A BILL

To authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.

AUGUST 23, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed.
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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1993

Mr. de la Garza (for himself, Mr. Stenholm, Mr. Penny, Mr. Volker, Mr. English of Oklahoma, Mr. Glickman, Mr. Johnson of South Dakota, Mr. Dooley, Mr. Thompson of Mississippi, Mrs. Clayton, Mr. Sarpaulus, Mr. Hilliard, Ms. McKinney, Mr. Pomeroy, Mr. Minge, Ms. Long, Mr. Holden, and Mr. Farr of California) (all by request) introduced the following bill; which was referred to the Committee on Agriculture

APRIL 26, 1994

Additional sponsors: Mr. Brown of California and Mr. Ravenel

AUGUST 23, 1994

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on September 29, 1993]

A BILL

To authorize the Secretary of Agriculture to reorganize the Department of Agriculture, and for other purposes.
1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
3
4 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**
5 (a) Short Title.—This Act may be cited as the
6 “Department of Agriculture Reorganization Act of 1994”.
7 (b) Table of Contents.—The table of contents for
8 this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Definitions.

**TITLE I—GENERAL REORGANIZATION AUTHORITIES**
Sec. 101. Transfer of Department functions to Secretary of Agriculture.
Sec. 102. National Appeals Division.
Sec. 103. Reductions in number of Department personnel.
Sec. 104. Combination of field offices.
Sec. 105. Improvement of information sharing.
Sec. 106. Director of External affairs.
Sec. 107. Director for Administration.

**TITLE II—FARM AND FOREIGN AGRICULTURAL SERVICES**
Sec. 201. Under Secretary of Agriculture for Farm and Foreign Agricultural
Services.
Sec. 203. State, county, and area committees.

**TITLE III—RURAL ECONOMIC AND COMMUNITY
DEVELOPMENT**
Sec. 301. Under Secretary of Agriculture for Rural Economic and Community
Development.

**TITLE IV—FOOD, NUTRITION, AND CONSUMER SERVICES**
Sec. 401. Under Secretary of Agriculture for Food, Nutrition, and Consumer
Services.

**TITLE V—NATURAL RESOURCES AND ENVIRONMENT**
Sec. 501. Under Secretary of Agriculture for Natural Resources and Environ-
ment.

**TITLE VI—RESEARCH, EDUCATION, AND ECONOMICS**
Sec. 601. Under Secretary of Agriculture for Research, Education, and Econom-
ics.
TITLE VII—FOOD SAFETY

Sec. 701. Under Secretary of Agriculture for Food Safety.

TITLE VIII—MISCELLANEOUS PROVISIONS

Sec. 801. Expansion of issues covered by State mediation programs.
Sec. 802. Successorship provisions relating to bargaining units and exclusive representatives.
Sec. 803. Conditions on implementation of alteration in level of selenium allowed in animal diets.
Sec. 804. Office of environmental risk assessment.
Sec. 805. Repeal of superseded provisions.
Sec. 806. Conforming amendments.
Sec. 807. Proposed conforming amendments.

SEC. 2. DEFINITIONS.

Except where the context requires otherwise, for purposes of this Act:

(1) Department.—The term "Department" means the Department of Agriculture.

(2) National Appeals Division.—The term "National Appeals Division" means the National Appeals Division of the Department established under section 102.

(3) Secretary.—The term "Secretary" means the Secretary of Agriculture.

TITLE I—GENERAL REORGANIZATION AUTHORITIES

SEC. 101. TRANSFER OF DEPARTMENT FUNCTIONS TO SECRETARY OF AGRICULTURE.

(a) Transfer of Functions.—Except as provided in subsection (b), there are hereby transferred to the Secretary of Agriculture all functions of all agencies, offices, officers, and employees of the Department that are not already vest-
ed in the Secretary as of the date of the enactment of this Act.

(b) Exceptions.—Subsection (a) shall not apply to the following functions:

(1) Functions vested by subchapter II of chapter 5 of title 5, United States Code, in administrative law judges employed by the Department.


(3) Functions vested by chapter 9 of title 31, United States Code, in the Chief Financial Officer of the Department.

(4) Functions vested in the corporations of the Department or the boards of directors and officers of such corporations.


(6) Functions vested in the advisory board of the Commodity Credit Corporation established by section 9(b) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714g(b)).

(c) Delegation of Authority.—
(1) Delegation Authorized.—Subject to paragraph (2), the Secretary may delegate to any agency, office, officer, or employee of the Department the authority to perform any function transferred to the Secretary under subsection (a) or any other function vested in the Secretary as of the date of the enactment of this Act.

(2) Exception.—The delegation authority provided by paragraph (1) shall be subject to—

(A) sections 105(b)(1), 106(b)(1), 201(b)(1), 202(b)(1), 301(b)(1), 401(b)(1), 501(b)(1), 601(b)(1), 601(c)(2), 701(b)(1), 803, and 904 of this Act;

(B) sections 502 and 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692 and 5693); and

(C) section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)), as amended by section 203(a) of this Act.

(d) Cost-Benefit Analysis Required for Name Change.—

(1) Analysis Required.—Except as provided in paragraph (2), the Secretary shall conduct a cost-benefit analysis before changing the name of any
agency, office, division, or other unit of the Department to ensure that the benefits to be derived from changing the name of the agency, office, division, or other unit outweigh the expense of executing the name change.

(2) EXCEPTION.—Paragraph (1) shall not apply with respect to any name change specifically provided for in this Act.

(e) PUBLIC COMMENT ON PROPOSED REORGANIZATION.—To the extent that the implementation of the authority provided to the Secretary by this Act to reorganize the Department involves the creation of new agencies or offices within the Department or the delegation of major functions or major groups of functions to any agency or office of the Department (or the officers thereof), the Secretary shall, to the extent considered practicable by the Secretary—

(1) give appropriate advance public notice of the proposed reorganization action or delegation; and

(2) afford appropriate opportunity for interested parties to comment on the proposed reorganization action or delegation.

(f) INTERAGENCY TRANSFER OF RECORDS, PROPERTY, PERSONNEL, AND FUNDS.—

(1) RELATED TRANSFERS.—Subject to paragraph (2), as part of the transfer or delegation of a
function of the Department made or authorized by this Act, the Secretary may transfer within the Department—

(A) any of the records, property, or personnel affected by the transfer or delegation of the function; and

(B) unexpended balances (available or to be made available for use in connection with the transferred or delegated function) of appropriations, allocations, or other funds of the Department.

(2) Applicable Law Relating to Funds Transfer.—Section 1531 of title 31, United States Code, shall apply to any transfer of funds under paragraph (1).

SEC. 102. NATIONAL APPEALS DIVISION.

(a) Establishment.—Notwithstanding section 426 of the Agricultural Act of 1949 (7 U.S.C. 1433e) or section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b), the Secretary shall establish a National Appeals Division in the Department.

(b) Jurisdiction.—The Secretary may assign to the National Appeals Division established under subsection (a) all administrative appeals arising under the laws referred
to in subsection (a) or under any other law that confers authority upon the Secretary or the Department.

(c) **Director.**—The National Appeals Division shall be headed by a Director appointed by the Secretary from among individuals with substantial experience in administrative law.

(d) **Procedures.**—The Secretary shall establish procedures applicable to administrative appeals under the jurisdiction of the National Appeals Division.

(e) **Effect on Rights of Program Participants.**—Notwithstanding the other provisions of this section, the rights afforded program participants under the laws referred to in subsection (a) shall not be limited or abridged by this section.

(f) **Final Decisions in Appeals.**—The Secretary may make final decisions in appeals under the jurisdiction of the National Appeals Division, including appeals filed under the laws referred to in subsection (a), or delegate authority to make such final decisions to the Director of the Division.

**SEC. 103. REDUCTIONS IN NUMBER OF DEPARTMENT PERSONNEL.**

(a) **Number of Reductions Required.**—The Secretary shall achieve Federal employee reductions of at least
7,500 staff years within the Department by the end of fiscal year 1999.

(b) **Top-Down Reductions Required.**—In achieving the employee reductions required in subsection (a), the Secretary shall ensure that the percentage by which total employee staff years in headquarters offices is reduced is at least twice as great as the percentage by which total employee staff years in field offices is reduced.

**SEC. 104. COMBINATION OF FIELD OFFICES.**

(a) **Combination of Offices Required.**—The Secretary shall combine field offices of agencies within the Department to improve service to clients and reduce personnel and duplicative overhead expenses.

(b) **Joint Use of Resources and Offices Required.**—When two or more agencies share a common field office, the Secretary shall require the agencies to jointly use office space, equipment, office supplies, administrative personnel, and clerical personnel associated with that field office.

**SEC. 105. IMPROVEMENT OF INFORMATION SHARING.**

Subject to the provision of funds in advance in appropriations Acts for this purpose, the Secretary shall procure and use computer systems that enhance efficiency, productivity, and client services and are consistent with the goal
of promoting computer information sharing among agencies of the Department.

SEC. 106. DIRECTOR OF EXTERNAL AFFAIRS.

(a) Establishment.—There is established in the Department the position of Director of External Affairs of the Department of Agriculture. The Director of External Affairs shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Functions of Director.—

(1) Principal functions.—The Secretary shall delegate to the Director of External Affairs those functions and duties that were under the jurisdiction of the Assistant Secretary of Agriculture for Congressional Relations and the Director of Public Affairs of the Department as of the date of the enactment of this Act.

(2) Additional functions.—The Director of External Affairs shall perform such other duties as may be required by law or prescribed by the Secretary.

(c) Succession.—Any official who is serving as Assistant Secretary of Agriculture for Congressional Relations on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—
(1) shall be considered to be serving in the suc-
cessor position established by subsection (a); and
(2) shall not be required to be reappointed to
that position by reason of the enactment of this Act.
(d) CONFORMING AMENDMENT.—Section 5315 of title
5, United States Code, is amended by adding at the end
the following:
"Director of External Affairs of the Department
of Agriculture.".

SEC. 107. DIRECTOR FOR ADMINISTRATION.
(a) ESTABLISHMENT.—There is established in the De-
partment the position of Director for Administration of the
Department of Agriculture. The Director for Administra-
tion shall be appointed by the President, by and with the
advice and consent of the Senate.
(b) FUNCTIONS OF DIRECTOR.—
(1) PRINCIPAL FUNCTIONS.—The Secretary shall
delegate to the Director for Administration those func-
tions and duties that were under the jurisdiction of
the Assistant Secretary for Administration of the De-
partment as of the date of the enactment of this Act.
(2) ADDITIONAL FUNCTIONS.—The Director for
Administration shall perform such other duties as
may be required by law or prescribed by the Sec-
retary.
(c) Succession.—Any official who is serving as Assistant Secretary of Agriculture for Administration on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—

(1) shall be considered to be serving in the successor position established by subsection (a); and

(2) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(d) Conforming Amendment.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director for Administration of the Department of Agriculture.”

TITLE II—FARM AND FOREIGN AGRICULTURAL SERVICES

SEC. 201. UNDER SECRETARY OF AGRICULTURE FOR FARM AND FOREIGN AGRICULTURAL SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Farm and Foreign Agricultural Services. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Functions of Under Secretary.—
(1) **Principal Functions.**—The Secretary shall delegate to the Under Secretary of Agriculture for Farm and Foreign Agricultural Services those functions and duties under the jurisdiction of the Department that are related to farm and foreign agricultural services.

(2) **Additional Functions.**—The Under Secretary of Agriculture for Farm and Foreign Agricultural Services shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) **Succession.**—Any official who is serving as Under Secretary of Agriculture for International Affairs and Commodity Programs on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—

(1) shall be considered to be serving in the successor position established by subsection (a); and

(2) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(d) **Conforming Amendments.**—

(1) **Existing Position.**—Section 501 of the Agricultural Trade Act of 1978 (7 U.S.C. 5691), relating to the Under Secretary of Agriculture for Inter-
national Affairs and Commodity Programs, is re-
pealed.

(2) EXECUTIVE SCHEDULE.—Section 5314 of
title 5, United States Code, is amended by striking
"Under Secretary of Agriculture for International Af-
fairs and Commodity Programs." and inserting
"Under Secretary of Agriculture for Farm and For-
eign Agricultural Services.”.

SEC. 202. AGRICULTURAL SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary shall establish
and maintain an Agricultural Service Agency within the
Department.

(b) FUNCTIONS OF AGRICULTURAL SERVICE AGENCY.—

(1) PRINCIPAL FUNCTIONS.—The Secretary shall
carry out through the Agricultural Service Agency the
following activities that are under the jurisdiction of
the Department:

(A) Agricultural price and income support
programs and related programs.

(B) General supervision of the Federal Crop
Insurance Corporation.

(C) Notwithstanding any other provision of
law, agricultural credit programs formerly as-
signed by law to the Farmers Home Administra-
tion (including farm ownership and operating, emergency, and disaster loan programs) and other lending programs for farmers and others engaged in the production of agricultural commodities.

(D) Agricultural conservation cost-share and demonstration programs carried out by the Agricultural Stabilization and Conservation Service or the Farmers Home Administration as of the date of the enactment of this Act.

(2) Additional Functions.—The Secretary may assign to the Agricultural Service Agency such additional functions as the Secretary considers appropriate in connection with the administration and implementation of authorities assigned to the Secretary by law.

(c) Jurisdiction Over Conservation Program Appeals.—

(1) In general.—Until such time as an adverse decision described in this paragraph is referred to the National Appeals Division for consideration, the Agricultural Service Agency shall have initial jurisdiction over any administrative appeal resulting from an adverse decision made under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), includ-
ing an adverse decision involving technical determinations made by the Soil Conservation Service.

(2) TREATMENT OF TECHNICAL DETERMINATION.—With respect to administrative appeals involving a technical determination made by the Soil Conservation Service, the Agricultural Service Agency, by rule with the concurrence of the Soil Conservation Service, shall establish procedures for obtaining review by the Soil Conservation Service of the technical determinations involved. Such rules shall ensure that technical criteria established by the Soil Conservation Service shall be used by the Agricultural Service Agency as the basis for any decisions regarding technical determinations.

(3) REINSTATEMENT OF PROGRAM BENEFITS.—Rules issued to carry out this subsection shall provide for the prompt reinstatement of benefits to a producer who is determined in an administrative appeal to meet the requirements of title XII of the Food Security Act of 1985 applicable to the producer.

(4) DEFINITION.—For purposes of this subsection, the term “Soil Conservation Service” includes any successor agency to the Soil Conservation Service.

(d) USE OF FEDERAL AND NON-FEDERAL EMPLOYEES.—
(1) **USE AUTHORIZED.**—In the implementation of programs and activities assigned to the Agricultural Service Agency, the Secretary may use interchangeably in local offices of the agency both Federal employees of the Department and non-Federal employees of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(2) **EXCEPTION.**—Notwithstanding paragraph (1), no personnel action (as defined in section 2302(a)(2)(A) of title 5, United States Code) may be taken with respect to a Federal employee unless such action is taken by another Federal employee.

(e) **CONFORMING AMENDMENTS.**—

(1) **CROP INSURANCE.**—The Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) is amended—

(A) in section 505(a) (7 U.S.C. 1505(a)), by striking “the Under Secretary or Assistant Secretary of Agriculture responsible for the farm credit programs of the Department of Agriculture,” and inserting “one additional Under Secretary of Agriculture as designated by the Secretary,”; and
(B) in section 507(d) (7 U.S.C. 1507(d)), by
striking "`, except'' and all that follows through
"agency".

(2) FARM AND RURAL DEVELOPMENT.—Section
331(a) of the Consolidated Farm and Rural Develop-
ment Act (7 U.S.C. 1981(a)) is amended by striking
"assets to the Farmers Home Administration" and all
that follows through the period and inserting "assets
to such officers or agencies of the Department of Agri-
culture as the Secretary considers appropriate".

SEC. 203. STATE, COUNTY, AND AREA COMMITTEES.
(a) AMENDMENT TO THE SOIL CONSERVATION AND
DOMESTIC ALLOTMENT ACT.—Section 8(b) of the Soil Con-
servation and Domestic Allotment Act (16 U.S.C. 590h(b))
is amended—

(1) by inserting "(1)" after "(b)";
(2) by designating the second through eighth un-
designated paragraphs as paragraphs (2) through (8),
respectively; and
(3) by striking paragraph (5) (as so designated)
and inserting the following new paragraph:
"(5) STATE, COUNTY, AND AREA COMMITTEES.—
(A) APPOINTMENT OF STATE COMMITTEES.—
The Secretary shall appoint in each State a State
committee composed of not fewer than 3 nor more
than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

"(B) Establishment of County or Area Committees.—(i) In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

"(ii) Any such committee shall consist of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the county or area and who shall be elected by the farmers in such county or area under such procedures as the Secretary may prescribe.

"(iii) Only farmers within a local administrative area who are producers who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area.

"(iv) The Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1))."
“(v) Members of each county or area committee shall serve for terms not to exceed 3 years.

“(C) Use of committees.—The Secretary shall use the services of such committees in carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals under the jurisdiction of the Agricultural Service Agency, as provided by section 202(c) of the Department of Agriculture Reorganization Act of 1994. In addition, to the extent the Secretary determines appropriate, the Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary.

“(D) Regulations.—The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subparagraph (C). Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:
“(i) Soil-depleting practices.
“(ii) Soil-building practices.
“(E) Mandatory Duties of Secretary.—In carrying out this section, the Secretary shall—
“(i) insofar as practicable, protect the interests of tenants and sharecroppers;
“(ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;
“(iii) in every practicable manner, protect the interests of small producers; and
“(iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.
“(F) Discretionary Authorities of Secretary.—In carrying out this section, the Secretary may use other approved agencies.
“(G) Limitations.—In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.”.
(b) **Conforming Amendments.**—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended—

(1) by striking section 332 (7 U.S.C. 1982); and

(2) in section 333 (7 U.S.C. 1983)—

(A) by striking paragraph (2); and

(B) redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively.

**TITLE III—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT**

**SEC. 301. UNDER SECRETARY OF AGRICULTURE FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT.**

(a) **Establishment.**—There is established in the Department the position of Under Secretary of Agriculture for Rural Economic and Community Development. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **Functions of Under Secretary.**—

(1) **Principal functions.**—The Secretary shall delegate to the Under Secretary of Agriculture for Rural Economic and Community Development those functions and duties under the jurisdiction of the Department that are related to rural economic and community development.
(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Rural Economic and Community Development shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—

(1) shall be considered to be serving in the successor position established by subsection (a); and

(2) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(d) LOAN APPROVAL AUTHORITY.—Approval authority for loans and loan guarantees in the electric and telephone loan and loan guarantee programs authorized by the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) shall not be transferred to, or conditioned upon review of, a State director or other employee whose primary duty is not the review and approval of such loans or the provision of assistance to such borrowers.

(e) CONFORMING AMENDMENTS.—
(1) **EXISTING POSITION.**—Section 3 of the Rural Development Policy Act of 1980 (7 U.S.C. 2211b) is amended by striking subsection (a).

(2) **EXECUTIVE SCHEDULE.**—Section 5314 of title 5, United States Code, is amended by striking “Under Secretary of Agriculture for Small Community and Rural Development.” and inserting “Under Secretary of Agriculture for Rural Economic and Community Development.”.

(f) **AMENDMENTS TO THE RURAL ELECTRIFICATION ACT OF 1936.**—The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended—

(1) in section 1 (7 U.S.C. 901), by striking the first sentence;

(2) in section 2(a) (7 U.S.C. 902(a)), by striking “Administrator” and inserting “Secretary of Agriculture”;

(3) in section 3(a) (7 U.S.C. 903(a))—

   (A) by striking “Administrator, upon the request and approval of the Secretary of Agriculture,” and inserting “Secretary”; and
   
   (B) by striking “Administrator appointed pursuant to the provisions of this Act or from the Administrator of the Rural Electrification
Administration established by Executive Order Numbered 7037" and inserting "Secretary";

(4) in section 8 (7 U.S.C. 908)—

(A) by striking "Administrator authorized to be appointed by this Act" and inserting "Secretary"; and

(B) by striking "Rural Electrification Administration created by this Act" and inserting "Secretary";

(5) by striking section 11A (7 U.S.C. 911a);

(6) in section 13 (7 U.S.C. 913), by inserting before the period the following: "; the term 'Secretary' shall be deemed to mean the Secretary of Agriculture";

(7) in sections 206(b)(2), 306A(b), 311, and 405(b)(1)(A) (7 U.S.C. 927(b)(2), 936a(b), 940a, and 945(b)(1)(A)), by striking "Rural Electrification Administration" each place it appears and inserting "Secretary";

(8) in sections 305(c)(2)(C)(ii)(II) and 306E(d) (7 U.S.C. 935(c)(2)(C)(ii)(II) and 936e(d)), by striking "ADMINISTRATOR" both places it appears and inserting "SECRETARY";

(9) in section 403(b) (7 U.S.C. 943(b)), by striking "Rural Electrification Administration or of any
other agency of the Department of Agriculture,” and inserting “Secretary,”;

(10) in section 404 (7 U.S.C. 944), by striking “the Administrator of the Rural Electrification Administration” and inserting “the Secretary shall designate an official of the Department of Agriculture who”;

(11) in sections 406(c) and 410 (7 U.S.C. 946(c) and 950), by striking “Administrator of the Rural Electrification Administration” each place it appears and inserting “Secretary”;

(12) in the heading of section 501 (7 U.S.C. 950aa), by striking “OF REA ADMINISTRATOR”;

and

(13) except as otherwise provided in this subsection, by striking “Administrator” each place it appears in such Act and inserting “Secretary”.

(g) Miscellaneous Amendments Related to Rural Electrification Administration.—(1) Section 236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a) is amended by striking “Rural Electrification Administration” and inserting “Secretary under the Rural Electrification Act of 1936”.

(2) Section 505 of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 915) is amended—
(A) by striking “Rural Electrification Admin-
ministration” and inserting “Secretary of Agri-
culture”; and

(B) by striking “its” and inserting “the
Secretary’s”.

(3) Section 401 of the Rural Electrification Act of
1938 (7 U.S.C. 903 note, 52 Stat. 818) is amended in the
second paragraph by striking “Administrator of the Rural
Electrification Administration” and inserting “Secretary
of Agriculture”.

(4) Chapter 1 of subtitle D of title XXIII of the Food,
Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.
950aaa et seq.), relating to Distance Learning and Medical
Link Programs, is amended—

(A) in section 2333—

(i) by striking paragraph (1); and

(ii) by redesignating paragraphs (2)
through (11) as paragraphs (1) through (10), re-
spectively;

(B) in section 2334(h)(2), by striking “section
2333(3)(F)” and inserting “section 2333(2)(F)”;
and

(C) by striking “Administrator” each place it
appears and inserting “Secretary”.
TITLE IV—FOOD, NUTRITION, AND CONSUMER SERVICES

SEC. 401. UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Functions of Under Secretary.—

(1) Principal functions.—The Secretary shall delegate to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services those functions and duties under the jurisdiction of the Department that are related to food, nutrition, and consumer services (except as provided in section 701(b)(1)).

(2) Additional functions.—The Under Secretary of Agriculture for Food, Nutrition, and Consumer Services shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) Succession.—Any official who is serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of the enactment of this Act and who
was appointed by the President, by and with the advice
and consent of the Senate—

(1) shall be considered to be serving in the suc-
cessor position established by subsection (a); and

(2) shall not be required to be reappointed to
that position by reason of the enactment of this Act.

(d) EXECUTIVE SCHEDULE.—Section 5314 of title 5,
United States Code, is amended by inserting after the item
relating to the Under Secretary of Agriculture for Farm
and Foreign Agricultural Services (as added by section
201(d)(2)) the following:

"Under Secretary of Agriculture for Food, Nutri-
tion, and Consumer Services.".

TITLE V—NATURAL RESOURCES
AND ENVIRONMENT

SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR NATU-
RAL RESOURCES AND ENVIRONMENT.

(a) ESTABLISHMENT.—There is established in the De-
partment the position of Under Secretary of Agriculture for
Natural Resources and Environment. The Under Secretary
shall be appointed by the President, by and with the advice
and consent of the Senate.

(b) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—The Secretary shall
delegate to the Under Secretary of Agriculture for
Natural Resources and Environment those functions and duties under the jurisdiction of the Department that are related to natural resources and the environment (except to the extent those functions and duties are delegated to the Agricultural Service Agency under section 202).

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Natural Resources and Environment shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate—

(1) shall be considered to be serving in the successor position established by subsection (a); and

(2) shall not be required to be reappointed to that position by reason of the enactment of this Act.

(d) EXECUTIVE SCHEDULE.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services (as added by section 401(d)) the following:
“Under Secretary of Agriculture for Natural Resources and Environment.”.

(e) Conforming Amendments.—

(1) Soil Conservation Service.—Section 5 of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590e) is repealed.


(A) in section 2(2) (16 U.S.C. 2001(2))—

(i) by striking “created the Soil Conservation Service”; and

(ii) by striking “Department of Agriculture which” and inserting “, has ensured that the Department of Agriculture”;

(B) in section 3(2) (16 U.S.C. 2002(2)), by striking “through the Soil Conservation Service”; and

(C) in section 6(a) (16 U.S.C. 2005(a)), by striking “Soil Conservation Service” and inserting “Secretary”.

TITLE VI—RESEARCH, EDUCATION, AND ECONOMICS

SEC. 601. UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.

(a) Establishment.—There is established in the Department the position of Under Secretary of Agriculture for Research, Education, and Economics. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(b) Functions of Under Secretary.—

(1) Principal functions.—The Secretary shall delegate to the Under Secretary of Agriculture for Research, Education, and Economics those functions and duties under the jurisdiction of the Department that are related to research, education, and economics.

(2) Additional functions.—The Under Secretary of Agriculture for Research, Education, and Economics shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) Cooperative State Research and Education Service.—

(1) Establishment.—The Secretary shall establish and maintain within the Department a Cooperative State Research and Education Service.
(2) **DUTIES.**—The Secretary shall delegate to the Cooperative State Research and Education Service functions related to cooperative State research programs and cooperative extension and education programs that are under the jurisdiction of the Department.

(3) **OFFICER-IN-CHARGE.**—The officer in charge of the Cooperative State Research and Education Service shall report directly to the Under Secretary of Agriculture for Research, Education, and Economics.

(d) **EXECUTIVE SCHEDULE.**—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Natural Resources and Environment (as added by section 501(d)) the following:

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“Under Secretary of Agriculture for Research, Education, and Economics.”.
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**TITLE VII—FOOD SAFETY**

**SEC. 701. UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.**

(a) **ESTABLISHMENT.**—There is established in the Department of Agriculture the position of Under Secretary of Agriculture for Food Safety. The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals with special-
ized training or significant experience in food safety or public health programs.

(b) Functions of Under Secretary.—

(1) Principal Functions.—The Secretary shall delegate to the Under Secretary of Agriculture for Food Safety those functions and duties under the jurisdiction of the Department that are related to food safety.

(2) Additional Functions.—The Under Secretary of Agriculture for Food Safety shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(c) Executive Schedule.—Section 5314 of title 5, United States Code, is amended by inserting after the item relating to the Under Secretary of Agriculture for Research, Education, and Economics (as added by section 601(d)) the following:

"Under Secretary of Agriculture for Food Safety."
TITeL VIII—MISCErLNEOUS PROVISIONS

SEC. 801. EXPANSION OF ISSUES COVERED BY STATE MEDIATION PROGRAMS.

(a) EXPANSION OF MEDIATION PROGRAMS.—Section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101) is amended—

(1) in subsection (a), by striking “an agricultural loan mediation program” and inserting “a mediation program”;

(2) in subsection (b), by striking “agricultural loan”; and

(3) by striking subsection (c) and inserting the following new subsection:

“(c) REQUIREMENTS OF STATE MEDIATION PROGRAMS.—

“(1) ISSUES COVERED.—To be certified as a qualifying State, the mediation program of the State must provide mediation services for the persons described in paragraph (2) who are involved in agricultural loans or agricultural loans and one or more of the following issues under the jurisdiction of the Department of Agriculture:

“(A) Wetlands determinations.
“(B) Compliance with farm programs, including conservation programs.

“(C) Agricultural credit.

“(D) Rural water loan programs.

“(E) Grazing on National Forest System lands.

“(F) Pesticides.

“(G) Such other issues as the Secretary considers appropriate.

“(2) Persons eligible for mediation.—The persons referred to in paragraph (1) are producers, their creditors (if applicable), and other persons directly affected by actions of the Department of Agriculture.

“(3) Certification conditions.—The Secretary shall certify a State as a qualifying State with respect to the issues proposed to be covered by the mediation program of the State if the mediation program—

“(A) provides for mediation services that, if decisions are reached, result in mediated, mutually agreeable decisions between the parties to the mediation;
“(B) is authorized or administered by an agency of the State government or by the Governor of the State;

“(C) provides for the training of mediators;

“(D) provides that the mediation sessions shall be confidential;

“(E) ensures, in the case of agricultural loans, that all lenders and borrowers of agricultural loans receive adequate notification of the mediation program; and

“(F) ensures, in the case of other issues covered by the mediation program, that persons directly affected by actions of the Department of Agriculture receive adequate notification of the mediation program.”.

(b) PARTICIPATION OF DEPARTMENT.—Section 503 of such Act (7 U.S.C. 5103) is amended—

(1) by striking “agricultural loan” each place it appears;

(2) in the matter preceding subparagraph (A) of subsection (a)(1)—

(A) by inserting “or agency” after “program”; and

(B) by striking “that makes, guarantees, or insures agricultural loans”;
(3) in subsection (a)(1)(A)—
   (A) by inserting “or agency” after “such program”; and
   (B) by inserting “certified under section 501” after “mediation program”;
(4) in subsection (a)(1)(B)—
   (A) by striking “, effective beginning on the date of the enactment of this Act,”; and
   (B) by inserting “certified under section 501” after “mediation programs”; and
(5) in subsection (a)(1)(C)—
   (A) in clause (i), by striking “described in” and inserting “certified under”; and
   (B) in clause (ii), by inserting “if applicable,” before “present”.
(c) Regulations.—Section 504 of such Act (7 U.S.C. 5104) is amended—
   (1) by striking “Within 150 days after the date of the enactment of this Act, the” and inserting “The”; and
   (2) by adding at the end the following new sentence: “The regulations prescribed by the Secretary shall require qualifying States to adequately train mediators to address all of the issues covered by the mediation program of the State.”.
(d) REPORT.—Section 505 of such Act (7 U.S.C. 5105) is amended by striking “1990” and inserting “1998”.

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 506 of such Act (7 U.S.C. 5106) is amended by striking “1995” and inserting “2000”.

(f) CONFORMING AMENDMENTS.—

(1) REFERENCES TO AGRICULTURAL LOANS.—Subtitle A of title V of such Act is amended—

(A) in sections 502 and 505(1) (7 U.S.C. 5102, 5105(1)), by striking “agricultural loan” each place it appears; and

(B) in section 505(3) (7 U.S.C. 5105(3)), by striking “an agricultural loan mediation” and inserting “a mediation”.

(2) WAIVER OF FARM CREDIT SYSTEM MEDIATION RIGHTS BY BORROWERS.—Section 4.14E of the Farm Credit Act of 1971 (12 U.S.C. 2202e) is amended by striking “agricultural loan”.

(3) WAIVER OF FMHA MEDIATION RIGHTS BY BORROWERS.—Section 358 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006) is amended by striking “agricultural loan”.
SEC. 802. SUCCESSORSHIP PROVISIONS RELATING TO BAR- 
GAINING UNITS AND EXCLUSIVE REPRESENT-
ATIVES.

(a) Voluntary Agreement.—

(1) In General.—If the exercise of the Sec-
retary's authority under this Act results in changes to 
an existing bargaining unit that has been certified 
under chapter 71 of title 5, United States Code, 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 cri-
teria set forth in—

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

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

(b) Effect of an Agreement.—

(1) In General.—If the affected parties reach 
agreement on the appropriate unit and the exclusive 
representative for such unit under subsection (a), the 
Federal Labor Relations Authority shall certify the
terms of such agreement, subject to paragraph (2)(A). Nothing in this subsection shall be considered to re-
quire the holding of any hearing or election as a con-
dition for certification.

(2) Restrictions.—

(A) Conditions requiring noncert-
tification.—The Federal Labor Relations Au-
thority may not certify the terms of an agree-
ment under paragraph (1) if—

(i) it determines that any of the cri-
teria referred to in subsection (a)(2) (dis-
regarding section 7112(a) of title 5, United
States Code) have not been met; or

(ii) after the Secretary's exercise of au-
thority and before certification under this
section, a valid election under section
7111(b) of title 5, United States Code, is
held covering any employees who would be
included in the unit proposed for certifi-
cation.

(B) Temporary waiver of provision
that would bar an election after a col-
lective bargaining agreement is
reached.—Nothing in section 7111(f)(3) of title
5, United States Code, shall prevent the holding
of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

(C) Clarification.—The certification of a unit under paragraph (1) shall not, for purposes of the last sentence of section 7111(b) of title 5, United States Code, or section 7111(f)(4) of such title, be treated as if it had occurred pursuant to an election.

(3) Delegation.—

(A) In general.—The Federal Labor Relations Authority may delegate to any regional director (as referred to in section 7105(e) of title 5, United States Code) its authority under the preceding provisions of this subsection.

(B) Review.—Any action taken by a regional director under subparagraph (A) shall be subject to review under the provisions of section 7105(f) of title 5, United States Code, in the same manner as if such action had been taken.
under section 7105(e) of such title, except that in
the case of a decision not to certify, such review
shall be required if application therefor is filed
by an affected party within the time specified in
such provisions.

(c) Definition.—For purposes of this section, the
term “affected party” means—

(1) with respect to an exercise of authority by
the Secretary under this Act, any labor organization
affected thereby; and

(2) the Department of Agriculture.

SEC. 803. CONDITIONS ON IMPLEMENTATION OF ALTER-
ATION IN LEVEL OF SELENIUM ALLOWED IN
ANIMAL DIETS.

(a) Conditions.—The Food and Drug Administration
shall not implement or enforce the final rule described in
subsection (b) to alter the level of selenium allowed to be
used as a supplement in animal diets unless the Commis-
sioner of the Food and Drug Administration makes a deter-
mination that—

(1) selenium additives are not essential, at levels
authorized in the absence of such final rule, to main-
tain animal nutrition and protect animal health;

(2) selenium at such levels is not safe to the ani-
imals consuming the additive;
(3) selenium at such levels is not safe to individuals consuming edible portions of animals that receive the additive;

(4) selenium at such levels does not achieve its intended effect of promoting normal growth and reproduction of livestock and poultry; and

(5) the manufacture and use of selenium at such levels cannot reasonably be controlled by adherence to current good manufacturing practice requirements.

(b) Final Rule Described.—The final rule referred to in subsection (a) is the final rule issued by the Food and Drug Administration and published in the Federal Register on September 13, 1993 (58 Fed. Reg. 47962), in which the Administration stayed 1987 amendments to the selenium food additive regulations, and any modification of such rule issued after the date of the enactment of this Act.

SEC. 804. OFFICE OF ENVIRONMENTAL RISK ASSESSMENT.

(a) Office of Environmental Risk Assessment.—The Secretary shall establish in the Department an Office of Environmental Risk Assessment (in this section referred to as the "Office"), which shall be independent of other offices and agencies of the Department, but shall have the authority to advise such offices and agencies regarding the environmental risks addressed by Department regulations and
the implementation and compliance costs associated with such regulations. The Office shall be under the direction of a Director appointed by the Secretary.

(b) Strategy to Analyze Risks and Benefits.—The Director of the Office shall develop a strategy for performing, to the greatest extent practicable and consistent with the provisions of this section and other provisions of the law applicable to the Department, risk/benefit analyses in connection with the regulations described in subsection (c) that are performed consistently and employ state-of-the-art scientific techniques that are practicable with the resources available. The implementation of the strategy shall be subject to the approval of the Secretary.

(c) Review and Certification of Department Regulations.—In connection with each proposed major regulation relating to public health, public safety, or the environment that is issued by the Department after the date on which the Secretary approves of the risk/benefit analysis strategy under subsection (b), the Director of the Office shall publish in the Federal Register—

(1) an estimate, with as much specificity as practicable, of—

(A) the risk to the health and safety of individuals that is addressed by the regulation, in-
including the effect of the risk on human health or the environment;

(B) the costs associated with the implementation of, and compliance with, the regulation; and

(C) a comparative analysis of that risk relative to other risks to which the public is exposed; and

(2) subject to subsection (d), a certification by the Director that—

(A) the estimate under paragraph (1)(B) and the analysis under paragraph (1)(C) are based on a scientific evaluation of the risk referred to in paragraph (1)(A) and are supported by the best available scientific data;

(B) the regulation will substantially advance the purpose of protecting the public health and safety or the environment against the risk referred to in paragraph (1)(A); and

(C) the regulation will produce benefits to public health and safety or the environment that will justify the costs incurred by local, State, and Federal Government and other public and private entities as a result of the implementation
of, and compliance with, the regulation, as estimated in paragraph (1)(B).

(d) Report to Congress of Lack of Certification.—If the Director of the Office cannot make the certification required under subsection (c)(2) for a regulation, the Director shall submit to Congress a report containing a statement of the reasons why the certification cannot be made. The statement shall be included in the final regulation.

(e) Effect on Other Laws; Judicial Review.—This section, and any certification made under subsection (c), shall not be construed to amend, modify, or alter any law and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person.

SEC. 805. REPEAL OF SUPERSEDED PROVISIONS.

(a) In General.—The following provisions of law are repealed:


(2) Section 2 of the Act entitled “An Act to enlarge the powers and duties of the Department of Agriculture and to create an Executive Department to be known as the Department of Agriculture.”, approved February 9, 1889 (7 U.S.C. 2212).

(4) Section 604(a) of the Rural Development Act of 1972 (7 U.S.C. 2212a).


(6) Section 8(a) of Public Law 97-325 (7 U.S.C. 2212c).

(7) Section 1413(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3128(d)).

(8) Section 306(a)(15)(C) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(15)(C)).

(9) Section 2322(d)(2) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1926-1(d)(2)).

(10) Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f).
(b) **Termination of Authority for Assistant Secretaries.**—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Agriculture (7).".

(c) **Termination of Other Executive Schedule Positions.**—Section 5316 of title 5, United States Code, is amended—

(1) by striking "Administrator, Agricultural Marketing Service, Department of Agriculture";

(2) by striking "Administrator, Agricultural Research Service, Department of Agriculture";

(3) by striking "Administrator, Agricultural Stabilization and Conservation Service, Department of Agriculture";

(4) by striking "Administrator, Farmers Home Administration";

(5) by striking "Administrator, Foreign Agricultural Service, Department of Agriculture";

(6) by striking "Administrator, Rural Electrification Administration, Department of Agriculture";

(7) by striking "Administrator, Soil Conservation Service, Department of Agriculture";

(8) by striking "Chief Forester of the Forest Service, Department of Agriculture";
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(9) by striking “Director of Science and Education, Department of Agriculture”;

(10) by striking “Administrator, Animal and Plant Health Inspection Service, Department of Agriculture.”; and

(11) by striking “Administrator, Federal Grain Inspection Service, Department of Agriculture.”.

SEC. 806. CONFORMING AMENDMENTS.

(a) United States Grain Standards Act.—The United States Grain Standards Act (7 U.S.C. 71 et seq.) is amended—

(1) in section 3 (7 U.S.C. 75)—

(A) by inserting “and” at the end of subsection (y);

(B) by striking subsections (z) and (aa); and

(C) by redesignating subsection (bb) as subsection (z);

(2) by striking section 3A (7 U.S.C. 75a);

(3) in section 5(b) (7 U.S.C. 77(b)), by striking “Service employees” and inserting “employees of the Secretary”;

(4) in sections 7(j)(2) and 7A(l)(2) (7 U.S.C. 79(j)(2) and 79a(l)(2)), by striking “supervision by Service personnel of its field office personnel” both
places it appears and inserting “supervision by the Secretary of the Secretary’s field office personnel”;

(5) in section 12(c) (7 U.S.C. 87a(c)), by striking “or Administrator”;

(6) in section 12(d) (7 U.S.C. 87a(d)), by striking “or the Administrator”;

(7) except as otherwise provided in this subsection, by striking “Administrator” each place it appears and inserting “Secretary”; and

(8) except as otherwise provided in this subsection, by striking “Service” each place it appears and inserting “Secretary”.

(b) PACKERS AND STOCKYARDS ACT, 1921.—Section 407 of the Packers and Stockyards Act, 1921 (7 U.S.C. 228), is amended—

(1) by striking subsection (b);

(2) by redesignating subsections (c), (d), (e), and (f), as subsections (b), (c), (d), and (e), respectively; and

(3) in subsection (e) (as so redesignated), by striking “subsection (e)” and inserting “subsection (d)”.

SEC. 807. PROPOSED CONFORMING AMENDMENTS.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress rec-
ommended legislation containing additional technical and conforming amendments to Federal laws that are required as a result of the enactment of this Act.

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