support for system prioritization process.

6. Consolidates and prepares the annual Information Resources Management (IRM) Budget package.

**07 06 04 0003 Deputy Assistant Administrator
for Management Information Systems**

Assignment of Functions

1. Responsible for all Management Information Systems planning.

2. Responsible for ISM policy development and administration.

3. Responsible for operation of the ISM Information Center.

4. Responsible for direction and guidance of the Telecommunications Staff.

5. Responsible for development and maintenance of National Office support systems.

6. Responsible for development of Field Office Support Systems.

7. Responsible for serving as liaison with field users.

8. Responsible for servicing all field needs.

9. Responsible for coordination of data administration function on all distributed systems.

**07 06 04 0003 01 Telecommunications Staff
Assignment of Functions**

1. Responsible for identifying, evaluating, and applying emerging telecommunications technology to support FmHA program needs.

2. Responsible for assuring maintenance and implementation of state-of-the-art knowledge on telecommunications developments.

3. Responsible for providing technical leadership in the telecommunications discipline.

4. Responsible for developing, implementing, and maintaining voice communications policy.

5. Responsible for coordination with the National Computer Center at Fort Collins (NCC-FC) on the Departmental Protocols.

6. Responsible for providing technical support to assure user availability of the FmHA nationwide network of terminals and microprocessors.

7. Responsible for providing performance monitoring, maintenance, and enhancements to the on-line teleprocessing systems to assure optimal system efficiency and effectiveness.

8. Responsible for coordinating the Agency's telecommunications requirements, monitoring network performance, preparing cost/budget estimates and monitoring actual usage compared to budget to assure optimal system efficiency and effectiveness.

9. Responsible for coordinating with other ISM Divisions for the development of Agency long-range ADP planning on automated systems.

10. Responsible for coordinating with other ISM Divisions recommendations/justifications for major ADP expenditures.

11. Assures a regular liaison with officials of the Agency, Department, and other Federal and professional organizations on ADP matters affecting assigned programs.

12. Responsible for testing, evaluation, implementation, and administration of Local Area Network's (LAN's).

07 06 04 0003 02 Information Resources Management Division

Assignment of Functions

1. Responsible for developing FmHA policies, regulations, standards, and guidelines for ISM initiatives and assuring they are in accordance with Federal IRM policies and procedures, including OMB Circulars, GSA regulations, Departmental Standards, Congressional mandates, and other IRM-related requirements.
2. Coordinates development of Agency's short- and long-range ADP planning support of the Agency's mission and in conformance with USDA IRM planning guidance and directives.
3. Responsible for managing and coordinating Agency participation in support of Departmental cooperative processing initiatives and information-sharing initiatives.
4. Responsible for developing and maintaining FmHA reports, management policy and procedures, and for the design, production, and maintenance of regular and ad-hoc reports developed from management information systems in support of Agency and Departmental requirements.
5. Responsible for developing/ administering the Agency productivity system in support of Agency requirements.
6. Responsible for developing policies and procedures which ensure the active participation by Agency Program Staff in ISM decision processes, e.g., technical IRM Review Boards and carrying out such policies.
7. Responsible for FmHA information economic activities, including providing technical assistance for the preparation of cost benefit analyses in accordance with internal and external requirements for Agency-wide initiatives.
8. Coordinates the ISM response to outside audits (Office of Inspector General (OIG) and General Accounting Office (GAO)) to assure timely and accurate responses.
9. Responsible for conducting analyses and preparing ad-hoc reports from management information systems and accounting systems in support of Agency internal and external requirements.
10. Establishes and maintains an Agency information center which supports Agency users of information. Assists users in analyzing data for the purpose of creating useful management information. Responsible for supporting management information needs to accommodate all internal and external reporting requirements.
11. Assures a regular liaison and productive working relationship with officials of the Agency, Department, and other Federal and professional organizations concerning information processing activities.

07 06 04 0003 03 Applications Management Division

Assignment of Functions

1. Responsible for planning, organizing, directing, and coordinating all activities related to the design, enhancement and

testing of non-financial administrative, program, and management information systems (MIS) on multiple platforms ranging from microcomputers to mainframe computers in compliance with Agency, Federal and Departmental requirements.

2. Responsible for developing policies, methods, procedures, and strategies for ADP support systems for non-financial administrative and program systems and for office automation in support of the standard Agency multi-function workstation (MFWS).
3. Provides technical service and support to Agency managers relating to requirements analysis, systems design, software and documentation development, systems testing, implementation, monitoring, and control.
4. Responsible for coordinating with other ISM Divisions for the development of Agency long-range ADP planning on office automation and management systems.
5. Responsible for coordinating with other ISM Divisions recommendations/ justifications for major ADP expenditures.
6. Applies systems life cycle management functions including systems analysis, systems design, systems construction and acquisition, acceptance, implementation, and maintenance for Agency computer systems which operate on multiple platforms ranging from microcomputers to mainframe computer.
7. Provides ADP support, as it relates to mainframe and micro management applications for Agency personnel. Support is in the form of vendor product review, problem resolution, task force participation, and requests from Agency users.
8. Responsible for participation with representatives from FmHA organizations to evaluate the impact on Agency non-financial computer systems of legislative initiatives, instructional or regulatory changes, adopted employee suggestions, and Departmental/ Agency initiatives.
9. Maintains a Quality Assurance (QA) program to support "cradle to grave" development of non-financial systems.
10. Responsible for coordination of mainframe and micro data dictionaries. Assists in the development of Agency-wide data dictionary, listing data elements, sources, standards and data definitions of information contained in Agency ADP systems to assure consistency of data.
11. Assists in the development of data administration policies and procedures for non-financial systems.
12. Responsible for managing testing process, which includes verifying/ documenting test findings, monitoring corrections of discrepancies/deviations, and facilitating additional development and retesting.
13. Responsible for the development and implementation of an Agency-wide configuration management process and change control procedure for distributed systems.
14. Assures a regular liaison and productive working relationship with managers from the Agency, Department, and other Federal and professional organizations on information processing activities affecting assigned program areas.

07 06 04 0004 Deputy Assistant Administrator for Financial Systems St. Louis

Assignment of Functions

1. Responsible for development, maintenance, and support of all financial systems which operate on multiple platforms ranging from mainframe to microcomputers.
2. Responsible for technology support (hardware, software) for all of ISM on all platforms.
3. Responsible for Agency data administration function.
4. Responsible for coordinating with ISM staff on ISM policy, and standards development and administration.
5. Responsible for coordinating time-sharing service needs with the Department support centers.

07 08 04 0004 01 Systems Requirements and Design Division

Assignment of Functions

1. Responsible for applications systems life cycle management including planning, organizing, directing, and coordinating all activities related to the functional and conceptual design of new or enhanced financial management information systems consistent with Federal and Departmental requirements to support program, financial, and management functions in carrying out FmHA's mission.
2. Participates in the development of the Agency's short- and long-range ADP plan, including ISM budgetary function, in support of the Agency mission and in the establishment of Agency-wide priorities on projects requiring automated systems.
3. Responsible for assuring that the practical application of accounting principles and standards and other requirements set forth by the central guidance agencies are adhered to in designing or enhancing systems. Participates in the formulation of automation and accounting policies, methods, and procedures to secure comprehensive, integrated, efficient, and cost effective operations in support of the Agency's mission.
4. Responsible for establishing and maintaining a quality assurance program for financial information systems to ensure conformance with the Agency's life cycle software standard and for providing management information and recommendations to assure improved project management practices and productivity.
5. Responsible for maintaining the configuration management process to assure control of application software releases to production for new or modified software.
6. Responsible for validating and certifying financial information system software to assure software functionality and system compatibility prior to implementation.
7. Responsible for coordinating with Systems Development Division and accounting, program, and management staffs on the final functional design for all new systems and proposed additions to the financial information systems.
8. Responsible for developing general and detailed functional system design specifications for projects resulting from such

actions as legislative and regulatory changes, new hardware or software technology, and employee suggestions.

9. Responsible for supporting the development/modification of appropriate instructions, administrative notices, and forms in support of Agency system changes.

10. Responsible for finalizing and coordinating user approval of documentation for financial information systems.

11. Responsible for supporting new system development, which includes providing functional expertise, recommending related instructions and forms, supporting related training, and maintaining a liaison between developers and users.

12. Assures user involvement from the accounting, program, and management staffs, and external agencies throughout the life-cycle process for new and enhanced financial, management information systems, and field office automation systems.

13. Responsible for preparing detailed user acceptance test criteria as part of system test plans for use in testing applications software to assure it meets user requirements and for drafting user manuals supporting the applications software.

14. Responsible for supporting Financial Systems Subboard activities in the prioritization of requests for system alteration in accordance with the Agency's cost-benefit and priority-setting mechanisms.

15. Responsible for providing all required functional support to the Agency's fiscal and calendar year-end processes which result in producing closing financial reports to OMB and Treasury, payments and statements to private sector investors, and annual financial statements to all borrowers of record.

16. Responsible for coordinating overall accounting needs and management information requirements with Agency contractors, which includes technical liaison, end-user coordination, and product review and approval.

17. Assures a regular liaison and productive working relationship with officials of the Agency, Department, and other Federal and professional organizations concerning information processing activities.

18. Responsible for developing and maintaining financial system user documentation. Documentation includes data input requirements, system edit criteria, processing methodologies, and discrepancy correction for each accounting process.

07 06 04 0004 02 Systems Development Division

Assignment of Functions

1. Assures the planning, development, testing and implementation of financial information systems to support policy implementation for loan making, servicing, cash and debt management, information management, and program accounting activities which operate on multiple platforms ranging from mainframe to microcomputers for the Agency in accordance with Federal and Departmental requirements.

2. Assures automated modifications are consistent with regulatory requirements, changes in law, and changes in technology, and are structured to provide maximum

efficiency and effectiveness of Agency operations.

3. Responsible for planning, organizing, directing, and coordinating all activities related to the design or enhancement of financial information systems in compliance with Agency, Federal and Departmental requirements.

4. Responsible for coordinating with other ISM Divisions the development of Agency long-range ADP planning on automated systems.

5. Responsible for task level management of tasks issued to existing Agency development contractors; this includes task resource estimate reviews, technical liaison, end-user coordination, and product review and approval.

6. Responsible for coordinating with other ISM Divisions recommendations/justifications for major ADP expenditures.

7. Applies life cycle management functions, including systems analysis, systems design, systems construction and acquisition, acceptance, implementation, and maintenance for Agency computer systems which operate on multiple equipment platforms ranging from microcomputers to mainframe computers.

8. Participate in the development of the Agency's short- and long-range ADP plan, including ISM budgetary function, in support of the Agency's mission and in recommending Agencywide priorities on projects requiring automated systems.

9. Participates in the formulation of automation policies, methods, and procedures to secure comprehensive, integrated, efficient, and cost effective operations in support of the Agency's mission.

10. Assures the operation, maintenance, and support of existing financial information systems.

11. Responsible for coordinating requirements with the Systems Requirements and Design Division Staff on the final functional design for all proposed additions and modifications to the accounting and financial information systems.

12. Responsible for providing all required technical support to the Agency's fiscal and calendar year-end processes which result in producing closing financial reports to OMB and Treasury, payments and statements to private sector investors, and annual financial statements to all borrowers of record.

13. Responsible for providing technical support to National Office, Finance Office, State Office, and field office users for the ad hoc reporting system.

14. Assures a regular liaison and productive working relationship with officials of the Agency, Department, and other Federal and professional organizations concerning information processing activities.

07 06 04 0004 03 Information Technology Division

Assignment of Functions

1. Responsible for assuring the coordination of purchases, establishment and maintenance of inventories, and for the initiation of maintenance contract orders for the Agency's computer and communications

equipment in support of Agency requirements.

2. Responsible for assuring maintenance and implementation of state-of-the-art knowledge of microcomputer and mainframe hardware developments.

3. Responsible for assuring operational hardware and software liaisons with the National Computer Centers at Kansas City (NCC-KC) and Fort Collins (NCC-FCC).

4. Responsible for assuring the development/maintenance of special purpose software in support of Agency requirements for management and operation of equipment inventory.

5. Responsible for technical support to FmHA and contractor personnel.

6. Responsible for coordinating with other ISM Divisions for the development of Agency long-range ADP planning on automated systems.

7. Responsible for coordinating with other ISM Divisions recommendations/justifications for major ADP expenditures.

8. Responsible for analyzing, recommending, and implementing application development productivity tools to assure optimal developmental efforts.

9. Responsible for providing specialized systems development support to users and developers of the Agency's financial and program information database management systems.

10. Responsible for data dictionary administration listing sources and data definitions of information contained in Agency financial systems to assure standard systems development.

11. Assures a regular liaison with officials of the Agency, Department, and other Federal and professional organizations on ADP matters affecting assigned programs.

07 06 05 Assistant Administrator for Budget, Finance & Management

Assignment of Functions

This position reports directly to the Deputy Administrator for Management (DAM), providing executive leadership to the Budget Division and the Financial and Management Analysis Division.

1. Directs the coordination, development and implementation of plans and procedures for a variety of FmHA budgetary and financial programs, such as: travel, borrowing, interest rate management, debt management, cash and credit management initiatives, and management analysis.

2. Plans, controls, and directs all policy associated with budgetary, financial and credit management, ensuring that all Office of Management and Budget (OMB) Circulars are implemented.

3. Establishes systems and maintains control over program and administrative funds to assure compliance with overall policy, and applicable laws and regulations.

4. Directs the forecasting of budgets in all major programs involving revolving funds and the annual appropriations for various programs.

5. Provides leadership in the sale of Agency assets through secured trusts or discount repurchase programs with emphasis on modern cash management techniques such as

concentration banking and implementation of sound credit management techniques.

6. Serves as the representative for the DAM in all dealings with USDA Financial Council, Office of Finance and Management, OMB, Department of the Treasury, Congressional Committees, Department of Housing and Urban Development, and other agencies as needed.

07 06 05 0001 Budget Division

Assignment of Functions

Responsible to the Assistant Administrator for Budget, Finance and Management. Provides directives and guidance for FmHA's budget, travel, borrowing, and interest rate management, and provides other activities as the Assistant Administrator may prescribe from time to time.

1. Develops plans and procedures for the formulation, presentation, and execution of the total FmHA budget. On the basis of financial and budgetary planning, assists the Assistant Administrator for Budget, Finance and Management and program officials in support of decision-making activities and establishment of policy necessary for efficient and effective management of FmHA programs. Recommends reprogramming and policy changes to meet FmHA goals and objectives; recommends budgetary levels, budget strategy and program implementation.

2. Provides leadership and direction for planning, formulation, justification, presentation, execution, control and review of the total FmHA budget effort. Prepares FmHA budget estimates in order to develop the FmHA budget submission to the Secretary's Office, OMB, and Congress. Establishes and maintains control over program and administrative funds to assure compliance with Agency policy, approved apportionments, Congressional intent and applicable laws and regulations.

3. Maintains liaison and working relationship with program and administrative officials, FmHA State Directors, and other field personnel. Participates in State meetings, conferences and other sessions and gives advice and counsel on budget operations and operating levels. Serves as FmHA liaison for budget programs with Congressional Committees and staff, OMB, GAO, the Secretary's office, OGC, OIG, and other USDA agencies, Department of Treasury, Department of Housing and Urban Development, and other agencies, news reporters, public and private interest groups and the general public.

4. Responsible for travel procedures in FmHA. Develops and recommends travel policies, prepares travel regulations, and reviews and evaluates travel programs of FmHA. Administers the Diners Club travel card program, use of travel agencies, and the employee relocation service.

5. Responsible for revolving fund analysis related to cash forecasting, timing of sale of notes inventory, treasury borrowings, outlay planning and analysis, and establishment of management of FmHA interest rates and interest projections.

07 06 05 0002 Financial and Management Analysis Division

Assignment of Functions

Responsible to the Assistant Administrator for Budget, Finance, and Management. Provides guidance in developing debt management initiatives, cash management initiatives, and management analysis, and provides management, financial and productivity improvement as needed, and such other activities as the Assistant Administrator may prescribe.

1. Develops and manages FmHA debt collection efforts, including compliance with the Debt Collection Act. Monitors FmHA debt management systems to assess effectiveness and impact. Develops and manages FmHA's offset account collection programs (e.g., IRS offset, salary offset, program benefit offsets, and joint cooperative action with the Department of Justice using private sector attorneys on foreclosure litigation). Initiates pilots or tests of new or innovative methods, techniques, and processes in debt management.

2. Develops and manages FmHA cash management initiatives. Monitors FmHA cash management systems to assess effectiveness and impact. Initiates pilots or tests of new and innovative methods, techniques, and processes in cash management.

3. Responsible for FmHA's management analysis function. Initiates and performs all types of management improvement, productivity improvement, efficiency, and effectiveness studies. Serves as an in-house consultant and troubleshooter for management problems and concerns.

4. Responsible for FmHA's implementation of OMB Circulars A-76, A-70, and A-129, and for other management, financial, and productivity improvement programs, including Presidential management initiatives.

5. Maintains liaison and working relationship with the USDA Financial Council, Office of Finance and Management (OFM), OMB, Department of Treasury, GAO, and other appropriate Federal Agencies and private sector establishments that impact on or have an interest in the assigned program areas.

6. Manages the accounting system and oversees the development and submission of required financial reports.

07 06 06 Assistant Administrator for Human Resources

Assignment of Functions

This position reports to the Deputy Administrator for Management and provides executive guidance to the Human Resources Programs Staff, the Human Resources Development and Training Staff, and the Personnel and Employee Relations Staff. Serves as member of the management team participating in the Employment Review Board (ERB) and the Training Review Board (TRB) meetings.

1. Directs the development of human resources personnel programs and monitors the evaluation of field personnel programs through the Personnel Management Evaluation Review Team, and by providing

oversight in the conduct of staff studies on human resources, personnel management and training issues.

2. Provides overall management for all human resources programs, such as the Suggestion Program, retirement, the Employee Benefit and Incentive Awards Program, the Health and Wellness Program, etc.

3. Develops and manages the implementation of Human Resources Development and Training programs, which includes developing and conducting training courses for specific needs. (Examples of the special needs include, but are not limited to, loan program training, ADP and accounting procedures, and administrative and supervisory functions.)

4. Provides leadership and oversight in operating services involving personnel management for the National Office, the Finance Office, and the State Offices.

5. Provides direction and oversight regarding employee/labor management relations, adverse actions, conduct, discipline, grievances, and appeals.

6. Maintains liaison and working relationship with key officials of the Agency, the Department of Agriculture, the Office of Personnel Management, and officials of other Federal agencies.

07 06 06 0001 Personnel and Employee Relations Staff

Assignment of Functions

1. Provides direct operating services involving personnel management for employees of the National Office, Finance Office, and field offices for all operating services not specifically delegated below National Office level.

2. Provides advisory and staff services to field Administrative Staffs for the full range of operating personnel services and employee relations functions.

3. Maintains a Special Examining Unit which provides recruitment for a variety of entry level and worker-trainee positions utilized in the field.

4. Plans, develops and implements programs and activities relating to employee and labor management relations, adverse action, conduct, discipline, grievances, and appeals. Represents the Agency before the Merit System Protection Board.

5. Maintains liaison and a working relationship with employee organizations and with supervisors and managers through intra-management communication and consultation.

6. Ensures fair and equitable handling of negotiations and arbitrations with various unions.

7. Maintains liaison and working relationship with key officials of the agency, the Department of Agriculture, the Office of Personnel Management, officials of other Federal agencies, and others, and collaborates on matters of mutual concern. Represents the Agency on departmental, interdepartmental, and interagency task forces on matters affecting assigned programs.

07 06 06 0002 Human Resources Development & Training Staff*Assignment of Functions*

1. Plans, develops, and implements general and technical employee development and training programs and activities relating to FmHA loan programs, automated systems and processes, and general administrative and supervisory functions.

2. Responsible for long-range planning to assure effective training and career development of FmHA employees. Develops overall policy options for FmHA program and administrative training activities.

3. Develops and maintains independent training modules related to the FmHA loan and grant accounting system processes.

4. Schedules and conducts training seminars on FmHA accounting processes for FmHA Finance Office and field office personnel. The training includes computer-based, audio training techniques and on-line system training data bases.

5. Provides back-up training support for computer applications utilized by field ADP Coordinators.

6. Analyzes system alterations to FmHA accounting processes, modifying training modules as required. Reviews and evaluates training modules, ensuring compliance with FmHA loan program and related accounting guidelines.

7. Maintains liaison and working relationship with key officials of the agency, the Department of Agriculture, the Office of Personnel Management, officials of other Federal agencies, and others, and collaborates on matters of mutual concern. Represents the Agency on departmental, interdepartmental, and interagency task forces on matters affecting assigned programs.

07 06 07 Assistant Administrator for Procurement and Administrative Support*Assignment of Functions*

Responsible to the Deputy Administrator for Management for the overall management of FmHA procurement, contracting, real and personal property, supply management, directives and administrative services activities.

1. Provides executive leadership, formulates and coordinates policies, and provides direction to three subordinate organizations in carrying out assigned programs.

2. Develops, implements and evaluates policies and procedures for the orderly management of the FmHA procurement and administrative services support activities and for the provision of procurement and administrative services to FmHA offices nationwide. These services include contracting, small purchases, mail management, leasehold acquisition, communications system operations, telephone operations, printing and reproduction requirements, and forms/records/directives management.

3. Provides a centralized point of control for all FmHA procurement policies, standards, plans and procedures. Directs all Agency ADP procurement activities, Federal

Acquisition Regulation (FAR) contracting, and small purchasing acquisition. Provides guidance on program services contracting and utilization and management of office space.

4. Establishes and maintains systems for the review and clearance of Agency directives, issuances, and public participation functions, including publication of regulations and legal notices in the Federal Register.

5. Oversees and implements the Freedom of Information, Privacy Act and Tort Claims programs for the Agency.

6. Directs the Agency's supply, space management, and real and personal property management programs, formulating and evaluating necessary policy, standards and procedures.

7. Maintains liaison and working relationship with key officials of the Agency, the Department of Agriculture staff offices, officials of other Federal agencies, and others to collaborate on matters of mutual concern. Represents the Agency on departmental, interdepartmental and interagency task forces on matters affecting assigned programs.

8. Develops budget plans for procurement and administrative services support activities. Provides major input to FmHA's overall administrative budget, and coordinates that budget with the Assistant Administrator for Budget, Finance and Management.

9. Coordinates the Department Excess Personal Property Program which disposes of or affects utilization of the Property Management Information System.

10. Provides executive leadership for conducting reviews, formal training, and oversight of delegated authorities to State Directors to ensure conformance to Agency policies and Government regulations.

07 06 07 0001 Procurement Management Staff*Assignment of Functions*

1. Formulates, evaluates, and recommends policy, standards, plans, and procedures for agency-wide procurement programs.

2. Provides procurement training for FmHA procurement and program personnel.

3. Provides direction and oversight on all procurement activities.

4. Performs procurement reviews, analyzes audit reports, advises of corrective action and oversees compliance.

5. Responsible for contracting and contract administration for services and supply items on the open market or through established Government sources. Works with the Small Business Administration on 8A contracts with minority enterprises and the Department of Labor in handling wage rate matters.

6. Solicits and administers complex technical contracts for the acquisition of automated data processing services, equipment and maintenance.

7. Performs studies and analysis of procurement procedures and policies and recommends new and/or revised policies, systems technology, and procedures.

8. Provides technical guidance to the National Office, Finance Office, and State Directors, and their staffs in the

interpretation of laws, rules and regulations, and policy related to procurement programs.

9. Acts as a liaison with Federal and State agencies in coordinating procurement actions.

10. Interacts with the Department, GSA, Small Business Administration and Department of Labor on procurement issues.

07 06 07 0002 General Services Staff*Assignment of Functions*

1. Formulates, evaluates, and recommends policy, standards, plans, and procedures for the management of records, forms and directives; mail; processing of computer data for mailing; review and processing of Freedom of Information/Privacy Act and Tort Claims; printing, duplication and telephone operations.

2. Responsible for developing and assuring that FmHA policies, regulations, standards, and guidelines established for Agency directives are in accordance with Federal policies and procedures including OMB circulars, GSA regulations, and Congressional policies; maintenance of formal regulations, administrative notices, and procedural announcements, including the publication of regulations and legal notices in the Federal Register.

3. Responsible for control of written communications by letters, memorandums, telegraph, and mailgrams.

4. Responsible for developing and administering systems and procedures for the creation, maintenance, and use of paper records. Identifies and preserves records to provide adequate documentation of functions and activities. Responsible for the security and disposition of records.

5. Maintains liaison and working relationship with other USDA agency administrative support service divisions. Works closely with the General Services Administration and the Office of Management and Budget. Provides policy direction and serves as liaison with the Finance Office for printing, telephone operations, records, files and mail services.

6. Prepares substantial input to administrative budget plans as required and administers administrative budgets for the National Office.

7. Responsible for developing and coordinating systems and procedures for the effective delivery, distribution, or dispatch of all types of written communication and other material, including the use of automated mailing lists, mechanical sorting devices, and metered mailing devices. Provides special messenger service and mail pickup and delivery.

8. Responsible for the distribution of mail nationwide. Provides printing and duplication liaison with the General Services Administration. Responsible for the maintenance, operation, and utilization of a mini-computer with CRT and line printer to maintain all mailing addresses and cross-reference lists nationwide.

9. Responsible for the printing, storage, assembling, and distribution of Agency procedures to field offices nationwide.

10. Reviews Freedom of Information/Privacy Act and Tort Claim requests from the private sector and prepares and coordinates Agency responses.

11. Plans and coordinates Agency records, mail and communication operations; develops and recommends new or revised policies, systems, technology, and procedures relating to Agency operation in the area of records and communication management.

12. Prepares and monitors the National Office budget for all non-personal service components. Performs analyses and reconciles all billing problems.

13. Provides assistance to the Finance Office and State Directors in the interpretation of laws, rules, regulations, and policies pertinent to records, forms, and communication management.

07 06 07 0003 Property and Supply Management Staff

Assignment of Functions

1. Formulates, evaluates, and recommends policy standards, plans, and procedures concerning personal and real property management, warehouse functions, furniture rehabilitation and repair, and inventory control.

2. Responsible for the acquisition and utilization of real and utilization of personal property. Prepares detailed technical analysis of need and cost benefit studies and develops new or revised policies, systems technology, and procedures to improve Agency operations.

3. Responsible for the storage and distribution of over 1200 forms and supply items to the National Office and field offices. Maintains an automated forms and supply inventory systems for proper monitoring and control of stock levels. Provides management information on stock levels, costs, and order status to interested parties.

4. Determines need for furniture rehabilitation and repair of office machines. Performs feasibility analysis of maintenance contracts as opposed to repair on an as needed basis.

5. Responsible for property management, accountability, utilization, disposition, and inventory control of equipment/furniture, and the input interface, and utilization of the Property Management Information System.

6. Coordinates the Department Excess Personal Property Program which disposes of or affects utilization of all excess property within USDA.

7. Responsible for the acquisition, utilization, and management of office and other types of space in buildings acquired by leasehold, agreement, or inter-government assignments; providing for space requirements in proposed long-range federal construction; developing arrangements for consolidated housing of USDA agencies; and reviewing field office space reports and surveys.

8. Responsible for the planning, execution, and management of space assignment and layout of office space for State Offices and the Finance Office. Based on projected workload, equipment, and personnel acquisitions, makes long-range projections of

space needs, assignments, and related costs. Recommends policies regarding space allowances and criteria. Provides information to GSA and USDA activities on the Agency's space inventory.

9. Responsible for the overall administration of an employee safety program in the FmHA St. Louis office. Provides leadership for investigating and reporting accidents involving personal injury or property damage. Conducts safety inspections to identify and remove hazards in the work place.

10. Assists the National Office, State Directors, and their staffs in the interpretation of laws, rules and regulations, and policies pertinent to supply management, personal and real property, and develops procedural issuances and correspondence.

11. Provides executive leadership for conducting review, formal training, and oversight of delegated authorities to State Directors to ensure conformance to Agency policies and Government regulations.

12. Responsible for providing staff leadership in coordinating execution of agreements and memoranda of understanding for copy service, printing and duplication, and employee health services.

13. Responsible for quality control methods and procedures to ensure forms and supply items stocked in the warehouse comply with specifications and are free from defects. Initiates claims against vendors supplying defective items and resolves claims in the interest of the Government.

14. Prepares budgetary and supporting information for such needs of the Finance Office and field offices as equipment, supplies, space, communications, etc., for the efficient use of resources of the Agency.

15. Responsible for directing, coordinating, and monitoring of the office services operating budget totaling over \$40 million for field offices nationwide and a separate budget for the Finance Office. Recommends and adjusts allocations for State Offices and provides liaison with Finance Office, field, NFC, and National Office personnel on all budget matters. Develops, coordinates, and distributes reporting information for use by interested parties in budgetary control and forecasting.

16. Maintains liaison and working relationship with key officials of the Agency, the Department of Agriculture staff offices, officials of other Federal agencies, and others to collaborate on matters of mutual concern. Represents the Agency on departmental, interdepartmental and interagency task forces on matters affecting assigned programs.

Dated: April 16, 1991.

LaVerne Ausman,
Administrator, Farmers Home Administration.

[FR Doc. 91-11517 Filed 5-14-91; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 216

[INS Number: 1423-91]

Conditional Basis of Lawful Permanent Residence for Certain Alien Spouses and Sons and Daughters; Battered and Abused Conditional Residents

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements section 701 of the Immigration Act of 1990 (IMMACT 90), Public Law 101-649, November 29, 1990, by amending the existing waiver provisions and providing a third basis for exempting a conditional resident from meeting the joint filing requirement of section 216 of the Act. This rule is necessary to establish procedures to allow a conditional resident alien who married in good faith but whose marriage was terminated by the United States citizen or permanent resident spouse, to seek a waiver of the joint filing requirement. This rule is also necessary to provide a method by which a battered conditional resident, or a conditional resident parent of an abused conditional resident child, may apply for removal of the conditional basis of resident status without filing a joint petition.

DATES: This interim rule is effective May 16, 1991. Written comments must be submitted on or before June 17, 1991.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street NW., room 5304, Washington, DC 20536. To ensure proper handling, please reference INS number 1423-91 on your correspondence.

FOR FURTHER INFORMATION CONTACT: Rita A. Boie, Senior Immigration Examiner, Adjudications Branch, Immigration and Naturalization Service, 425 I Street NW., room 7223, Washington, DC 20536, telephone (202) 514-5014.

SUPPLEMENTARY INFORMATION: The Immigration Marriage Fraud Amendments of 1986 (IMFA) were enacted to combat fraud perpetrated by aliens who marry only for the purpose of obtaining immigration benefits. IMFA established a conditional resident status for aliens who obtained lawful permanent residence based upon a

marriage of less than two years' duration. Conditional status is granted for two years. A conditional resident is required to file a petition to remove the conditions during the 90-day period immediately preceding the second anniversary of the initial grant of conditional resident status. This petition must be filed jointly with the citizen or permanent resident spouse. A conditional resident who fails to file the joint petition has his or her status terminated and is subject to deportation.

The IMFA provided two waivers of the joint petitioning requirement. A conditional resident who establishes that his or her deportation would cause extreme hardship may be excused from fulfilling the joint petitioning requirement. The joint petitioning requirement may also be waived if the conditional resident establishes that he or she had entered into the marriage in good faith and terminated the marriage for good cause.

In order to comply with the terms of the IMFA, some conditional residents were forced to prematurely file for termination of the marriage, rather than attempting reconciliation. These conditional residents sought termination of the marriage because they could not qualify for the good faith/good cause waiver if the citizen or permanent resident spouses obtained the divorce. The increasing trend toward no-fault divorces also made it difficult for conditional residents to prove that they had terminated the marriage for good cause.

Concerns were raised that IMFA was also forcing aliens to remain in abusive relationships due to fear that they could not qualify for a waiver of the joint petition requirement. Further concerns were raised that conditional residents would be reluctant to reveal abuse due to fear of further harm if the abusers were informed of information contained in the applications.

Section 701 of IMMACT 90 was enacted to remedy these situations. The waiver available to a conditional resident whose bona fide marriage was terminated was amended to remove the requirement that the conditional resident obtain the divorce. An additional waiver of the joint filing requirement was established specifically for a conditional resident spouse or child who has been battered or abused. A confidentiality provision was included to ensure that the abuser would not become aware of the information contained in the waiver application.

Under these amendments to the IMFA, a conditional resident may file for a waiver of the joint filing

requirement if the marriage was entered into in good faith, the marriage was terminated by either spouse, and the conditional resident was not at fault in failing to meet the joint petition filing requirements.

A conditional resident may also be granted a waiver of the joint filing requirement if the conditional resident or his or her child, was battered or subject to extreme abuse by the citizen or permanent resident spouse or parent during the marriage. This waiver is available to conditional residents regardless of the current legal status of the marriage.

Section 701 of IMMACT 90 also directs the Service to establish measures to protect the confidentiality of information concerning the abused alien spouse or child, including information regarding the whereabouts of such spouse or child.

During the preparation of this rule, the Service consulted with organizations and individuals involved with counselling and assisting victims of family violence. The Service also consulted organizations and publications concerning training, experience and licensing requirements for professionals in the field of mental health.

The Service also received unsolicited communications expressing concern about the regulations implementing the battered spouse and child waiver. Several expressed concern regarding the ability of Service officers to determine whether an applicant had been subject to extreme cruelty. These commenters encouraged the Service to provide specialized training to officers who adjudicate these applications. Others expressed concern that rigorous evidentiary requirements would prevent abused conditional residents from qualifying for the waiver. Several also suggested that the Service take very stringent measures to safeguard the confidentiality of the information provided by the battered conditional resident. Concerns regarding the potential for abuse of the waiver provision by conditional residents seeking to circumvent the provisions of the Act were also expressed.

This rule allows the waiver of the joint petition requirement to be granted to all conditional residents who establish that they and/or their children were battered by the citizen or lawful permanent resident spouse during the marriage. The Service has balanced the need to make compliance with the evidentiary requirements for the waiver as simple as possible against the need to ensure that unscrupulous aliens do not take advantage of the waiver to obtain

immigration benefits to which they are not entitled. This rule allows battered conditional residents to establish eligibility, yet is stringent enough to prevent misuse of the benefit.

It further allows the applicant to present a wide range of documentary evidence to establish that the conditional resident or his or her child was battered. The applicant may submit any evidence which will establish that physical abuse took place.

While the aftermath of physical abuse is often visible and can be documented, the effects of mental and emotional abuse are difficult to observe and identify. The Service agrees with those commenters who have stated that most Service officers have not received training in this area and are not qualified to make reliable evaluations of an abused applicant's mental or emotional state. Therefore, it is necessary for the Service to rely upon the judgment of professionals trained in the area of evaluating an individual's emotional and mental condition. This rule requires that applicants for a waiver based upon extreme mental or emotional cruelty support the application with a professional evaluation of the claimed psychological abuse. The evaluation must have been completed by a professional recognized by the Service as an expert in the field of mental health.

The Service has consulted various sources to determine which professionals should be recognized as experts in the field. In order to avoid possible confusion by conditional resident applicants, it was necessary to eliminate those professions in which only some members might be qualified to make this determination. Therefore, the experts recognized by the Service are restricted to three groups of licensed professionals in the mental health field. These professionals are psychologists, psychiatrists and clinical social workers. Since not all states provide licensure for clinical social workers, this rule allows clinical social workers to submit evidence of certification or registration with certain national organizations in lieu of evidence of licensure.

The applicant is not required to enter into treatment with the mental health professional.

The confidentiality provision contained in this rule is designed to ensure that an abused alien need not fear that applying for the waiver could subject the applicant to further abuse. It effectively prevents disclosure of the information to the abuser without the

applicant's written consent or a court order.

A conditional resident parent may be granted a waiver based upon the abuse of his or her child by the citizen or permanent resident parent, regardless of the child's citizenship or immigration status. This is necessary to prevent separation of the abused child and conditional resident parent.

Both conditional residents and former conditional residents who have not yet departed the United States after termination of conditional resident status or under an order of deportation, may seek the benefits of the new waiver provisions. Since it is not possible to determine in advance which aliens will be eligible for these waivers, the Service cannot take affirmative action to reopen all prior terminations of conditional resident status. However, an alien may choose to file either an additional Application for Waiver of Requirement to File Joint Petition for Removal of Conditions (Form I-752) or a motion to reopen a prior denial of that application and request consideration for the new benefits.

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comment, is based upon the "good cause" exception found at 5 U.S.C. 553(d). The reasons and the necessity for immediate implementation of this interim rule are as follows:

Immediate implementation of this interim rule is necessary because the changes have been mandated by the passage of Public Law 101-649, (IMMACT 90), which amends the Immigration Marriage Fraud Amendments of 1986. Early implementation will allow qualified conditional residents to immediately apply for waivers of the joint petition requirement and avoid possible termination of conditional resident status and deportation.

In accordance with 5 U.S.C. 605(b), the Commissioner of the Immigration and Naturalization Service certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of section 1(b) of Executive Order 12291, nor does this rule have Federalism implications warranting the preparation of a Federalism Assessment in accordance with Executive Order 12612.

The information collection requirement contained in this rule has been cleared by the Office of Management and Budget (OMB), under the provisions of the Paperwork Reduction Act. The OMB control

number for this collection is contained in 8 CFR 299.5.

List of Subjects in 8 CFR Part 216

Administrative practice and procedure, Aliens.

Accordingly, part 216 of chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 216—CONDITIONAL BASIS OF LAWFUL PERMANENT RESIDENCE STATUS FOR CERTAIN ALIEN SPOUSES AND SONS AND DAUGHTERS

1. The authority citation for part 216 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1154, 1184, 1186a and 8 CFR part 2.

2. Section 216.5 is amended by revising paragraphs (a)(1), (a)(2), (e)(2)(ii) and (e)(2)(iii), and by adding new paragraphs (a)(3) and (e)(3) to read as follows:

§ 216.5 Waiver of requirement to file petition to remove conditions.

(a) * * *

(1) Deportation from the United States would result in extreme hardship;

(2) The marriage upon which his or her status was based was entered into in good faith by the conditional resident alien, but the marriage was terminated other than by death, and the conditional resident was not at fault in failing to file a timely petition; or

(3) The qualifying marriage was entered into in good faith by the conditional resident but during the marriage the alien spouse or child was battered by or subjected to extreme cruelty committed by the citizen or permanent resident spouse or parent.

* * *

(e) * * *

(2) * * *

(ii) Documentation concerning the length of time during which the parties cohabited after the marriage and after the alien obtained permanent residence;

(iii) Birth certificates of children born to the marriage; and

* * *

(3) *Application for waiver based on alien's claim of having been battered or subjected to extreme mental cruelty.* A conditional resident who entered into the qualifying marriage in good faith, and who was battered or was the subject of extreme cruelty or whose child was battered by or was the subject of extreme cruelty perpetrated by the United States citizen or permanent resident spouse during the marriage, may request a waiver of the joint filing requirement. The conditional resident

parent of a battered or abused child may apply for the waiver regardless of the child's citizenship or immigration status.

(i) For the purpose of this chapter the phrase "was battered by or was the subject of extreme cruelty" includes, but is not limited to, being the victim of any act or threatened act of violence, including any forceful detention, which results or threatens to result in physical or mental injury. Psychological or sexual abuse or exploitation, including rape, molestation, incest (if the victim is a minor) or forced prostitution shall be considered acts of violence.

(ii) A conditional resident or former conditional resident who has not departed the United States after termination of resident status or under an order of deportation may apply for the waiver. The conditional resident may apply for the waiver regardless of his or her present marital status. The conditional resident may still be residing with the citizen or permanent resident spouse, or may be divorced or separated.

(iii) Evidence of physical abuse may include, but is not limited to, expert testimony in the form of reports and affidavits from police, judges, medical personnel, school officials and social service agency personnel. The Service must be satisfied with the credibility of the sources of documentation submitted in support of the application.

(iv) The Service is not in a position to evaluate testimony regarding a claim of extreme mental cruelty provided by unlicensed or untrained individuals. Therefore, all waiver applications based upon claims of extreme mental cruelty must be supported by the evaluation of a professional recognized by the Service as an expert in the field. An evaluation which was obtained in the course of the divorce proceedings may be submitted if it was provided by a professional recognized by the Service as an expert in the field.

(v) The evaluation must contain the professional's full name, professional address and license number. It must also identify the licensing, certifying, or registering authority. The Service retains the right to verify the professional's license.

(vi) The Service's decision on extreme mental cruelty waivers will be based upon the evaluation of the recognized professional. The Service reserves the right to request additional evaluations from expert witnesses chosen by the Service. Requests for additional evaluations must be authorized by the Assistant Regional Commissioner for Adjudications.

(vii) Licensed clinical social workers, psychologists, and psychiatrists are professionals recognized by the Service for the purpose of this section. A clinical social worker who is not licensed only because the state in which he or she practices does not provide for licensing will be considered a licensed professional recognized by the Service if he or she is included in the Register of Clinical Social Workers published by the National Association of Social Workers or is certified by the American Board of Examiners in Clinical Social Work.

(viii) As directed by the statute, the information contained in the application and supporting documents shall not be released without a court order or the written consent of the applicant; or, in the case of a child, the written consent of the parent or legal guardian who filed the waiver application on the child's behalf. Information may be released only to the applicant, his or her authorized representative, an officer of the Department of Justice, or any federal or State law enforcement agency. Any information provided under this part may be used for the purposes of enforcement of the Act or in any criminal proceeding.

* * * * *

Dated: March 18, 1991.

Gene McNary,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 91-11601 Filed 5-15-91; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 87-025F]

RIN 0583-AA69

Net Weight Labeling of Meat and Poultry Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: The Food Safety and Inspection Service (FSIS) has been requested to extend, and is extending, the effective date of the final rule published on November 30, 1990, titled "Net Weight Labeling of Meat and Poultry Products."

DATES: The original effective date was May 29, 1991. The new effective date is January 2, 1992. The new incorporation

by reference approved date is also January 2, 1992.

FOR FURTHER INFORMATION CONTACT: William Smith, Director, Processed Products Inspection Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3640.

SUPPLEMENTARY INFORMATION: On November 30, 1990, FSIS published a rule titled "Net Weight Labeling of Meat and Poultry Products" (55 FR 49826, and corrected at 55 FR 50081, sec. 4, 1990). The effective date of the rule was May 29, 1991.

The final rule amends the Federal meat and poultry products inspection regulations to provide uniform net weight labeling requirements, including reasonable variations for label statements of net weight contents of containers of meat and poultry products. The rule incorporates by reference the National Bureau of Standards (NBS) Handbook 133, "Checking the Net Contents of Packaged Goods," Third Edition, September 1988, for compliance testing of net weight contents statements on packaged meat and poultry products. The rule also incorporates by reference the National Institute of Science and Technology (NIST) Handbook 44, "Specifications, Tolerances and Other Technical Requirements for Measuring Devices," 1990 Edition, September 1989. The rule establishes objective, numerical variations from the labeled net weight which are to be determined by prescribed procedures adopted by way of incorporation by reference of the Third Edition of NBS Handbook 133. The rule is designed to enhance the ability of Federal, State, and local agencies to enforce the industry-wide use of strict net weight standards at the packing, warehouse, and retail level, and will establish greater uniformity with regulations for net weight compliance used by the Food and Drug Administration for other types of foods.

Since the publication of this final rule, FSIS received a request from the American Meat Institute (AMI) to extend the effective date of the rule to January 1992. They believe that additional time is needed to resolve concerns that the National Conference on Weights and Measures has regarding adjustments to the NIST Handbook 133 procedures for checking weights for zero gray area on bacon and luncheon meats. Also, they believe time is needed to allow for the necessary training programs for industry and FSIS personnel, and to update and develop

new net weight quality control programs.

FSIS has reviewed this matter and determined that in fact, more time is needed to allow for the necessary training programs for industry and FSIS personnel. Therefore, FSIS has decided that the effective date should be changed to allow more lead time for industry and the Agency. The new effective date for the final rule titled "Net Weight Labeling of Meat and Poultry Products" will be January 2, 1992.

Done at Washington, DC on May 9, 1991.

Lester M. Crawford,

Administrator, Food Safety and Inspection Service.

[FR Doc. 91-11520 Filed 5-15-91; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Parts 4 and 19

[Docket No. 91-2]

Rules of Practice and Procedure

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Interim rule with request for comment.

SUMMARY: In response to recently enacted legislation, the Office of the Comptroller of the Currency ("OCC") is revising its rules of practice and procedure to provide that formal administrative hearings are open to the public unless the Comptroller determines that an open hearing would be contrary to the public interest. The interim rule reverses the presumption embodied in prior law that an administrative hearing is to be conducted in private unless the Comptroller determines that a public hearing is necessary to protect the public interest. Under the interim rule, the OCC's interested division may file documents under seal if disclosure of such documents would be contrary to the public interest. The interim rule also states that, as a general rule, any documents filed during a proceeding shall be available to the public and amends 12 CFR part 4 to provide that transcripts of public hearings shall be available to the public.

DATES: This interim rule is effective May 16, 1991. Comments should be received on or before July 15, 1991.