HEARING/REVIEW OFFICER DESIGNATIONS—Continued

<table>
<thead>
<tr>
<th>Decisionmaker or decision</th>
<th>Hearing officer</th>
<th>Review officer</th>
</tr>
</thead>
<tbody>
<tr>
<td>*District Director, *State Program Chief, *District Specialist, *State Director, *Regional Director ..........</td>
<td>As appointed by Director, National Appeals Staff.</td>
<td>**State Director and/or Director, National Appeals Staff.</td>
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<tr>
<td>Division Director or Assistant Administrator ..........</td>
<td>As appointed by Director, National Appeals Staff.</td>
<td>Director, National Appeals Staff.</td>
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<td>Assistant Administrator ..........</td>
<td>As appointed by Director, National Appeals Staff.</td>
<td>Director, National Appeals Staff.</td>
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<tr>
<td>Deputy or Associate Administrator ..........</td>
<td>As appointed by Director, National Appeals Staff.</td>
<td>Director, National Appeals Staff.</td>
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*Decisionmaker for Rural Development Administration or its successor agency under Public Law 103–354 (RDA or its successor agency under Public Law 103–354) cases for Regional Office Operations.
**Review officer will be the Regional Director and/or the Director, National Appeals Staff for RDA or its successor agency under Public Law 103–354 cases.

NOTES

1. District Director also means Assistant District Director or District Loan Specialist.
2. County Supervisor also means Assistant County Supervisor with loan approval authority.
3. The Director of the National Appeals Staff may designate a staff member to conduct a hearing or review. When the hearing/review is completed, the designee will send the complete case file, hearing notes, tape recordings, and a recommended decision to the Director for a final decision. The Director may, for individual cases, delegate final decision authority to a designee.
4. For decisions not directly covered above, advice should be sought from the Director of the National Appeals Staff.
5. An appellant may elect to have an appeal reviewed by the State Director, or the Director of the National Appeals Staff. The decision of the State Director will be subject to further review by the Director of the National Appeals Staff upon request of the appellant.

[58 FR 4065, Jan. 13, 1993]

Subpart C—Applicability of Federal Law

§ 1900.101 General.

This subpart provides Agency policy concerning:
(a) The applicability of Federal rather than State Law in the conduct of Farmers Home Administration (FmHA) or its successor agency under Public Law 103–354 operations, and
(b) The liability of an auctioneer for conversion of personal property mortgaged to FmHA or its successor agency under Public Law 103–354.


§ 1900.102 Applicable law.

Loans made by FmHA or its successor agency under Public Law 103–354 are authorized and executed pursuant to Federal programs adopted by Congress to achieve national purposes of the U.S. Government.

(a) Instruments evidencing or securing a loan payable to or held by the Farmers Home Administration or its successor agency under Public Law 103–354, such as promissory notes, bonds, guaranty agreements, mortgages, deeds of trust, financing statements, security agreements, and other evidences of debt or security shall be construed and enforced in accordance with applicable Federal law.
(b) Instruments evidencing a guaranty, conditional commitment to guarantee, or a grant, such as contracts of guarantee, grant agreements or other evidences of an obligation to guarantee or make a grant, executed by the Farmers Home Administration or its successor agency under Public Law 103–354, shall be construed and enforced in accordance with applicable Federal law.
(c) In order to implement and facilitate these Federal loan programs, the application of local procedures, especially for recordation and notification purposes, may be utilized to the fullest extent feasible and practicable. However, the use of local procedures shall not be deemed or construed to be any
waiver by FmHA or its successor agency under Public Law 103–354 of Federal 
immunity from any local control, penalty, or liability, or to subject FmHA 
or its successor agency under Public Law 103–354 to any State required acts 
or actions subsequent to the delivery by FmHA or its successor agency under 
Public Law 103–354 of the instrument to the appropriate local or State official.

(d) Any person, corporation, or organization that applies for and receives 
young signed or assurance upon which FmHA or its successor agency under Public Law 103–354 relieves for the granting of such benefit or assistance, shall not be entitled to claim or assert any local immunity, privilege, or exemption to defeat the obligation such party incurred in obtaining or assuring such Federal benefit or assistance.

(e) The liability of an auctioneer for conversion of personal property mortgaged to FmHA or its successor agency under Public Law 103–354 shall be determined and enforced in acceptance with the applicable Federal law. “Auctioneer” for the purposes of this subpart includes a commission merchant, market agency, factor or agent. In all cases in which there has been a disposition without authorization by FmHA or its successor agency under Public Law 103–354 of personal property mortgaged to that agency, any auctioneer involved in said disposition shall be liable to the Government for conversion—notwithstanding any State statute or decisional rule to the contrary.

[44 FR 10979, Feb. 26, 1979]

§ 1900.152 Definitions.

Applicant or borrower. All persons or organizations, individually or collectively, applying for or receiving insured or guaranteed loan or grant assistance from or through FmHA or its...