



DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 2

RIN 0503-AA91

Delegations of Authority

AGENCIES: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority from the Secretary of Agriculture and general officers of the U.S. Department of Agriculture (USDA) to reflect changes and additions to the delegations, as described below.

DATES: Effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

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SUPPLEMENTARY INFORMATION:

This rule makes several changes to the United States Department of Agriculture's (USDA) delegations of authority in 7 CFR part 2 by adding new delegations and modifying or removing several existing delegations.

Overview of Changes

First, this rule codifies into the Code of Federal Regulations (CFR) any delegation of authority previously issued by the Secretary through a Secretary's Memorandum (SM) that has not yet been codified. These include:

- *SM 1077-012*: This SM delegated to the Administrator of the Risk Management Agency (RMA) the authority of the Secretary under section 1473A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319a). This delegation allows the Administrator of RMA to enter into cost-reimbursable agreements to improve

the efficiency and effectiveness of Federal programs in support of the Federal Crop Insurance Program. To the extent to which RMA entered into any such agreements after the expiration of the SM, such agreements are ratified in full.

- *SM 1078-018*: This SM delegated to the Assistant Secretary for Administration the authority under the Service First initiative to create a co-location program for Federal offices and facilities leased by USDA to further the Administration's Return-to-Office initiative and promote customer service and efficiency. This delegation also allows all agencies and staff offices of the USDA to use the Service First initiative to exercise the authority necessary to participate in the co-location program.

Second, this rule makes other changes to the published delegations consistent with existing SMs. On February 13, 2025, the Secretary rescinded all Diversity, Equity, Inclusion, and Accessibility programs, including the Special Emphasis Programs (SEP), and instructed the Department to reprioritize unity, equality, meritocracy, and color-blind policies. *See* SM 1078-001. In accordance with that instruction, this rule rescinds the delegations to the Assistant Secretary for Administration (§ 2.24(a)(4)(xv)) and the Director, Office of Human Resources Management (§ 2.91(a)(15)) to provide for diversity and inclusion through SEP programs and administering a Federal Equal Opportunity Recruitment Program.

Third, this rule makes technical changes to correct outdated citations or references. For example, it revises § 2.31(a)(7)) to update the reference from the General Accounting Office to the Government Accountability Office (GAO). Additionally, Section 315 of the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act, Public Law 118-234, repealed the Department's Service First authority at 43 U.S.C. 1703 and re-enacted it with revisions in 16 U.S.C. 8544(b). This rule updates the citation to the Service First authority accordingly throughout 7 CFR Part 2. It also fixes a citation to title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act for the Chief of the Forest Service. Finally, this rule

updates references to the Defense Production Act of 1950, as it has been recodified from an Appendix to chapter 55 in title 50, U.S. Code.

Fourth, this rule makes new delegations consistent with activities already underway at the Department. For example, this rule delegates authority to administer Section 9003(h) and (j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h) and (j)), as added by Sections 22001 (Powering Affordable Clean Energy, or “PACE”) and 22004 (Empowering Rural America, or “New ERA”) of the Inflation Reduction Act, Pub L. 117-169 (Aug. 16, 2022), to the Administrator of the Rural Utilities Service (RUS). Section 9003 otherwise remains delegated to the administrator of the Rural Business-Cooperative Service. Similarly, this rule delegates the various authorities of the Secretary in the Expanding Public Lands Outdoor Recreation Experiences (EXPLORE) Act, Pub. L. 118-234, and the National Forest System Trails Stewardship Act, 16 U.S.C. 583k *et seq.*, to the Chief of the Forest Service. To the extent to which RUS or the Forest Service have already undertaken activities consistent with those statutory authorities, such activities are ratified in full.

Finally, this rule modifies or removes several existing delegations. First, it removes the designation of the Inspector General as the liaison official for the Department for all audits of USDA performed by GAO. That administrative function will be reassigned in the Department. Second, this rule moves the delegation of authority to administer the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 *et seq.*) from the Under Secretary for Farm Production and Conservation and the Administrator of the Farm Service Agency to the Assistant Secretary for Administration. Third, this rule moves various administration and coordination functions related to the Defense Production Act of 1950 (50 U.S.C. 4501 *et seq.*), the Agriculture Priorities and Allocations System (7 CFR part 789), and several related Executive Orders from the Under Secretary for Farm Production and Conversation (FPAC), the Chief Operating Officer of the FPAC Business Center, and the Administrator of Farm Service Agency to the Assistant Secretary for Administration and the Executive Director of the Office of Homeland Security.

Finally, the rule moves various legislative and regulatory reporting and related activities from the Director, Office of Budget and Program Analysis, to the General Counsel.

Classification

This rule relates to internal agency management. Accordingly, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required, and this rule may be made effective less than 30 days after publication in the *Federal Register*. This rule also is exempt from the provisions of Executive Orders 12866, as amended. This action is not a rule as defined by the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 601 *et seq.*, or the Congressional Review Act, 5 U.S.C. 801 *et seq.*, and thus is exempt from the provisions of those acts. This rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects

7 CFR Part 2

Authority delegations (Government agencies)

Accordingly, as discussed in the preamble, 7 CFR part 2 is amended as follows:

PART 2 – DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

1. The authority citation for part 2 continues to read as follows:

Authority: 7 U.S.C. 6912(a)(1); 5 U.S.C. 301; Reorganization Plan No. 2 of 1953, 3 CFR 1949-1953 Comp., p. 1024.

2. In part 2, remove the text “50 U.S.C. App. 2061 *et seq.*” or “50 U.S.C. App. 2061, *et seq.*”, wherever it appears, and add, in its place, the text “50 U.S.C. 4501 *et seq.*”.

Subpart C – Delegations of Authority to the Deputy Secretary, Under Secretaries, and Assistant Secretaries

3. Amend § 2.16 by:

- a. Removing and reserving paragraph (a)(1)(xii).
- b. Adding paragraph (a)(4)(xi).
- c. Removing and reserving paragraph (a)(6)(ii).

The addition reads as follows:

§ 2.16 Under Secretary for Farm Production and Conservation.

(a) * * *

(4) * * *

(xi) Enter into cost-reimbursable agreements with State cooperative institutions or other colleges and universities without regard to any requirement for competition, for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest. (7 U.S.C. 3319a).

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4. Amend § 2.17 by adding paragraph (a)(20)(xvi) to read as follows:

§ 2.17 Under Secretary for Rural Development.

(a) * * *

(20) * * *

(xvi) Administer section 9003(h) and (j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h) and (j)).

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5. Amend § 2.20 by adding paragraphs (a)(2)(lvii) and (a)(2)(lviii) to read as follows:

§ 2.20 Under Secretary for Natural Resources and Environment.

(a) * * *

(2) * * *

(lvii) Carry out the functions of the Secretary of Agriculture authorized in the EXPLORE Act, Public Law 118-234, except as otherwise indicated in such Act.

(lviii) Carry out the functions of the Secretary of Agriculture authorized in the National Forest Systems Trails Stewardship Act (16 U.S.C. 583k *et seq.*).

* * * * *

6. Amend § 2.24 by removing and reserving paragraph (a)(4)(xv) and by adding paragraphs (a)(6)(ii)(J), (a)(7), (a)(8)(x)(N), and (a)(8)(x)(O) to read as follows:

§ 2.24 Assistant Secretary for Administration.

(a) * * *

(6) * * *

(ii) * * *

(J) Create the co-location program in Federal offices and facilities leased by USDA or the U.S. Department of the Interior (DOI), in support of the Service First initiative, for the purpose

of promoting customer service and efficiency, including allowing all agencies and staff offices of USDA to use the Service First initiative to exercise the authority necessary to participate in the co-location program (16 U.S.C. 8544(b)).

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(7) Administer the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3501 *et seq.*), except those functions delegated in § 2.21(a)(8)(xi).

(8) * * *

(x) * * *

(N) Administer functions delegated by the President to the Secretary under Executive Order 13603, “National Defense Resources Preparedness”, Executive Order 12742, “National Security Industrial Responsiveness”, Executive Order 13917, “Delegating Authority Under the Defense Production Act with Respect to Food Supply Chain Resources During the National Emergency Caused by the Outbreak of COVID-19”, Executive Order 12656, “Assignment of Emergency Preparedness Responsibilities”, Executive Order 14387, “Promoting the National Defense by Ensuring an Adequate Supply of Elemental Phosphorous and Glyphosate-Based Herbicides”, or any successor or similar executive orders.

(O) Administer, coordinate, and implement the Agriculture Priorities and Allocations System (7 CFR part 789) under the Defense Production Act of 1950 (50 U.S.C. 4501 *et seq.*).

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7. Amend § 2.30 by revising paragraphs (a)(1), (a)(3), and (a)(6) to read as follows:

§ 2.30 Director, Office of Budget and Program Analysis.

(a) * * *

(1) Serve as the Department's Budget Officer and exercise general responsibility and authority for all matters related to the Department's budgeting affairs, including all phases of the budget formulation and execution processes involving the resource administration of funds and staff years.

* * * * *

(3) Formulate and promulgate Departmental budgetary policies and procedures, including guidance on the development of appropriations-related legislative proposals.

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(6) Review and analyze legislation and policy options to determine their impact on USDA programs and policy objectives and on the Department's budget.

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Subpart D – Delegations of Authority to Other General Officers and Agency Heads

8. Amend § 2.31 by revising paragraph (a)(7) and adding paragraph (e) to read as follows:

§ 2.31 General Counsel.

(a) * * *

(7) Represent the Department in connection with legal issues that arise in its relations with the Congress, the Government Accountability Office, or other agencies of the Government.

* * * * *

(e) *Related to legislative and regulatory reporting.* Conduct legislative and regulatory reporting and related activities, including:

(1) Formulation and promulgation of Departmental legislative and regulatory policies and procedures.

(2) Review and analysis of regulations to determine their impact on USDA programs and policy objectives.

§ 2.33 [Amended]

9. Amend § 2.33 by removing and reserving paragraph (a)(3).

Subpart F – Delegations of Authority by the Under Secretary for Farm Production and Conservation

10. Amend § 2.42 by revising paragraph (a)(5) and by removing and reserving paragraph (a)(14) to read as follows:

§ 2.42 Administrator, Farm Service Agency.

(a) * * *

(5) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*), and title VI of the Robert T. Stafford Disaster Relief and Assistance Act (42 U.S.C. 5195 *et seq.*), relating to crop and animal production and financing farm and ranch operations.

* * * * *

11. Amend § 2.44 by adding paragraph (a)(11) to read as follows:

§ 2.44 Administrator, Risk Management Agency and Manager, Federal Crop Insurance Corporation.

(a) * * *

(11) Enter into cost-reimbursable agreements with State cooperative institutions or other colleges and universities without regard to any requirement for competition, for the acquisition of goods or services, including personal services, to carry out agricultural research, extension, or teaching activities of mutual interest. (7 U.S.C. 3319a).

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Subpart G – Delegations of Authority by the Under Secretary for Rural Development

12. Amend § 2.47 by adding paragraph (a)(20) to read as follows:

§ 2.47 Administrator, Rural Utilities Service.

(a) * * *

(20) Administer section 9003(h) and (j) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(h) and (j)).

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Subpart J – Delegations of Authority by the Under Secretary for Natural Resources and Environment

13. Amend § 2.60 by revising paragraph (a)(34) and by adding paragraphs (a)(66) and (a)(67) to read as follows:

§ 2.60 Chief, Forest Service.

(a) * * *

(34) Administer responsibilities and functions assigned under the Defense Production Act of 1950, as amended (50 U.S.C. 4501 *et seq.*), and title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195 *et seq.*), relating to forests and forest products, rural fire defense, and forestry research.

* * * * *

(66) Carry out the functions of the Secretary of Agriculture authorized in the EXPLORE Act, Public Law 118-234, except as otherwise indicated in such Act.

(67) Carry out the functions of the Secretary of Agriculture authorized in the National Forest Systems Trails Stewardship Act (16 U.S.C. 583k *et seq.*).

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Subpart P – Delegations of Authority by the Assistant Secretary for Administration

§ 2.91 [Amended]

14. Amend § 2.91 by removing and reserving paragraph (a)(15).

15. Amend § 2.95 by adding paragraphs (b)(10)(xiv) and (b)(10)(xv) to read as follows:

§ 2.95 Executive Director, Office of Homeland Security.

* * * * *

(b) * * *

(10) * * *

(xiv) Administer functions delegated by the President to the Secretary under Executive Order 13603, “National Defense Resources Preparedness”, Executive Order 12742, “National Security Industrial Responsiveness”, Executive Order 13917, “Delegating Authority Under the Defense Production Act with Respect to Food Supply Chain Resources During the National Emergency

Caused by the Outbreak of COVID-19”, Executive Order 12656, “Assignment of Emergency Preparedness Responsibilities”, Executive Order 14387, “Promoting the National Defense by Ensuring an Adequate Supply of Elemental Phosphorous and Glyphosate-Based Herbicides”, or any successor or similar executive orders.

(xv) Administer, coordinate, and implement the Agriculture Priorities and Allocations System (7 CFR part 789) under the Defense Production Act of 1950 (50 U.S.C. 4501 *et seq.*).

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§§ 2.16, 2.20, 2.41, 2.42, 2.43, 2.44, and 2.60 [Amended]

16. In addition to the amendments set forth above, in 7 CFR part 2, remove the text “43 U.S.C. 1703” and add, in its place, the text “16 U.S.C. 8544(b)” in the following places:

- a. Section 2.16(a)(12);
- b. Section 2.20(a)(2)(xxxix);
- c. Section 2.41(a)(7);
- d. Section 2.42(a)(31);
- e. Section 2.43(a)(5);
- f. Section 2.44(a)(10); and
- g. Section 2.60(a)(48).

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U.S. Department of Agriculture.