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§ 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 set 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

Pub. L. 103-354, §1(a), Oct. 13, 1994, 108 Stat. 3178, 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.’”

Pub. L. 103-354, title II, §201(a), Oct. 13, 1994, 108 Stat. 3209, 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), 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) 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 subsections (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.