

ative agreements with the research centers of the Research, Education, and Economics mission area, institutions of higher education (as defined in section 1001 of title 20), or nonprofit organizations for—

- (1) the development of educational materials;
- (2) the conduct of workshops and courses; or
- (3) the conduct of research on best practices with respect to food loss and waste reduction and food recovery.

**(d) Study on food waste**

The Secretary shall conduct a study, in consultation with the Food Loss and Waste Reduction Liaison, to evaluate and determine—

- (1) methods of measuring food waste;
- (2) standards for the volume of food waste;
- (3) factors that contribute to food waste;
- (4) the cost and volume of food loss;
- (5) the effectiveness of existing liability protections afforded under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791); and

(6) measures to ensure that programs contemplated, undertaken, or funded by the Department of Agriculture do not disrupt existing food waste recovery and disposal efforts by commercial, marketing, or business relationships.

**(e) Reports**

**(1) Initial report**

Not later than 1 year after December 20, 2018, the Food Loss and Waste Liaison shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (d).

**(2) Report**

Not later than 1 year after the date of the submission of the report under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains, with respect to the preceding year—

- (A) an estimate of the quantity of food waste during such year; and
- (B) the results of the food waste reduction and loss prevention activities carried out or led by the Department of Agriculture.

(Pub. L. 103–354, title II, § 224, as added Pub. L. 115–334, title XII, § 12504, Dec. 20, 2018, 132 Stat. 4987.)

**§ 6925. Food Access Liaison**

**(a) Establishment**

The Secretary shall establish the position of Food Access Liaison to coordinate Department programs to reduce barriers to food access and monitor and evaluate the progress of such programs in accordance with this section.

**(b) Duties**

The Food Access Liaison shall—

- (1) coordinate the efforts of the Department, including regional offices, to experiment and

consider programs and policies aimed at reducing barriers to food access for consumers, including but not limited to participants in nutrition assistance programs;

(2) provide outreach to entities engaged in activities to reduce barriers to food access in accordance with the statutory authorization for each program;

(3) provide outreach to entities engaged in activities to reduce barriers to food access, including retailers, markets, producers, and others involved in food production and distribution, with respect to the availability of, and eligibility for, Department programs;

(4) raise awareness of food access issues in interactions with employees of the Department;

(5) make recommendations to the Secretary with respect to efforts to reduce barriers to food access; and

(6) submit to Congress an annual report with respect to the efforts of the Department to reduce barriers to food access.

(Pub. L. 103–354, title II, § 225, as added Pub. L. 115–334, title XII, § 12614(a), Dec. 20, 2018, 132 Stat. 5014.)

CODIFICATION

Another section 225 of Pub. L. 103–354 is classified to section 6931 of this title.

TECHNICAL ASSISTANCE

Pub. L. 115–334, title XII, § 12614(b), Dec. 20, 2018, 132 Stat. 5014, provided that: “The Secretary [of Agriculture] shall provide technical assistance to entities that are participants, or seek to participate, in Department of Agriculture programs related to reduction of barriers to food access.”

**SUBCHAPTER II—FARM PRODUCTION AND CONSERVATION**

CODIFICATION

Pub. L. 115–141, div. A, title VII, § 772(a)(1), Mar. 23, 2018, 132 Stat. 397, substituted “FARM PRODUCTION AND CONSERVATION” for “FARM AND FOREIGN AGRICULTURAL SERVICES” in subchapter heading.

**§ 6931. Under Secretary of Agriculture for Farm Production and Conservation**

**(a) Authorization**

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm Production and Conservation.

**(b) Confirmation required**

If the Secretary establishes the position of Under Secretary of Agriculture for Farm Production and Conservation 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 Undersecretary<sup>1</sup>**

The Under Secretary of Agriculture for Farm Production and Conservation shall perform such functions and duties as the Secretary shall prescribe.

**(d) Succession**

Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricul-

<sup>1</sup> So in original. Probably should be “Under Secretary”.

tural Services on March 23, 2018, 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).

(Pub. L. 103-354, title II, §225, Oct. 13, 1994, 108 Stat. 3213; Pub. L. 115-141, div. A, title VII, §772(a)(2), Mar. 23, 2018, 132 Stat. 397.)

#### 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.

Another section 225 of Pub. L. 103-354 is classified to section 6925 of this title.

#### AMENDMENTS

2018—Pub. L. 115-141 amended section generally. Prior to amendment, section related to Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

### § 6932. Farm Service Agency

#### (a) Establishment

The Secretary is authorized to establish and maintain in the Department a Farm Service Agency.

#### (b) Functions

If the Secretary establishes the Farm Service Agency under subsection (a), 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 6936(b) of this title.

#### (c) Special concurrence requirements for certain functions

In carrying out the programs specified in subsection (b)(4), the Secretary shall—

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

(2) ensure that the 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 Con-

servation 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 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 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 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 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