

Statutory Notes and Related Subsidiaries**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**Editorial Notes****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 Undersecretary¹

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 Agricultural 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.)

Editorial Notes**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 L. 103-354 amended section 5314 of Title 5, Government Organization and Employees, and repealed section 5691 of this title.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 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) 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.

¹ So in original. Probably should be “Under Secretary”.

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 1985 [16 U.S.C. 3801 et seq.] applicable to the producer.

(e) Use of Federal and non-Federal employees

(1) Use authorized

In the implementation of programs and activities assigned to the Farm Service Agency, the Secretary may use interchangeably in local offices of the Agency 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.

(f) Collocation

To the maximum extent practicable, the Secretary shall collocate county offices of the Farm

Service Agency with county offices of the Natural Resources Conservation Service in order to—

- (1) maximize savings from shared equipment, office space, and administrative support;
- (2) simplify paperwork and regulatory requirements;
- (3) provide improved services to agricultural producers and landowners affected by programs administered by the Agency and the Service; and
- (4) achieve computer compatibility between the Agency and the Service to maximize efficiency and savings.

(g) Savings provision

For purposes of subsections (c) through (f) of this section:

(1) 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 this section.

(2) 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 section 6936(b) of this title.

(Pub. L. 103-354, title II, §226, Oct. 13, 1994, 108 Stat. 3214; Pub. L. 104-127, title I, §194(c), title III, §§315(b), 336(a)(2)(C), Apr. 4, 1996, 110 Stat. 946, 985, 1005; Pub. L. 115-334, title XII, §§12404(a), 12410(c)(2)(A), Dec. 20, 2018, 132 Stat. 4974, 4978.)

Editorial Notes

REFERENCES IN TEXT

The Food Security Act of 1985, referred to in subsecs. (b)(4) and (d)(1), (3), 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.

CODIFICATION

Section is comprised of section 226 of Pub. L. 103-354. Subsec. (h) of section 226 of Pub. L. 103-354 amended section 1981 of this title.

AMENDMENTS

2018—Pub. L. 115-334, §12404(a)(1), (3), substituted “Farm” for “Consolidated Farm” in section catchline and wherever appearing in text.

Subsec. (b). Pub. L. 115-334, §12404(a)(2), struck out “of Consolidated Farm Service Agency” after “Functions” in heading.

Subsecs. (b)(5), (g)(2). Pub. L. 115-334, §12410(c)(2)(A), substituted “section 6936(b) of this title” for “section 6962(b) of this title”.

1996—Subsec. (b)(2). Pub. L. 104-127, §194(c), struck out par. (2) which read as follows: “General supervision of the Federal Crop Insurance Corporation.”

Subsec. (b)(4). Pub. L. 104-127, §336(a)(2)(C), 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.)”.

Subsec. (d)(2). Pub. L. 104-127, §315(b), designated existing provisions as subparagraph (A), inserted heading, and added subparagraph (B).

Statutory Notes and Related Subsidiaries**FARM SERVICE AGENCY ACCOUNTABILITY**

Pub. L. 115-334, title I, §1705, Dec. 20, 2018, 132 Stat. 4526, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Dec. 20, 2018], the Secretary [of Agriculture] shall establish policies, procedures, and plans to improve program accountability and integrity through targeted and coordinated activities, including utilizing data mining to identify and reduce errors, waste, fraud, and abuse in programs administered by the Farm Service Agency.

“(b) REPORT.—Not later than 3 years after the date of enactment of this Act, 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 describing the progress and results of the activities conducted under subsection (a).”

§ 6932a. Prohibition on closure or relocation of county offices for the Farm Service Agency**(a) Temporary prohibition****(1) In general**

Subject to paragraph (2), until the date that is two years after the date of the enactment of this Act, the Secretary of Agriculture may not close or relocate a county or field office of the Farm Service Agency.

(2) Exception

Paragraph (1) shall not apply to—

(A) an office that is located not more than 20 miles from another office of the Farm Service Agency; or

(B) the relocation of an office within the same county in the course of routine leasing operations.

(b) Limitation on closure; notice**(1) Limitation**

After the period referred to in subsection (a)(1), the Secretary shall, before closing any office of the Farm Service Agency that is located more than 20 miles from another office of the Farm Service Agency, to the maximum extent practicable, first close any offices of the Farm Service Agency that—

(A) are located less than 20 miles from another office of the Farm Service Agency; and

(B) have two or fewer permanent full-time employees.

(2) Notice

After the period referred to in subsection (a)(1), the Secretary of Agriculture may not close a county or field office of the Farm Service Agency unless—

(A) not later than 30 days after the Secretary proposes to close such office, the Secretary holds a public meeting regarding the proposed closure in the county in which such office is located; and

(B) after the public meeting referred to in subparagraph (A), but not less than 90 days before the date on which the Secretary approves the closure of such office, the Secretary notifies the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations

tions of the Senate, each Senator representing the State in which the office proposed to be closed is located, and the member of the House of Representatives who represents the Congressional district in which the office proposed to be closed is located of the proposed closure of such office.

(Pub. L. 110-234, title XIV, §14212, May 22, 2008, 122 Stat. 1465; Pub. L. 110-246, §4(a), title XIV, §14212, June 18, 2008, 122 Stat. 1664, 2227.)

Editorial Notes**REFERENCES IN TEXT**

The date of the enactment of this Act, referred to in subsec. (a)(1), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of the Department of Agriculture Reorganization Act of 1994, which in part comprises this chapter.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

§ 6933. Office of Risk Management**(a) Establishment**

The Secretary shall establish and maintain in the Department an independent Office of Risk Management.

(b) Functions of Office of Risk Management

The Office of Risk Management shall have jurisdiction over the following functions:

(1) Supervision of the Federal Crop Insurance Corporation.

(2) Administration and oversight of all aspects, including delivery through local offices of the Department, of all programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) Any pilot or other programs involving revenue insurance, risk management savings accounts, or the use of the futures market to manage risk and support farm income that may be established under the Federal Crop Insurance Act or other law.

(4) Such other functions as the Secretary considers appropriate.

(c) Administrator**(1) Appointment**

The Office of Risk Management shall be headed by an Administrator who shall be appointed by the Secretary.

(2) Manager

The Administrator of the Office of Risk Management shall also serve as Manager of the Federal Crop Insurance Corporation.

(d) Resources**(1) Functional coordination**

Certain functions of the Office of Risk Management, such as human resources, public af-