

**(2) Finality**

Each decision of a State, county, or area committee (or an employee of such a committee) covered by paragraph (1) that is made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision, before the end of the 90-day period, is—

(A) appealed under this subchapter; or

(B) modified by the Administrator of the Farm Service Agency or the Executive Vice President of the Commodity Credit Corporation.

**(3) Recovery of amounts**

If the decision of the State, county, or area committee has become final under paragraph (2), no action may be taken by the Farm Service Agency, the Commodity Credit Corporation, or a State, county, or area committee to recover amounts found to have been disbursed as a result of a decision in error unless the participant had reason to believe that the decision was erroneous.

**(4) Savings provision**

For purposes of this subsection, a reference to the “Farm Service Agency” includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Farm Service Agency under section 6932 of this title.

**(b), (c) Omitted**

(Pub. L. 103-354, title II, §281, Oct. 13, 1994, 108 Stat. 3233; Pub. L. 107-171, title I, §1613(i), May 13, 2002, 116 Stat. 221.)

## CODIFICATION

Section is comprised of section 281 of Pub. L. 103-354. Subsecs. (b) and (c) of section 281 of Pub. L. 103-354 repealed sections 1433e and 1983b of this title, respectively.

## AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107-171, §1613(i)(1), (2), designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), this subsection” for “This subsection” and “Farm Service Agency” for “Consolidated Farm Service Agency”, and added subpar. (B).

Subsec. (a)(2). Pub. L. 107-171, §1613(i)(3), inserted “, before the end of the 90-day period,” after “unless the decision” in introductory provisions.

Subsec. (a)(2)(B), (3), (4). Pub. L. 107-171, §1613(i)(1), substituted “Farm Service Agency” for “Consolidated Farm Service Agency” wherever appearing.

**§ 7002. Authorization of appropriations**

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Division.

(Pub. L. 103-354, title II, §283, Oct. 13, 1994, 108 Stat. 3235.)

## SUBCHAPTER VIII—A—MARKETING AND REGULATORY PROGRAMS

**§ 7005. Under Secretary of Agriculture for Marketing and Regulatory Programs****(a) Authorization**

The Secretary is authorized to establish in the Department the position of Under Secretary of

Agriculture for Marketing and Regulatory Programs.

**(b) Confirmation required**

If the Secretary establishes the position of Under Secretary of Agriculture for Marketing and Regulatory Programs authorized under subsection (a), 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 Marketing and Regulatory Programs those functions and duties under the jurisdiction of the Department that are related to agricultural marketing, animal and plant health inspection, grain inspection, and packers and stockyards.

**(2) Additional functions**

The Under Secretary of Agriculture for Marketing and Regulatory Programs shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

**(d) Succession**

Any official who is serving as Assistant Secretary of Agriculture for Marketing and Regulatory Programs on October 21, 1998, 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) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after October 21, 1998 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103-354, title II, §285, as added Pub. L. 105-277, div. A, §101(a) [title X, §1001(3)], Oct. 21, 1998, 112 Stat. 2681, 2681-41.)

## CODIFICATION

Section is comprised of section 285 of Pub. L. 103-354, as added by Pub. L. 105-277. Subsec. (e) of section 285 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

## SUBCHAPTER IX—MISCELLANEOUS REORGANIZATION PROVISIONS

**§ 7011. Successorship provisions relating to bargaining units and exclusive representatives****(a) Voluntary agreement****(1) In general**

If the exercise of the Secretary’s authority under this chapter results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

**(2) Criteria**

In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, relating to determining an exclusive representative; and