

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 L. 103-354 amended section 5314 of Title 5, Government Organization and Employees, and repealed section 5691 of this title.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 pro-

grams 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—