

culture of any of the records, property, and personnel affected by this reorganization plan and such transfers of unexpended balances (available or to be made available for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan; but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

§ 2202. Executive Department; Secretary

The Department of Agriculture shall be an executive department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of title 4 of the Revised Statutes, including all amendments thereto, shall be applicable to said department; and all laws and parts of laws relating to the Department of Agriculture in existence February 9, 1889, as far as the same are applicable and not in conflict with this section, and only so far, are continued in full force and effect.

(Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659.)

Editorial Notes

REFERENCES IN TEXT

Title 4 of the Revised Statutes, referred to in text, was entitled “Provisions Applicable to All Executive Departments, and consisted of R.S. §§158 to 198. For provisions of the Code derived from such title 4, see sections 101, 301, 303, 304, 503, 2952, 3101, 3106, 3341, 3345 to 3349, 5535, 5536 of Title 5, Government Organization and Employees; section 207 of Title 18, Crimes and Criminal Procedure; sections 514, 520 of Title 28, Judiciary and Judicial Procedure; section 3321 of Title 31, Money and Finance.

CODIFICATION

Section was formerly classified to section 512 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

Executive Documents

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Agriculture are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13542, May 13, 2010, 75 F.R. 27921, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 2203. Seal

The Secretary of Agriculture is authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe.

(Aug. 8, 1894, ch. 238, 28 Stat. 272.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 513 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2204. General duties of Secretary; advisory functions; research and development

(a) The Secretary of Agriculture shall procure and preserve all information concerning agriculture, rural development, aquaculture, and human nutrition which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists; and he shall advise the President, other members of his Cabinet, and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation.

(b) The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, rural industrialization, and technology appropriate to small- and moderate-sized family farming operations, and any other problem that the Secretary may determine has an effect upon the economic development or the quality of life in rural areas.

(R.S. § 526; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659; Pub. L. 92-419, title VI, § 603(b), Aug. 30, 1972, 86 Stat. 675; Pub. L. 94-273, § 7(4), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-113, title XV, § 1502(b), Sept. 29, 1977, 91 Stat. 1021; Pub. L. 96-355, § 5, Sept. 24, 1980, 94 Stat. 1174.)

Editorial Notes

CODIFICATION

R.S. § 526 derived from act May 15, 1862, ch. 72, § 3, 12 Stat. 387.

Section was formerly classified to section 514 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-355 inserted provisions relating to technology appropriate to small- and moderate-sized family farming operations, and struck out provisions relating to the national rural development program and goals, and accompanying annual report.

1977—Subsec. (a). Pub. L. 95-113 inserted references to aquaculture and human nutrition.

1976—Subsec. (b). Pub. L. 94-273 substituted “December” for “September”.

1972—Subsec. (a). Pub. L. 92-419, § 603(b)(1)–(3), designated existing provisions as subsec. (a), provided for information concerning rural development, and prescribed advisory functions of the Secretary, respectively.

Subsec. (b). Pub. L. 92-419, § 603(b)(4), added subsec. (b).

Statutory Notes and Related Subsidiaries**CHANGE OF NAME**

Secretary of Agriculture substituted for Commissioner of Agriculture in text pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-355 effective Oct. 1, 1980, see section 10 of Pub. L. 96-355, set out as an Effective Date note under section 2204b of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

REPORT ON GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS

Pub. L. 107-171, title X, § 10906, May 13, 2002, 116 Stat. 538, provided that:

“(a) **DEFINITION OF GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.**—In this section, the term ‘geographically disadvantaged farmer or rancher’ means a farmer or rancher in—

“(1) an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) (as amended by section 7502(a)); or

“(2) a State other than 1 of the 48 contiguous States.

“(b) **REPORT.**—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture 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—

“(1) barriers to efficient and competitive transportation of inputs and products by geographically disadvantaged farmers and ranchers; and

“(2) means of encouraging and assisting geographically disadvantaged farmers and ranchers—

“(A) to own and operate farms and ranches; and

“(B) to participate equitably in the full range of agricultural programs offered by the Department of Agriculture.”

REVIEW OF OPERATION OF AGRICULTURAL AND NATURAL RESOURCE PROGRAMS ON TRIBAL TRUST LAND

Pub. L. 107-171, title X, § 10910, May 13, 2002, 116 Stat. 539, provided that:

“(a) **REVIEW.**—The Secretary of Agriculture (referred to in this section as the ‘Secretary’) shall conduct a review of the operation of agricultural and natural resource programs available to farmers and ranchers operating on tribal and trust land, including—

“(1) agricultural commodity, price support, and farm income support programs (collectively referred to in this section as ‘agricultural commodity programs’);

“(2) conservation programs (including financial and technical assistance);

“(3) agricultural credit programs;

“(4) rural development programs; and

“(5) forestry programs.

“(b) **CRITERIA FOR REVIEW.**—In carrying out the review under subsection (a), the Secretary shall consider—

“(1) the extent to which agricultural commodity programs and conservation programs are consistent with tribal goals and priorities regarding the sustainable use of agricultural land;

“(2) strategies for increasing tribal participation in agricultural commodity programs and conservation programs;

“(3) the educational and training opportunities available to Indian tribes and members of Indian tribes in the practical, technical, and professional aspects of agriculture and land management; and

“(4) the development and management of agricultural land under the jurisdiction of Indian tribes in accordance with integrated resource management plans that—

“(A) ensure proper management of the land;

“(B) produce increased economic returns;

“(C) promote employment opportunities; and

“(D) improve the social and economic well-being of Indian tribes and members of Indian tribes.

“(c) **CONSULTATION.**—In carrying out this section, the Secretary shall consult with—

“(1) the Secretary of the Interior;

“(2) local officers and employees of the Department of Agriculture; and

“(3) program recipients.

“(d) **REPORT.**—Not later than 1 year after the date of enactment of this Act [May 13, 2002], the Secretary shall submit to Congress a report that contains—

“(1) a description of the results of the review conducted under this section;

“(2) recommendations for program improvements; and

“(3) a description of actions that will be taken to carry out the improvements.”

AVIATION INSPECTIONS

Pub. L. 103-354, title III, § 306, Oct. 13, 1994, 108 Stat. 3241, provided that:

“(a) **STUDY OF AIRCRAFT INSPECTIONS.**—

“(1) **INTENT OF STUDY.**—The intent of the study required by this subsection is to examine the cost efficiencies of conducting inspections of aircraft and pilots by one Federal agency without reducing aircraft, passenger, or pilot safety standards or lowering mission preparedness.

“(2) **STUDY REQUIRED.**—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of the inspection specifications and procedures by which aircraft and pilots contracted by the Department are certified to determine the cost efficiencies of eliminating duplicative Department inspection requirements and transferring some or all inspection requirements to the Federal Aviation Administration, while ensuring that neither aircraft, passenger, nor pilot safety is reduced and that mission preparedness is maintained.

“(3) **SPECIAL CONSIDERATIONS.**—In conducting the study, the Secretaries shall evaluate current inspection specifications and procedures mandated by the Department and the Forest Service, taking into consideration the unique requirements and risks of particular Department and Forest Service missions that may require special inspection specifications and procedures to ensure the safety of Department and Forest Service personnel and their contractees.

“(4) **MAINTENANCE OF STANDARDS AND PREPAREDNESS.**—In making recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures, the Secretaries shall ensure that the implementation of any such recommendations does not lower aircraft or pilot standards or preparedness for Department or Forest Service missions.

“(5) **SUBMISSION OF RESULTS.**—Not later than 180 days after the date of the enactment of this Act [Oct. 13, 1994], the Secretaries shall submit to Congress the results of the study, including any recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures and a cost-benefit analysis of such recommendations.

“(b) **REVIEW OF RECENTLY ADOPTED AIRCRAFT POLICY.**—

“(1) **REVIEW REQUIRED.**—The Secretaries shall review the policy initiated by the Secretary of Agriculture on July 1, 1994, to accept Federal Aviation Administration inspections on aircraft and pilots that provide ‘airport to airport’ service for the Forest Service. The policy is currently being cooperatively developed by the Department and the Federal Aviation Administration and is intended to reduce dupli-

cative inspections and to reduce Government costs, while maintaining aircraft, passenger, and pilot safety standards, specifications and procedures currently required by the Department and the Forest Service.

“(2) EXPANSION OF POLICY.—As part of the review, the Secretaries shall examine the feasibility and desirability of applying this policy on a Government-wide basis.

“(3) SUBMISSION OF RESULTS.—Not later than one year after the date of the implementation of the policy, the Secretary of Agriculture shall submit to Congress the results of the review, including any recommendations that the Secretary considers appropriate.”

Executive Documents

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Functions of Secretary of Agriculture administered through Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds transferred to Secretary of the Interior by 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

Delegation of authority to Secretary with respect to nation's food program during war emergency, see Ex. Ord. No. 9280, paraphrased as a note under section 452 of this title.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Agriculture, see Parts 1, 2, and 3 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

ORDER OF SUCCESSION

For order of succession during any period when both Secretary and Deputy Secretary of Agriculture are unable to perform functions and duties of office of Secretary, see Ex. Ord. No. 13542, May 13, 2010, 75 F.R. 27921, listed in a table under section 3345 of Title 5, Government Organization and Employees.

§ 2204-1. Delegation of regulatory functions of Secretary of Agriculture; definitions

As used in sections 2204-1 to 2204-5 of this title—

(a) The term “regulatory order” means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term “regulatory function” means the making, prescribing, issuing, or promulgating of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

(Apr. 4, 1940, ch. 75, §1, 54 Stat. 81.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 450c of this title prior to editorial reclassification and renumbering as this section, and to section 516a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2204-2. Delegation of regulatory functions to designated employees; status of employees; number; revocation of delegation

Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or after April 4, 1940, required or authorized to perform will result in the more expeditious discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to assign appropriate titles to such officers or employees. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

(Apr. 4, 1940, ch. 75, §2, 54 Stat. 81; Pub. L. 89-554, §8(a), Sept. 6, 1966, 80 Stat. 632, 650.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 450d of this title prior to editorial reclassification and renumbering as this section, and to section 516b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1966—Pub. L. 89-554 repealed third sentence which related to grade of a position. See section 5109 of Title 5, Government Organization and Employees.

§ 2204-3. Authority of designated employees; retroactive revocation of delegation

Whenever a delegation is made under section 2204-2 of this title, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

(Apr. 4, 1940, ch. 75, §3, 54 Stat. 82.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 450e of this title prior to editorial reclassification and renumbering