government of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of its records, papers, and property.

§ 2.3 Authority of the Secretary to delegate authority.

(a) The general authority of the Secretary to make delegations of his authority is based on:

(1) Section 4(a) of Reorganization Plan No. 2 of 1953 (5 U.S.C. App.), which provides that the Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by an agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan; and

(2) Section 212(a)(1) of the Department of Agriculture Reorganization Act of 1994, Pub. L. No. 103–354, 7 U.S.C. 6912(a)(1), which provides that 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 7 U.S.C. 6912(a) or any other function vested in the Secretary as of the date of the enactment of the Act.

(b) [Reserved]

§ 2.4 General officers.

The work of the Department is under the supervision and control of the Secretary who is assisted by the following general officers: the Deputy Secretary, the Under Secretary for Farm and Foreign Agricultural Services; the Under Secretary for Rural Economic and Community Development; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Food Safety; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Rural Economic and Community Development; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Food Safety; the Under Secretary for Food, Nutrition, and Consumer Services; the Under Secretary for Natural Resources and Environment; the Under Secretary for Research, Education, Economics; the Under Secretary for Marketing and Regulatory Programs; the Assistant Secretary for Congressional Relations; the Assistant Secretary for Administration; the Assistant Secretary for Civil Rights; the General Counsel; the Inspector General; the Chief Financial Officer; the Judicial Officer; the Director, Office of Budget and Program Analysis; the Chief Economist; the Director, National Appeals Division; and the Director of Communications.

[68 FR 27435, May 20, 2003]

§ 2.5 Order in which officers of the Department shall act as Secretary.

(a) Pursuant to Executive Order 13241 (66 FR 66258), as amended by Executive Order 13261 (67 FR 13243), during any period when both the Secretary and the Deputy Secretary have died, resigned, or are otherwise unable to perform the functions and duties of the office of the Secretary, the officials designated in paragraphs (a)(1) through (a)(10) of this section shall act as Secretary in the order in which they are listed. Each official shall act only in the event of the death, resignation, or inability to perform the duties of Secretary of the immediately preceding official:

(1) The Under Secretary for Farm and Foreign Agricultural Services.

(2) The Under Secretary for Marketing and Regulatory Programs.

(3) The Under Secretary for Rural Development.

(4) The Under Secretary for Food, Nutrition, and Consumer Services.

(5) The Under Secretary for Natural Resources and Environment.

(6) The Under Secretary for Research, Education, and Economics.

(7) The Under Secretary for Food Safety.

(8) The General Counsel.

(9) The Assistant Secretary for Administration.

(10) The Assistant Secretary for Congressional Relations.

(b) No official who is serving in an office listed in paragraphs (a)(1) through (a)(10) of this section in an acting capacity shall, by virtue of so serving, act as Secretary pursuant to this section.

(c) Notwithstanding the provisions of this section and Executive Orders 13241 and 13262, the President retains the discretion, to the extent permitted by Subchapter III of Chapter 33 of title 5 of the United States Code, to depart
from the order of succession in para-
graph (a) of this section in designating
an acting Secretary.

[69 FR 34252, June 21, 2004]

Subpart B—General Delegations
of Authority by the Secretary
of Agriculture

§ 2.7 Authority to supervise and direct.

Unless specifically reserved, or other-
wise delegated, the delegations of au-
thority to each general officer of the
Department and each agency head con-
tained in this part includes the author-
ity to direct and supervise the employ-
ees engaged in the conduct of activities
under such official’s jurisdiction, and
the authority to take any action, exec-
cute any document, authorize any ex-
penditure, promulgate any rule, regula-
tion, order, or instruction required by
or authorized by law and deemed by
the general officer or agency head to be
necessary and proper to the discharge
of his or her responsibilities. This au-
thority will be exercised subject to ap-
plicable administrative directives. Un-
less otherwise provided, a general offi-
cer or agency head may, subject to his
or her continuing responsibility for the
proper discharge of delegations made
to him, in this part, delegate and pro-
vide for the redelegation of his or her
authority to appropriate officers and
employees. Subject to the general su-
pervision of the Secretary, agency
heads who are delegated authority
from a general officer, in this part, re-
port to and are under the supervision
of that general officer.

§ 2.8 Delegations of authority to agen-
cy heads to order that the United
States flag be flown at half-staff.

Pursuant to section 5 of Proclama-
tion 3044, 3 CFR, 1954–1958 Comp., p. 4,
each general officer and agency head is
delegated authority to order that the
United States flag shall be flown at
half-staff on buildings and grounds
under his or her jurisdiction or control.
This authority shall be exercised in ac-
cordance with directives promulgated
by the Director, Office of Operations.

§ 2.9 Additional delegations.

The authority granted to a general
officer may be exercised in the dis-
charge of any additional functions
which the Secretary may assign.

§ 2.10 Limitations.

The delegations made in this part
shall not be construed to confer upon
any general officer or agency head the
authority of the Secretary to prescribe
regulations which by law require ap-
proval of the President.

§ 2.11 New principles and periodic re-
views.

In the exercise of authority delegated
by the Secretary, the application of
new principles of major importance or
a departure from principles established
by the Secretary should be brought to
the attention of the Secretary. General
officers are responsible for assuring
that periodic reviews are conducted of
the activities of the agencies assigned
to their direction and supervision, as
required by 5 U.S.C. 305.

§ 2.12 Secretary and general officers
not precluded from exercising dele-
gated powers.

No delegation of authority by the
Secretary or a general officer con-
tained in this part shall preclude the
Secretary or general officer from exer-
cising any of the authority so dele-
gated.

§ 2.13 Status of prior delegations.

Nothing in this part shall affect the
bylaws of the Commodity Credit Cor-
poration, the Federal Crop Insurance
Corporation, or the Rural Telephone
Bank. All delegations previously made
which are inconsistent with delega-
tions made in this part are superseded;
however, any regulation, order, author-
ization, expenditure, or other instru-
ment, heretofore issued or made pursu-
ant to any delegation of authority
shall continue in full force and effect
unless and until withdrawn or super-
seded pursuant to authority granted in
this part.