

retary of Agriculture for Small Community and Rural Development.

Section 2212, acts Feb. 9, 1889, ch. 122, § 2, 25 Stat. 659; June 30, 1906, ch. 3913, 34 Stat. 670, authorized appointment of an Assistant Secretary of Agriculture.

Section 2212a, Pub. L. 92-419, title VI, § 604(a), Aug. 30, 1972, 86 Stat. 676, authorized appointment of an additional Assistant Secretary of Agriculture.

Section 2212b, Pub. L. 94-561, § 2, Oct. 19, 1976, 90 Stat. 2643, authorized appointment of an additional Assistant Secretary of Agriculture.

Section 2212c, Pub. L. 97-325, § 8(a), Oct. 15, 1982, 96 Stat. 1605, authorized appointment of an additional Assistant Secretary of Agriculture.

#### § 2213. Omitted

##### CODIFICATION

Section, acts June 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121; 1953 Reorg. Plan No. 2, § 3, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633; June 28, 1955, ch. 189, § 12(c)(16), 69 Stat. 182; Aug. 14, 1964, Pub. L. 88-426, title III, § 307, 78 Stat. 432, related to the position of Assistant Secretary of Agriculture for Administration established by section 3 of Reorg. Plan No. 2 of 1953. Section 3 of Reorg. Plan No. 2 of 1953 was repealed by Pub. L. 97-325, § 8(d), Oct. 15, 1982, 96 Stat. 1606. See section 2212c of this title.

Section was formerly classified to section 517b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### § 2214. General Counsel; appointment

(a) The President shall appoint on and after July 31, 1956, by and with the advice and consent of the Senate, a General Counsel of the Department of Agriculture.

(b) The existing office of General Counsel of the Department of Agriculture shall be abolished effective upon the appointment and qualification of the General Counsel provided for by subsection (a) or April 1, 1957, whichever is earlier.

(July 31, 1956, ch. 804, title III, § 301, 70 Stat. 742.)

##### CODIFICATION

Section is based on that part of section 301 of act July 31, 1956, relating to the General Counsel of the Department of Agriculture. That part of such section 301 relating to the General Counsel of the Department of Health, Education, and Welfare [now Health and Human Services], is classified to section 3504 of Title 42, The Public Health and Welfare. That part of such section 301 relating to the General Counsel of the Post Office Department was enacted as section 307 of Title 39 by Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 580. Such provisions were eliminated from Title 39 by the Postal Reorganization Act, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

Section was formerly classified to section 518a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### § 2215. Chief clerk

The Secretary of Agriculture shall appoint a chief clerk.

(R.S. § 523; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659; Feb. 10, 1925, ch. 200, 43 Stat. 822.)

##### CODIFICATION

R.S. § 523 derived from act May 15, 1862, ch. 72, § 4, 12 Stat. 388.

Section was formerly classified to section 519 of Title 5 prior to the general revision and enactment of Title

5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

##### CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

#### § 2216. Repealed. Pub. L. 92-310, title II, § 221(a), June 6, 1972, 86 Stat. 205

Section. R.S. § 524; acts Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759, related to the bond of the chief clerk of the Department of Agriculture.

Section was formerly classified to section 520 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### § 2217. Oaths, affirmations, and affidavits taken by officers, agents, or employees of Department; use and effect

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the identity or authority of such officer, agent, or employee.

(Jan. 31, 1925, ch. 124, § 1, 43 Stat. 803.)

##### CODIFICATION

Section was formerly classified to section 521 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

##### DEPARTMENT OF THE INTERIOR PERSONNEL

Provisions of this section were made applicable to such officers, agents, or employees of Department of the Interior performing functions of former Bureau of Biological Survey as are designated by Secretary of the Interior for purposes named herein by 1939 Reorg. Plan No. II, § 4(g), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees. See also sections 401 to 404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds. Bureau of Biological Survey was subsequently consolidated with Bureau of Fisheries into Fish and Wildlife Service in Department of the Interior by 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1232, also set out in the Appendix to Title 5.

#### § 2218. Fee for administering or taking oaths, affirmations, and affidavits

No officer, agent, or employee of the Department of Agriculture shall demand or accept any

fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by section 2217 of this title.

(Jan. 31, 1925, ch. 124, § 2, 43 Stat. 803.)

#### CODIFICATION

Section was formerly classified to section 522 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

#### TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

#### DEPARTMENT OF THE INTERIOR PERSONNEL

Application to Department of the Interior employees, see note under section 2217 of this title.

### § 2219. Salaries; how paid

The Secretary of Agriculture is authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1280.)

#### CODIFICATION

Section was formerly classified to section 528 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

### § 2219a. Overtime and holiday pay

#### (a) In general

The Secretary of Agriculture may—

(1) pay employees of the Department of Agriculture employed in an establishment subject to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) for all overtime and holiday work performed at the establishment at rates determined by the Secretary, subject to applicable law relating to minimum wages and maximum hours; and

(2) accept from the establishment reimbursement for any sums paid by the Secretary for the overtime and holiday work, at rates determined under paragraph (1).

#### (b) Availability

Sums received by the Secretary under this section shall remain available until expended without further appropriation and without fiscal year limitation, to carry out subsection (a).

(Pub. L. 107-171, title X, § 10703(a), (b), May 13, 2002, 116 Stat. 517.)

#### REFERENCES IN TEXT

The Federal Meat Inspection Act, referred to in subsec. (a)(1), is titles I to IV of act Mar. 4, 1907, ch. 2907, as added Pub. L. 90-201, Dec. 15, 1967, 81 Stat. 584, and amended, which are classified generally to subchapters I to IV (§ 601 et seq.) of chapter 12 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 21 and Tables.

The Poultry Products Inspection Act, referred to in subsec. (a)(1), is Pub. L. 85-172, Aug. 28, 1957, 71 Stat.

441, as amended, which is classified generally to chapter 10 (§ 451 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 451 of Title 21 and Tables.

### § 2220. Certain officials and employees of Department and others not subject to restriction on payment of compensation to Government officials and employees

The officials and the employees of the Department of Agriculture engaged in the activities described in section 450b of this title and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the provisions of section 209 of title 18; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to such section.

(July 24, 1919, ch. 26, 41 Stat. 270; Sept. 3, 1954, ch. 1263, § 5, 68 Stat. 1227.)

#### CODIFICATION

“Section 209 of title 18” substituted in text for “section 1914 of title 18” on authority of section 2 of Pub. L. 87-849, Oct. 23, 1962, 76 Stat. 1126, which repealed section 1914 and supplanted it with section 209, and which provided that exemptions from section 1914 shall be deemed exemptions from section 209. For further details, see Exemptions note set out under section 203 of Title 18, Crimes and Criminal Procedure.

Section was formerly classified to sections 67 and 564 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378. Thereafter, section was classified to section 450h of this title prior to its transfer to this section.

#### AMENDMENTS

1954—Act Sept. 3, 1954, substituted “section 1914 of title 18” for reference to proviso in Act of March 3, 1917 (5 U.S.C. 66).

### § 2221. Details of persons from or to office of Secretary

Details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1280.)

#### CODIFICATION

Section was formerly classified to section 530 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

### § 2222. Details of law clerks

Law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington.

(Mar. 4, 1911, ch. 238, 36 Stat. 1236.)

#### CODIFICATION

Section was formerly classified to section 531 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.