

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 L. 110-234 were repealed by section 4(a) of Pub.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 paragraph (1) or (3) of subsection (a), the Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) 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; Pub. L. 112-166, §2(a)(1), Aug. 10, 2012, 126 Stat. 1283.)

AMENDMENTS

2012—Subsec. (b). Pub. L. 112-166, §2(a)(1)(A), substituted “paragraph (1) or (3) of subsection (a)” for “subsection (a)”.

Subsecs. (c), (d). Pub. L. 112-166, §2(a)(1)(B), (C), which directed that subsec. (b) be amended by striking out subsec. (c) and redesignating subsec. (d) as (c), was executed by making the amendment to the entire section, striking out subsec. (c) and redesignating subsec. (d) as (c), to reflect the probable intent of Congress. Prior to amendment, text of subsec. (c) read as follows: “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).”

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.”

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-166 effective 60 days after Aug. 10, 2012, and applicable to appointments made on and after that effective date, including any nomination pending in the Senate on that date, see section 6(a) of Pub. L. 112-166, set out as a note under section 113 of Title 6, Domestic Security.

§ 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.)