

(b) Reports**(1) In general**

Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

(B) the status of implementation of each final determination; and

(C) if the final determination has not been implemented—

(i) the reason that the final determination has not been implemented; and

(ii) the projected date of implementation of the final determination.

(2) Updates

Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).

(Pub. L. 103-354, title II, §280, Oct. 13, 1994, 108 Stat. 3233; Pub. L. 110-234, title XIV, §14009, May 22, 2008, 122 Stat. 1446; Pub. L. 110-246, §4(a), title XIV, §14009, June 18, 2008, 122 Stat. 1664, 2208.)

Editorial Notes

REFERENCES IN TEXT

The date of the enactment of this subsection, referred to in subsec. (b)(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 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Pub. L. 110-246, §14009, designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of this title.

§ 7001. Conforming amendments relating to National Appeals Division**(a) Decisions of State, county, and area committees****(1) Application of subsection****(A) In general**

Except as provided in subparagraph (B), this subsection shall apply only with respect to functions of the Farm Service Agency or the Commodity Credit Corporation that are under the jurisdiction of a State, county, or

area committee established under section 590h(b)(5) of title 16 or an employee of such a committee.

(B) Nonapplicability

This subsection does not apply to—

(i) a function performed under section 2008k of this title; or

(ii) a function performed under a conservation program administered by the Natural Resources Conservation Service.

(2) Finality

Each decision of a State, county, or area committee (or an employee of such a committee) covered by paragraph (1) that is made in good faith in the absence of misrepresentation, false statement, fraud, or willful misconduct shall be final not later than 90 days after the date of filing of the application for benefits, unless the decision, before the end of the 90-day period, is—

(A) appealed under this subchapter; or

(B) modified by the Administrator of the Farm Service Agency or the Executive Vice President of the Commodity Credit Corporation.

(3) Recovery of amounts

If the decision of the State, county, or area committee has become final under paragraph (2), no action may be taken by the Farm Service Agency, the Commodity Credit Corporation, or a State, county, or area committee to recover amounts found to have been disbursed as a result of a decision in error unless the participant had reason to believe that the decision was erroneous.

(4) Savings provision

For purposes of this subsection, 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.

(b), (c) Omitted

(Pub. L. 103-354, title II, §281, Oct. 13, 1994, 108 Stat. 3233; Pub. L. 107-171, title I, §1613(i), May 13, 2002, 116 Stat. 221.)

Editorial Notes

CODIFICATION

Section is comprised of section 281 of Pub. L. 103-354. Subsecs. (b) and (c) of section 281 of Pub. L. 103-354 repealed sections 1433e and 1983b of this title, respectively.

AMENDMENTS

2002—Subsec. (a)(1). Pub. L. 107-171, §1613(i)(1), (2), designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), this subsection” for “This subsection” and “Farm Service Agency” for “Consolidated Farm Service Agency”, and added subpar. (B).

Subsec. (a)(2). Pub. L. 107-171, §1613(i)(3), inserted “, before the end of the 90-day period,” after “unless the decision” in introductory provisions.

Subsec. (a)(2)(B), (3), (4). Pub. L. 107-171, §1613(i)(1), substituted “Farm Service Agency” for “Consolidated Farm Service Agency” wherever appearing.

§ 7002. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Division.

(Pub. L. 103-354, title II, §283, Oct. 13, 1994, 108 Stat. 3235.)

SUBCHAPTER VIII—A—MARKETING AND
REGULATORY PROGRAMS

§ 7005. Under Secretary of Agriculture for Marketing and Regulatory Programs**(a) Authorization**

The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs.

(b) Confirmation required

If the Secretary establishes the position of Under Secretary of Agriculture for Marketing and Regulatory Programs 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 Under Secretary**(1) Principal functions**

Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Marketing and Regulatory Programs those functions and duties under the jurisdiction of the Department that are related to agricultural marketing, animal and plant health inspection, grain inspection, and packers and stockyards.

(2) Additional functions

The Under Secretary of Agriculture for Marketing and Regulatory Programs shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(d) Succession

Any official who is serving as Assistant Secretary of Agriculture for Marketing and Regulatory Programs on October 21, 1998, 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 21, 1998 (or such later date set by the Secretary if litigation delays rapid succession).

(Pub. L. 103-354, title II, §285, as added Pub. L. 105-277, div. A, §101(a) [title X, §1001(3)], Oct. 21, 1998, 112 Stat. 2681, 2681-41.)

Editorial Notes

CODIFICATION

Section is comprised of section 285 of Pub. L. 103-354, as added by Pub. L. 105-277. Subsec. (e) of section 285 of Pub. L. 103-354 amended section 5314 of Title 5, Government Organization and Employees.

SUBCHAPTER VIII—B—TRADE AND FOREIGN
AGRICULTURAL AFFAIRS

§ 7007. Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs**(a) Establishment**

There is established in the Department the position of Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

(b) Appointment

The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall be appointed by the President, by and with the advice and consent of the Senate.

(c) Functions**(1) Principal functions**

The Secretary shall delegate to the Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs those functions and duties under the jurisdiction of the Department that are related to trade and foreign agricultural affairs.

(2) Additional functions

The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall perform such other functions and duties as may be—

(A) required by law; or

(B) prescribed by the Secretary.

(Pub. L. 103-354, title II, §287, as added Pub. L. 115-334, title XII, §12413(2), Dec. 20, 2018, 132 Stat. 4980.)

SUBCHAPTER IX—MISCELLANEOUS
REORGANIZATION PROVISIONS

Editorial Notes

CODIFICATION

This subchapter was originally added as subtitle I of title II of Pub. L. 103-354, Oct. 13, 1994, 108 Stat. 3235, and subsequently redesignated subtitle J of title II of Pub. L. 103-354 by Pub. L. 105-277, div. A, §101(a) [title X, §1001(2)], Oct. 21, 1998, 112 Stat. 2681, 2681-41, and then subtitle K of title II of Pub. L. 103-354 by Pub. L. 115-334, title XII, §12413(1), Dec. 20, 2018, 132 Stat. 4980.

§ 7011. Successorship provisions relating to bargaining units and exclusive representatives**(a) Voluntary agreement****(1) In general**

If the exercise of the Secretary's authority under this chapter results in changes to an existing bargaining unit that has been certified under chapter 71 of title 5, the affected parties shall attempt to reach a voluntary agreement on a new bargaining unit and an exclusive representative for such unit.

(2) Criteria

In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

(A) sections 7103(a)(4), 7111(e), 7111(f)(1), and 7120 of title 5, relating to determining an exclusive representative; and

(B) section 7112 of title 5 (disregarding subsections (b)(5) and (d) thereof), relating to determining appropriate units.