(b) Penalty

Any person who knowingly violates subsection (a) of this section or the confidentiality terms of an order, as described in section 6804(j)(2) of this title, shall be subject to a fine of not less than $1,000 nor more than $10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person shall be removed from office.

(c) Additional prohibition

No information obtained under this chapter may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this chapter or an investigatory or enforcement action necessary for the implementation of this chapter.

(d) Withholding information from Congress prohibited

Nothing in this chapter shall be construed to authorize the withholding of information from Congress.

(Pub. L. 103–190, § 11, Dec. 14, 1993, 107 Stat. 2288.)

§ 6811. Authority for Secretary to suspend or terminate order

If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this chapter specified in section 6801(b) of this title, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(Pub. L. 103–190, § 12, Dec. 14, 1993, 107 Stat. 2289.)

§ 6812. Construction

(a) Termination or suspension not an order

The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this chapter.

(b) Producer rights

This chapter—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order in an equitable manner.

(c) Other programs

Nothing in this chapter may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

(Pub. L. 103–190, § 13, Dec. 14, 1993, 107 Stat. 2289.)

§ 6813. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter and the powers vested in the Secretary by this chapter, including regulations relating to the assessment of late payment charges and interest.

(Pub. L. 103–190, § 14, Dec. 14, 1993, 107 Stat. 2289.)

§ 6814. Authorization of appropriations

(a) In general

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this chapter.

(b) Administrative expenses

Funds appropriated under subsection (a) of this section may not be used for the payment of the expenses or expenditures of the PromoFlor Council in administering a provision of an order.

(Pub. L. 103–190, § 15, Dec. 14, 1993, 107 Stat. 2289.)

CHAPTER 98—DEPARTMENT OF AGRICULTURE REORGANIZATION

Sec.
6901. Purpose.
6902. Definitions.

SUBCHAPTER I—GENERAL REORGANIZATION AUTHORITIES

6911. Transfer of Department functions to Secretary of Agriculture.
6912. Authority of Secretary to delegate transferred functions.
6913. Reductions in number of Department personnel.
6914. Consolidation of headquarters offices.
6915. Combination of field offices.
6916. Improvement of information sharing.
6917. Reports by Secretary.
6918. Assistant Secretaries of Agriculture.
6919. Repealed.
6920. Office of Energy Policy and New Uses.

SUBCHAPTER II—FARM AND FOREIGN AGRICULTURAL SERVICES

6931. Under Secretary of Agriculture for Farm and Foreign Agricultural Services.
6932. Consolidated Farm Service Agency.
6932a. Prohibition on closure or relocation of county offices for the Farm Service Agency.
6933. Office of Risk Management.
6934. Office of Advocacy and Outreach.

SUBCHAPTER III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

6941. Under Secretary of Agriculture for Rural Development.
6941a. Coordinator for Chronically Underserved Rural Areas.
6942. Rural Utilities Service.
6943. Rural Housing and Community Development Service.
6944. Rural Business and Cooperative Development Service.
6945. Rural Development Disaster Assistance Fund.

SUBCHAPTER IV—FOOD, NUTRITION, AND CONSUMER SERVICES

6951. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

SUBCHAPTER V—NATURAL RESOURCES AND ENVIRONMENT

6961. Under Secretary of Agriculture for Natural Resources and Environment.
6962. Natural Resources Conservation Service.
6962a. Cooperative agreements.
6963. Reorganization of Forest Service.

SUBCHAPTER VI—RESEARCH, EDUCATION, AND ECONOMICS

6971. Under Secretary of Agriculture for Research, Education, and Economics.

Sec.
6972. Program staff.

SUBCHAPTER VII—FOOD SAFETY

6981. Under Secretary of Agriculture for Food Safety.
6982. Conditions for implementation of alterations in the level of additives allowed in animal diets.

SUBCHAPTER VIII—NATIONAL APPEALS DIVISION

6991. Definitions.
6992. National Appeals Division and Director.
6993. Transfer of functions.
6994. Notice and opportunity for hearing.
6995. Informal hearings.
6996. Right of participants to Division hearing.
6997. Division hearings.
6998. Director review of determinations of hearing officers.
6999. Judicial review.
7000. Implementation of final determinations of Division.
7001. Conforming amendments relating to National Appeals Division.
7002. Authorization of appropriations.

SUBCHAPTER VIII–A—MARKETING AND REGULATORY PROGRAMS

7005. Under Secretary of Agriculture for Marketing and Regulatory Programs.

SUBCHAPTER IX—MISCELLANEOUS REORGANIZATION PROVISIONS

7011. Successorship provisions relating to bargaining units and exclusive representatives.
7012. Purchase of American-made equipment and products.
7013. Proposed conforming amendments.
7014. Termination of authority.

SUBCHAPTER X—FREEDOM TO E-FILE

7031. Electronic filing and retrieval.
7032. Accessing information and filing over the Internet.
7033. Availability of agency information technology funds.
7034. Federal Crop Insurance Corporation and Risk Management Agency.
7035. Confidentiality.

§ 6901. Purpose

The purpose of this chapter is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out by the Department.

(Pub. L. 103–354, title II, § 202, Oct. 13, 1994, 108 Stat. 3209.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note below and Tables.

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106–222, § 1, June 20, 2000, 114 Stat. 353, provided that: ''This Act [enacting subchapter X of this chapter] may be cited as the 'Freedom to E-File Act'.''

SHORT TITLE

Section 1(a) of Pub. L. 103–354 provided that: ''This Act [see Tables for classification] may be cited as the 'Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994'.''

Section 201(a) of title II of Pub. L. 103–354 provided that: ''This title [see Tables for classification] may be cited as the 'Department of Agriculture Reorganization Act of 1994'.''

§ 6902. Definitions

Except where the context requires otherwise, for purposes of this chapter:

(1) Department

The term ''Department'' means the Department of Agriculture.

(2) National Appeals Division

The term ''National Appeals Division'' means the National Appeals Division of the Department established under section 6992 of this title.

(3) Secretary

The term ''Secretary'' means the Secretary of Agriculture.

(4) Function

The term ''function'' means an administrative, financial, or regulatory activity of an agency, office, officer, or employee of the Department.

(Pub. L. 103–354, title II, § 203, Oct. 13, 1994, 108 Stat. 3209.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

SUBCHAPTER I—GENERAL REORGANIZATION AUTHORITIES

§ 6911. Transfer of Department functions to Secretary of Agriculture

(a) Transfer of functions

Except as provided in subsection (b) of this section, there are transferred to the Secretary of Agriculture all functions of all agencies, offices, officers, and employees of the Department that are not already vested in the Secretary on October 13, 1994.

(b) Exceptions

Subsection (a) of this section shall not apply to the following functions:

(1) Functions vested by subchapter II of chapter 5 of title 5 in administrative law judges employed by the Department.

(2) Functions vested by the Inspector General Act of 1978 (5 U.S.C. App.) in the Inspector General of the Department.

(3) Functions vested by chapter 9 of title 31 in the Chief Financial Officer of the Department.

(4) Functions vested in the corporations of the Department or the boards of directors and officers of such corporations.

(Pub. L. 103–354, title II, § 211, Oct. 13, 1994, 108 Stat. 3209; Pub. L. 104–127, title VII, § 722(c), Apr. 4, 1996, 110 Stat. 1115; Pub. L. 107–171, title VI, § 6201(d)(3), May 13, 2002, 116 Stat. 419.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b)(2), is Pub. L. 95–452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2002—Subsec. (b)(5). Pub. L. 107–171 struck out par. (5) which read as follows: ''Functions vested in the Corporate Board of the Alternative Agricultural Research and Commercialization Corporation by the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901 et seq.).''

1996—Subsec. (b)(5). Pub. L. 104–127 substituted ''Corporate Board of the Alternative Agricultural Research and Commercialization Corporation'' for ''Alternative Agricultural Research and Commercialization Board''.

§ 6912. Authority of Secretary to delegate transferred functions

(a) Delegation of authority

(1) Delegation authorized

Subject to paragraph (2), the Secretary may delegate to any agency, office, officer, or employee of the Department the authority to perform any function transferred to the Secretary under section 6911(a) of this title or any other function vested in the Secretary as of October 13, 1994. The authority provided in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any agency, office, or other administrative unit of the Department.

(2) Condition on authority

The delegation authority provided by paragraph (1) shall be subject to—

(A) sections 6942, 6971(f), 6993, and 2204e of this title and subsections (a) and (b)(1) of section 6981 of this title;

(B) sections 5692 and 5693 of this title; and

(C) section 590h(b)(5) of title 16.

(b) Cost-benefit analysis required for name change

(1) Analysis required

Except as provided in paragraph (2), the Secretary shall conduct a cost-benefit analysis before changing the name of any agency, office, division, or other unit of the Department to ensure that the benefits to be derived from changing the name of the agency, office, division, or other unit outweigh the expense of executing the name change.

(2) Exception

Paragraph (1) shall not apply with respect to any name change required or authorized by this chapter.

(c) Public comment on proposed reorganization

To the extent that the implementation of the authority provided to the Secretary by this chapter to reorganize the Department involves the creation of new agencies or offices within the Department or the delegation of major functions or major groups of functions to any agency or office of the Department (or the officers or employees of such agency or office), the Secretary shall, to the extent considered practicable by the Secretary—

(1) give appropriate advance public notice of the proposed reorganization action or delegation; and

(2) afford appropriate opportunity for interested parties to comment on the proposed reorganization action or delegation.

(d) Interagency transfer of records, property, personnel, and funds

(1) Related transfers

Subject to paragraph (2), as part of the transfer or delegation of a function of the Department made or authorized by this chapter, the Secretary may transfer within the Department—

(A) any of the records, property, or personnel affected by the transfer or delegation of the function; and

(B) unexpended balances (available or to be made available for use in connection with the transferred or delegated function) of appropriations, allocations, or other funds of the Department.

(2) Applicable law relating to funds transfer

Section 1531 of title 31 shall apply to any transfer of funds under paragraph (1).

(e) Exhaustion of administrative appeals

Notwithstanding any other provision of law, a person shall exhaust all administrative appeal procedures established by the Secretary or required by law before the person may bring an action in a court of competent jurisdiction against—

(1) the Secretary;

(2) the Department; or

(3) an agency, office, officer, or employee of the Department.

(Pub. L. 103–354, title II, § 212, Oct. 13, 1994, 108 Stat. 3210; Pub. L. 110–234, title VII, § 7511(c)(27), May 22, 2008, 122 Stat. 1270; Pub. L. 110–246, § 4(a), title VII, § 7511(c)(27), June 18, 2008, 122 Stat. 1664, 2031.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (b)(2), (c), and (d)(1), was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (a)(2)(A). Pub. L. 110–246, § 7511(c)(27), substituted ''6971(f),'' for ''6971(d),''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(27) of Pub. L. 110–246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110–246, set out as a note under section 1522 of this title.

§ 6913. Reductions in number of Department personnel

(a) Definitions

For purposes of this section:

(1) Headquarters offices

The term ''headquarters offices'', with respect to agencies, offices, or other administrative units of the Department, means the offices, functions, and employee positions that are located or performed—

(A) in Washington, District of Columbia; or

(B) in such other locations as are identified by the Secretary for purposes of this section.

(2) Field structure

The term ''field structure'' means the offices, functions, and employee positions of all agencies, offices, or other administrative units of the Department, other than the headquarters offices, except that the term does not include State, county, or area committees established under section 590h(b)(5) of title 16. The term includes the physical and geographic locations of such agencies, offices, or other administrative units.

(b) Number of reductions required

The Secretary shall achieve Federal employee reductions of at least 7,500 staff years within the Department by the end of fiscal year 1999. Reductions in the number of full-time equivalent positions within the Department achieved under section 5 of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 115; 5 U.S.C. 3101 note) shall be counted toward the employee reductions required under this section.

(c) Emphasis on headquarters offices reductions

In achieving the employee reductions required by subsection (b) of this section, the Secretary shall pursue a goal so that the percentage of the total number of employee staff years reduced in headquarters offices is at least twice the percentage of the total number of employee staff years reduced in the field structure.

(d) Schedule

The personnel reductions in headquarters offices and in the field structure should be accomplished concurrently in a manner determined by the Secretary.

(Pub. L. 103–354, title II, § 213, Oct. 13, 1994, 108 Stat. 3211.)

§ 6914. Consolidation of headquarters offices

Subject to the availability of appropriated funds for this purpose, the Secretary shall develop and carry out a plan to consolidate offices located in Washington, District of Columbia, of agencies, offices, and other administrative units of the Department.

(Pub. L. 103–354, title II, § 214, Oct. 13, 1994, 108 Stat. 3211.)

§ 6915. Combination of field offices

(a) Combination of offices required

Where practicable and to the extent consistent with efficient, effective, and improved service, the Secretary shall combine field offices of agencies within the Department to reduce personnel and duplicative overhead expenses.

(b) Joint use of resources and offices required

When two or more agencies of the Department share a common field office, the Secretary shall require the agencies to jointly use office space, equipment, office supplies, administrative personnel, and clerical personnel associated with that field office.

(Pub. L. 103–354, title II, § 215, Oct. 13, 1994, 108 Stat. 3211.)

§ 6916. Improvement of information sharing

Whenever the Secretary procures or uses computer systems, as may be provided for in advance in appropriations Acts, the Secretary shall do so in a manner that enhances efficiency, productivity, and client services and is consistent with the goal of promoting computer information sharing among agencies of the Department.

(Pub. L. 103–354, title II, § 216, Oct. 13, 1994, 108 Stat. 3212.)

§ 6917. Reports by Secretary

(a) In general

Subject to subsection (b) of this section, notwithstanding any other provision of law, the Secretary may, but shall not be required to, prepare and submit any report solely to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(b) Limitation

For each fiscal year, the Secretary may not prepare and submit more than 30 reports referred to in subsection (a) of this section.

(c) Selection of reports

In consultation with the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary shall determine which reports, if any, the Secretary will prepare and submit in accordance with subsection (b) of this section.

(Pub. L. 103–354, title II, § 217, Oct. 13, 1994, 108 Stat. 3212.)

§ 6918. Assistant Secretaries of Agriculture

(a) Authorization

The Secretary is authorized to establish in the Department the positions of—

(1) Assistant Secretary of Agriculture for Congressional Relations;

(2) Assistant Secretary of Agriculture for Administration; and

(3) Assistant Secretary of Agriculture for Civil Rights.

(b) Confirmation required

If the Secretary establishes any position of Assistant Secretary authorized under subsection (a) of this section, the Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Succession

Any official who is serving as Assistant Secretary of Agriculture for Administration or Assistant Secretary of Agriculture for Congressional Relations on October 13, 1994, and who was appointed as such Assistant Secretary by

the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(d) Duties of Assistant Secretary of Agriculture for Civil Rights

The Secretary may delegate to the Assistant Secretary for Civil Rights responsibility for—

(1) ensuring compliance with all civil rights and related laws by all agencies and under all programs of the Department;

(2) coordinating administration of civil rights laws (including regulations) within the Department for employees of, and participants in, programs of the Department; and

(3) ensuring that necessary and appropriate civil rights components are properly incorporated into all strategic planning initiatives of the Department and agencies of the Department.

(Pub. L. 103–354, title II, § 218, Oct. 13, 1994, 108 Stat. 3212; Pub. L. 105–277, div. A, § 101(a) [title X, § 1001(1)], Oct. 21, 1998, 112 Stat. 2681, 2681–41; Pub. L. 107–171, title X, § 10704(a), May 13, 2002, 116 Stat. 518.)

AMENDMENTS

2002—Subsec. (a)(3). Pub. L. 107–171, § 10704(a)(1), added par. (3).

Subsecs. (d), (e). Pub. L. 107–171, § 10704(a)(2), added subsec. (d) and struck out former subsecs. (d) and (e), which amended section 5315 of Title 5, Government Organization and Employees, and section 3128 of this title and repealed sections 2212 to 2212c of this title and section 2 of Reorg. Plan No. 2 of 1953, set out as a note under section 2201 of this title.

1998—Subsec. (a). Pub. L. 105–277 inserted ''and'' at end of par. (1), substituted a period for ''; and'' at end of par. (2), and struck out par. (3) which read as follows: ''Assistant Secretary of Agriculture for Marketing and Regulatory Programs.''

§ 6919. Repealed. Pub. L. 105–277, div. A, § 101(e) [title III, § 362], Oct. 21, 1998, 112 Stat. 2681–231, 2681–305

Section, Pub. L. 103–354, title II, § 219, Oct. 13, 1994, 108 Stat. 3213, provided that compensation of any officer or employee of the Department on Oct. 13, 1994, was not to be increased as a result of enactment of this chapter.

§ 6920. Office of Energy Policy and New Uses

The Secretary shall establish for the Department, in the Office of the Secretary, an Office of Energy Policy and New Uses.

(Pub. L. 103–354, title II, § 220, as added Pub. L. 105–185, title VI, § 602, June 23, 1998, 112 Stat. 585.)

SUBCHAPTER II—FARM AND FOREIGN AGRICULTURAL SERVICES

§ 6931. Under Secretary of Agriculture for Farm and Foreign Agricultural Services

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Farm and Foreign Agricultural Services authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Farm and Foreign Agricultural Services those functions under the jurisdiction of the Department that are related to farm and foreign agricultural services.

(2) Additional functions

The Under Secretary of Agriculture for Farm and Foreign Agricultural Services shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Under Secretary of Agriculture for International Affairs and Commodity Programs on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103–354, title II, § 225, Oct. 13, 1994, 108 Stat. 3213.)

CODIFICATION

Section is comprised of section 225 of Pub. L. 103–354. Subsec. (e) of section 225 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees, and repealed section 5691 of this title.

§ 6932. Consolidated Farm Service Agency

(a) Establishment

The Secretary is authorized to establish and maintain in the Department a Consolidated Farm Service Agency.

(b) Functions of Consolidated Farm Service Agency

If the Secretary establishes the Consolidated Farm Service Agency under subsection (a) of this section, the Secretary is authorized to assign to the Agency jurisdiction over the following functions:

(1) Agricultural price and income support programs, production adjustment programs, and related programs.

(2) Repealed. Pub. L. 104–127, title I, § 194(c), Apr. 4, 1996, 110 Stat. 946.

(3) Agricultural credit programs assigned before October 13, 1994, by law to the Farmers Home Administration (including farm ownership and operating, emergency, and disaster loan programs) and other lending programs for

agricultural producers and others engaged in the production of agricultural commodities.

(4) Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3831 et seq.].

(5) Such other functions as the Secretary considers appropriate, except for those programs assigned by the Secretary to the Natural Resources Conservation Service or another agency of the Department under section 6962(b) of this title.

(c) Special concurrence requirements for certain functions

In carrying out the programs specified in subsection (b)(4) of this section, the Secretary shall—

(1) acting on the recommendations of the Consolidated Farm Service Agency, with the concurrence of the Natural Resources Conservation Service, issue regulations to carry out such programs;

(2) ensure that the Consolidated Farm Service Agency, in establishing policies, priorities, and guidelines for such programs, does so with the concurrence of the Natural Resources Conservation Service at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 590h(b)(5) of title 16 meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) Jurisdiction over conservation program appeals

(1) In general

Until such time as an adverse decision described in this paragraph is referred to the National Appeals Division for consideration, the Consolidated Farm Service Agency shall have initial jurisdiction over any administrative appeal resulting from an adverse decision made under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), including an adverse decision involving technical determinations made by the Natural Resources Conservation Service.

(2) Treatment of technical determination

(A) In general

With respect to administrative appeals involving a technical determination made by the Natural Resources Conservation Service, the Consolidated Farm Service Agency, by rule with the concurrence of the Natural Resources Conservation Service, shall establish procedures for obtaining review by the Natural Resources Conservation Service of the technical determinations involved. Such rules shall ensure that technical criteria established by the Natural Resources Conservation Service shall be used by the Consolidated Farm Service Agency as the basis for any decisions regarding technical determinations. If no review is requested, the technical determination of the Natural Resources Conservation Service shall be the technical basis for any decision rendered by a county or area committee established under section 590h(b)(5) of title 16. If the committee requests a review by the Natural Resources Conservation Service of a wetlands determination of the Service, the Consolidated Farm Service Agency shall consult with other Federal agencies whenever required by law or under a memorandum of agreement in existence on October 13, 1994.

(B) Economic hardship

After a technical determination has been made, on a producer's request, if a county or area committee determines that the application of the producer's conservation system would impose an undue economic hardship on the producer, the committee shall provide the producer with relief to avoid the hardship.

(3) Reinstatement of program benefits

Rules issued to carry out this subsection shall provide for the prompt reinstatement of benefits to a producer who is determined in an administrative appeal to meet the requirements of title XII of the Food Security Act of 1985 [16 U.S.C. 3801 et seq.] applicable to the producer.

(e) Use of Federal and non-Federal employees

(1) Use authorized

In the implementation of programs and activities assigned to the Consolidated Farm Service Agency, the Secretary may use interchangeably in local offices of the Agency both Federal employees of the Department and non-Federal employees of county and area committees established under section 590h(b)(5) of title 16.

(2) Exception

Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(f) Collocation

To the maximum extent practicable, the Secretary shall collocate county offices of the Consolidated Farm Service Agency with county offices of the Natural Resources Conservation Service in order to—

(1) maximize savings from shared equipment, office space, and administrative support;

(2) simplify paperwork and regulatory requirements;

(3) provide improved services to agricultural producers and landowners affected by programs administered by the Agency and the Service; and

(4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) Savings provision

For purposes of subsections (c) through (f) of this section:

(1) A reference to the ''Consolidated Farm Service Agency'' includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under this section.

(2) A reference to the ''Natural Resources Conservation Service'' includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 6962(b) of this title.

(Pub. L. 103–354, title II, § 226, Oct. 13, 1994, 108 Stat. 3214; Pub. L. 104–127, title I, § 194(c), title III, §§ 315(b), 336(a)(2)(C), Apr. 4, 1996, 110 Stat. 946, 985, 1005.)

REFERENCES IN TEXT

The Food Security Act of 1985, referred to in subsecs. (b)(4) and (d)(1), (3), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354, as amended. Title XII of the Act, popularly known as the ''Sodbuster Law'', is classified principally to chapter 58 (§ 3801 et seq.) of Title 16, Conservation. Subchapter B of chapter 1 of subtitle D of title XII of the Act is classified generally to subpart B (§ 3831 et seq.) of part I of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Section is comprised of section 226 of Pub. L. 103–354. Subsec. (h) of section 226 of Pub. L. 103–354 amended section 1981 of this title.

AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104–127, § 194(c), struck out par. (2) which read as follows: ''General supervision of the Federal Crop Insurance Corporation.''

Subsec. (b)(4). Pub. L. 104–127, § 336(a)(2)(C), struck out before period at end ''and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)''.

Subsec. (d)(2). Pub. L. 104–127, § 315(b), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

CHANGE OF NAME

Consolidated Farm Service Agency redesignated Farm Service Agency by final rule issued by Department of Agriculture, eff. Jan. 16, 1996, 61 F.R. 1109.

§ 6932a. Prohibition on closure or relocation of county offices for the Farm Service Agency

(a) Temporary prohibition

(1) In general

Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) Exception

Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) Limitation on closure; notice

(1) Limitation

After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) Notice

After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

(Pub. L. 110–234, title XIV, § 14212, May 22, 2008, 122 Stat. 1465; Pub. L. 110–246, § 4(a), title XIV, § 14212, June 18, 2008, 122 Stat. 1664, 2227.)

REFERENCES IN TEXT

The date of the enactment of this Act, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Department of Agriculture Reorganization Act of 1994, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

§ 6933. Office of Risk Management

(a) Establishment

Subject to subsection (e)[1] of this section, the Secretary shall establish and maintain in the Department an independent Office of Risk Management.

(b) Functions of Office of Risk Management

The Office of Risk Management shall have jurisdiction over the following functions:

[1] So in original. There is no subsection (e).

(1) Supervision of the Federal Crop Insurance Corporation.

(2) Administration and oversight of all aspects, including delivery through local offices of the Department, of all programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) Any pilot or other programs involving revenue insurance, risk management savings accounts, or the use of the futures market to manage risk and support farm income that may be established under the Federal Crop Insurance Act or other law.

(4) Such other functions as the Secretary considers appropriate.

(c) Administrator

(1) Appointment

The Office of Risk Management shall be headed by an Administrator who shall be appointed by the Secretary.

(2) Manager

The Administrator of the Office of Risk Management shall also serve as Manager of the Federal Crop Insurance Corporation.

(d) Resources

(1) Functional coordination

Certain functions of the Office of Risk Management, such as human resources, public affairs, and legislative affairs, may be provided by a consolidation of such functions under the Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

(2) Minimum provisions

Notwithstanding paragraph (1) or any other provision of law or order of the Secretary, the Secretary shall provide the Office of Risk Management with human and capital resources sufficient for the Office to carry out its functions in a timely and efficient manner.

(Pub. L. 103–354, title II, § 226A, as added Pub. L. 104–127, title I, § 194(a), Apr. 4, 1996, 110 Stat. 945.)

REFERENCES IN TEXT

The Federal Crop Insurance Act, referred to in subsec. (b)(2), (3), is subtitle A of title V of act Feb. 16, 1938, ch. 30, 52 Stat. 72, which is classified generally to subchapter I (§ 1501 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see section 1501 of this title and Tables.

§ 6934. Office of Advocacy and Outreach

(a) Definitions

In this section:

(1) Beginning farmer or rancher

The term ''beginning farmer or rancher'' has the meaning given the term in section 1991(a) of this title.

(2) Office

The term ''Office'' means the Office of Advocacy and Outreach established under this section.

(3) Socially disadvantaged farmer or rancher

The term ''socially disadvantaged farmer or rancher'' has the meaning given the term in section 2279(e) of this title.

(b) Establishment and purpose

(1) In general

The Secretary shall establish within the executive operations of the Department an office to be known as the ''Office of Advocacy and Outreach''—

(A) to improve access to programs of the Department; and

(B) to improve the viability and profitability of—

(i) small farms and ranches;

(ii) beginning farmers or ranchers; and

(iii) socially disadvantaged farmers or ranchers.

(2) Director

The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

(c) Duties

The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by small, beginning, or socially disadvantaged farmers or ranchers;

(2) assessing the effectiveness of Department outreach programs;

(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

(4) providing input to the agencies and offices on programmatic and policy decisions;

(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

(6) recommending new initiatives and programs to the Secretary; and

(7) carrying out any other related duties that the Secretary determines to be appropriate.

(d) Socially disadvantaged farmers group

(1) Establishment

The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

(2) Outreach and assistance

The Socially Disadvantaged Farmers Group—

(A) shall carry out section 2279 of this title; and

(B) in the case of activities described in section 2279(a) of this title, may conduct such activities through other agencies and offices of the Department.

(3) Socially disadvantaged farmers and farmworkers

The Socially Disadvantaged Farmers Group shall oversee the operations of—

(A) the Advisory Committee on Minority Farmers established under section 14009 of

the Food, Conservation, and Energy Act of 2008;[1] and

(B) the position of Farmworker Coordinator established under subsection (f).

(4) Other duties

(A) In general

The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

(B) Office of Outreach and Diversity

The Office of Advocacy and Outreach shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

(e) Small Farms and Beginning Farmers and Ranchers Group

(1) Establishment

The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

(2) Duties

(A) Oversee offices

The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700–1 (August 3, 2006).

(B) Beginning farmer and rancher development program

The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development program established under section 3319f of this title.

(C) Advisory Committee for Beginning Farmers and Ranchers

The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621[1] note; Public Law 102–554).

(D) Other duties

The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

(f) Farmworker Coordinator

(1) Establishment

The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the ''Coordinator'').

[1] See References in Text note below.

(2) Duties

The Secretary shall delegate to the Coordinator responsibility for the following:

(A) Assisting in administering the program established by section 5177a of title 42.

(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

(F) Assisting farmworkers in becoming agricultural producers or landowners.

(3) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2009 through 2012.

(Pub. L. 103–354, title II, § 226B, as added Pub. L. 110–234, title XIV, § 14013(a), May 22, 2008, 122 Stat. 1450, and Pub. L. 110–246, § 4(a), title XIV, § 14013(a), June 18, 2008, 122 Stat. 1664, 2212.)

REFERENCES IN TEXT

Section 14009 of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (d)(3)(A), probably means section 14008 of Pub. L. 110–246, which is set out as a note under section 2279 of this title, because section 14008 of the Act established the Advisory Committee on Minority Farmers and section 14009 of the Act amended section 7000 of this title.

The date of the enactment of this section, referred to in subsec. (d)(4)(B), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

Section 5(b) of the Agricultural Credit Improvement Act of 1992, referred to in subsec. (e)(2)(C), is section 5(b) of Pub. L. 102–554, which is set out as a note under section 1929 of this title.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

SUBCHAPTER III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

§ 6941. Under Secretary of Agriculture for Rural Development

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Rural Development.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Rural Development authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Rural Development those functions under the jurisdiction of the Department that are related to rural economic and community development.

(2) Additional functions

The Under Secretary of Agriculture for Rural Development shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Under Secretary of Agriculture for Small Community and Rural Development on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(e) Loan approval authority

Approval authority for loans and loan guarantees in connection with the electric and telephone loan and loan guarantee programs authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall not be transferred to, or conditioned on review of, a State director or other employee whose primary duty is not the review and approval of such loans or the provision of assistance to such borrowers.

(Pub. L. 103–354, title II, § 231, Oct. 13, 1994, 108 Stat. 3218; Pub. L. 104–127, title VII, § 794(a), Apr. 4, 1996, 110 Stat. 1155.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (e), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§ 901 et seq.) of this title. For complete classification of this Act to the Code, see section 901 of this title and Tables.

CODIFICATION

Section is comprised of section 231 of Pub. L. 103–354. Subsec. (f) of section 231 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees, and repealed sections 2006f and 2211b of this title.

AMENDMENTS

1996—Pub. L. 104–127 struck out ''Economic and Community'' after ''Under Secretary of Agriculture for Rural'', wherever appearing in section catchline and subsecs. (a) to (c).

§ 6941a. Coordinator for Chronically Underserved Rural Areas

(a) Establishment

The Secretary of Agriculture shall establish a Coordinator for Chronically Underserved Rural Areas (in this section referred to as the ''Coordinator''), to be located in the Rural Development Mission Area.

(b) Mission

The mission of the Coordinator shall be to direct Department of Agriculture resources to high need, high poverty rural areas.

(c) Duties

The Coordinator shall consult with other offices in directing technical assistance, strategic regional planning, at the State and local level, for developing rural economic development that leverages the resources of State and local governments and non-profit and community development organizations.

(d) Authorization of appropriations

There are authorized to be appropriated to the Secretary such sums as necessary to carry out this section for fiscal years 2008 through 2012.

(Pub. L. 110–234, title XIV, § 14218, May 22, 2008, 122 Stat. 1482; Pub. L. 110–246, § 4(a), title XIV, § 14218, June 18, 2008, 122 Stat. 1664, 2244.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 enacted identical sections. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Department of Agriculture Reorganization Act of 1994, which in part comprises this chapter.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as a note under section 8701 of this title.

§ 6942. Rural Utilities Service

(a) Establishment required

The Secretary shall establish and maintain within the Department the Rural Utilities Service and assign to the Service such functions as the Secretary considers appropriate.

(b) Administrator

(1) Appointment

The Rural Utilities Service shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) Succession

Any official who is serving as Administrator of the Rural Electrification Administration on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate—

(A) may be considered to be serving in the successor position established under paragraph (1); and

(B) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(c) Functions

The Secretary shall carry out through the Rural Utilities Service the following functions that are under the jurisdiction of the Department:

(1) Electric and telephone loan programs and water and waste facility activities authorized by law, including—

(A) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.); and

(B) section 1926–1[1] of this title; and

(2) Water and waste facility programs and activities authorized by law, including—

(A) sections 1926, 1926a, 1926b,[1] and 1926c of this title, the provisions of sections 1929 and 1929a of this title relating to assets, terms, and conditions of water and sewer programs, section 1932(b) of this title, and section 1013a of this title; and

(B) section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990[1] (7 U.S.C. 1926 note).

(Pub. L. 103–354, title II, § 232, Oct. 13, 1994, 108 Stat. 3219; Pub. L. 104–127, title VII, § 747(b)(2), Apr. 4, 1996, 110 Stat. 1128.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b)(2)(B), is Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3178, known as the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

The Rural Electrification Act of 1936, referred to in subsec. (c)(1)(A), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§ 901 et seq.) of this title. For complete classification of this Act to the Code, see section 901 of this title and Tables.

Section 1926–1 of this title, referred to in subsec. (c)(1)(B), was repealed by Pub. L. 104–127, title VII, § 702, Apr. 4, 1996, 110 Stat. 1108.

Section 1926b of this title, referred to in subsec. (c)(2)(A), was repealed by Pub. L. 104–127, title VII, § 743, Apr. 4, 1996, 110 Stat. 1125.

Section 2324 of the Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (c)(2)(B), is section 2324 of Pub. L. 101–624, which was set out as a note under section 1926 of this title prior to repeal by Pub. L. 104–127, title VII, § 703, Apr. 4, 1996, 110 Stat. 1108.

CODIFICATION

Section is comprised of section 232 of Pub. L. 103–354. Subsec. (b)(3) of section 232 of Pub. L. 103–354 amended section 5315 of Title 5, Government Organization and Employees.

AMENDMENTS

1996—Subsec. (c)(2)(A). Pub. L. 104–127 substituted ''section 1932(b)'' for ''section 1932(b)(2)''.

§ 6943. Rural Housing and Community Development Service

(a) Establishment authorized

Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community Development Service and to assign to the Service such functions as the Secretary considers appropriate.

[1] See References in Text note below.

(b) Functions

If the Secretary establishes the Rural Housing and Community Development Service under subsection (a) of this section, the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Programs and activities under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.).

(2) Programs and activities that relate to rural community lending programs, including programs authorized by section 2008d of this title.

(Pub. L. 103–354, title II, § 233, Oct. 13, 1994, 108 Stat. 3219; Pub. L. 104–127, title VII, §§ 747(b)(3), 753(b)(2), Apr. 4, 1996, 110 Stat. 1128, 1131.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (b)(1), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended. Title V of the Act is classified generally to subchapter III (§ 1471 et seq.) of chapter 8A of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

AMENDMENTS

1996—Subsec. (b)(2), (3). Pub. L. 104–127 redesignated par. (3) as (2), substituted ''section 2008d of this title'' for ''sections 2008 through 2008d of this title'', and struck out former par. (2) which read as follows: ''Programs and activities authorized under section 1932(i) of this title and related provisions of law.''

§ 6944. Rural Business and Cooperative Development Service

(a) Establishment authorized

Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) Functions

If the Secretary establishes the Rural Business and Cooperative Development Service under subsection (a) of this section, the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.).

(2) Subtitle G[1] of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990.

(3) Sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932).

(4) Section 1323 of the Food Security Act of 1985 (Public Law 99–198; 7 U.S.C. 1932 note).

(5) The Act of July 2, 1926 (44 Stat. 802, chapter 725; 7 U.S.C. 451 et seq.).

(Pub. L. 103–354, title II, § 234, Oct. 13, 1994, 108 Stat. 3220.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (b)(1), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended. Title V of the Act is classified generally to subchapter V (§ 950aa et seq.) of chapter 31 of this title.

[1] See References in Text note below.

For complete classification of this Act to the Code, see section 901 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (b)(2), is Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XVI of the Act, known as the Alternative Agricultural Research and Commercialization Act of 1990, was classified generally to subchapter VI (§ 5901 et seq.) of chapter 88 of this title prior to repeal by Pub. L. 107–171, title VI, § 6201(a), May 13, 2002, 116 Stat. 418. For complete classification of this Act to the Code, see Short Title of 1990 Amendments note set out under section 1421 of this title and Tables.

Act of July 2, 1926, referred to in subsec. (b)(5), is act July 2, 1926, ch. 725, 44 Stat. 802, which is classified generally to chapter 18 (§ 451 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

§ 6945. Rural Development Disaster Assistance Fund

(a) Rural Development Disaster Assistance Fund

On and after September 30, 2008, there is established in the Treasury a fund entitled the ''Rural Development Disaster Assistance Fund''.

(b) Purpose and availability of Fund

Subject to subsection (d), amounts in the Rural Development Disaster Assistance Fund shall be available to the Secretary of Agriculture, until expended, to provide additional amounts for authorized activities of agencies of the Rural Development Mission Area in areas affected by a disaster declared by the President or the Secretary of Agriculture. Amounts so provided shall be in addition to any other amounts available to carry out the activity. In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.

(c) Waiver of activity or project limitations

The Secretary of Agriculture may waive any limits on population, income, or cost-sharing otherwise applicable to an activity or project for which amounts in the Rural Development Disaster Assistance Fund will be obligated under subsection (b), except that, if the amounts proposed to be obligated in connection with the disaster would exceed the amount specified in subsection (h), the notification required by that subsection shall include information and justification with regard to any waivers to be granted under this subsection.

(d) Treatment of certain amounts in Fund

Amounts appropriated directly to the Rural Development Disaster Assistance Fund by this Act or any subsequent Act for a specific purpose shall be available only for that purpose until such time as the transfer authority provided by subsection (f) takes effect with regard to the amounts. Only subsection (c), including the notification requirements of such subsection, and subsections (g) and (i) apply to amounts described in this subsection.

(e) Transfer of prior appropriations to Fund

The Secretary of Agriculture may transfer to the Rural Development Disaster Assistance Fund, and merge with other amounts generally appropriated to the Fund, the available unobligated balance of any amounts that were appropriated before September 30, 2008, for programs and activities of the Rural Development Mission Area to respond to a disaster and were designated by the Congress as an emergency requirement if, in advance of the transfer, the Secretary determines that the unobligated amounts are no longer needed to respond to the disaster for which the amounts were originally appropriated and the Secretary provides a certification of this determination to the Committees on Appropriations of the House of Representatives and the Senate.

(f) Transfer of other appropriations to Fund

Unless otherwise specifically provided in an appropriations Act, the Secretary of Agriculture may transfer to or within the Rural Development Disaster Assistance Fund, and merge with other amounts generally appropriated to the Fund, the available unobligated balance of any amounts that are appropriated for fiscal year 2009 or any subsequent fiscal year for programs and activities of the Rural Development Mission Area to respond to a disaster and are designated by the Congress as an emergency requirement if, in advance of the transfer, the Secretary determines that the unobligated amounts are no longer needed to respond to the disaster for which the amounts were originally appropriated and the Secretary provides a certification of this determination to the Committees on Appropriations of the House of Representatives and the Senate. A transfer of unobligated amounts with respect to a disaster may not be made under this subsection until after the end of the two-year period beginning on the date on which the amounts were originally appropriated for that disaster.

(g) Administrative expenses

In addition to any other funds available to the Secretary of Agriculture to cover administrative costs, the Secretary may use up to 3 percent of the amounts allocated from the Rural Development Disaster Assistance Fund for a specific disaster to cover administrative costs of Rural Development's State and local offices in the areas affected by the disaster to carry out disaster related activities.

(h) Limitation on per disaster obligations

Amounts in the Rural Development Disaster Assistance Fund, except for amounts described in subsection (d) that are appropriated to the Fund and obligated in accordance with that subsection, may not be obligated in excess of $1,000,000 for a disaster until at least 15 days after the date on which the Secretary of Agriculture notifies the Committees on Appropriations of the House of Representatives and the Senate of the Secretary's determination to obligate additional amounts and the reasons for the determination. The Secretary may not obligate more than 50 percent of the funds contained in the Rural Development Disaster Assistance Fund for any one disaster unless the Secretary declares that there is a specific and extreme need that additional funds must be provided in response to such disaster at time of the obligation.

(i) Quarterly reports

The Secretary of Agriculture shall submit, on a quarterly basis, to the Committees on Appro-

priations of the House of Representatives and the Senate a report describing the status of the Rural Development Disaster Assistance Fund and any transactions that have affected the Fund since the previous report.

(Pub. L. 110–329, div. B, title I, § 10101, Sept. 30, 2008, 122 Stat. 3586; Pub. L. 111–80, title VII, § 702, Oct. 21, 2009, 123 Stat. 2118.)

REFERENCES IN TEXT

This Act, referred to in subsec. (d), is Pub. L. 110–329, Sept. 30, 2008, 122 Stat. 3574, known as the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Disaster Relief and Recovery Supplemental Appropriations Act, 2008, and also as part of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009, and not as part of the Department of Agriculture Reorganization Act of 1994, which in part comprises this chapter.

AMENDMENTS

2009—Subsec. (b). Pub. L. 111–80 inserted at end ''In carrying out this section, the Secretary may transfer funds into existing or new accounts as determined by the Secretary.''

SUBCHAPTER IV—FOOD, NUTRITION, AND CONSUMER SERVICES

§ 6951. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services those functions under the jurisdiction of the Department that are related to food, nutrition, and consumer services (except as provided in section 6981(b)(1) of this title).

(2) Additional functions

The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Food and Consumer Services on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103–354, title II, § 241, Oct. 13, 1994, 108 Stat. 3222.)

CODIFICATION

Section is comprised of section 241 of Pub. L. 103–354. Subsec. (e) of section 241 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER V—NATURAL RESOURCES AND ENVIRONMENT

§ 6961. Under Secretary of Agriculture for Natural Resources and Environment

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Natural Resources and Environment.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Natural Resources and Environment authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Natural Resources and Environment those functions under the jurisdiction of the Department that are related to natural resources and environment (except to the extent those functions are delegated under section 6932 of this title).

(2) Additional functions

The Under Secretary of Agriculture for Natural Resources and Environment shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on October 13, 1994, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103–354, title II, § 245, Oct. 13, 1994, 108 Stat. 3223.)

CODIFICATION

Section is comprised of section 245 of Pub. L. 103–354. Subsec. (e) of section 245 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees.

§ 6962. Natural Resources Conservation Service

(a) Establishment

The Secretary is authorized to establish and maintain within the Department a Natural Resources Conservation Service.

(b) Functions

If the Secretary establishes the Natural Resources Conservation Service under subsection (a) of this section, the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) The Water Bank Act (16 U.S.C. 1301 et seq.).

(2) The forest land enhancement program under section 2103 of title 16.

(3) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), except subchapter B of chapter 1 of subtitle D of such title [16 U.S.C. 3831 et seq.].

(4) Salinity control measures under section 1592(c) of title 43.

(5) The Farms for the Future Act of 1990 (7 U.S.C. 4201 note).

(6) Such other functions as the Secretary considers appropriate, except functions under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3831 et seq.].

(c) Special concurrence requirements for certain functions

In carrying out the programs specified in paragraphs (1), (2), and (4) of subsection (b) of this section and the program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837–3837f), the Secretary shall—

(1) acting on the recommendations of the Natural Resources Conservation Service, with the concurrence of the Consolidated Farm Service Agency, issue regulations to carry out such programs;

(2) ensure that the Natural Resources Conservation Service, in establishing policies, priorities, and guidelines for each such program, does so with the concurrence of the Consolidated Farm Service Agency at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 590h(b)(5) of title 16 meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) Use of Federal and non-Federal employees

(1) Use authorized

In the implementation of functions assigned to the Natural Resources Conservation Service, the Secretary may use interchangeably in local offices of the Service both Federal employees of the Department and non-Federal employees of county and area committees established under section 590h(b)(5) of title 16.

(2) Exception

Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(e) Savings provision

For purposes of subsections (c) and (d) of this section:

(1) A reference to the ''Natural Resources Conservation Service'' includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under this section.

(2) A reference to the ''Consolidated Farm Service Agency'' includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 6932 of this title.

(Pub. L. 103–354, title II, § 246, Oct. 13, 1994, 108 Stat. 3223; Pub. L. 104–127, title III, § 336(a)(2)(D), (b)(2)(B), (c)(3), (d)(2), Apr. 4, 1996, 110 Stat. 1005, 1006; Pub. L. 107–171, title VIII, § 8002(c), May 13, 2002, 116 Stat. 473.)

REFERENCES IN TEXT

The Water Bank Act, referred to in subsec. (b)(1), is Pub. L. 91–559, Dec. 19, 1970, 84 Stat. 1468, as amended, which is classified generally to chapter 29 (§ 1301 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 16 and Tables.

The Food Security Act of 1985, referred to in subsecs. (b)(3), (6) and (c), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354, as amended. Title XII of the Act, popularly known as the ''Sodbuster Law'', is classified principally to chapter 58 (§ 3801 et seq.) of Title 16. Subchapters B and C of chapter 1 of subtitle D of title XII of the Act are classified generally to subparts B (§ 3831 et seq.) and C (§ 3837 et seq.), respectively, of part I of subchapter IV of chapter 58 of Title 16. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

The Farms for the Future Act of 1990, referred to in subsec. (b)(5), is Pub. L. 101–624, title XIV, ch. 2, §§ 1465–1470B, Nov. 28, 1990, 104 Stat. 3616–3619, as amended, which is set out as a note under section 4201 of this title.

CODIFICATION

Section is comprised of section 246 of Pub. L. 103–354. Subsec. (f) of section 246 of Pub. L. 103–354 amended sections 2001, 2002, 2005, and 3862 of Title 16, Conservation, and repealed section 590e of Title 16.

AMENDMENTS

2002—Subsec. (b)(2). Pub. L. 107–171 substituted ''forest land enhancement program'' for ''forestry incentive program''.

1996—Subsec. (b)(1). Pub. L. 104–127, § 336(d)(2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: ''The rural environmental conservation program under title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.).''

Subsec. (b)(2). Pub. L. 104–127, § 336(b)(2)(B), (d)(2)(A)(ii), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: ''The Great Plains Conservation Program under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)).''

Subsec. (b)(3). Pub. L. 104–127, § 336(d)(2)(A)(ii), redesignated par. (5) as (3). Former par. (3) redesignated (1).

Subsec. (b)(4). Pub. L. 104–127, § 336(c)(3), (d)(2)(A)(ii), redesignated par. (6) as (4) and substituted ''measures'' for ''program''. Former par. (4) redesignated (2).

Subsec. (b)(5). Pub. L. 104–127, § 336(d)(2)(A)(ii), redesignated par. (7) as (5). Former par. (5) redesignated (3).

Subsec. (b)(6). Pub. L. 104–127, § 336(a)(2)(D), (d)(2)(A)(ii), redesignated par. (8) as (6) and struck out before period at end ''and the agricultural conservation program under the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590g et seq.)''. Former par. (6) redesignated (4).

Subsec. (b)(7), (8). Pub. L. 104–127, § 336(d)(2)(A)(ii), redesignated pars. (7) and (8) as (5) and (6), respectively.

Subsec. (c). Pub. L. 104–127, § 336(d)(2)(B), in introductory provisions, substituted ''(1), (2), and (4)'' for ''(2), (3), (4), and (6)''.

§ 6962a. Cooperative agreements

Notwithstanding any other provision of law (including provisions of law requiring competition), the Secretary of Agriculture may on and after October 28, 2000, enter into cooperative agreements (which may provide for the acquisition of goods or services, including personal services) with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Natural Resources Conservation Service; and (2) all parties will contribute resources to the accomplishment of these objectives: *Provided*, That Commodity Credit Corporation funds obligated for such purposes shall not exceed the level obligated by the Commodity Credit Corporation for such purposes in fiscal year 1998.

(Pub. L. 106–387, § 1(a) [title VII, § 714], Oct. 28, 2000, 114 Stat. 1549, 1549A–30.)

CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001, and not as part of the Department of Agriculture Reorganization Act of 1994, which in part comprises this chapter.

§ 6963. Reorganization of Forest Service

(a) Required elements of reorganization proposals

Reorganization proposals that are developed by the Secretary to carry out the designation by the President of the Forest Service as a Reinvention Lab pursuant to the National Performance Review, dated September 1993, shall include proposals for—

(1) reorganizing the Service in a manner that is consistent with the principles of interdisciplinary planning;

(2) redefining and consolidating the mission and roles of, and research conducted by, employees of the Service in connection with the National Forest System and State and private forestry to facilitate interdisciplinary planning and to eliminate functionalism;

(3) reforming the budget structure of the Service to support interdisciplinary planning, including reducing the number of budget line items;

(4) defining new measures of accountability so that Congress may meet the constitutional obligation of Congress to oversee the Service;

(5) achieving structural and organizational consolidations;

(6) to the extent practicable, sharing office space, equipment, vehicles, and electronic systems with other administrative units of the Department and other Federal field offices, including proposals for using an on-line system by all administrative units of the Department to maximize administrative efficiency; and

(7) reorganizing the Service in a manner that will result in a larger percentage of employees of the Service being retained at organizational levels below regional offices, research stations, and the area office of the Service.

(b) Report

Not later than March 31, 1995, the Secretary shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes actions taken to carry out subsection (a) of this section, identifies any disparities in regional funding patterns, and contains the rationale behind the disparities.

(Pub. L. 103–354, title II, § 247, Oct. 13, 1994, 108 Stat. 3225.)

SUBCHAPTER VI—RESEARCH, EDUCATION, AND ECONOMICS

§ 6971. Under Secretary of Agriculture for Research, Education, and Economics

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Research, Education, and Economics (referred to in this section as the ''Under Secretary'').

(b) Confirmation required

The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

(c) Chief Scientist

The Under Secretary shall—

(1) hold the title of Chief Scientist of the Department; and

(2) be responsible for the coordination of the research, education, and extension activities of the Department.

(d) Functions of Under Secretary

(1) Principal function

The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

(2) Specific functions and duties

The Under Secretary shall—

(A) identify, address, and prioritize current and emerging agricultural research,

education, and extension needs (including funding);

(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

(i) across disciplines, agencies, and institutions; and

(ii) among applicable participants, grantees, and beneficiaries;

(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

(3) Additional functions

The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(e) Research, Education, and Extension Office

(1) Establishment

The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the ''Research, Education, and Extension Office'', which shall coordinate the research programs and activities of the Department.

(2) Division designations

The Divisions within the Research, Education, and Extension Office shall be as follows:

(A) Renewable energy, natural resources, and environment.

(B) Food safety, nutrition, and health.

(C) Plant health and production and plant products.

(D) Animal health and production and animal products.

(E) Agricultural systems and technology.

(F) Agricultural economics and rural communities.

(3) Division Chiefs

(A) Selection

The Under Secretary shall select a Division Chief for each Division using available personnel authority under title 5, including—

(i) by term, temporary, or other appointment, without regard to—

(I) the provisions of title 5 governing appointments in the competitive service;

(II) the provisions of subchapter I of chapter 35 of title 5 relating to retention preference; and

(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates;

(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

(iii) by reassignment or transfer from any other civil service position; and

(iv) by an assignment under subchapter VI of chapter 33 of title 5.

(B) Selection guidelines

To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

(i) promotes leadership and professional development;

(ii) enables personnel to interact with other agencies of the Department; and

(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

(C) Term of service

Notwithstanding title 5, the maximum length of service for an individual selected as a Division Chief under subparagraph (A) shall not exceed 4 years.

(D) Qualifications

To be eligible for selection as a Division Chief, an individual shall have—

(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

(ii) earned an advanced degree at an institution of higher education (as defined in section 1001 of title 20).

(E) Duties of Division Chiefs

Except as otherwise provided in this Act, each Division Chief shall—

(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7614a of this title; and

(vi) perform such other duties as the Under Secretary may determine.

(4) General administration

(A) Funding

Notwithstanding any Act making appropriations for the Department of Agriculture,

whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

(B) Limitation

To the maximum extent practicable—

(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and

(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

(C) Rotation of personnel

To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

(i) promotes leadership and professional development; and

(ii) enables personnel to interact with other agencies of the Department.

(5) Organization

The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Research, Education and Extension Office in such form as is required to ensure that administrative duplication does not occur.

(f) National Institute of Food and Agriculture

(1) Definitions

In this subsection:

(A) Advisory Board

The term ''Advisory Board'' means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(B) Applied research

The term ''applied research'' means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

(C) Capacity and infrastructure program

The term ''capacity and infrastructure program'' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

(iii) Each program established under subsections (b) and (c) of section 343 of this title.

(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.).

(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

(xii) Each research and development and related program established under Public Law 87–788 (commonly known as the ''McIntire-Stennis Cooperative Forestry Act'') (16 U.S.C. 582a et seq.).

(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 [7 U.S.C. 3243].

(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 [7 U.S.C. 3319i].

(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

(D) Competitive program

The term ''competitive program'' means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the

date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) The Agriculture and Food Research Initiative established under section 450i(b) of this title.

(ii) The program providing competitive grants for risk management education established under section 1524(a)(3) of this title.

(iii) The program providing community food project competitive grants established under section 2034 of this title.

(iv) The program providing grants for beginning farmer and rancher development established under section 3319f of this title.

(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

(viii) The research and extension projects carried out under section 5811 of this title.

(ix) The organic agriculture research and extension initiative established under section 5925b of this title.

(x) The specialty crop research initiative under section 7632 of this title.

(xi) The administration and management of the Agricultural Bioenergy Feedstock and Energy Efficiency Research and Extension Initiative carried out under section 5925e of this title.

(xii) The research, extension, and education programs authorized by section 7627 of this title relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

(xiii) Other programs that are competitive programs, as determined by the Secretary.

(E) Director

The term ''Director'' means the Director of the Institute.

(F) Fundamental research

The term ''fundamental research'' means research that—

(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

(ii) has an effect on agriculture, food, nutrition, or the environment.

(G) Institute

The term ''Institute'' means the National Institute of Food and Agriculture established by paragraph (2)(A).

(2) Establishment of National Institute of Food and Agriculture

(A) Establishment

The Secretary shall establish within the Department an agency to be known as the ''National Institute of Food and Agriculture''.

(B) Transfer of authorities

The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the Department, or any other agency or official of the Department under—

(i) the capacity and infrastructure programs;

(ii) the competitive programs;

(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

(3) Director

(A) In general

The Institute shall be headed by a Director, who shall be an individual who is—

(i) a distinguished scientist; and

(ii) appointed by the President.

(B) Supervision

The Director shall report directly to the Secretary, or the designee of the Secretary.

(C) Functions of the Director

The Director shall—

(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

(D) Compensation

The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the

Senior Executive Service under subsection (b) of section 5382 of title 5, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

(E) Authority and responsibilities of Director

Except as otherwise specifically provided in this subsection, the Director shall—

(i) exercise all of the authority provided to the Institute by this subsection;

(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

(iii) establish offices within the Institute;

(iv) establish procedures for the provision and administration of grants by the Institute; and

(v) consult regularly with the Advisory Board.

(4) Regulations

The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

(5) Administration

(A) In general

The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

(B) Research priorities

The Director shall ensure the research priorities established by the Under Secretary through the Research, Education and Extension Office are carried out by the offices and functions of the Institute, where applicable.

(C) Fundamental and applied research

The Director shall—

(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

(D) Competitively funded awards

The Director shall—

(i) promote the use and growth of grants awarded through a competitive process; and

(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

(E) Coordination

The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

(6) Funding

(A) In general

In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

(B) Allocation

Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7614a of this title.

(Pub. L. 103–354, title II, § 251, Oct. 13, 1994, 108 Stat. 3226; Pub. L. 110–234, title VII, § 7511(a), May 22, 2008, 122 Stat. 1259; Pub. L. 110–246, § 4(a), title VII, § 7511(a), June 18, 2008, 122 Stat. 1664, 2021.)

REFERENCES IN TEXT

The date of enactment of this paragraph and the date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsecs. (e)(3)(A)(ii), (4)(A), and (f)(1)(C), (D), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

This Act, referred to in subsec. (e)(3)(E), is Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3178, known as the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. For complete classification of this Act to the Code, see Short Title note set out under section 6901 of this title and Tables.

The Hatch Act of 1887, referred to in subsec. (f)(1)(C)(iv), is act Mar. 2, 1887, ch. 314, 24 Stat. 440, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977, referred to in subsec. (f)(1)(C)(vi), is title XIV of Pub. L. 95–113, Sept. 29, 1977, 91 Stat. 913. Subtitle E of the Act is classified generally to subchapter V (§ 3191 et seq.) of chapter 64 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3101 of this title and Tables.

Public Law 87–788, referred to in subsec. (f)(1)(C)(xii), is Pub. L. 87–788, Oct. 10, 1962, 76 Stat. 806, popularly known as the ''McIntire-Stennis Act of 1962'' and also as the ''McIntire-Stennis Cooperative Forestry Act'', which is classified generally to subchapter III (§ 582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

The Renewable Resources Extension Act of 1978, referred to in subsec. (f)(1)(C)(xiii), is Pub. L. 95–306, June 30, 1978, 92 Stat. 349, which is classified generally to subchapter III (§ 1671 et seq.) of chapter 36 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1978 Amendments note set out under section 1600 of Title 16 and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section is comprised of section 251 of Pub. L. 103–354. Subsec. (g), formerly (e), of section 251 of Pub. L. 103–354, as redesignated by Pub. L. 110–246, § 7511(a)(3), amended section 5314 of Title 5, Government Organization and Employees.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110–246, § 7511(a)(1), inserted ''(referred to in this section as the 'Under Secretary')'' before period at end.

Subsecs. (b) to (f). Pub. L. 110–246, § 7511(a)(2), (4), added subsecs. (b) to (f) and struck out former subsecs. (b) to (d) which related to Senate confirmation, functions of the Under Secretary, and establishment and

functions of the Cooperative State Research, Education, and Extension Service.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§ 6972. Program staff

In making the personnel reductions required under section 6913 of this title, the Secretary shall reduce the number of Federal research and education personnel of the Department by a percentage equal to at least the percentage of overall Department personnel reductions. The Secretary shall achieve such reduction in research and education personnel in a manner that minimizes duplication and maximizes coordination between Federal and State research and extension activities.

(Pub. L. 103–354, title II, § 252, Oct. 13, 1994, 108 Stat. 3227.)

SUBCHAPTER VII—FOOD SAFETY

§ 6981. Under Secretary of Agriculture for Food Safety

(a) Establishment

There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Food Safety. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals with specialized training or significant experience in food safety or public health programs.

(b) Functions of Under Secretary

(1) Principal functions

The Secretary shall delegate to the Under Secretary of Agriculture for Food Safety those functions and duties under the jurisdiction of the Department that are primarily related to food safety.

(2) Additional functions

The Under Secretary of Agriculture for Food Safety shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) Omitted

(d) Technical and scientific review groups

The Secretary, acting through the Under Secretary for Research, Education, and Economics, may, without regard to the provisions of title 5 governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to classification and General Schedule pay rates—

(1) establish such technical and scientific review groups as are needed to carry out the functions of the Department; and

(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.

(Pub. L. 103–354, title II, § 261, Oct. 13, 1994, 108 Stat. 3227.)

CODIFICATION

Section is comprised of section 261 of Pub. L. 103–354. Subsec. (c) of section 261 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees.

§ 6982. Conditions for implementation of alterations in the level of additives allowed in animal diets

(a) Conditions

The Food and Drug Administration shall not implement or enforce the final rule described in subsection (b) of this section to alter the level of selenium allowed to be used as a supplement in animal diets unless the Commissioner of the Food and Drug Administration makes a determination that—

(1) selenium additives are not essential, at levels authorized in the absence of such final rule, to maintain animal nutrition and protect animal health;

(2) selenium at such levels is not safe to the animals consuming the additive;

(3) selenium at such levels is not safe to individuals consuming edible portions of animals that receive the additive;

(4) selenium at such levels does not achieve its intended effect of promoting normal growth and reproduction of livestock and poultry; and

(5) the manufacture and use of selenium at such levels cannot reasonably be controlled by adherence to current good manufacturing practice requirements.

(b) Final rule described

The final rule referred to in subsection (a) of this section is the final rule issued by the Food and Drug Administration and published in the Federal Register on September 13, 1993 (58 Fed. Reg. 47962), in which the Administration stayed 1987 amendments to the selenium food additive regulations, and any modification of such rule issued after October 13, 1994.

(Pub. L. 103–354, title II, § 262, Oct. 13, 1994, 108 Stat. 3227.)

SUBCHAPTER VIII—NATIONAL APPEALS DIVISION

§ 6991. Definitions

For purposes of this subchapter:

(1) Adverse decision

The term ''adverse decision'' means an administrative decision made by an officer, employee, or committee of an agency that is adverse to a participant. The term includes a denial of equitable relief by an agency or the failure of an agency to issue a decision or otherwise act on the request or right of the participant. The term does not include a decision over which the Board of Contract Appeals has jurisdiction.

(2) Agency

The term ''agency'' means any agency of the Department designated by the Secretary or a

successor agency of the Department, except that the term shall include the following (and any successor to the following):

(A) The Consolidated Farm Service Agency (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Consolidated Farm Service Agency under section 6932 of this title).

(B) The Commodity Credit Corporation, with respect to domestic programs.

(C) The Farmers Home Administration.

(D) The Federal Crop Insurance Corporation.

(E) The Rural Development Administration.

(F) The Natural Resources Conservation Service (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 6962(b) of this title).

(G) A State, county, or area committee established under section 590h(b)(5) of title 16.

(3) Appellant

The term ''appellant'' means a participant who appeals an adverse decision in accordance with this subchapter.

(4) Case record

The term ''case record'' means all the materials maintained by the Secretary related to an adverse decision.

(5) Director

The term ''Director'' means the Director of the Division.

(6) Division

The term ''Division'' means the National Appeals Division established by this chapter.

(7) Hearing officer

The term ''hearing officer'' means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(8) Implement

The term ''implement'' refers to those actions necessary to effectuate fully and promptly a final determination of the Division not later than 30 calendar days after the effective date of the final determination.

(9) Participant

The term ''participant'' shall have the meaning given that term by the Secretary by regulation.

(Pub. L. 103–354, title II, § 271, Oct. 13, 1994, 108 Stat. 3228.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original ''this subtitle'', meaning subtitle H (§§ 271–283) of title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3228, which enacted this subchapter, amended sections 2006 and 5101 to 5106 of this title and section 2202e of Title 12, Banks and Banking, and repealed sections 1433e and 1983b of this title.

This chapter, referred to in par. (6), was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

§ 6992. National Appeals Division and Director

(a) Establishment of Division

The Secretary shall establish and maintain an independent National Appeals Division within the Department to carry out this subchapter.

(b) Director

(1) Appointment

The Division shall be headed by a Director, appointed by the Secretary from among persons who have substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons currently employed outside Government as well as Government employees.

(2) Term and removal

The Director shall serve for a 6-year term of office, and shall be eligible for reappointment. The Director shall not be subject to removal during the term of office, except for cause established in accordance with law.

(3) Position classification

The position of the Director may not be a position in the excepted service or filled by a noncareer appointee.

(c) Direction, control, and support

The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee of the Department, other than the Director, the authority of the Secretary with respect to the Division.

(d) Determination of appealability of agency decisions

If an officer, employee, or committee of an agency determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse to the individual participant and thus appealable or is a matter of general applicability and thus not subject to appeal. The determination of the Director as to whether a decision is appealable shall be administratively final.

(e) Division personnel

The Director shall appoint such hearing officers and other employees as are necessary for the administration of the Division. A hearing officer or other employee of the Division shall have no duties other than those that are necessary to carry out this subchapter.

(Pub. L. 103–354, title II, § 272, Oct. 13, 1994, 108 Stat. 3229.)

§ 6993. Transfer of functions

There are transferred to the Division all functions exercised and all administrative appeals pending before the effective date of this subchapter (including all related functions of any officer or employee) of or relating to—

(1) the National Appeals Division established by section 1433e(c)[1] of this title (as in effect on the day before October 13, 1994);

(2) the National Appeals Division established by subsections (d) through (g) of section 1983b[1] of this title (as in effect on the day before October 13, 1994);

(3) appeals of decisions made by the Federal Crop Insurance Corporation; and

(4) appeals of decisions made by the Soil Conservation Service (as in effect on the day before October 13, 1994).

(Pub. L. 103–354, title II, § 273, Oct. 13, 1994, 108 Stat. 3230.)

REFERENCES IN TEXT

The effective date of this subchapter, referred to in text, probably means the date of enactment of Pub. L. 103–354, which was approved Oct. 13, 1994.

Section 1433e of this title, referred to in par. (1), was repealed by Pub. L. 103–354, title II, § 281(b), Oct. 13, 1994, 108 Stat. 3233.

Section 1983b of this title, referred to in par. (2), was repealed by Pub. L. 103–354, title II, § 281(c), Oct. 13, 1994, 108 Stat. 3233.

§ 6994. Notice and opportunity for hearing

Not later than 10 working days after an adverse decision is made that affects the participant, the Secretary shall provide the participant with written notice of such adverse decision and the rights available to the participant under this subchapter or other law for the review of such adverse decision.

(Pub. L. 103–354, title II, § 274, Oct. 13, 1994, 108 Stat. 3230.)

§ 6995. Informal hearings

(a) In general

If an officer, employee, or committee of an agency makes an adverse decision, the agency shall hold, at the request of the participant, an informal hearing on the decision.

(b) Farm Service Agency

With respect to programs carried out through the Consolidated Farm Service Agency (or other office, agency, or administrative unit of the Department assigned to carry out the programs authorized for the Consolidated Farm Service Agency under section 6932 of this title), the Secretary shall maintain the informal appeals process applicable to such programs, as in effect on October 13, 1994.

(c) Mediation

If a mediation program is available under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) as a part of the informal hearing process, the participant shall—

(1) be offered the right to choose such mediation; and

(2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.

(Pub. L. 103–354, title II, § 275, Oct. 13, 1994, 108 Stat. 3230; Pub. L. 110–234, title XII, § 12032, May 22, 2008, 122 Stat. 1391; Pub. L. 110–246, § 4(a), title XII, § 12032, June 18, 2008, 122 Stat. 1664, 2153.)

REFERENCES IN TEXT

The Agricultural Credit Act of 1987, referred to in subsec. (c), is Pub. L. 100–233, Jan. 6, 1988, 101 Stat. 1568. Title V of the Act is classified principally to chapter 82 (§ 5101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendments note set out under section 2001 of Title 12, Banks and Banking, and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pub. L. 110–246, § 12032, designated the three sentences of existing provisions as subsecs. (a) to (c), respectively, inserted headings, and in subsec. (c) designated part of existing provisions as par. (1) and added par. (2).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§ 6996. Right of participants to Division hearing

(a) Appeal to Division for hearing

Subject to subsection (b) of this section, a participant shall have the right to appeal an adverse decision to the Division for an evidentiary hearing by a hearing officer consistent with section 6997 of this title.

(b) Time for appeal

To be entitled to a hearing under section 6997 of this title, a participant shall request the hearing not later than 30 days after the date on which the participant first received notice of the adverse decision.

(Pub. L. 103–354, title II, § 276, Oct. 13, 1994, 108 Stat. 3230.)

§ 6997. Division hearings

(a) General powers of Director and hearing officers

(1) Access to case record

The Director and hearing officer shall have access to the case record of any adverse decision appealed to the Division for a hearing.

(2) Administrative procedures

The Director and hearing officer shall have the authority to require the attendance of witnesses, and the production of evidence, by subpoena and to administer oaths and affirmations. Except to the extent required for the disposition of ex parte matters as authorized by law—

(A) an interested person outside the Division shall not make or knowingly cause to be made to the Director or a hearing officer who is or may reasonably be expected to be involved in the evidentiary hearing or review of an adverse decision, an ex parte communication (as defined in section 551(14) of

[1] See References in Text note below.

title 5) relevant to the merits of the proceeding;

(B) the Director and such hearing officer shall not make or knowingly cause to be made to any interested person outside the Division an ex parte communication relevant to the merits of the proceeding.

(b) Time for hearing

Upon a timely request for a hearing under section 6996(b) of this title, an appellant shall have the right to have a hearing by the Division on the adverse decision within 45 days after the date of the receipt of the request for the hearing.

(c) Location and elements of hearing

(1) Location

A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) Evidentiary hearing

The evidentiary hearing before a hearing officer shall be in person, unless the appellant agrees to a hearing by telephone or by a review of the case record. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) Information at hearing

The hearing officer shall consider information presented at the hearing without regard to whether the evidence was known to the agency officer, employee, or committee making the adverse decision at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the agency after the hearing to the extent necessary to respond to new facts, information, arguments, or evidence presented or raised by the agency or appellant.

(4) Burden of proof

The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(d) Determination notice

The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline. If the determination is not appealed to the Director for review under section 6998 of this title, the notice provided by the hearing officer shall be considered to be a notice of an administratively final determination.

(e) Effective date

The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

(Pub. L. 103–354, title II, § 277, Oct. 13, 1994, 108 Stat. 3230.)

§ 6998. Director review of determinations of hearing officers

(a) Requests for Director review

(1) Time for request by appellant

Not later than 30 days after the date on which an appellant receives the determination of a hearing officer under section 6997 of this title, the appellant shall submit a written request to the Director for review of the determination in order to be entitled to a review by the Director of the determination.

(2) Time for request by agency head

Not later than 15 business days after the date on which an agency receives the determination of a hearing officer under section 6997 of this title, the head of the agency may make a written request that the Director review the determination.

(b) Determination of Director

The Director shall conduct a review of the determination of the hearing officer using the case record, the record from the evidentiary hearing under section 6997 of this title, the request for review, and such other arguments or information as may be accepted by the Director. Based on such review, the Director shall issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer. However, if the Director determines that the hearing record is inadequate, the Director may remand all or a portion of the determination for further proceedings to complete the hearing record or, at the option of the Director, to hold a new hearing. The Director shall complete the review and either issue a final determination or remand the determination not later than—

(1) 10 business days after receipt of the request for review, in the case of a request by the head of an agency for review; or

(2) 30 business days after receipt of the request for review, in the case of a request by an appellant for review.

(c) Basis for determination

The determination of the hearing officer and the Director shall be based on information from the case record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate.

(d) Equitable relief

Subject to regulations issued by the Secretary, the Director shall have the authority to grant equitable relief under this section in the same manner and to the same extent as such authority is provided to the Secretary under section 7996 of this title and other laws. Notwithstanding the administrative finality of a final determination of an appeal by the Division, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after an administratively final determination is issued by the Division.

(e) Effective date

A final determination issued by the Director shall be effective as of the date of filing of an ap-

plication, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

(Pub. L. 103–354, title II, § 278, Oct. 13, 1994, 108 Stat. 3232; Pub. L. 107–171, title I, § 1613(j)(2), May 13, 2002, 116 Stat. 221.)

AMENDMENTS

2002—Subsec. (d). Pub. L. 107–171 substituted ''section 7996 of this title'' for ''section 1339a of this title''.

§ 6999. Judicial review

A final determination of the Division shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5.

(Pub. L. 103–354, title II, § 279, Oct. 13, 1994, 108 Stat. 3233.)

§ 7000. Implementation of final determinations of Division

(a) In general

On the return of a case to an agency pursuant to the final determination of the Division, the head of the agency shall implement the final determination not later than 30 days after the effective date of the notice of the final determination.

(b) Reports

(1) In general

Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

(B) the status of implementation of each final determination; and

(C) if the final determination has not been implemented—

(i) the reason that the final determination has not been implemented; and

(ii) the projected date of implementation of the final determination.

(2) Updates

Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).

(Pub. L. 103–354, title II, § 280, Oct. 13, 1994, 108 Stat. 3233; Pub. L. 110–234, title XIV, § 14009, May 22, 2008, 122 Stat. 1446; Pub. L. 110–246, § 4(a), title XIV, § 14009, June 18, 2008, 122 Stat. 1664, 2208.)

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(1), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pub. L. 110–246, § 14009, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

§ 7001. Conforming amendments relating to National Appeals Division

(a) Decisions of State, county, and area committees

(1) Application of subsection

(A) In general

Except as provided in subparagraph (B), this subsection shall apply only with respect to functions of the Farm Service Agency or the Commodity Credit Corporation that are under the jurisdiction of a State, county, or area committee established under section 590h(b)(5) of title 16 or an employee of such a committee.

(B) Nonapplicability

This subsection does not apply to—

(i) a function performed under section 2008k of this title; or

(ii) a function performed under a conservation program administered by the Natural Resources Conservation Service.

(2) Finality

Each decision of a State, county, or area committee (or an employee of such a committee) covered by paragraph (1) that is made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision, before the end of the 90-day period, is—

(A) appealed under this subchapter; or

(B) modified by the Administrator of the Farm Service Agency or the Executive Vice President of the Commodity Credit Corporation.

(3) Recovery of amounts

If the decision of the State, county, or area committee has become final under paragraph (2), no action may be taken by the Farm Service Agency, the Commodity Credit Corporation, or a State, county, or area committee to recover amounts found to have been disbursed as a result of a decision in error unless the participant had reason to believe that the decision was erroneous.

(4) Savings provision

For purposes of this subsection, a reference to the ''Farm Service Agency'' includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Farm Service Agency under section 6932 of this title.

(b), (c) Omitted

(Pub. L. 103–354, title II, § 281, Oct. 13, 1994, 108 Stat. 3233; Pub. L. 107–171, title I, § 1613(i), May 13, 2002, 116 Stat. 221.)

CODIFICATION

Section is comprised of section 281 of Pub. L. 103–354. Subsecs. (b) and (c) of section 281 of Pub. L. 103–354 repealed sections 1433e and 1983b of this title, respectively.

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107–171, § 1613(i)(1), (2), designated existing provisions as subpar. (A), inserted heading, substituted ''Except as provided in subparagraph (B), this subsection'' for ''This subsection'' and ''Farm Service Agency'' for ''Consolidated Farm Service Agency'', and added subpar. (B).

Subsec. (a)(2). Pub. L. 107–171, § 1613(i)(3), inserted '', before the end of the 90-day period,'' after ''unless the decision'' in introductory provisions.

Subsec. (a)(2)(B), (3), (4). Pub. L. 107–171, § 1613(i)(1), substituted ''Farm Service Agency'' for ''Consolidated Farm Service Agency'' wherever appearing.

§ 7002. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Division.

(Pub. L. 103–354, title II, § 283, Oct. 13, 1994, 108 Stat. 3235.)

SUBCHAPTER VIII–A—MARKETING AND REGULATORY PROGRAMS

§ 7005. Under Secretary of Agriculture for Marketing and Regulatory Programs

(a) Authorization

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Marketing and Regulatory Programs authorized under subsection (a) of this section, the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions of Under Secretary

(1) Principal functions

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Marketing and Regulatory Programs those functions and duties under the jurisdiction of the Department that are related to agricultural marketing, animal and plant health inspection, grain inspection, and packers and stockyards.

(2) Additional functions

The Under Secretary of Agriculture for Marketing and Regulatory Programs shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Marketing and Regulatory Programs on October 21, 1998, and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) of this section to the successor position authorized under subsection (a) of this section if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 21, 1998 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103–354, title II, § 285, as added Pub. L. 105–277, div. A, § 101(a) [title X, § 1001(3)], Oct. 21, 1998, 112 Stat. 2681, 2681–41.)

CODIFICATION

Section is comprised of section 285 of Pub. L. 103–354, as added by Pub. L. 105–277. Subsec. (e) of section 285 of Pub. L. 103–354 amended section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER IX—MISCELLANEOUS REORGANIZATION PROVISIONS

§ 7011. Successorship provisions relating to bargaining units and exclusive representatives

(a) Voluntary agreement

(1) In general

If the exercise of the Secretary's authority under this chapter results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) Criteria

In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, relating to determining an exclusive representative; and

(B) section 7112 of title 5 (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.

(b) Effect of an agreement

(1) In general

If the affected parties reach agreement on the appropriate unit and the exclusive representative for such unit under subsection (a) of this section, the Federal Labor Relations Authority shall certify the terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to require the holding of any hearing or election as a condition for certification.

(2) Restrictions

(A) Conditions requiring noncertification

The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

(i) it determines that any of the criteria referred to in subsection (a)(2) of this section (disregarding section 7112(a) of title 5) have not been met; or

(ii) after the Secretary's exercise of authority and before certification under this section, a valid election under section

7111(b) of title 5 is held covering any employees who would be included in the unit proposed for certification.

(B) Temporary waiver of provision that would bar an election after a collective bargaining agreement is reached

Nothing in section 7111(f)(3) of title 5 shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) Clarification

The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5 or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) Delegation

(A) In general

The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5) its authority under the preceding provisions of this subsection.

(B) Review

Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5 in the same manner as if such action had been taken under section 7105(e) of such title, except that in the case of a decision not to certify, such review shall be required if application therefor is filed by an affected party within the time specified in such provisions.

(c) "Affected party" defined

For purposes of this section, the term ''affected party'' means—

(1) with respect to an exercise of authority by the Secretary under this chapter, any labor organization affected thereby; and

(2) the Department of Agriculture.

(Pub. L. 103–354, title II, § 291, Oct. 13, 1994, 108 Stat. 3235.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a)(1) and (c)(1), was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

§ 7012. Purchase of American-made equipment and products

(a) Sense of Congress

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased using funds made available pursuant to this chapter should be American-made.

(b) Notice requirement

In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this chapter, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) of this section by the Congress.

(Pub. L. 103–354, title II, § 292, Oct. 13, 1994, 108 Stat. 3237.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

§ 7013. Proposed conforming amendments

Not later than 180 days after October 13, 1994, the Secretary shall submit to Congress recommended legislation containing additional technical and conforming amendments to Federal laws that are required as a result of the enactment of this chapter.

(Pub. L. 103–354, title II, § 295, Oct. 13, 1994, 108 Stat. 3238.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

§ 7014. Termination of authority

(a) In general

Subject to subsection (b) of this section, the authority delegated to the Secretary by this chapter to reorganize the Department shall terminate on the date that is 2 years after October 13, 1994.

(b) Functions

Subsection (a) of this section shall not affect—

(1) the authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after October 13, 1994;

(2) the authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App.; 7 U.S.C. 2201 note);

(3) the authority of an agency, office, officer, or employee of the Department to continue to perform all functions delegated or assigned to the entity or person as of that termination date;

(4) the authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs under section 7005 of this title;

(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights, and delegate duties to the Assistant Secretary, under section 6918 of this title;

(6) the authority of the Secretary to establish in the Department, under section 6971 of this title—

(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

(B) the Research, Education, and Extension Office; and

(C) the National Institute of Food and Agriculture; or

(7) the authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 6934 of this title.

(Pub. L. 103–354, title II, § 296, Oct. 13, 1994, 108 Stat. 3238; Pub. L. 105–277, div. A, § 101(a) [title X, § 1001(4)], Oct. 21, 1998, 112 Stat. 2681, 2681–42; Pub. L. 107–171, title X, § 10704(c), May 13, 2002, 116 Stat. 518; Pub. L. 110–234, title VII, § 7511(b), title XIV, § 14013(b), May 22, 2008, 122 Stat. 1267, 1453; Pub. L. 110–246, § 4(a), title VII, § 7511(b), title XIV, § 14013(b), June 18, 2008, 122 Stat. 1664, 2028, 2215.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original ''this title'', meaning title II of Pub. L. 103–354, Oct. 13, 1994, 108 Stat. 3209, known as the Department of Agriculture Reorganization Act of 1994. For complete classification of title II to the Code, see Short Title note set out under section 6901 of this title and Tables.

Reorganization Plan No. 2 of 1953, referred to in subsec. (b)(2), is Reorg. Plan No. 2 of 1953, June 4, 1953, 18 F.R. 3219, 67 Stat. 633, as amended, which is set out as a note under section 2201 of this title.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (b)(6). Pub. L. 110–246, § 7511(b), added par. (6).

Subsec. (b)(7). Pub. L. 110–246, § 14013(b), added par. (7).

2002—Subsec. (b)(5). Pub. L. 107–171 added par. (5).

1998—Subsec. (b)(4). Pub. L. 105–277 added par. (4).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

SUBCHAPTER X—FREEDOM TO E-FILE

CODIFICATION

This subchapter was enacted as part of the Freedom to E-File Act, and not as part of the Department of Agriculture Reorganization Act of 1994 which in part comprises this chapter.

§ 7031. Electronic filing and retrieval

(a) In general

Not later than 180 days after June 20, 2000, in accordance with subsection (c) of this section, the Secretary of Agriculture (referred to in this subchapter as the ''Secretary'') shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this subchapter as the ''Department'') specified in subsection (b) of this section.

(b) Applicability

The agencies referred to in subsection (a) of this section are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 6915 of this title.

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) Implementation

In carrying out subsection (a) of this section, the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b) of this section; and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b) of this section—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) Progress reports

Not later than 180 days after June 20, 2000, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

(Pub. L. 106–222, § 2, June 20, 2000, 114 Stat. 353.)

§ 7032. Accessing information and filing over the Internet

(a) In general

Not later than 2 years after June 20, 2000, in accordance with subsection (b) of this section, the Secretary shall expand implementation of the Internet-based system established under section 7031 of this title by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 7031(b) of this title.

(b) Implementation

In carrying out subsection (a) of this section, the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 7031(b) of this title;

(2) to file electronically or in paper form, at the option of the agricultural producer, all

documentation required by agencies of the Department specified in section 7031(b) of this title and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

(Pub. L. 106–222, § 3, June 20, 2000, 114 Stat. 354.)

§ 7033. Availability of agency information technology funds

(a) Reservation of funds

From funds made available for agencies of the Department specified in section 7031(b) of this title for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) Time for reservation

The Secretary shall notify Congress of the amount to be reserved under subsection (a) of this section for a fiscal year not later than December 1 of that fiscal year.

(c) Use of funds

(1) Establishment

Funds reserved under subsection (a) of this section shall be used to establish the Internet-based system required under section 7031 of this title and to expand the system as required by section 7032 of this title.

(2) Maintenance

Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) Return of funds

Funds reserved under subsection (a) of this section and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

(Pub. L. 106–222, § 4, June 20, 2000, 114 Stat. 354.)

§ 7034. Federal Crop Insurance Corporation and Risk Management Agency

(a) In general

Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this subchapter, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) Administration

The plan shall—

(1) conform to sections 7031(c) and 7032(b) of this title; and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) Implementation

Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a) of this section.

(Pub. L. 106–222, § 5, June 20, 2000, 114 Stat. 355.)

§ 7035. Confidentiality

In carrying out this subchapter, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

(Pub. L. 106–222, § 6, June 20, 2000, 114 Stat. 355.)

CHAPTER 99—SHEEP PROMOTION, RESEARCH, AND INFORMATION

Sec.
7101. Findings and declaration of policy.
7102. Definitions.
7103. Issuance and amendment of orders.
7104. Required terms in orders.
7105. Referenda.
7106. Petition and review.
7107. Enforcement.
7108. Investigations and power to subpoena.
7109. Administrative provisions.
7110. Regulations.
7111. Authorization of appropriations.

§ 7101. Findings and declaration of policy

(a) Findings

Congress finds that—

(1) sheep and sheep products are important goods;

(2) the production of sheep and sheep products play a significant role in the economy of the United States in that sheep and sheep products are produced throughout the United States and used by millions of people throughout the United States and foreign countries;

(3) sheep and sheep products must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of sheep products;