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- 2.79 Administrator, Agricultural Marketing Service.
- 2.80 Administrator, Animal and Plant Health Inspection Service.
- 2.81 Administrator, Grain Inspection, Packers and Stockyards Administration.

Subpart O—Delegations of Authority by the Assistant Secretary for Congressional Relations

- 2.83 Deputy Assistant Secretary for Congressional Relations.
- 2.85 Director, Office of Intergovernmental Affairs.

Subpart P—Delegations of Authority by the Assistant Secretary for Administration

- 2.87 Deputy Assistant Secretary for Administration.
- 2.89 Chief Information Officer.
- 2.91 Director, Office of Human Resources Management.
- 2.93 Director, Office of Procurement and Property Management.
- 2.94 Director, Office of Advocacy and Outreach.
- 2.95 Director, Office of Homeland Security and Emergency Coordination.
- 2.96 Director, Office of Operations.
- 2.97 Director, Office of the Executive Secretariat.

Subpart Q—Delegations of Authority by the General Counsel

- 2.200 Principal Deputy General Counsel.
- 2.201 Director, Office of Ethics.
- 2.202 Deputy Director, Office of Ethics.

Subpart R—Delegations of Authority by the Assistant Secretary for Civil Rights

- 2.300 Deputy Assistant Secretary for Civil Rights.

Subpart S—Delegations of Authority by the Chief Information Officer

- 2.400 Deputy Chief Information Officer.

Subpart T—Delegations of Authority by the Chief Financial Officer

- 2.500 Deputy Chief Financial Officer.

AUTHORITY: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949-1953 Comp., p. 1024.

SOURCE: 60 FR 56393, Nov. 8, 1995, unless otherwise noted.

Subpart A—General**§ 2.1 Establishment of the Department.**

The Department of Agriculture was created by the Act of May 15, 1862, and by the Act of February 9, 1889, it was made an executive department in the Federal Government under the supervision and control of the Secretary of Agriculture (7 U.S.C. 2201, 2202, 2204).

§ 2.2 Authority of the Secretary to prescribe regulations.

The general authority of the Secretary to prescribe regulations governing the work of the Department is based on 5 U.S.C. 301 which provides that the head of an Executive department may prescribe regulations for the government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of its records, papers, and property.

§ 2.3 Authority of the Secretary to delegate authority.

(a) The general authority of the Secretary to make delegations of his authority is based on:

(1) Section 4(a) of Reorganization Plan No. 2 of 1953 (5 U.S.C. App.), which provides that the Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by an agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan; and

(2) Section 212(a)(1) of the Department of Agriculture Reorganization Act of 1994, Pub. L. No. 103-354, 7 U.S.C. 6912(a)(1), which provides that 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 7 U.S.C. 6912(a) or any other function vested in the Secretary as of the date of the enactment of the Act.

(b) [Reserved]

§ 2.4 General officers

The work of the Department is under the supervision and control of the Secretary who is assisted by the following

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general officers: The Deputy Secretary, the Under Secretary for Farm and Foreign Agricultural Services; the Under Secretary for Rural Development; the Under Secretary for Food Safety; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Natural Resources and Environment; the Under Secretary for Research, Education, and Economics; the Under Secretary for Marketing and Regulatory Programs; the Assistant Secretary for Congressional Relations; the Assistant Secretary for Administration; the Assistant Secretary for Civil Rights; the Chief Financial Officer; the Chief Economist; the Director, Office of Budget and Program Analysis; the General Counsel; the Inspector General; the Director, National Appeals Division; the Judicial Officer; the Director, Office of Communications; the Director, Office of Small and Disadvantaged Business Utilization; the Director, Office of Tribal Relations; and the Chief Information Officer.

[79 FR 44105, July 30, 2014]

§ 2.5 Order in which officers of the Department shall act as Secretary.

(a) Pursuant to Executive Order 13612, "Providing an Order of Succession Within the Department of Agriculture" (77 FR 31153, May 24, 2012), during any period in which both the Secretary and the Deputy Secretary have died, resigned, or are otherwise unable to perform the functions and duties of the office of Secretary, the following officials designated in paragraphs (a)(1) through (a)(15) of this section shall act as Secretary, in the order in which they are listed. Each official shall act only in the event of the death, resignation, or inability to perform the functions and duties of Secretary of the immediately preceding official:

(1) Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

(2) Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

(3) Assistant Secretary of Agriculture for Administration.

(4) Under Secretary of Agriculture for Research, Education, and Economics.

(5) Under Secretary of Agriculture for Food Safety.

(6) Under Secretary of Agriculture for Natural Resources and Environment.

(7) Under Secretary of Agriculture for Rural Development.

(8) Under Secretary of Agriculture for Marketing and Regulatory Programs.

(9) General Counsel of the Department of Agriculture.

(10) Chief of Staff, Office of the Secretary.

(11) State Executive Directors of the Farm Service Agency for the States of California, Iowa, and Kansas, in order of seniority fixed by length of unbroken service as State Executive Director of that State.

(12) Regional Administrators of the Food and Nutrition Service for the Mountain Plains Regional Office (Denver, Colorado), Midwest Regional Office (Chicago, Illinois), and Western Regional Office (San Francisco, California), in order of seniority fixed by length of unbroken service as Regional Administrator of that Regional Office.

(13) Chief Financial Officer of the Department of Agriculture.

(14) Assistant Secretary of Agriculture (Civil Rights).

(15) Assistant Secretary of Agriculture (Congressional Relations).

(b) If any two or more individuals designated in paragraphs (a)(11) or (a)(12) of this section were sworn in to, or commenced service in, their respective offices on the same day, precedence shall be determined by the alphabetical order of the State in which the individual serves.

(c) No individual who is serving in an office listed in paragraphs (a)(1) through (a)(15) of this section shall, by virtue of so serving, act as Secretary pursuant to this section.

(d) No individual who is serving in an office listed in paragraphs (a)(1) through (a)(15) of this section shall act as Secretary unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998 (5 U.S.C. 3345, *et seq.*).

(e) Notwithstanding the provisions of this section and Executive Order 13612, the President retains discretion, to the extent permitted by law, to depart