

Rural Utilities Service, USDA

§ 1700.53

primary point of contact for applicants, grantees, and borrowers.

[70 FR 5351, Feb. 2, 2005. Redesignated at 71 FR 8436, Feb. 17, 2006]

§§ 1700.35–1700.49 [Reserved]

Subpart C—Loan and Grant Approval Authorities

§§ 1700.50–1700.52 [Reserved]

§ 1700.53 Persons serving as Acting Administrator.

In accordance with procedures established in the RUS Continuity of Operations (COOP) plan, the following officials, in the order indicated below, shall act in the office of Rural Utilities Service Administrator in case of the Administrator's absence, or inability to act, until the absence or inability ceases.

(a) The Deputy Administrator is “first assistant” for purposes of the Federal Vacancies Reform Act of 1998 (5 U.S.C. § 3345–3349d) and shall, in the absence or disability of the Administrator, or in the event of a vacancy in the office of Administrator, serve as Acting Administrator, subject to the limitations established by law.

(b) In the event of the absence or disability of both the Administrator and the Deputy Administrator, or in the event of a vacancy in both the office of the Administrator and the Deputy Administrator, the official incumbents of the following positions shall, in the sequence shown, temporarily perform all of the functions and duties of the Administrator, except to the extent that such functions and duties may not be delegated by law.

(1) Chief of Staff.

(2) Assistant Administrator, Electric Program.

(3) Assistant Administrator, Water and Environmental Programs.

(4) Assistant Administrator, Telecommunications Programs.

(5) Assistant Administrator, Program Accounting and Regulatory Analysis.

(6) Community Programs Director of the Rural Development Kentucky State Office.

(c) Eligibility for succession to the position of RUS Administrator shall be limited to officially assigned incumbents of positions listed in paragraph

(b) of this section. Only officials specifically designated in the approved order of succession are eligible. Persons appointed on acting basis, or on some other temporary basis, are ineligible by virtue of so serving to serve as a successor. Therefore the order of succession would fall to the next designated official in the approved order of succession. The eligibility of the incumbent of paragraph (b)(6) of this section to serve as a successor is also limited to periods of national emergency declared by the President or during the activation of the RUS COOP plan.

(d) In the event of the absence or disability of the Administrator, or in the event that the Administrator's position is vacant, the Deputy Rural Utilities Service Administrator is the only RUS official authorized to serve as Acting Administrator. When serving as Acting Administrator, the Deputy Administrator is authorized to perform all of the functions and duties of the office of the Administrator, including those functions and duties that are required by statute or regulation to be performed exclusively by the Administrator. In the event of the absence or disability of both Administrator and the Deputy Administrator, or in the event that both the office of Administrator and Deputy Administrator are vacant, the officials in the order of succession indicated in paragraph (b) of this section shall perform all the functions and duties of the Administrator but may not serve as Acting Administrator.

(e) The Administrator retains the discretion to depart from the order in paragraph (b) for occasions where deviation from automatic succession is desired by the Administrator. Such temporary designations shall be in writing. Notwithstanding the provisions of this § 1710.53 not contained in this paragraph (e), the Administrator may delegate full or limited authority to perform the functions and duties of the office of Administrator except to the extent that such functions and duties may not be delegated by law.

(f) The Administrator may terminate the delegations under this section 1700.53, in whole or in part, at any

§ 1700.54

7 CFR Ch. XVII (1–13 Edition)

time. Unless terminated by the Administrator, written delegations under paragraph (e) of this section expire in accordance with their terms. Individuals acting as successors under paragraph (b) of this section will be relieved of such authority as soon as an incumbent in a position listed higher on the order of succession is available, able, and assumes the functions and duties of the Administrator, or when an official with requisite authority designates a permanent or acting Administrator.

(g) Individuals exercising authority under this § 1700.53 shall keep a record of important actions taken and the period during which the authority is exercised.

(h) The authority to perform functions and duties pursuant to this § 1700.53 can not be redelegated by an incumbent of a position listed in paragraph (b) of this section.

[71 FR 8436, Feb. 17, 2006]

§ 1700.54 Electric Program.

(a) *Administrator*: The authority to approve the following loans, loan guarantees, and lien accommodations and subordinations of liens is reserved to the Administrator:

(1) All discretionary hardship loans.

(2) All loans, loan guarantees, and lien accommodations and subordinations of liens to finance operating costs.

(3) All loans, loan guarantees, and lien accommodations and subordinations of liens of more than \$20,000,000 for distribution borrowers or more than \$50,000,000 for power supply borrowers.

(4) All loans, loan guarantees, and lien accommodations and subordinations of liens for distribution borrowers that are members of a power supply borrower that is in default of its obligations to the Government or that is currently assigned to the Financial Services Staff, unless otherwise determined by the Administrator.

(5) All loans, loan guarantees, and lien accommodations and subordinations of liens that require an Environmental Impact Statement.

(6) Certifications and findings required by the RE Act or other applicable laws and regulations, the placing

and releasing of conditions precedent to the advance of funds, and all security instruments, loan contracts, and all other necessary documents relating to the authorities reserved in this section.

(7) Execution of all loan contracts, security instruments, and all other documents in connection with loans, loan guarantees, and lien accommodations approved by the Administrator.

(b) *The Assistant Administrator, Electric Program*, has the authority to approve the following loans, loan guarantees, and lien accommodations and subordinations of liens, except for those approvals reserved to the Administrator:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens for distribution borrowers in amounts not exceeding \$20,000,000.

(2) Loans, loan guarantees, and lien accommodations and subordinations of liens for power supply borrowers in amounts not exceeding \$50,000,000.

(3) Execution of all loan contracts, security instruments, and all other documents in connection with loans, loan guarantees, and lien accommodations approved by the Assistant Administrator, Electric Program.

(c) *Directors, Regional Divisions*, have the authority to approve, for distribution borrowers:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens in amounts not exceeding \$15,000,000 except for those approvals reserved to the Administrator.

(2) All certifications and findings required by the RE Act or other applicable laws and regulations, the imposing and releasing of conditions precedent to the advance of loan funds, and all security instruments, loan contracts, and all other documents relating to the delegations set forth in paragraph (c)(1) of this section.

(d) *Director, Power Supply Division*, has the authority to approve for power supply borrowers:

(1) Loans, loan guarantees, and lien accommodations and subordinations of liens in amounts not exceeding \$30,000,000, except for those approvals reserved to the Administrator.