

Procedure on Handling Dockets Considered by the Board of Directors
Federal Crop Insurance Corporation
(Approved 4-28-05)

These procedures supercede Docket No. POL-90-1 and any related procedures or directives.

1. Purpose

These procedures:

- (a) Establish the process, and content, for the submission of actions to the Board of Directors for their consideration through the use of dockets;
- (b) Outline the responsibilities of the Secretary to the Board of Directors of the Federal Crop Insurance Corporation (Board) with regard to the preparation, distribution, scheduling, and secure storage of dockets; and
- (c) Outline the process for docket handling in accordance with the provisions of the Freedom of Information Act (5 U.S.C. 552), the Department's regulations (7 C.F.R. 1.1-1.16), and the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

2. Process for Bringing Actions to the Board

- (a) Submission of material to the Board with respect to the actions reserved to the Board, retained by the Board on a case-by-case basis, and such other program matters as the Manager may wish to have approved by the Board shall be in the form of a docket.
- (b) Nothing in these procedures shall preclude the Board from considering and taking action on any matter, regardless of the origin or method of presentation provided such action is taken in the form of a resolution.
- (c) All actions by the Board must be in accordance with the provisions of the Federal Crop Insurance Act.
- (d) Dockets
 - (1) The preparation of dockets shall be the responsibility of the Secretary to the Board.
 - (2) The Manager of the Corporation shall have general supervision over the development of all dockets submitted to the Board for consideration and shall issue instructions for this purpose as necessary in accordance with these procedures.
 - (3) Dockets shall be prepared in a uniform manner as outlined in paragraph (6).
 - (4) Actions will be approved or disapproved by the Board through a resolution and shall become effective only upon the signature of the Chairman of the Board.
 - (5) The Manager of the Corporation may direct the Secretary of the Corporation or other Risk Management Agency employees to obtain or develop information on any action to be submitted to the Board, which shall be included in the appropriate docket.

- (6) To be considered by the Board, each docket shall contain the following elements:
 - (A) An executive summary, not to exceed two pages, that contains a brief statement of the action, any background information, previous actions taken as applicable, and the reason the action is being submitted.
 - (B) A memorandum of transmittal from the Manager of the Corporation approving and submitting the docket for the consideration of the Board.
 - (C) A statement of delegations of authority which may be appropriate or required to implement the proposal.
 - (D) A budget statement indicating the availability of funds to implement the action, the amount of (or estimate of) the funds necessary to implement the action, and a statement of personnel requirements necessary to implement the action.
 - (E) A statement of legal authority and legal sufficiency of the action concurred or not concurred to by the Office of General Counsel.
 - (F) An impact analysis for the action that discusses the impacts on stakeholders, such as approved insurance providers, producers, reinsurers, and other participants in the delivery system, as a result of approval or disapproval of the action. Economic effects should be quantified to the maximum extent practicable and include the effect on stakeholders and the crop insurance program.
 - (G) Such other information as may be required by the Board.
- (e) The Secretary of the Corporation shall schedule for the consideration of the Board under rules prescribed by the by-laws of the Corporation only those actions where a docket is approved by the Manager for submission to the Board.
 - (1) Dockets may be presented to the Board without having been previously scheduled upon approval by the Chairman of the Board.
 - (2) The Secretary of the Corporation shall, to the extent possible, distribute copies of the scheduled dockets to the members of the Board at least 7 days before the date of the meeting during which the dockets shall be considered.
 - (3) Copies of the scheduled dockets shall also be distributed to other Corporation officers, advisors to the Board, and to other such authorized persons as the Manager shall direct.
- (f) A docket may be presented to the Board for its consideration by any person designated by the Manager of the Corporation.

3. Safeguarding Dockets and Availability of Information Contained in Dockets

- (a) Dockets shall be available to the public under the provisions of the Freedom of Information Act and according to the provisions of the Privacy Act.
- (b) Dockets may be released to the public in accordance with the following:

- (1) Proposed dockets shall be designated "FOR OFFICIAL USE ONLY" and shall not be made available to the public except as provided herein. Proposed dockets shall be considered as predecisional under the Freedom of Information Act prior to their being considered by the Board and are available only for administrative use by Federal employees in the performance of their official duties.
- (2) The "FOR OFFICIAL USE ONLY" classification for dockets terminates once the action has been voted on by the Board and the resolution has been signed by the Chairman of the Board.
- (3) Dockets presented to the Board in closed session shall be classified "FOR OFFICIAL USE ONLY" and shall not be made available to the public until the action has been approved by the Board and the resolution signed by the Chairman of the Board. If the action has not been approved by the Board, the docket shall remain designated as "FOR OFFICIAL USE ONLY."
- (4) All officers of the Corporation and other employees of the Risk Management Agency who work on the preparation and handling of dockets shall abide by the classification of "FOR OFFICIAL USE ONLY" and shall take all necessary steps to assure the safeguarding of material. Dockets shall be safeguarded at all times and, when not being handled or worked, shall be kept in locked files or desks.
- (5) Dockets whose designation of "FOR OFFICIAL USE ONLY" have been terminated shall be made available to anyone in accordance with applicable laws governing the release of material to the public, including but not limited to section 508(h) of the Federal Crop Insurance Act and shall be maintained as a public record by the Secretary to the Corporation. Copies of dockets may be made available upon request and payment of fees prescribed by the Department under regulations implementing the Freedom of Information Act, except where such fees are waived by the Department, or by the Corporation.

4. Handling of Dockets after Action by the Board

- (a) Following Board's vote, the Secretary of the Corporation shall append the voted on resolution to the docket and shall secure signature of the Chairman of the Board on the resolution, and file the docket and resolution. The Secretary of the Corporation shall also notify the Manager and other officers of the Corporation involved in the preparation and handling of the docket of the final action by the Board.
- (b) When a press release is to be issued in connection with an action taken by the Board, the Secretary of the Corporation shall authorize the release of the press release once the Chairman of the Board has signed the resolution.
- (c) The Secretary of the Corporation shall, at the direction of the Chairman of the Board, reschedule deferred actions to a specific meeting.
- (d) The Secretary of the Corporation shall arrange for proper distribution of resolutions and signed dockets.
- (e) The Secretary of the Corporation shall maintain an official file of all original dockets and resolutions.