

§ 6936. Natural Resources Conservation Service**(a) Establishment**

The Secretary is authorized to establish and maintain within the Department a Natural Resources Conservation Service.

(b) Functions

If the Secretary establishes the Natural Resources Conservation Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) The Water Bank Act (16 U.S.C. 1301 et seq.).

(2) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), except subchapter B of chapter 1 of subtitle D of such title [16 U.S.C. 3831 et seq.].

(3) Salinity control measures under section 1592(c) of title 43.

(4) The Farms for the Future Act of 1990 (7 U.S.C. 4201 note; Public Law 101-624).

(5) Such other functions as the Secretary considers appropriate, except functions under 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.).

(c) Special concurrence requirements for certain functions

In carrying out the programs specified in paragraphs (1) and (3) of subsection (b), the Secretary shall—

(1) acting on the recommendations of the Natural Resources Conservation Service, with the concurrence of the Farm Service Agency, issue regulations to carry out such programs;

(2) ensure that the Natural Resources Conservation Service, in establishing policies, priorities, and guidelines for each such program, does so with the concurrence of the Farm Service Agency 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) Use of Federal and non-Federal employees**(1) Use authorized**

In the implementation of functions assigned to the Natural Resources Conservation Service, the Secretary may use interchangeably in local offices of the Service 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.

(e) Savings provision

For purposes of subsections (c) and (d) of this section:

(1) 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 this section.

(2) 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.

(f) Omitted**(g) Field offices****(1) In general**

The Secretary shall not close any field office of the Natural Resources Conservation Service unless, not later than 30 days before the date of the closure, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the closure.

(2) Employees

The Secretary shall not permanently relocate any field-based employees of the Natural Resources Conservation Service or the rural development mission area if doing so would result in a field office of the Natural Resources Conservation Service or the rural development mission area with 2 or fewer employees, unless, not later than 30 days before the date of the permanent relocation, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the permanent relocation.

(3) Sunset

The requirements under paragraphs (1) and (2) shall cease to be effective on September 30, 2023.

(Pub. L. 103-354, title II, § 228, formerly § 246, Oct. 13, 1994, 108 Stat. 3223; Pub. L. 104-127, title III, § 336(a)(2)(D), (b)(2)(B), (c)(3), (d)(2), Apr. 4, 1996, 110 Stat. 1005, 1006; Pub. L. 107-171, title VIII, § 8002(c), May 13, 2002, 116 Stat. 473; renumbered § 228 and amended Pub. L. 115-334, title XII, §§ 12404(b)(1), 12410(a)-(c)(1), Dec. 20, 2018, 132 Stat. 4975, 4977, 4978.)

REFERENCES IN TEXT

The Water Bank Act, referred to in subsec. (b)(1), is Pub. L. 91-559, Dec. 19, 1970, 84 Stat. 1468, as amended, which is classified generally to chapter 29 (§ 1301 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 1301 of Title 16 and Tables.

The Food Security Act of 1985, referred to in subsec. (b)(2), (5), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Title XII of the Act 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.

The Farms for the Future Act of 1990, referred to in subsec. (b)(4), is Pub. L. 101-624, title XIV, ch. 2, §§1465-1470B, Nov. 28, 1990, 104 Stat. 3616-3619, as amended, which is set out as a note under section 4201 of this title.

CODIFICATION

Section was formerly part of subtitle E of title II of Pub. L. 103-354 and classified as section 6962 of this title, prior to being moved so as to appear at the end of subtitle B of title II of Pub. L. 103-354 by Pub. L. 115-334, title XII, §12410(c)(1)(B), Dec. 20, 2018, 132 Stat. 4978, and editorially reclassified as this section.

Section is comprised of section 228 of Pub. L. 103-354. Subsec. (f) of section 228 of Pub. L. 103-354 amended sections 2001, 2002, 2005, and 3862 of Title 16, Conservation, and repealed section 590e of Title 16.

AMENDMENTS

2018—Subsec. (b)(2), (3). Pub. L. 115-334, §12410(b)(1)(A), (B), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2) which read as follows: “The forest land enhancement program under section 2103 of title 16.”

Subsec. (b)(4). Pub. L. 115-334, §12410(b)(1)(B), (C), redesignated par. (5) as (4) and inserted “; Public Law 101-624” after “note”. Former par. (4) redesignated (3).

Subsec. (b)(5), (6). Pub. L. 115-334, §12410(b)(1)(B), (D), redesignated par. (6) as (5) and substituted “3831 et seq.” for “3831-3836”. Former par. (5) redesignated (4).

Subsec. (c). Pub. L. 115-334, §12410(b)(2), substituted “paragraphs (1) and (3) of subsection (b)” for “paragraphs (1), (2), and (4) of subsection (b) and the program under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837-3837f)” in introductory provisions.

Subsec. (c)(1), (2). Pub. L. 115-334, §12404(b)(1)(A), substituted “Farm” for “Consolidated Farm”.

Subsec. (e)(2). Pub. L. 115-334, §12404(b)(1)(B), substituted “Farm” for “Consolidated Farm” in two places.

Subsec. (g). Pub. L. 115-334, §12410(a), added subsec. (g).

2002—Subsec. (b)(2). Pub. L. 107-171 substituted “forest land enhancement program” for “forestry incentive program”.

1996—Subsec. (b)(1). Pub. L. 104-127, §336(d)(2)(A), redesignated par. (3) as (1) and struck out former par. (1) which read as follows: “The rural environmental conservation program under title X of the Agricultural Act of 1970 (16 U.S.C. 1501 et seq.).”

Subsec. (b)(2). Pub. L. 104-127, §336(b)(2)(B), (d)(2)(A)(ii), redesignated par. (4) as (2) and struck out former par. (2) which read as follows: “The Great Plains Conservation Program under section 16(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590p(b)).”

Subsec. (b)(3). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated par. (5) as (3). Former par. (3) redesignated (1).

Subsec. (b)(4). Pub. L. 104-127, §336(c)(3), (d)(2)(A)(ii), redesignated par. (6) as (4) and substituted “measures” for “program”. Former par. (4) redesignated (2).

Subsec. (b)(5). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated par. (7) as (5). Former par. (5) redesignated (3).

Subsec. (b)(6). Pub. L. 104-127, §336(a)(2)(D), (d)(2)(A)(ii), redesignated par. (8) as (6) and 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.)”. Former par. (6) redesignated (4).

Subsec. (b)(7), (8). Pub. L. 104-127, §336(d)(2)(A)(ii), redesignated pars. (7) and (8) as (5) and (6), respectively.

Subsec. (c). Pub. L. 104-127, §336(d)(2)(B), in introductory provisions, substituted “(1), (2), and (4)” for “(2), (3), (4), and (6)”.

SUBCHAPTER III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

§ 6941. Under Secretary of Agriculture for Rural Development

(a) Authorization

The Secretary shall establish in the Department the position of Under Secretary of Agriculture for Rural Development.

(b) Confirmation required

The Under Secretary of Agriculture for Rural Development 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 Rural Development those functions under the jurisdiction of the Department that are related to rural economic and community development.

(2) Additional functions

The Under Secretary of Agriculture for Rural Development 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 Small Community and Rural Development 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) 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 13, 1994 (or such later date set by the Secretary if litigation delays rapid succession).

(e) Loan approval authority

Approval authority for loans and loan guarantees in connection with the electric and telephone loan and loan guarantee programs authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall not be transferred to, or conditioned on review of, a State director or other employee whose primary duty is not the review and approval of such loans or the provision of assistance to such borrowers.

(Pub. L. 103-354, title II, §231, Oct. 13, 1994, 108 Stat. 3218; Pub. L. 104-127, title VII, §794(a), Apr. 4, 1996, 110 Stat. 1155; Pub. L. 115-334, title XII, §12407, Dec. 20, 2018, 132 Stat. 4976.)

REFERENCES IN TEXT

The Rural Electrification Act of 1936, referred to in subsec. (e), is act May 20, 1936, ch. 432, 49 Stat. 1363, as amended, which is classified generally to chapter 31 (§901 et seq.) of this title. For complete classification of this Act to the Code, see section 901 of this title and Tables.

CODIFICATION

Section is comprised of section 231 of Pub. L. 103-354. Subsec. (f) of section 231 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Em-