

2026 USDA EXPLANATORY NOTES – OFFICE OF THE GENERAL COUNSEL

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PREFACE

This publication summarizes the fiscal year (FY) 2026 Budget for the U.S. Department of Agriculture (USDA). Throughout this publication any reference to the "Budget" is in regard to the 2026 Budget, unless otherwise noted. All references to years refer to fiscal year, except where specifically noted. The budgetary tables throughout this document show actual amounts for 2023 and 2024, Full-Year Continuing Resolution levels for 2025, and the President's Budget request for 2026. Amounts for 2025 estimated levels include: non-enacted amounts such as Full-Time Equivalent levels, fleet levels, information technology investment levels, recovery levels, transfers in and out, balances available end of year, and obligation levels.

Throughout this publication, the "2018 Farm Bill" is used to refer to the Agriculture Improvement Act of 2018. Most programs funded by the 2018 Farm Bill are funded through 2025, as extended by the American Relief Act, 2025 (P.L. 118-158, Division D). Amounts shown in 2025 and 2026 for most Farm Bill programs reflect those confirmed in the baseline.

Pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, sequestration is included in the numbers for mandatory programs in 2023, 2024, 2025 and 2026.

In tables throughout this document, amounts equal to zero (0) are displayed as dashes (-). Amounts less than 0.5 and greater than zero are rounded and shown as a zero (0). This display treatment is used to prevent the masking of non-zero amounts that do not round up to one (1).

AGENCY-WIDE

PURPOSE STATEMENT

By General Order of June 17, 1905, the Secretary of Agriculture established the position of Solicitor, thereby consolidating the legal activities of the Department. In 1956, Congress established the position of General Counsel of the Department of Agriculture as a Presidential appointee confirmed by the Senate (70 Stat. 742) (7 U.S.C. 2214). The Office of the General Counsel (OGC) provides legal services and legal oversight required by the Secretary of Agriculture and USDA to achieve the Department's mission and deliver programs and services to the American people. OGC serves as the law office of USDA and provides legal services to officials at all levels of USDA, as well as technical support to members of Congress concerning the programs and activities carried out by USDA.

OGC determines legal policy and directs the performance of all legal work conducted for USDA. All Department legal services are supervised by OGC, and the General Counsel reports directly to the Secretary. The General Counsel is the chief law officer of USDA and is responsible for providing legal services for all programs, operations, and activities of USDA. Three Deputy General Counsels, five Associate General Counsels, four Regional Attorneys, the , Office of Information Affairs, and the Office of Administration and Resource Management assist the General Counsel in managing the work of the office.

The headquarters legal staff is divided into five divisions: (1) Marketing, Regulatory, and Food Safety Programs; (2) International Affairs, Food Assistance, and Farm and Rural Programs; (3) Natural Resources and Environment; (4) General Law and Research; and (5) Civil Rights, Labor and Employment Law. The field-based staff is organized into four regions (Eastern, Central, Mountain and Pacific) with 12 offices across the country.

Legal Advice

OGC provides both oral and written legal advice to all USDA officials. OGC also reviews administrative rules, regulations, and final agency decisions for legal sufficiency; agency agreements and contracts; and provides counsel about other agency activities.

Legislation and Document Preparation

OGC prepares draft legislation, patent applications arising out of inventions by USDA employees, contracts, agreements, mortgages, leases, deeds, and any other legal documents required by USDA agencies. OGC also provides technical assistance to Congress on legislative drafting.

Administrative Proceedings

OGC represents USDA in administrative proceedings for the enforcement of rules having the force and effect of law; in quasi-judicial hearings held in connection with the administration of various USDA programs; and defends USDA in civil rights, employment, and labor cases.

Federal and State Court Litigation

OGC works with the Department of Justice (DOJ) in all Departmental civil litigation including appellate work. The bulk of this litigation involves the defense of claims brought against the USDA. OGC serves as USDA's liaison with DOJ and assists in the preparation of all aspects of the government's case in affirmative and defensive litigation.

OGC refers matters involving allegations of criminal conduct and assists DOJ in preparation and prosecution of criminal cases. In some instances, OGC attorneys represent USDA as Special Assistant United States Attorneys, both in civil and criminal matters. By delegation, the Associate General Counsel for General Law and Research represents USDA in certain classes of cases before the United States Courts of Appeals.

Office of Information and Affairs (OIA)

The Freedom of Information Act (FOIA) function and the Records Management Program were realigned to the Office of Information Affairs (OIA) in 2019. The Records Management (RM) Division was established in accordance with a 2020 realignment to manage the Records Management function for the Office of the Secretary and provide oversight to USDA Agency Records Officers across the Department. The FOIA Division was established to manage the FOIA functions for all USDA staff offices to include the Office of the Secretary and the mission areas for Research, Education, and Economics as well as Trade and Foreign Agricultural Affairs . Apart from the Office of the Inspector General, the General Counsel has delegated authority to directly manage the OIA as its Chief FOIA Officer.

Law Library

OGC maintains the USDA Law Library, located in Washington, D.C. which, prior to 1982, was housed at the National Agricultural Library and includes print and electronic legal research resources and tools.

Geographic Location

The work of OGC is carried out in Washington, D.C. and four regions, which include 12 offices as follows:

- Eastern Region: Atlanta, Georgia; Harrisburg, Pennsylvania; Milwaukee, Wisconsin
- Central Region: Kansas City, Missouri; Little Rock, Arkansas; Temple, Texas
- Mountain Region: Denver, Colorado; Albuquerque, New Mexico; Missoula, Montana
- Pacific Region: San Francisco, California; Juneau, Alaska; Portland, Oregon

As of September 30, 2024, there were 248 permanent full-time employees, including reimbursable staff, of which 127 were located in the headquarters office and 121 in the field offices.

AVAILABLE FUNDS AND FTEs**Table OGC-1. Available Funds and FTEs (thousands of dollars, FTEs)**

Item	2023 Actual	FTEs	2024 Actual	FTEs	2025 Estimated	FTEs	2026 Estimated	FTEs
Salaries and Expenses:								
Discretionary Appropriations.....	\$60,137	220	\$60,537	228	\$60,537	218	\$57,537	188
Total Available	60,137	220	60,537	228	60,537	218	57,537	188
Lapsing Balances	-301	-	-624	-	-	-	-	-
Total Obligations, OGC.....	59,836	220	59,913	228	60,537	218	57,537	188
Other USDA:								
CCC.....	-	-	458	2	-	-	-	-
Civil Rights EEO Reimbursable.....	3,082	17	3,218	18	3,686	18	3,770	18
Detail Support	215	1	229	1	84	-	-	-
AgRecords Electronic Records System	5,383	-	11,487	-	12,100	-	-	-
eDiscovery Modern Initiative	-	-	2,016	-	3,600	-	-	-
OCFO Nonrecurring Expense	500	-	600	-	-	-	-	-
FOIAXpress and DOJ Portal	266	-	326	-	374	-	311	-
FS Non-Litigation Travel.....	15	-	1	-	-	-	-	-
Hazardous Material Management	758	3	716	3	902	4	-	4
AMS Pandemic Cotton Merchandise ...	-	-	100	-	-	-	-	-
AMS User Fees	448	2	516	2	560	2	560	2
APHIS User Fees	27	-	10	-	11	-	11	-
Total, Other USDA.....	10,694	23	20,675	26	21,317	24	5,570	24
Total, Agriculture Available	70,831	243	81,212	254	81,854	242	63,107	212
Other Federal Funds:								
National Archives	1	-	-	-	-	-	-	-
Total, Other Federal	1	-	-	-	-	-	-	-
Total Available, OGC.....	70,832	243	81,212	254	81,854	242	63,107	212

*This table assumes a reduced 2026 FTE baseline due to 2025 voluntary staff separations and administrative cost efficiencies.

PERMANENT POSITIONS BY GRADE AND FTEs**Table OGC-2. Permanent Positions by Grade and FTEs**

Item	2023 Actual			2024 Actual			2025 Estimated			2026 Estimated		
	HQ	Field	Total	HQ	Field	Total	HQ	Field	Total	HQ	Field	Total
EX	1	-	1	1	-	1	1	-	1	1	-	1
SES	14	4	18	16	4	20	17	4	21	17	4	21
GS-15.....	34	35	69	32	33	65	26	32	58	25	23	48
GS-14.....	45	40	85	47	47	94	51	49	100	50	48	98
GS-13.....	9	8	17	7	4	11	15	15	30	9	4	13
GS-12.....	5	4	9	11	15	26	4	1	5	3	1	4
GS-11.....	14	17	31	9	9	18	5	9	14	8	9	17
GS-9.....	1	11	12	2	8	10	2	8	10	1	6	7
GS-8.....	1	-	1	1	-	1	1	-	1	1	-	1
GS-7.....	1	2	3	-	1	1	1	-	1	1	-	1
GS-6.....	1	-	1	1	-	1	1	-	1	1	-	1
Total Permanent	126	121	247	127	121	248	123	119	242	116	96	212
Total Perm. FT EOY	126	121	247	127	121	248	123	119	242	116	96	212
FTE*	124	119	243	133	121	254	123	119	242	116	96	212

* Total FTEs are all inclusive of workforce categories including temporary positions.

This table assumes a reduced 2026 FTE baseline due to 2025 voluntary staff separations and administrative cost efficiencies.

SHARED FUNDING PROJECTS**Table OGC-3. Shared Funding Projects (thousands of dollars)**

Item	2023 Actual	2024 Actual	2025 Estimated	2026 Estimated
Working Capital Fund:				
Administrative Services:				
AskUSDA Contract Center.....	\$9	\$17	\$17	\$17
General Counsel Legal Compliance	-	-	29	44
Material Management Services Center	40	42	39	40
Mail and Reproduction Management Division.....	150	152	180	182
Integrated Procurement Systems	15	18	18	18
Personnel and Document Security Program	12	14	16	16
Procurement Operations Services.....	103	139	186	222
Human Resources Enterprise Management Systems	4	12	25	25
Subtotal.....	333	394	510	564
Communications:				
Creative Media & Broadcast Center.....	4	3	8	5
Finance and Management:				
National Finance Center	74	80	82	82
Financial Shared Services.....	220	232	225	224
Internal Control Support Services	-	13	11	11
Subtotal.....	294	325	318	317
Information Technology:				
Client Experience Center	1,676	1,784	1,619	1,786
Department Administration Information Technology Office.....	392	484	572	573
Digital Infrastructure Services Center.....	486	447	47	23
Enterprise Cybersecurity Services.....	105	162	205	205
Enterprise Data and Analytics Services	6	6	6	6
Enterprise Network Services.....	129	246	224	261
Subtotal.....	2,794	3,129	2,673	2,854
Correspondence Management Services:				
Office of the Executive Secretariat	2	2	18	18
Total, Working Capital Fund	3,427	3,853	3,527	3,758
Department-Wide Shared Cost Programs:				
Agency Partnership Outreach	18	22	22	22
Diversity, Equity, Inclusion, and Accessibility	5	8	2	-
Employee Experience.....	9	11	8	8
Medical Services	40	52	63	63
NRC Interpreting Services	22	21	21	21
Office of Customer Experience.....	8	9	9	9
Physical Security.....	11	14	17	17
Security Detail.....	13	16	23	23
Security Operations	17	23	22	22
Talent Group	9	10	10	10
TARGET Center	4	5	5	5
Total, Department-Wide Reimbursable Programs	156	191	202	200
E-Gov:				
Human Resources Line of Business.....	1	1	1	1
Total, E-Gov.....	1	1	1	1
Agency Total	3,584	4,045	3,730	3,959

*In alignment with the current Administration's priorities, the 2025 amounts reflect expenses incurred prior to January 20, 2025.

ACCOUNT 1: OFFICE OF THE GENERAL COUNSEL**APPROPRIATIONS LANGUAGE**

The appropriations language follows (new language underscored)

Office of the General Counsel

For expenses necessary to the Office of the General Counsel, \$57,537,000.

LEAD-OFF TABULAR STATEMENT**Table OGC-1. Lead-Off Tabular Statement (In dollars)**

Item	Amount
Enacted, 2025	\$60,537,000
Change in Appropriation	-3,000,000
Budget Estimate, 2026	<u>57,537,000</u>

PROJECT STATEMENTS**Table OGC-5. Project Statement on Basis of Appropriations (thousands of dollars, FTEs)**

Item	2023 Actual	FTEs	2024 Actual	FTEs	2025 Estimated	FTEs	2026 Estimated	FTEs	Inc. or Dec.	FTE Inc. or Dec.	Chg Key
Discretionary Appropriations:											
Legal Services	\$60,137	220	\$60,537	228	\$60,537	218	\$57,537	188	-\$3,000	-30	(1)
Subtotal	60,137	220	60,537	228	60,537	218	57,537	188	-3,000	-30	
Add back:											
Transfers In and Out, Rescissions	400	-	-	-	-	-	-	-	-	-	
Total Appropriation	60,537	220	60,537	228	60,537	218	57,537	188	-3,000	-30	
Transfers Out:											
Working Capital Funds	-400	-	-	-	-	-	-	-	-	-	
Total Available	60,137	220	60,537	228	60,537	218	57,537	188	-3,000	-30	
Lapsing Balances	-301	-	-624	-	-	-	-	-	-	-	
Total Obligations	<u>59,836</u>	<u>220</u>	<u>59,913</u>	<u>228</u>	<u>60,537</u>	<u>218</u>	<u>57,537</u>	<u>188</u>	<u>-3,000</u>	<u>-30</u>	

Table OGC-6. Project Statement on Basis of Obligations (thousands of dollars, FTEs)

Item	2023 Actual	FTEs	2024 Actual	FTEs	2025 Estimated	FTEs	2026 Estimated	FTEs	Inc. or Dec.	FTE Inc. or Dec.
Discretionary Obligations:										
Legal Services	\$59,836	220	\$59,913	228	\$60,537	218	\$57,537	188	-\$3,000	-30
Total Obligations	59,836	220	59,913	228	60,537	218	57,537	188	-3,000	-30
Add back:										
Lapsing Balances	301	-	624	-	-	-	-	-	-	-
Total Available	60,137	220	60,537	228	60,537	218	57,537	188	-3,000	-30
Less:										
Total Transfers Out	400	-	-	-	-	-	-	-	-	-
Total Appropriation	<u>60,537</u>	<u>220</u>	<u>60,537</u>	<u>228</u>	<u>60,537</u>	<u>218</u>	<u>57,537</u>	<u>188</u>	<u>-3,000</u>	<u>-30</u>

JUSTIFICATION OF CHANGES**Office of the General Counsel**

Base funding will allow the Office of the General Counsel to continue to provide legal Oversight, maintain the Office of Information Affairs, responsively serve legal needs and support all activities of the Department. OGC's work is also integral to the protection and recovery of governmental assets, through litigation and other means. OGC personnel will support USDA agencies with Farm Bill reauthorization, implementation and litigation involving the Administration's Executive Orders, and proposed rulemakings.

1) A net decrease of \$3,000,000 and 30 FTEs (\$60,537,000 and 218 FTEs available in 2025).

(A) A net decrease of \$5,370,000 in salary adjustments and 30 FTEs.

In pursuit of streamlining workforce efforts, facilities, and other government efficiencies, OGC has reduced staff from 218 to 188. At this level OGC will continue to provide legal oversight and maintain the Office of Information Affairs to support the Department.

OGC will continue to assist the Secretary and USDA agencies by providing legal advice, preparing transactional documents, representing the Department in administrative proceedings, providing technical assistance to Congress, and assisting the Department of Justice in litigation involving USDA. OGC also provides legal services to support USDA agencies in achieving their missions and offers legal assistance in areas that include but are not limited to farm programs, nutrition, food safety, and rural development.

At this level OGC will continue to ensure that the quality of OGC's advice remains high, and OGC will continue to provide legal services such as technical assistance to Congressional members and staff, issuing formal legal opinions, drafting regulations and legislative language for Department priorities like the Farm Bill, and defending the Department against lawsuits.

(B) An increase of \$2,370,000 to support Records Management.

Funds will be used to support the recent influx of additional records requests, consultations, and administrative appeals. Funds will also be used to support the restructuring of USDA's records management network, policies, and procedures as the Department continues with its consolidation efforts.

GEOGRAPHIC BREAKDOWN OF OBLIGATIONS AND FTEs**Table OGC-7. Geographic Breakdown of Obligations and FTEs (thousands of dollars, FTEs)**

State/Territory/Country	2023		2024		2025		2026	
	Actual	FTEs	Actual	FTEs	Estimated	FTEs	Estimated	FTEs
Alaska.....	\$964	5	\$874	6	\$1,218	6	\$1,279	6
Arkansas.....	1,085	6	1,203	7	1,116	6	405	2
California.....	3,060	12	3,754	15	2,660	13	2,905	10
Colorado	2,667	13	2,714	13	2,907	13	2,084	9
District of Columbia.....	37,469	110	36,199	112	36,503	105	37,224	98
Georgia	3,413	17	3,761	16	3,691	16	2,681	12
Missouri	2,253	12	2,209	11	2,263	11	2,167	11
Montana.....	1,070	6	1,297	7	1,430	7	829	4
New Mexico.....	1,120	6	1,119	5	1,127	5	696	3
Oregon	2,356	12	1,869	11	2,545	11	2,354	10
Pennsylvania	1,690	8	1,874	9	1,771	8	1,916	9
Texas.....	1,125	5	1,259	6	1,286	6	1,082	5
Wisconsin.....	1,564	8	1,653	9	1,873	10	1,719	8
Mexico	-	-	128	1	147	1	196	1
Obligations	59,836	220	59,913	228	60,537	218	57,537	188
Lapsing Balances	301	-	624	-	-	-	-	-
Total, Available.....	60,137	220	60,537	228	60,537	218	57,537	188

CLASSIFICATION BY OBJECTS**Table OGC-8. Classification by Objects (thousands of dollars)**

Item No.	Item	2023 Actual	2024 Actual	2025 Estimated	2026 Estimated
Personnel Compensation:					
	Washington D.C.	\$16,191	\$17,401	\$18,614	\$16,270
	Personnel Compensation, Field.....	15,557	16,718	17,182	15,018
11	Total personnel compensation	31,748	34,119	35,796	31,288
12	Personal benefits	11,034	11,937	12,650-	11,786
13.0	Benefits for former personnel	16	-	-	-
	Total, personnel comp. and benefits	42,798	46,056	48,446	43,074
Other Objects:					
21.0	Travel and transportation of persons	204	127	50	150
22.0	Transportation of things.....	1	8	2	2
23.1	Rental payments to GSA.....	1,873	1,744	1,587	1,587
23.2	Rental payments to others.....	171	-	204	210
23.3	Communications, utilities, and misc. charges	492	305	427	421
24.0	Printing and reproduction.....	82	82	30	30
25	Other contractual services.....	-	-	-	-
25.2	Other services from non-Federal sources	8,477	5,826	4,508	6,920
25.3	Other goods and services from Federal sources....	4,443	4,558	4,094	3,956
26.0	Supplies and materials.....	1,002	1,164	1,127	1,142
31.0	Equipment	293	43	25	45
42.0	Insurance Claims.....	-	-	37	-
	Total, Other Objects	17,038	13,857	12,091	14,463
99.9	Total, new obligations.....	59,836	59,913	60,537	57,537
DHS Building Security Payments (included in 25.3)					
		\$235	\$248	\$240	\$240
Information Technology Investments:					
Major Investment					
FOIA WCF-FOIAXpress					
25.2	Outside Services (FOIAXpress Consulting)	\$255	\$306	\$321	\$255
	Total Major Investment 1.....	255	306	321	255
Mission Area Major Investment					
11	Internal Labor.....	200	-	-	-
	External Labor (ERMS Contractors Support)..	355	-	-	-
25.2	Outside Services (ERMS)	30	-	-	-
	Total Major Investment 2.....	585	-	-	-
25.6	Outside Services (Matter Center – External Labor)	427	334	370	390
	Total Major Investment External Labor	427	334	370	390
Panum Contract Support					
25.5	External Labor (Contractors)	906	1,900	1,900	1,900
	Total Panum Contractor Support	906	1,900	1,900	1,900
	Mission Area Standard Investment IT	1,918	13	61	1,187
25.3	Mission Area WCF Transfers (Shared Services).....	2,684	3,203	2,892	3,181
	Total IT Investments	6,775	5,756	5,544	6,913
Position Data:					
	Average Salary (dollars), ES Position	\$201,393	\$206,537	\$210,374	\$210,374
	Average Salary (dollars), GS Position.....	\$135,035	\$145,535	\$147,664	\$152,965
	Average Grades, GS Position.....	14.3	14.2	14.2	14.3

"This table assumes a reduced 2026 FTE baseline due to 2025 voluntary staff separations and administrative cost efficiencies."

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STATUS OF PROGRAMS

The Office of the General Counsel (OGC) provides legal services and oversight required by the Secretary and USDA to achieve the Department's mission and deliver programs and services to the American people. OGC provides proactive, accurate, creative, and prompt legal services. OGC is committed to developing its employees and to serving its clients in a way that is collaborative, transparent, innovative, fact-based, and technology enabled.

Current Activities

USDA's lawyers are involved in almost every Departmental activity and provide daily advice on a broad range of legal issues. On the programmatic side, they do everything from legal sufficiency reviews of complex regulations, to serving as counsel for high-value business transactions. OGC attorneys also provide extensive drafting and technical assistance to Congress on legislative proposals. OGC's practice is also litigation intensive. OGC represents or assists in the representation of USDA in disputes in every conceivable tribunal, including administrative bodies, the Federal and State courts, and the World Trade Organization. OGC's services also include responding to legal inquiries and preparing legal opinions on a broad range of issues relating to the Department's authorizing statutes, as well as laws of general applicability, constitutional, and fiscal law matters. OGC prepares or interprets contracts, mortgages, leases, deeds, and other legal documents, prepares briefs, and collaborates with the Department of Justice (DOJ) in trial and appellate litigation.

Selected Examples of Recent Accomplishments by OGC

- OGC assisted RHS in the development and implementation of the Stand-Alone Rental Assistance (SARA) program and the modernization of the Community Facilities program.
- OGC worked closely with APHIS and its federal partners in responding to a novel outbreak of bird flu in dairy cattle. These efforts have been successful in mitigating the outbreak, including impacts on both animal health and human health.
- In *Hahnenkamm, LLC v. United States*, GLRD assisted DOJ and OGC's Pacific Region in overturning a \$4 million judgment against the Forest Service based on an alleged breach of a land purchase contract.

Freedom of Information Act (FOIA) Division

The FOIA, 5 U.S.C. §552, requires executive agencies to disclose agency records, except for those records that are protected from disclosure under one or more of the nine statutory exemptions or three statutory exclusions. The OIA's FOIA Division (OIA-FOIA) serves as the focal point for USDA's FOIA program. Accordingly, it provides day-to-day coordination and ensures statutory compliance with the FOIA. The OIA-FOIA processes FOIA requests, consultations, and appeals on behalf of all USDA staff offices except the Office of the Inspector General. The OIA-FOIA also handles the FOIA functions for the Research, Education and Economics and the Trade and Foreign Agricultural Affairs mission areas. Other recent services of the OIA-FOIA include maintenance of a contract vehicle for the Department's FOIA program to expeditiously procure FOIA support services, maintenance of USDA's enterprise wide FOIA tracking system, updates to USDA's FOIA landing page, and assessments of USDA's administration of FOIA.

The OIA completed several initiatives to improve USDA's administration of the FOIA. First, the OIA successfully executed a strategy, to process the surge in incoming requests. In 2023, the OIA received a total of 829 initial FOIA requests and processed 851 initial requests, as the OIA was able to complete some of the prior year holdovers. The OIA received a total of 1,897 initial requests and processed 1,657 initial requests. That's a 128.83 percent increase in incoming requests and 94.71 percent increase in processed initial requests. Of those processed, only 1.7 percent were administratively appealed.

Records Management (RM) Division

In accordance with the Federal Records Act (FRA), 44 U.S.C. § 3301, the USDA must create and manage information that documents its work, safeguard information that needs to be protected, and keep or dispose of records according to an approved records schedule. Recognizing the

importance of protecting the integrity of the Department's records and reducing the litigative risks associated with poor recordkeeping practices, the OIA's Records Management Division (OIA-RM) devised a multi-year plan to rebuild the Department's RM program, specifically to standardize RM training, raise the visibility of RM, create a framework to begin the process of creating an entirely digital infrastructure for USDA's programs, and ensure statutory compliance with the FRA.

The OIA continued its work related to AgRecords, USDA's first enterprise-wide electronic records management system. This system is an integral part of achieving compliance with the Federal Records Act (FRA), and the joint Office of Management and Budget (OMB) and National Archives and Records Administration (NARA) Memorandum M-23-07, "Update to Transition to Electronic Records." M-23-07 requires a transition to digital business, with the creation and capture of records and information and its associated metadata, electronically by June 30, 2024. The OIA oversaw completion of several pre-ingestion milestones that ensured AgRecords readiness to safely and securely receive records. These include an Authority to Test (ATT) and Operate (ATO), network configurations such as User Defined Routes (UDRs) which allows AgRecords to bypass the USDA network traffic, implementation of a load balancer to help spread the traffic ingestion activity across multiple servers, and vendor FedRamp sponsorship. These pre-ingestion activities paved the way for success with the transfer of emails for our first cohort, Records Group 16 (RG-16) which includes all the Office of the Secretary and Undersecretaries as well as all staff offices. With the success of this first group, the OIA pushed forward with the ingestion of day forward emails from many other mission areas and agencies, bringing the total record custodian count to approximately 81k. More than 47 million days forward emails have been ingested into AgRecords.

The OIA also oversaw the production of USDA's annual mandatory RM training in USDA's online training repository. To date, 90.1 percent of USDA employees have completed the training. To reinforce those best practices outlined in the training course, the OIA also provided short micro-learning sessions at senior level and program staff meetings.

Marketing, Regulatory and Food Safety Programs Division

THE DIVISION PROVIDES LEGAL ADVICE AND LITIGATION SUPPORT TO TWO MISSION AREAS: FOOD SAFETY AND MARKETING AND REGULATORY PROGRAMS. In 2024, the Marketing, Regulatory and Food Safety Programs Division completed action on over 15 administrative complaints and 30 non-docketed case files (stipulations and pre-complaint settlements) under the Packers and Stockyards Act (PSA). Those administrative efforts resulted in \$319,335.00 in civil penalties and in payments of over \$12.4 million to livestock sellers and producers. In addition, numerous violators of the PSA were ordered to cease and desist from operating in violation of the Act, and numerous violators were removed from the livestock industry by Decision and Order suspending their registration to operate subject to the PSA. The Division also advised the Packers and Stockyards Division in several livestock "Dealer Trust Claim" matters wherein dealers and producers were owed several millions of dollars- those matters are currently being litigated and working towards resolution in various District Courts. Finally, 8 complex PSA investigations were conducted and ongoing during this time period-- two of which resulted in referrals to the Department of Justice, and in one of those referrals, a subsequent Consent Decree enjoining various poultry violations under the PSA.

The Division drafted 58 reparations decisions involving more than \$2.3 million in disputed claims and completed action on over 28 administrative complaints under the Perishable Agricultural Commodities Act (PACA). These administrative Complaints, Consent Decisions, and Decisions and Orders resulted in collective recoveries for produce dealers in the amount of over \$ 7.5 million, civil penalties assessed against PACA violators in the amount of \$190,000.00, and revocation of numerous PACA licenses.

The Division filed over 35 complaints involving several critical APHIS programs and obtained favorable decisions in 30 cases. The Division referred 4 cases to the Department of Justice and obtained preliminary injunctions in 3 cases. In addition, the Division worked closely with APHIS to

finalize several high priority rulemakings, including final rules to amend its user fee regulations for agricultural quarantine and inspection services.

Finally, the Division provided considerable advice to all three agencies regarding the impacts of several opinions issued by the Supreme Court on the administration and enforcement on the agencies' programs.

International Affairs, Food Assistance, and Farm and Rural Programs (FAIR) Division

The Division provided extensive legal advice and assistance to the Farm Service Agency (FSA), Foreign Agricultural Service (FAS), Risk Management Agency (RMA), Food and Nutrition Service (FNS), and Rural Development (RD) including in connection with implementation of several statutes, including but not limited to the Consolidated Appropriations Act, 2023, the Consolidated Appropriations Act, 2024, and discretionary uses of funds as authorized by the Commodity Credit Corporation (CCC) Charter Act.

Commodity Credit Corporation (CCC) and Farm Service Agency (FSA)

OGC led all legal matters for the implementation of the Secretary's disaster relief agenda through the streamlined Emergency Relief Program, Milk Loss Rule, and Emergency Livestock Relief Program for 2022 losses (\$3.7 billion), and provided guidance on navigating the legal challenges to FSA's ad hoc pandemic and disaster programs. OGC also advised on adding avian flu as an eligible cause of loss for dairy producers under the Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish Program. OGC also reviewed and advised on an expedited basis the most comprehensive updates to FSA's farm loan regulations in almost 20 years.

Foreign Agricultural Service (FAS)

OGC continues to serve as primary counsel for USDA in the United States-Mexico-Canada Agreement dispute over Mexico's genetically engineered corn ban. In addition, OGC has been a key advisor in trade negotiations around the Indo-Pacific Economic Framework (IPEF), the U.S.-Taiwan Initiative on 21st-Century Trade, and the U.S.-Kenya Strategic Trade and Investment Partnership, protecting U.S., USDA, and FAS agricultural interests in those negotiations. OGC continues to provide vital counsel for programs significant to international food assistance.

Risk Management Agency (RMA) and the Federal Crop Insurance Corporation (FCIC)

OGC provided legal advice and assistance to RMA and the FCIC Board of Directors on crop insurance policies, regulations, litigation, compliance issues, administrative proceedings, interpretations of procedure, final agency determinations, and other matters. OGC's legal guidance assisted RMA in publishing regulations, issuing manager's bulletins, responding to program participants, and managing the Federal Crop Insurance Program, which insures approximately \$207 billion of U.S. agricultural production.

Food, Nutrition and Consumer Services (FNCS)

OGC provided significant legal assistance to FNCS to implement the landmark summer electronic benefit (Summer EBT) program during its inaugural summer of 2024. Summer EBT provided approximately \$2.5 billion in grocery benefits to over 20 million children during Summer 2024, with 35 States, all U.S. territories, and four Tribes operating the program.

OGC also assisted the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) in promulgating a final rule to implement the new disaster and emergency waiver authority in the Access to Baby Formula Act (ABFA), which was enacted in the wake of the Abbott infant formula recall. The provisions of this rule strengthen USDA and WIC State agencies' ability to address emergencies, disasters and supply chain disruptions, particularly those impacting infant formula, to ensure continuity of WIC participants' access to benefits.

Rural Development (RD)

OGC provided legal advice and assistance to the Rural Utilities Service (RUS), Rural Business Cooperative Service (RBCS), and Rural Housing Service (RHS), which collectively administer more

than 90 programs serving rural America. OGC also advised RHS and RUS on the execution of disaster relief programs. OGC advised RBCS on the implementation of key programs to increase resiliency in the food supply chain, and programs to increase the production and utilization of biofuels, such as the Higher Blends Infrastructure Incentive Program (HBIIP) and the Advanced Biofuel Payment Program. OGC also assisted RBCS with negotiation and drafting of multiple cooperative agreements to expand technical assistance options and develop unique and innovative methods of program delivery in rural America.

Natural Resources and Environment Division

OGC advised the Natural Resources Conservation Service (NRCS) and other agencies within the Farm Production and Conservation Business Center on program implementation issues. OGC played a key role in advising NRCS regarding significant wetlands litigation and in modernization of conservation easement reviews. OGC also provided legal advice to the Forest Service (FS) on compliance with Federal environmental and administrative laws governing management of the 193 million-acre National Forest System (NFS). OGC counseled the FS on legal issues arising under laws including the Administrative Procedures Act (APA), the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), the National Forest Management Act (NFMA), the Healthy Forest Restoration Act, and the Endangered Species Act (ESA) to name just a few. In addition, OGC provided support to FS State and Private Forestry, Business Operations, and Research and Development regarding numerous conservation programs. OGC also reviewed legislative reports and testimony for congressional hearings and provided legal advice to the FS regarding law enforcement issues and the Secure Rural Schools Act payments.

OGC provided significant legal assistance in a wide range of issues affecting Native American tribes across almost all of USDA programs. OGC worked with agencies across the Department and outside USDA, including the Council on Environmental Quality to develop an Interagency Memorandum of Understanding and guide to best practices for addressing sites held sacred by Tribes and the Native Hawaiian Community located on federal lands. In addition, OGC advised a wide variety of agencies on issues arising under the Tribal Forest Protection Act and Indian Self Determination and Education Assistance Act, helping to improve USDA's work with Native American communities in a number of program areas across the Department.

OGC has worked closely with the FS to advise the agency on implementation of its wildfire crisis strategy to address wildfire risk across NFS lands. OGC work has included advice on compliance with revised NEPA regulations issued by the Council on Environmental Quality, development of revised Forest Service regulations to conform with new NEPA developments, NEPA compliance advice and developing strategies to efficiently and effectively comply with NEPA, ESA, and NFMA obligations.

OGC coordinated litigation strategies and assisted in the defense of cases involving the Forest Service's development of nationwide timber targets, old growth and mature forest conservation, use of aerial application of fire retardant in wildfire response, critical minerals development projects, and defense of Forest Service roadless area management rulemaking. In addition, OGC advised the Forest Service in bringing affirmative litigation to protect water rights on National Forest System lands.

OGC NRED led a national team to support Forest Service efforts to remediate hazardous waste sites resulting from past activities on the NFS such as abandoned mines on NFS lands, abandoned oil and gas wells, and formerly used defense sites. These efforts included sites in Alaska, California, and Missouri in which steps were taken to mitigate public health and safety risk and restore natural resources as well as public recreation access.

NRED provides national direction to OGC attorneys engaged in review and counsel for development of new and/or revised Forest Service land management plans and key plan amendments, including the most comprehensive update of Pacific Northwest plans in the past three decades. NRED provided counsel to the agency regarding development of revised management direction regarding

old growth forests nationwide, including novel and complex issues regarding marginalized communities and Native American tribal access to lands for traditional practices.

In addition, NRED provided counsel to Rural Development and the Rural Utilities Service regarding implementation of programs to support development of critical energy infrastructure projects to both expedite decision-making and ensure defensible decisions that comply with agency's NEPA and NHPA obligations.

General Law and Research Division (GLRD)

GLRD, in coordination with attorneys from DOJ and other OGC divisions and offices, is responsible for presenting USDA's legal position in cases on appeal. GLRD's responsibilities include reviewing briefs and advising DOJ in cases affecting USDA programs before the United States Supreme Court, Federal circuit courts, and State appellate courts. GLRD also is responsible for preparing USDA's official recommendations to DOJ about whether to appeal adverse decisions of various lower courts or to participate as amicus in Supreme Court or other appellate cases. During 2024, GLRD prepared 21 appeal recommendations. GLRD also defends USDA Judicial Officer decisions under the P&S Act, PACA, AWA, and the HPA that are appealed to the federal courts of appeals.

GLRD is responsible for handling transactional, counseling, and litigation matters that arise throughout the Department and its agencies; for example, GLRD advises agencies and offices regarding the Department's legal issues and litigation related to reorganizing and realigning the Department, complying with the Federal Vacancies Reform Act, and analyzing procurement and grant issues.

GLRD defended the government in litigation before Federal courts and administrative forums, including approximately 47 protest-related matters initiated before the Government Accountability Office (GAO), as well as those continued from the previous fiscal year.

GLRD provides the primary legal support for Departmental Administration (DA), the Office of the Chief Scientist (OCS), and for the Research, Education, and Economics (REE) Mission Area. For the REE mission area, GLRD provided legal services to the National Institute of Food and Agriculture (NIFA) and the Agricultural Research Service (ARS). In addition, GLRD assisted with responses to requests for information and technical assistance from Congress and assisted the Department in implementing Farm Bill programs and answering questions surrounding its expiration in September.

GLRD handles the legal work and litigation that arises under the Freedom of Information Act (FOIA), the Federal Tort Claims Act (FTCA), the Privacy Act (PA), and the Federal Advisory Committee Act (FACA) for USDA agencies and offices. GLRD continued handling and supporting DOJ in numerous FOIA cases. Many of these cases involve complex disclosure and privacy issues involving records concerning agencies and private parties. Examples include multiple lawsuits from ASPCA, Animal Legal Defense Fund, Southern Environmental Law Center, and similar organizations that sought sensitive records from senior USDA officials that GLRD resolved to the satisfaction of those officials. GLRD assists the Department in responding to governmental requests and private party subpoenas and other discovery requests.

GLRD also assisted with the Department's representation in anti-trust litigation. GLRD continued to represent USDA's interests in significant antitrust cases such as *in re Pork Antitrust Litigation*, *in re Cattle and Beef Antitrust Litigation*, and *in re Turkey Antitrust Litigation*. GLRD served as the primary agency point of contact in conjunction with subpoenas (both document and testimony) arising out of these cases. With GLRD's assistance, USDA continued to satisfy its discovery obligations with minimal interference to agency operations.

GLRD participated in Federal interagency initiatives with respect to biodefense, counterintelligence, and human trafficking. GLRD provided advice and guidance on sensitive matters before the Committee for Foreign Investment in the United States, helping to ensure the security of the Nation's agricultural resources. GLRD continued to advise the Department on numerous cybersecurity and information technology law issues, interpreting and advising on statutes,

regulations, and executive orders concerning national security related programs and activities. GLRD also served as the Department's legal advisor to the Office of Homeland Security's Continuity of Operation program, providing legal advice and guidance to the Department during the planning and execution phases of the largest intergovernmental continuity exercise.

GLRD provides legal services regarding intellectual property (IP) to agencies, mission areas, and staff offices throughout USDA. GLRD's IP group oversees and advises on patent procurement, invention rights, assignments, and licenses, including technology transfer from USDA to the private sector. The GLRD IP group also advises on trademarks, copyrights, and the IP clauses in a variety of transactional documents. The GLRD IP group represents USDA before the Patent and Trademark Office regarding patents and trademarks and at the Department of Justice regarding patent and copyright infringement litigation.

Civil Rights, Labor, and Employment Law Division

OGC's Civil Rights, Labor, and Employment Law Division (CRLELD) provides advice, counsel and litigation support for matters involving civil rights and Federal sector employment, human resources, labor relations, and employee relations. CRLELD provides legal advice to management at USDA offices and client agencies on issues involving personnel and civil rights matters, including disciplinary actions, informal complaints of employment discrimination, and program implementation. CRLELD also defends the Secretary in individual cases and class actions filed pursuant to equal employment opportunity laws, the Equal Credit Opportunity Act, and other federal statutory and regulatory authorities. CRLELD directly defends the Secretary's interests before the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority, the U.S. Office of Special Counsel, and other administrative tribunals. CRLELD also assists the Department of Justice (DOJ) in defending the Secretary in similar claims brought in federal district and appellate courts, and the Court of Federal Claims. CRLELD's litigation work, and risk management work, regarding these matters is subject to certain criteria.

CRLELD's Litigation Section (the Litigation Section) defends the Secretary in individual cases and class actions filed pursuant to equal employment opportunity laws, the Equal Credit Opportunity Act, Constitutional equal protection laws and other federal statutory and regulatory authorities. In 2024, the Litigation Section supervised one of the Division's highest volume single-year caseloads of 544 active cases, taking on 339 new cases and appeals. The Litigation Section was responsible for defending the Secretary in approximately 493 administrative EEOC hearings and appeals; 18 administrative MSPB cases; and (assisting DOJ) in 59 federal court cases, including civil rights cases challenging aspects of USDA programs. CRLELD's Litigation Section also represented the Secretary's interests regarding whistleblower retaliation allegations, where the Office of Special Counsel conducted investigations or pursued resolution, in cases before the Foreign Service Grievance Board, and in international courts in Mexico and Panama. The litigation defense resulted in improved defense of the Secretary in all civil rights, labor and employment complaints and a savings of at least \$37.5 million.

The CRLELD Risk Management Section is responsible for providing advice and counsel across the Department to help leadership and management understand and manage their legal risk in civil rights, labor, and employment law matters. The Risk Management Section fulfills this role, in large part, by advising managers of what options are available to them under the law, the litigation risk associated with each option, and what actions are legally defensible. Further, the Risk Management Section assists agencies in managing risk by assessing the litigation risk of EEO complaints pre-investigation, particularly when the complainant is represented by an attorney. Such assessments at the earliest stage of the EEO complaint process allow agencies to resolve meritorious complaints quickly rather than risk that an adjudicator will award substantial damages and attorney's fees.

Regional Offices

Attorneys in OGC's field offices play a critical role in the Department, providing legal services to the USDA agencies and officials charged with implementing programs at the regional, State, and local levels on a variety of matters critical to the Department's programs and goals.

The *Eastern Region* of OGC consists of 3 field offices, located in Atlanta, Harrisburg, and Milwaukee with a total staff of 29 staff and four managers. The Region services all USDA Agencies in 22 States, along with the District of Columbia, Puerto Rico, and the Virgin Islands. In addition, it services the FS Southern (R8) and Eastern (R9) Regions, which encompass 29 National Forests covering 22 States and Territories.

The Eastern Region does the title work and general problem solving for a wide variety of land acquisition cases for the FS and conservation easement acquisition for NRCS. In 2024 the Region completed over 100 land and conservation easement acquisitions. Eastern Region staff provided timely and effective representation of USDA and assistance to the Department of Justice, in handling FS litigation, at both trial and appellate levels.

The Eastern Region assisted RD with the origination, servicing, restructuring and collection of over 800 loans and grants with a value in excess of \$2.5 billion and in handling a large volume of related litigation involving over \$3.3 million, including bankruptcies and foreclosures that normally arose out of such a large loan portfolio. The transactions the Eastern Region assisted on included over 225 eligibility reviews for program participants as well as issuing over 300 instructions for loan closings. Eastern Region staff also continued to assist RD with numerous issues related to the end of the COVID moratorium, especially related to the legal impact of the moratorium on foreclosures. Assisting RD in meeting the legal requirements for its foreclosures on its large portfolio, allows it to make those properties, many of which are single family houses, available to new program participants.

The Eastern Region handled multifamily housing related legal work including completing eligibility reviews of applicants for loans, reviewing loan proposals, and preparing closing instructions to guide the agency through the legal completion of hundreds of transactions with nearly 200 multifamily housing participants. Eastern Region attorneys also frequently drafted subordination agreements wherein the RD borrower has taken out a loan with a private lender, generally for making improvements on the property, and issued approval of transfers and assumptions of ownership of the facilities; thus, allowing these apartment complexes to stay in the program and continue to make affordable housing availability in rural America.

For the past several years, FNS has aggressively implemented several measures to reduce the prevalence of trafficking in SNAP. Currently The Eastern Region has 195 open cases, which is about 67 percent of all the FNS litigation being handled by OGC. Assisting in the litigation defense of these cases helps FNS uphold the integrity of SNAP by defending retailers' court challenges to the Agency's disqualifications.

OGC's *Central Region* is headquartered in Kansas City, Missouri with branch offices in Temple, Texas and Little Rock, Arkansas, and a total staff of 19 attorneys and 5 professional staff. This cadre of professionals provide legal advice and services to all USDA agencies and activities in a 13-State region that is home to America's most productive farmland, thousands of rural communities, but is also home to many large urban centers¹ that obtain supplemental food assistance from USDA. All these USDA activities require legal advice and representation provided by the attorneys and staff in the Central Region.

RD's housing programs (both single family and multi-family) continue to need legal services related to their loan portfolio, particularly to defend their liens. These foreclosures are all now proceeding judicially, which requires significantly more labor and time to process and defend. For example, as to single-family loans, RD has had a significant increase in the number of actions where it had to judicially defend the lien it obtained through the Special Loan Servicing Modification Program. Under

¹ The Central Region includes large metropolitan areas such as: Chicago, St. Louis, Houston, Dallas/Fort Worth, San Antonio, Indianapolis, El Paso, Nashville, Memphis, Oklahoma City, Kansas City, Omaha, Minneapolis/St. Paul, Tulsa, New Orleans, Wichita and Austin.

this program, RD guaranteed the loan and obtained a subordinate interest in an effort to help distressed borrowers who had become delinquent during the pandemic. RHS has a subordinate interest that requires defensive action to protect the financial interests and claims the United States has in these properties.

The multi-family housing program is at a juncture where many current owners are retiring out of the program or where the properties are in need of repairs or rehabilitation. These factors all combine to require a high volume of legal work to facilitate the numerous transfers, assumptions, and restructuring transactions. There is a heavy concentration of rural multi-family projects in economically disadvantaged Central Region States such as Mississippi and Louisiana that required significant legal assistance provided by Central Region attorneys to process these transactions legally and timely. In addition, many of these transactions are utilizing State tax credits that make the transactions more complex and time sensitive. Larger “portfolio transfers” involving multiple lenders, state/local agencies, and investors have added to the complexity of these transactions. One recent case out of Tennessee involved 12 properties involving two different investor groups that collaborated with a private lender for a transaction involving state and local bonds, coupled with both direct and guaranteed RD funding, and utilizing Low Income Housing Tax Credits

The Community Facility (“CF”) Program is a significant part of the legal work in the Central Region involving USDA loans and grants financing essential community facilities. Rural hospitals, medical clinics, libraries, daycare centers, fire stations, fire trucks, ambulances, water and sewer projects and other essential projects require OGC legal advice for loan-making, loan-servicing, and grants. Water and sewer projects are also part of this RD portfolio, and these projects facilitate additional rural economic viability by allowing rural communities to provide safe drinking water and install sewer systems that protect both the environment and the health of residents. Central Region attorneys worked on many water and sewer system projects that facilitated loan-making to many rural communities. Rural communities also need to update and upgrade their fire, ambulance and rescue services buildings and equipment. Central Region attorneys saw a significant amount of legal work related to loans and grants for loans for firetrucks, ambulances and rescue vehicles.

The Central Region also continued to work with rural hospitals and clinics that are struggling financially, all while balancing the need for adequate health care in remote/rural areas and protecting the financial interests of the United States against competing creditors. These borrowers are also in need of RD loans and grants and the complexity of these transactions has increased due to the use of Master Trust Indentures that cooperating lenders and borrowers are utilizing. Bond transactions, which are the primary means of financing municipal debt, also provide a steady amount of complex legal work for Central Region attorneys in assuring USDA interests are protected and loan documents are legally enforceable debt instruments under State law.

The Central Region provided legal assistance to RMA, FCIC, and its various components involving approved insurance providers and their administration of the crop insurance program to ensure re-insurance is proper for those policies and to defend any actions taken by RMA. Central Region attorney review crop insurance decisions and then defend those matters at the Civilian Board of Contract Appeals or depending on the nature of the action in some cases in District Court.

Central Region attorneys provided legal support to Farm Production Conservation and Business Center (FPAC) in a variety of matters. As a tenant in hundreds of USDA Service Centers, USDA has frequent maintenance issues with building owners and related leasing disputes with an increase in the number of threatened evictions. Central Region attorneys work to ensure that lessors properly maintain the properties, but also that leases are being legally transferred and properly managed. As many lessors age and retire, the Central Region is processing many property transfers to new ownership involving USDA Service Centers in rural areas. Central Region attorneys provide programmatic support and defensive litigation and advice to the Food and Nutrition Service (FNS) related to the Supplemental Nutrition Assistance Program (SNAP). FNS uses a variety of detection methods to monitor SNAP retailers and who may be involved in a variety of violations of the program. These retailers bring

judicial challenges that require Central Region attorneys to defend these actions. There has been a steady increase in the volume, and contentiousness of the litigation, particularly as discovery disputes and electronic discovery added to the complexity of the litigation. In order to defend USDA's financial interests, Central Region attorneys assisted with filing numerous claims in bankruptcy proceedings in order to protect the Farm Service Agency's financial interests against competing creditors involving FSA's over \$11 billion in outstanding direct and guaranteed loans. Following the pandemic, other superior creditors are resuming their collection efforts to enforce their interests, requiring legal support by OGC. Tax sale actions brought by municipalities or tax-lien holders required legal support to defend USDA's financial interests. The number of complex farm bankruptcies has increased over the last year, with several new Chapter 11 cases and more complex Chapter 12 cases involving multiple entities/debtors, with separate bankruptcy cases under different chapters with USDA's security spread over different cases with competing priority disputes. OGC's Central Region also provides legal advice to AMS on issues as varied as the United States Warehouse Act, the Packers and Stockyards Act, and contracting issues for procurements undertaken by AMS. OGC provides substantial legal assistance to the staff that administers the United States Warehouse Act, protecting grain depositors at federally licensed facilities and the integrity of electronic warehouse receipts. The National Bio and Agro-Defense Facility (NBAF), located in Manhattan, Kansas, will replace the Plum Island Animal Disease Center where ARS and APHIS currently conduct foreign animal disease research, training and diagnostics. The NBAF facility is being transferred from the Department of Homeland Security to USDA and will require additional legal support from OGC attorneys as the transfer continues to progress and finalize.

The Central Region defended USDA in litigation in various forums brought by employees, former employees or job applicants alleging various types of workplace discrimination, and in programmatic cases brought by program participants alleging various types of discrimination or mistreatment. Discovery and electronic discovery in particular are time-consuming parts of this litigation portfolio. These cases involve a variety of issues such as Reasonable Accommodation Claims and defending employment termination cases where employees believe that they were discriminated against.

OGC's *Mountain Region* provided proactive and high-quality legal support to USDA client mission areas and staff offices in 12 states in the Rocky Mountain and western area of the country, handling over 1,700 new matters in 2024 across three field offices (Albuquerque, NM; Lakewood, CO; and Missoula, MT). The Region supports Forest Service (FS) Regions 1-4, and the 59 National Forests and 16 National Grasslands that these regions encompass. The majority of the Region's legal work in 2024 involved FS decisions to harvest timber, implement projects to reduce the threat of wildfire and restore forest health, approve and administer surface use and occupancy in connection with private mining operations, construct energy infrastructure and water developments, and operate recreational facilities, to include legal advice related to NEPA, NFMA, and the ESA. The Mountain Region provided extensive advice to the FS regarding compliance with these and other laws in furtherance of the priorities of the USDA and FS, and assisted DOJ in the defense of almost 100 new litigation matters.

The Region continued to observe an increase in FS requests for legal assistance due in part to heightened fire activity influenced by drought conditions among much of the west. This has translated to substantial legal work, including numerous forest orders referred for legal sufficiency review. In support of active wildland fire programs, the Mountain Region reviewed almost 500 forest orders, such as orders issued to protect public health and safety from the risk of wildfires, post-fire conditions, and hazardous weather, such as adverse road conditions and flooding. The Mountain Region also assisted USDA agencies in answering varied legal questions and inquiries from the media, Congressional and local governmental representatives, and under FOIA related to . Mountain Region attorneys assisted with affirmative claims for suppression costs and damages, both administrative and judicial. They also helped the FS with defensive claims, liability, and management questions resulting from post-fire conditions, such as hazard tree liability and removal, to include legal issues and pending litigation related to prescribed burns. Many uses of NFS land are dependent upon water and water rights, and the Mountain Region assisted the FS in

acquiring and protecting water rights necessary for National Forest purposes. The Mountain Region, with DOJ, helped the FS participate in water rights judicial proceedings in several States. The Mountain Region also assisted the FS in assuring that water users of the National Forests comply with FS regulations for the occupancy and use of the National Forests, as well as State law water rights requirements.

The Mountain Region advised on and/or defended FS decisions related to several proposed oil and gas leasing or development projects on NFS lands in Colorado and Montana; coal development in Utah; and mines and proposed mining projects involving critical minerals throughout the Region. The Mountain Region is advising the FS on permitting issues for critical minerals, including highly complex bonding issues for the only currently authorized cobalt mine in the United States. Mountain Region attorneys were particularly involved in continuing to help the FS navigate the high-profile, and still pending, Resolution Copper land exchange, which resulted in three different lawsuits in 2021 to stop the exchange, one of which encompassed a Petition recently filed with the U.S. Supreme Court for a Writ of Certiorari.

The Mountain Region was also at the forefront in assisting the FS in implementing authority under Section 8623 of the 2018 Farm Bill, which authorized the FS to lease NFS land for in-kind consideration for administrative sites, to include employee housing. The FS views this authority as a key tool to ease its employee housing crisis. The Mountain Region advised on the first proposals and legal questions of first impression under this authority, for sites in Ketchum, Idaho and Aspen, Dillion, and Steamboat Springs, Colorado, with the Dillion lease executed and the other proposals proceeding pending the expected reauthorization of the authority.

In addition to its work in support of FS and NRCS programs, the Mountain Region provided substantial assistance to other USDA agencies throughout 2024, particularly FSA and RD in furtherance of their farm program and rural development missions. For FSA, the Region helped the agency navigate several bankruptcy proceedings, assisted in the resolution of numerous requests for equitable relief, and advised the agency on a variety of legal issues involving trusts, foreclosures, and borrower/loan servicing matters. For RD, the Region helped the agency obligate millions of dollars in funding, to include loans and grants involving the Water and Environmental Program, Community Facilities Program, and Multi Family Housing Program.

OGC's *Pacific Region* provides legal representation and advice to USDA agencies and officials in the States of Alaska, Washington, Oregon, California, Hawaii, Nevada, and Idaho, as well as American Samoa, Guam, the Republic of Palau, the Federated States of Micronesia, the Commonwealth of the Northern Mariana Islands, and the Republic of the Marshall Islands.

OGC's Pacific Region plays a unique role in advising the Alaska Federal Subsistence Board and USDA officials on controversial issues regarding subsistence resources for rural residents of Alaska. Pacific Region attorneys advise USDA agencies concerning a variety of types of contracts and contract disputes. Areas of contract advice include procurement, stewardship contracts, cooperative agreements, timber sales, leases, and licenses. When client agency contracts are the subject of disputes, OGC Pacific Region attorneys provide first-chair representation of client agencies before the Civilian Board of Contract Appeals and support to DOJ in litigation before the Court of Federal Claims and the Federal Circuit. Notably, our advocacy recently led to a positive outcome in a significant Civilian Board of Contract Appeals case where the claimant sought to hold the Forest Service liable for losses from a fire suppression procurement contract to which the Forest Service was not a party.

OGC's Pacific Region has an extremely active and effective role in helping the FS recover some of the millions of dollars in damages the agency incurs annually as a result of human-caused wildfires. Pacific Region attorneys' efforts include: working with FS Law Enforcement & Investigations agents and officers who conduct wildland fire origin and cause investigations to identify parties responsible for starting wildfires on NFS lands; coordinating with FS financial staff to calculate fire-suppression costs; and working with Forest Service natural resource experts and facilities managers to evaluate and value environmental and resource damages to National Forest System lands and to FS facilities.

Pacific Region attorneys then partner with the Department of Justice to bring civil cases seeking recovery of these damages. The OGC Pacific Region has helped the FS recover more than \$79.33 million in 2024, of which more than \$38.66 million went directly to Forests in the Region to be used for vital post-fire restoration work.

OGC's Pacific Region routinely handles FNS SNAP cases in which store owners are seeking judicial review of a variety of different types of sanctions for trafficking or other program-requirement violations. OGC successfully implemented our coordinated defense strategy with other OGC offices nationally, which included providing training to FNS employees, and we increased efficiency by developing new processes to evaluate cases involving six-month disqualification penalties for streamlined settlement.

Attorneys in OGC's Pacific Region provide advice and review legal documentation relating to hundreds of transfers of interests in land and related property rights either from or to the United States. In 2024 the Pacific Region helped USDA agencies acquire many millions of dollars' worth of real property interests, including easements on more than 13,473 acres of private lands and fee title acquisitions that added more than 21,082 acres to National Forest System lands in the OGC Pacific Region.

OGC's Pacific Region advises three FS Regions with respect to a wide range of public land-management decisions and also helps the Forest Service with legal compliance to prevent and prepare for litigation. When the FS is sued, OGC works closely with DOJ in defending the agency and ensuring that the FS can expeditiously implement important land-management decisions. Outside of litigation, we provided substantial advice in 2024 as the FS worked to re-open forest units that were closed for safety reasons after the historic wildfire season. In sum, these efforts are resulting in more treatment on the ground, reduced threats to the national forests and nearby communities, and decreased litigation.

Pacific Region attorneys advised on, reviewed and revised more than 410 FS Forest Orders in 2024 that prohibited specified conduct and provided for criminal citations for violations. Catastrophic wildfires in Washington, Oregon, and California resulted in dozens of emergency closure orders being issued, which attorneys reviewed and revised as needed on an expedited basis. OGC Pacific Region attorneys additionally advise FS Law Enforcement & Investigations agents regarding the scope of their authority when handling matters with varying degrees of nexus to NFS lands and review MOU agreements with local sheriff departments to confer California peace officer status on Forest Service law enforcement.

The Pacific Region provided legal advice and compliance reviews for RD agencies in loan and grant transactions, totaling more than \$160 million in loans and \$27.8 million in grants in 2024. Pacific Region attorneys protected the government's interests by analyzing loan and security instruments, assessing the adequacy of loan security, reviewing contracts and intercreditor agreements, and preparing detailed loan closing instructions, as well as providing advice and representation to USDA agencies with respect to loan servicing issues, delinquencies, debt collection, and bankruptcy matters.

OGC's Pacific Region adjudicates a variety of FTCA claims. OGC attorneys carefully review the factual and legal basis for the claim to determine whether payment is authorized under the FTCA and, if so, what amount of payment is supported by the evidence. They also represent USDA agencies in FTCA litigation filed by claimants who are dissatisfied with the administrative disposition of their claims.