In the House of Representatives, U. S.,

Resolved, That the bill from the Senate (S. 1970) enti-
tled “An Act to authorize the Secretary of Agriculture to re-
organize the Department of Agriculture, and for other pur-
poses”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause and insert:

1 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the

3 “Department of Agriculture Reorganization Act of 1994”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for

5 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. Reductions in number of Department personnel.
Sec. 103. Combination of field offices.
Sec. 104. Improvement of information sharing.
Sec. 105. Director of External Affairs.
Sec. 106. Director for Administration.

**TITLE II—FARM AND FOREIGN AGRICULTURAL SERVICES**

Sec. 201. Under Secretary of Agriculture for Farm and Foreign Agricultural

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 Environment.

TITLE VI—RESEARCH, EDUCATION, AND ECONOMICS
Sec. 601. Under Secretary of Agriculture for Research, Education, and Economics.

TITLE VII—FOOD SAFETY
Sec. 701. Under Secretary of Agriculture for Food Safety.

TITLE VIII—NATIONAL APPEALS DIVISION
Sec. 801. Definitions.
Sec. 802. National Appeals Division and Director.
Sec. 803. Transfer of functions.
Sec. 804. Notice and opportunity for hearing.
Sec. 805. Informal hearings.
Sec. 806. Right of participants to division hearing.
Sec. 807. Division hearings.
Sec. 808. Director review of determinations of hearing officers.
Sec. 809. Judicial review.
Sec. 810. Implementation of final determinations of division.
Sec. 811. Conforming amendments relating to National Appeals Division.
Sec. 812. Expansion of issues covered by State mediation programs.

TITLE IX—MISCELLANEOUS PROVISIONS
Sec. 901. Successorship provisions relating to bargaining units and exclusive representatives.
Sec. 902. Office of environmental risk assessment.
Sec. 903. Fair and equitable treatment of socially disadvantaged producers.
Sec. 904. Repeal of superseded provisions.
Sec. 905. Conforming amendments.
Sec. 906. Proposed conforming amendments.
Sec. 907. Purchase of American-made equipment and products.
Sec. 908. Conditions on implementation of alteration in level of selenium allowed in animal diets.

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 802.

(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 vested 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. 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. Reductions in the number of full-time equivalent positions within the Department achieved under section 5 of the Federal Workforce Restructuring Act of 1994 (Public Law 103–226; 108 Stat. 115; 5 U.S.C. 3101 note) shall be counted toward the employee reductions required under this section.

(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. 103. COMBINATION OF FIELD OFFICES.

(a) Combination of Offices Required.—The Secretary shall combine field offices of agencies within the Department, where practicable and to the extent consistent with efficiency, effectiveness, and service to farmers, 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. 104. IMPROVEMENT OF INFORMATION SHARING.

Whenever the Secretary procures or uses computer systems, as may be provided for in advance in appropriations Acts, the Secretary shall do so in a manner that enhances efficiency, productivity, and client services and is consistent with the goal of promoting computer information sharing among agencies of the Department.

SEC. 105. 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 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 of External Affairs of the Department of Agriculture.”.

SEC. 106. DIRECTOR FOR ADMINISTRATION.

(a) Establishment.—There is established in the Department the position of Director for Administration of the Department of Agriculture. The Director for Administration 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 functions and duties that were under the jurisdiction of the Assistant Secretary for Administration of the Department 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 Secretary.

(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:

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"Director for Administration of the Department of Agriculture."
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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 Agricul-
tural 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 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 Amendments.—

(1) Existing Position.—Section 501 of the Ag-

cultural Trade Act of 1978 (7 U.S.C. 5691), relat-
ing 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-
egn 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 assigned by law to the Farmers Home Administration (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.), including 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 re-
view 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 tech-
nical 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 Secu-
rity Act of 1985 applicable to the producer.

(4) Definition.—For purposes of this sub-
section, the term “Soil Conservation Service” includes
any successor agency to the Soil Conservation Service.

(d) Use of Federal and Non-Federal Employ-
ees.—

(1) Use Authorized.—In the implementation
of programs and activities assigned to the Agricul-
tural Service Agency, the Secretary may use inter-
changeably in local offices of the agency both Federal
employees of the Department and non-Federal em-
ployees 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 Development 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 Agriculture 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 Conservation 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 undesignated 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. In the case of a county committee in existence on the date of the enactment of the Department of Agriculture Reorganization Act of 1994, the Secretary
may not terminate the country committee, alter the boundaries of the area covered by the committee, or consolidate the committee with other county committees, without the consent of a majority of the producers in the area covered by the committee, as determined in a referendum conducted by the Secretary.

"(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). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. 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.—**


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 Admin-
istration” and inserting “the Secretary shall de-
signate 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 sub-
section, by striking “Administrator” each place it ap-
ppears 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 Administra-
tion” and inserting “Secretary under the Rural Electrification Act of 1936”.

(2) Section 505 of the Department of Agriculture Or-
ganic Act of 1944 (7 U.S.C. 915) is amended—
(A) by striking “Rural Electrification Administration” and inserting “Secretary of Agriculture”; 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), respectively;

(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”.

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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:

> “Under Secretary of Agriculture for Research, Education, and Economics.”

**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 ju-
risdiction of the Department that are related to food
safety.

(2) Additional functions.— The Under Sec-
retary 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.”.

TITLE VIII—NATIONAL APPEALS
DIVISION

SEC. 801. Definitions.

For purposes of this title:

(1) Adverse decision.— The term “adverse de-
cision” means an administrative decision made by an
officer, employee, or committee of an agency that is adverse to a participant. The term includes a denial of equitable relief by an agency or the failure of an agency to issue a decision or otherwise act on the request or right of the participant. The term does not include a decision over which the Board of Contract Appeals has jurisdiction.

(2) AGENCY.—The term “agency” means any agency of the Department designated by the Secretary or a successor agency of the Department, except that the term shall include the following (and any successor to the following):

(A) The Agricultural Service Agency.

(B) The Commodity Credit Corporation, with respect to domestic programs.

(C) The Farmers Home Administration.

(D) The Federal Crop Insurance Corporation.

(E) The Rural Development Administration.

(F) The Soil Conservation Service.

(G) A State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).
(3) **Appellant.**—The term "appellant" means a participant who appeals an adverse decision in accordance with this title.

(4) **Case record.**—The term "case record" means all the materials maintained by the Secretary related to an adverse decision.

(5) **Director.**—The term "Director" means the Director of the Division.

(6) **Division.**—The term "Division" means the National Appeals Division established by this title.

(7) **Hearing officer.**—The term "hearing officer" means an individual employed by the Division who hears and determines appeals of adverse decisions by any agency.

(8) **Participant.**—The term "participant" means any individual, partnership, corporation, association, cooperative, or other entity whose application for, or right to participate in or receive, payments or loans in accordance with any of the programs administered by an agency is affected by an adverse decision of an agency.

**SEC. 802. NATIONAL APPEALS DIVISION AND DIRECTOR.**

(a) **Establishment of Division.**—The Secretary shall establish and maintain an independent National Ap-
peals Division within the Department to carry out this title.

(b) **Director.**—

(1) **Appointment.**— The Division shall be headed by a Director, appointed by the Secretary from among persons who have substantial experience in practicing administrative law. In considering applicants for the position of Director, the Secretary shall consider persons currently employed outside Government as well as Government employees.

(2) **Term and Removal.**— The Director shall serve for a 6-year term of office, and shall be eligible for reappointment. The Director shall not be subject to removal during the term of office, except for cause established in accordance with law.

(3) **Position Classification.**— The position of the Director may not be a position in the excepted service or filled by a noncareer appointee.

(c) **Direction, Control, and Support.**— The Director shall be free from the direction and control of any person other than the Secretary. The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary. The Secretary may not delegate to any other officer or employee...
of the Department, other than the Director, the authority
of the Secretary with respect to the Division.

(d) Determination of Appealability of Agency
Decisions.—If an officer, employee, or committee of an
agency determines that a decision is not appealable and
a participant appeals the decision to the Director, the Di-
rector shall determine whether the decision is adverse to the
individual participant and thus appealable or is a matter
of general applicability and thus not subject to appeal. The
determination of the Director as to whether a decision is
appealable shall be administratively final.

(e) Division Personnel.—The Director shall appoint
such hearing officers and other employees as are necessary
for the administration of the Division. A hearing officer or
other employee of the Division shall have no duties other
than those that are necessary to carry out this title.

SEC. 803. TRANSFER OF FUNCTIONS.

There are transferred to the Division all functions ex-
ercised and all administrative appeals pending before the
effective date of this title (including all related functions
of any officer or employee) of or relating to—

(1) the National Appeals Division established by
section 426(c) of the Agricultural Act of 1949 (7
U.S.C. 1433e(c)) (as in effect on the day before the
date of the enactment of this Act);
(2) the National Appeals Division established by subsections (d) through (g) of section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) (as in effect on the day before the date of the enactment of this Act);

(3) appeals of decisions made by the Federal Crop Insurance Corporation; and

(4) appeals of decisions made by the Soil Conservation Service.

SEC. 804. NOTICE AND OPPORTUNITY FOR HEARING.

Not later than 10 working days after an adverse decision is made that affects the participant, the Secretary shall provide the participant with the written notice of such adverse decision and the rights available to the participant under this title or other law for the review of such adverse decision.

SEC. 805. INFORMAL HEARINGS.

If an officer, employee, or committee of an agency makes an adverse decision, the agency shall hold, at the request of the participant, an informal hearing on the decision. With respect to programs carried out through the Agricultural Service Agency, the Secretary shall maintain the informal appeals process applicable to such programs, as in effect on the date of the enactment of the title. If a mediation program is available under title V of the Agricultural
Credit Act of 1987 (7 U.S.C. 5101 et seq.) as a part of the informal hearing process, the participant shall be offered the right to choose such mediation.

SEC. 806. RIGHT OF PARTICIPANTS TO DIVISION HEARING.

(a) APPEAL TO DIVISION FOR HEARING.— Subject to subsection (b), a participant shall have the right to appeal an adverse decision to the Division for an evidentiary hearing by a hearing officer consistent with section 807.

(b) TIME FOR APPEAL.— To be entitled to a hearing under section 807, a participant shall request the hearing not later than 30 days after the date on which the participant first received notice of the adverse decision.

SEC. 807. DIVISION HEARINGS.

(a) GENERAL POWERS OF DIRECTOR AND HEARING OFFICERS.—

(1) ACCESS TO CASE RECORD.— The Director and hearing officer shall have access to the case record of any adverse decision appealed to the Division for a hearing.

(2) ADMINISTRATIVE PROCEDURES.— The Director and hearing officer shall have the authority to require the attendance of witnesses, and the production of evidence, by subpoena and to administer oaths and affirmations. Except to the extent required for the disposition of ex parte matters as authorized by law—
(A) an interested person outside the Division shall not make or knowingly cause to be made to the Director or a hearing officer who is or may reasonably be expected to be involved in the evidentiary hearing or review of an adverse decision, an ex parte communication (as defined in section 551(14) of title 5, United States Code) relevant to the merits of the proceeding;

(B) the Director and such hearing officer shall not make or knowingly cause to be made to any interested person outside the Division an ex parte communication relevant to the merits of the proceeding.

(b) TIME FOR HEARING.—Upon a timely request for a hearing under section 806(b), an appellant shall have the right to have a hearing by the Division on the adverse decision within 45 days after the date of the receipt of the request for the hearing.

(c) LOCATION AND ELEMENTS OF HEARING.—

(1) LOCATION.—A hearing on an adverse decision shall be held in the State of residence of the appellant or at a location that is otherwise convenient to the appellant and the Division.

(2) EVIDENTIARY HEARING.—The evidentiary hearing before a hearing officer shall be in person,
unless the appellant agrees to a hearing by telephone or by a review of the case record. The hearing officer shall not be bound by previous findings of fact by the agency in making a determination.

(3) Information at Hearing.—The hearing officer shall consider information presented at the hearing without regard to whether the evidence was known to the agency officer, employee, or committee making the adverse decision at the time the adverse decision was made. The hearing officer shall leave the record open after the hearing for a reasonable period of time to allow the submission of information by the appellant or the agency after the hearing to the extent necessary to respond to new facts, information, arguments, or evidence presented or raised by the agency or appellant.

(4) Burden of Proof.—The appellant shall bear the burden of proving that the adverse decision of the agency was erroneous.

(d) Determination Notice.—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline. If the determination is not appealed to the Director for review
under section 808, the notice provided by the hearing officer shall be considered to be a notice of final determination.

(e) EFFECTIVE DATE.—The final determination shall be effective as of the date of filing of an application, the date of the transaction or event in question, or the date of the original adverse decision, whichever is applicable.

SEC. 808. DIRECTOR REVIEW OF DETERMINATIONS OF HEARING OFFICERS.

(a) REQUESTS FOR DIRECTOR REVIEW.—

(1) TIME FOR REQUEST BY APPELLANT.—Not later than 30 days after the date on which an appellant receives the determination of a hearing officer under section 807, the appellant shall submit a written request to the Director for review of the determination in order to be entitled to a review by the Director of the determination.

(2) TIME FOR REQUEST BY AGENCY HEAD.—Not later 15 business days after the date on which an agency receives the determination of a hearing officer under section 807, the head of the agency may make a written request that the Director review the determination.

(b) DETERMINATION OF DIRECTOR.—The Director shall conduct a review of the determination of the hearing officer using the case record, the record from the evidentiary
hearing under section 807, the request for review, and such
other arguments or information as may be accepted by the
Director. Based on such review, the Director shall issue a
final determination notice that upholds, reverses, or modi-
ifies the determination of the hearing officer. However, if
the Director determines that the hearing record is inad-
equate, the Director may remand all or a portion of the
determination for further proceedings to complete the hear-
ing record or, at the option of the Director, to hold a new
hearing. The Director shall complete the review and either
issue a final determination or remand the determination
not later than—

(1) 10 business days after receipt of the request
for review, in the case of a request by the head of an
agency for review; or

(2) 30 business days after receipt of the request
for review, in the case of a request by an appellant
for review.

(c) EQUITABLE RELIEF.—Subject to regulations issued
by the Secretary, the Director shall have the authority to
grant equitable relief under this section in the same manner
and to the same extent as such authority is provided to the
Secretary under section 326 of the Food and Agriculture
Act of 1962 (7 U.S.C. 1339a) and other laws. Notwithstanding
the administrative finality of a final determination of
an appeal by the Division, the Secretary shall have the au-

thority to grant equitable or other types of relief to the ap-

pellant after a final determination is issued by the Divi-

sion.

(d) EFFECTIVE DATE.—A final determination issued

by the Director shall be effective as of the date of filing of

an application, the date of the transaction or event in ques-
tion, or the date of the original adverse decision, whichever

is applicable.

SEC. 809. JUDICIAL REVIEW.

A final determination of the Division shall be

reviewable and enforceable by any United States district

court of competent jurisdiction in accordance with chapter

7 of title 5, United States Code.

SEC. 810. IMPLEMENTATION OF FINAL DETERMINATIONS

OF DIVISION.

On the return of a case to an agency pursuant to the

final determination of the Division, the head of the agency

shall implement the final determination not later than 30

days after the effective date of the notice of the final deter-

mination.

SEC. 811. CONFORMING AMENDMENTS RELATING TO NA-

TIONAL APPEALS DIVISION.

(a) DECISIONS OF STATE, COUNTY, AND AREA COM-

MITTEES.—
(1) Application of subsection.—This subsection shall apply only with respect to functions of the Agricultural Service Agency or the Commodity Credit Corporation that are under the jurisdiction of a State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or an employee of such a committee.

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

(A) appealed under this title; or

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

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

(b) Agricultural Stabilization and Conservation Service.—Section 426 of the Agricultural Act of 1949 (7 U.S.C. 1433e) is repealed.

(c) Farmers Home Administration.—Section 333B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983b) is repealed.

(d) Federal Crop Insurance Corporation.—The last sentence of section 508(f) of the Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amended by inserting before the period at the end the following: "or within 1 year after the claimant receives a final determination notice from an administrative appeal made in accordance with title VIII of the Department of Agriculture Reorganization Act of 1994, whichever is later".

SEC. 812. 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”.

**TITLE IX—MISCELLANEOUS PROVISIONS**

**SEC. 901. SUCCESSORSHIP PROVISIONS RELATING TO BARGAINING UNITS AND EXCLUSIVE REPRESENTATIVES.**

(a) **Voluntary Agreement.**—

(1) **IN GENERAL.**—If the exercise of the Secretary’s authority under this 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 criteria 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 require the holding of any hearing or election as a condition for certification.

(2) Restrictions.—

(A) Conditions requiring noncertification.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—
(i) it determines that any of the criteria referred to in subsection (a)(2) (disregarding section 7112(a) of title 5, United States Code) have not been met; or

(ii) after the Secretary's exercise of authority 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 certification.

(B) Temporary waiver of provision that would bar an election after a collective 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. 902. 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.
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, 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 re-
ferred 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. 903. FAIR AND EQUITABLE TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.

(a) FAIR CROP ACREAGE BASES AND FARM PROGRAM PAYMENT YIELDS.—If the Secretary of Agriculture determines that crop acreage bases or farm program payment yields established for farms owned or operated by socially disadvantaged producers are not established in accordance with title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.), the Secretary shall adjust the bases and yields to conform to the requirements of such title and make available any appropriate commodity program benefits.

(b) FAIR APPLICATION OF CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—If the Secretary of Agriculture determines that application of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to socially disadvantaged producers is not consistent with the requirements of such Act, the Secretary shall make such changes in the administration of such Act as the Secretary considers necessary to provide for the fair and equitable treatment of socially disadvantaged producers under such Act.

(c) REPORT ON TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.—
(1) **Report Required.**—The Comptroller General of the United States shall prepare a report to determine—

(A) whether socially disadvantaged producers are underrepresented on State, county, or local committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) or local review committees established under section 363 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1363) because of racial, ethnic, or gender prejudice; and

(B) if such underrepresentation exists, whether it inhibits or interferes with the participation of socially disadvantaged producers in programs of the Department of Agriculture.

(2) **Submission of Report.**—Not later than February 1, 1995, the Comptroller General shall submit the report required by this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(d) **Definition.**—For purposes of this section, the term "socially disadvantaged producer" means a producer who is a member of a group whose members have been sub-
jected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

SEC. 904. 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.";

(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. 905. 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. 906. PROPOSED CONFORMING AMENDMENTS.

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

SEC. 907. PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) Sense of Congress.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased using funds made available pursuant to this Act should be American-made.
(b) Notice Requirement.—In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this Act, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 908. CONDITIONS ON IMPLEMENTATION OF ALTERATION 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 Commissioner of the Food and Drug Administration makes a determination that—

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

(2) selenium at such levels is not safe to the animals 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.

Attest:

Clerk.