

Union Calendar No. 390

103D CONGRESS
2D SESSION

H. R. 3171

[Report No. 103-714]

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 29, 1993

Mr. DE LA GARZA (for himself, Mr. STENHOLM, Mr. PENNY, Mr. VOLKMER, Mr. ENGLISH of Oklahoma, Mr. GLICKMAN, Mr. JOHNSON of South Dakota, Mr. DOOLEY, Mr. THOMPSON of Mississippi, Mrs. CLAYTON, Mr. SARPALIUS, 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 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Department of Agriculture Reorganization Act of 1994”.*

6 (b) *TABLE OF CONTENTS.*—*The table of contents for*
7 *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. 202. Agricultural Service Agency.

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—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.

1 **SEC. 2. DEFINITIONS.**

2 Except where the context requires otherwise, for pur-
3 poses of this Act:

4 (1) *DEPARTMENT.*—The term “Department”
5 means the Department of Agriculture.

6 (2) *NATIONAL APPEALS DIVISION.*—The term
7 “National Appeals Division” means the National Ap-
8 peals Division of the Department established under
9 section 102.

10 (3) *SECRETARY.*—The term “Secretary” means
11 the Secretary of Agriculture.

12 **TITLE I—GENERAL**

13 **REORGANIZATION AUTHORITIES**

14 **SEC. 101. TRANSFER OF DEPARTMENT FUNCTIONS TO SEC-**
15 **RETARY OF AGRICULTURE.**

16 (a) *TRANSFER OF FUNCTIONS.*—Except as provided in
17 subsection (b), there are hereby transferred to the Secretary
18 of Agriculture all functions of all agencies, offices, officers,
19 and employees of the Department that are not already vest-

1 *ed in the Secretary as of the date of the enactment of this*
2 *Act.*

3 *(b) EXCEPTIONS.—Subsection (a) shall not apply to*
4 *the following functions:*

5 *(1) Functions vested by subchapter II of chapter*
6 *5 of title 5, United States Code, in administrative*
7 *law judges employed by the Department.*

8 *(2) Functions vested by the Inspector General*
9 *Act of 1978 (5 U.S.C. App.) in the Inspector General*
10 *of the Department.*

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

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

17 *(5) Functions vested in the Alternative Agricul-*
18 *tural Research and Commercialization Board by the*
19 *Alternative Agricultural Research and Commer-*
20 *cialization Act of 1990 (7 U.S.C. 5901 et seq.).*

21 *(6) Functions vested in the advisory board of the*
22 *Commodity Credit Corporation established by section*
23 *9(b) of the Commodity Credit Corporation Charter*
24 *Act (15 U.S.C. 714g(b)).*

25 *(c) DELEGATION OF AUTHORITY.—*

1 (1) *DELEGATION AUTHORIZED.*—Subject to
2 paragraph (2), the Secretary may delegate to any
3 agency, office, officer, or employee of the Department
4 the authority to perform any function transferred to
5 the Secretary under subsection (a) or any other func-
6 tion vested in the Secretary as of the date of the en-
7 actment of this Act.

8 (2) *EXCEPTION.*—The delegation authority pro-
9 vided by paragraph (1) shall be subject to—

10 (A) sections 105(b)(1), 106(b)(1), 201(b)(1),
11 202(b)(1), 301(b)(1), 401(b)(1), 501(b)(1),
12 601(b)(1), 601(c)(2), 701(b)(1), 803, and 904 of
13 this Act;

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

17 (C) section 8(b)(5) of the Soil Conservation
18 and Domestic Allotment Act (16 U.S.C.
19 590h(b)(5)), as amended by section 203(a) of this
20 Act.

21 (d) *COST-BENEFIT ANALYSIS REQUIRED FOR NAME*
22 *CHANGE.*—

23 (1) *ANALYSIS REQUIRED.*—Except as provided
24 in paragraph (2), the Secretary shall conduct a cost-
25 benefit analysis before changing the name of any

1 *agency, office, division, or other unit of the Depart-*
2 *ment to ensure that the benefits to be derived from*
3 *changing the name of the agency, office, division, or*
4 *other unit outweigh the expense of executing the name*
5 *change.*

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

9 *(e) PUBLIC COMMENT ON PROPOSED REORGANIZA-*
10 *TION.—To the extent that the implementation of the author-*
11 *ity provided to the Secretary by this Act to reorganize the*
12 *Department involves the creation of new agencies or offices*
13 *within the Department or the delegation of major functions*
14 *or major groups of functions to any agency or office of the*
15 *Department (or the officers thereof), the Secretary shall, to*
16 *the extent considered practicable by the Secretary—*

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

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

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

24 *(1) RELATED TRANSFERS.—Subject to para-*
25 *graph (2), as part of the transfer or delegation of a*

1 *function of the Department made or authorized by*
2 *this Act, the Secretary may transfer within the De-*
3 *partment—*

4 (A) *any of the records, property, or person-*
5 *nel affected by the transfer or delegation of the*
6 *function; and*

7 (B) *unexpended balances (available or to be*
8 *made available for use in connection with the*
9 *transferred or delegated function) of appropria-*
10 *tions, allocations, or other funds of the Depart-*
11 *ment.*

12 (2) *APPLICABLE LAW RELATING TO FUNDS*
13 *TRANSFER.—Section 1531 of title 31, United States*
14 *Code, shall apply to any transfer of funds under*
15 *paragraph (1).*

16 **SEC. 102. NATIONAL APPEALS DIVISION.**

17 (a) *ESTABLISHMENT.—Notwithstanding section 426 of*
18 *the Agricultural Act of 1949 (7 U.S.C. 1433e) or section*
19 *333B of the Consolidated Farm and Rural Development Act*
20 *(7 U.S.C.1983b), the Secretary shall establish a National*
21 *Appeals Division in the Department.*

22 (b) *JURISDICTION.—The Secretary may assign to the*
23 *National Appeals Division established under subsection (a)*
24 *all administrative appeals arising under the laws referred*

1 to in subsection (a) or under any other law that confers
2 authority upon the Secretary or the Department.

3 (c) *DIRECTOR.*—The National Appeals Division shall
4 be headed by a Director appointed by the Secretary from
5 among individuals with substantial experience in adminis-
6 trative law.

7 (d) *PROCEDURES.*—The Secretary shall establish pro-
8 cedures applicable to administrative appeals under the ju-
9 risdiction of the National Appeals Division.

10 (e) *EFFECT ON RIGHTS OF PROGRAM PARTICI-*
11 *PANTS.*—Notwithstanding the other provisions of this sec-
12 tion, the rights afforded program participants under the
13 laws referred to in subsection (a) shall not be limited or
14 abridged by this section.

15 (f) *FINAL DECISIONS IN APPEALS.*—The Secretary
16 may make final decisions in appeals under the jurisdiction
17 of the National Appeals Division, including appeals filed
18 under the laws referred to in subsection (a), or delegate au-
19 thority to make such final decisions to the Director of the
20 Division.

21 **SEC. 103. REDUCTIONS IN NUMBER OF DEPARTMENT PER-**
22 **SONNEL.**

23 (a) *NUMBER OF REDUCTIONS REQUIRED.*—The Sec-
24 retary shall achieve Federal employee reductions of at least

1 7,500 staff years within the Department by the end of fiscal
2 year 1999.

3 (b) *TOP-DOWN REDUCTIONS REQUIRED.*—In achiev-
4 ing the employee reductions required in subsection (a), the
5 Secretary shall ensure that the percentage by which total
6 employee staff years in headquarters offices is reduced is
7 at least twice as great as the percentage by which total em-
8 ployee staff years in field offices is reduced.

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

10 (a) *COMBINATION OF OFFICES REQUIRED.*—The Sec-
11 retary shall combine field offices of agencies within the De-
12 partment to improve service to clients and reduce personnel
13 and duplicative overhead expenses.

14 (b) *JOINT USE OF RESOURCES AND OFFICES RE-*
15 *QUIRED.*—When two or more agencies share a common field
16 office, the Secretary shall require the agencies to jointly use
17 office space, equipment, office supplies, administrative per-
18 sonnel, and clerical personnel associated with that field
19 office.

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

21 Subject to the provision of funds in advance in appro-
22 priations Acts for this purpose, the Secretary shall procure
23 and use computer systems that enhance efficiency, produc-
24 tivity, and client services and are consistent with the goal

1 *of promoting computer information sharing among agencies*
2 *of the Department.*

3 **SEC. 106. DIRECTOR OF EXTERNAL AFFAIRS.**

4 (a) *ESTABLISHMENT.*—*There is established in the De-*
5 *partment the position of Director of External Affairs of the*
6 *Department of Agriculture. The Director of External Affairs*
7 *shall be appointed by the President, by and with the advice*
8 *and consent of the Senate.*

9 (b) *FUNCTIONS OF DIRECTOR.*—

10 (1) *PRINCIPAL FUNCTIONS.*—*The Secretary shall*
11 *delegate to the Director of External Affairs those func-*
12 *tions and duties that were under the jurisdiction of*
13 *the Assistant Secretary of Agriculture for Congres-*
14 *sional Relations and the Director of Public Affairs of*
15 *the Department as of the date of the enactment of this*
16 *Act.*

17 (2) *ADDITIONAL FUNCTIONS.*—*The Director of*
18 *External Affairs shall perform such other duties as*
19 *may be required by law or prescribed by the Sec-*
20 *retary.*

21 (c) *SUCCESSION.*—*Any official who is serving as As-*
22 *stant Secretary of Agriculture for Congressional Relations*
23 *on the date of the enactment of this Act and who was ap-*
24 *pointed by the President, by and with the advice and con-*
25 *sent of the Senate—*

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

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

5 (d) *CONFORMING AMENDMENT.*—*Section 5315 of title*
6 *5, United States Code, is amended by adding at the end*
7 *the following:*

8 *“Director of External Affairs of the Department*
9 *of Agriculture.”.*

10 ***SEC. 107. DIRECTOR FOR ADMINISTRATION.***

11 (a) *ESTABLISHMENT.*—*There is established in the De-*
12 *partment the position of Director for Administration of the*
13 *Department of Agriculture. The Director for Administra-*
14 *tion shall be appointed by the President, by and with the*
15 *advice and consent of the Senate.*

16 (b) *FUNCTIONS OF DIRECTOR.*—

17 (1) *PRINCIPAL FUNCTIONS.*—*The Secretary shall*
18 *delegate to the Director for Administration those func-*
19 *tions and duties that were under the jurisdiction of*
20 *the Assistant Secretary for Administration of the De-*
21 *partment as of the date of the enactment of this Act.*

22 (2) *ADDITIONAL FUNCTIONS.*—*The Director for*
23 *Administration shall perform such other duties as*
24 *may be required by law or prescribed by the Sec-*
25 *retary.*

1 (c) *SUCCESSION.*—Any official who is serving as As-
2 sistant Secretary of Agriculture for Administration on the
3 date of the enactment of this Act and who was appointed
4 by the President, by and with the advice and consent of
5 the Senate—

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

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

10 (d) *CONFORMING AMENDMENT.*—Section 5315 of title
11 5, United States Code, is amended by adding at the end
12 the following:

13 “Director for Administration of the Department
14 of Agriculture.”.

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

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

19 (a) *ESTABLISHMENT.*—There is established in the De-
20 partment the position of Under Secretary of Agriculture for
21 Farm and Foreign Agricultural Services. The Under Sec-
22 retary shall be appointed by the President, by and with the
23 advice and consent of the Senate.

24 (b) *FUNCTIONS OF UNDER SECRETARY.*—

1 (1) *PRINCIPAL FUNCTIONS.*—*The Secretary shall*
2 *delegate to the Under Secretary of Agriculture for*
3 *Farm and Foreign Agricultural Services those func-*
4 *tions and duties under the jurisdiction of the Depart-*
5 *ment that are related to farm and foreign agricul-*
6 *tural services.*

7 (2) *ADDITIONAL FUNCTIONS.*—*The Under Sec-*
8 *retary of Agriculture for Farm and Foreign Agricul-*
9 *tural Services shall perform such other functions and*
10 *duties as may be required by law or prescribed by the*
11 *Secretary.*

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

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

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

21 (d) *CONFORMING AMENDMENTS.*—

22 (1) *EXISTING POSITION.*—*Section 501 of the Ag-*
23 *ricultural Trade Act of 1978 (7 U.S.C. 5691), relat-*
24 *ing to the Under Secretary of Agriculture for Inter-*

1 *national Affairs and Commodity Programs, is re-*
2 *pealed.*

3 (2) *EXECUTIVE SCHEDULE.—Section 5314 of*
4 *title 5, United States Code, is amended by striking*
5 *“Under Secretary of Agriculture for International Af-*
6 *airs and Commodity Programs.” and inserting*
7 *“Under Secretary of Agriculture for Farm and For-*
8 *eign Agricultural Services.”.*

9 **SEC. 202. AGRICULTURAL SERVICE AGENCY.**

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

13 (b) *FUNCTIONS OF AGRICULTURAL SERVICE AGEN-*
14 *CY.—*

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

19 (A) *Agricultural price and income support*
20 *programs and related programs.*

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

23 (C) *Notwithstanding any other provision of*
24 *law, agricultural credit programs formerly as-*
25 *signed by law to the Farmers Home Administra-*

1 tion (including farm ownership and operating,
2 emergency, and disaster loan programs) and
3 other lending programs for farmers and others
4 engaged in the production of agricultural com-
5 modities.

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

11 (2) *ADDITIONAL FUNCTIONS.*—*The Secretary*
12 *may assign to the Agricultural Service Agency such*
13 *additional functions as the Secretary considers appro-*
14 *priate in connection with the administration and im-*
15 *plementation of authorities assigned to the Secretary*
16 *by law.*

17 (c) *JURISDICTION OVER CONSERVATION PROGRAM AP-*
18 *PEALS.*—

19 (1) *IN GENERAL.*—*Until such time as an adverse*
20 *decision described in this paragraph is referred to the*
21 *National Appeals Division for consideration, the Ag-*
22 *ricultural Service Agency shall have initial jurisdic-*
23 *tion over any administrative appeal resulting from*
24 *an adverse decision made under title XII of the Food*
25 *Security Act of 1985 (16 U.S.C. 3801 et seq.), includ-*

1 *ing an adverse decision involving technical deter-*
2 *minations made by the Soil Conservation Service.*

3 (2) *TREATMENT OF TECHNICAL DETERMINA-*
4 *TION.—With respect to administrative appeals involv-*
5 *ing a technical determination made by the Soil Con-*
6 *servaion Service, the Agricultural Service Agency, by*
7 *rule with the concurrence of the Soil Conservation*
8 *Service, shall establish procedures for obtaining re-*
9 *view by the Soil Conservation Service of the technical*
10 *determinations involved. Such rules shall ensure that*
11 *technical criteria established by the Soil Conservation*
12 *Service shall be used by the Agricultural Service*
13 *Agency as the basis for any decisions regarding tech-*
14 *nical determinations.*

15 (3) *REINSTATEMENT OF PROGRAM BENEFITS.—*
16 *Rules issued to carry out this subsection shall provide*
17 *for the prompt reinstatement of benefits to a producer*
18 *who is determined in an administrative appeal to*
19 *meet the requirements of title XII of the Food Secu-*
20 *rity Act of 1985 applicable to the producer.*

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

24 (d) *USE OF FEDERAL AND NON-FEDERAL EMPLOY-*
25 *EES.—*

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

7
8
9 (2) *EXCEPTION.*—Notwithstanding paragraph
10 (1), no personnel action (as defined in section
11 2302(a)(2)(A) of title 5, United States Code) may be
12 taken with respect to a Federal employee unless such
13 action is taken by another Federal employee.

14 (e) *CONFORMING AMENDMENTS.*—

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

17 (A) in section 505(a) (7 U.S.C. 1505(a)), by
18 striking “the Under Secretary or Assistant Secretary of Agriculture responsible for the farm
19 credit programs of the Department of Agriculture,” and inserting “one additional Under
20 Secretary of Agriculture as designated by the
21 Secretary,”; and
22
23

1 (B) in section 507(d) (7 U.S.C. 1507(d)), by
2 striking “, except” and all that follows through
3 “agency”.

4 (2) *FARM AND RURAL DEVELOPMENT*.—Section
5 331(a) of the Consolidated Farm and Rural Develop-
6 ment Act (7 U.S.C. 1981(a)) is amended by striking
7 “assets to the Farmers Home Administration” and all
8 that follows through the period and inserting “assets
9 to such officers or agencies of the Department of Agri-
10 culture as the Secretary considers appropriate.”.

11 **SEC. 203. STATE, COUNTY, AND AREA COMMITTEES.**

12 (a) *AMENDMENT TO THE SOIL CONSERVATION AND*
13 *DOMESTIC ALLOTMENT ACT*.—Section 8(b) of the Soil Con-
14 *servation and Domestic Allotment Act* (16 U.S.C. 590h(b))
15 *is amended—*

16 (1) by inserting “(1)” after “(b)”;

17 (2) by designating the second through eighth un-
18 designated paragraphs as paragraphs (2) through (8),
19 respectively; and

20 (3) by striking paragraph (5) (as so designated)
21 and inserting the following new paragraph:

22 “(5) *STATE, COUNTY, AND AREA COMMITTEES*.—

23 “(A) *APPOINTMENT OF STATE COMMITTEES*.—
24 The Secretary shall appoint in each State a State
25 committee composed of not fewer than 3 nor more

1 *than 5 members who are fairly representative of the*
2 *farmers in the State. The members of a State commit-*
3 *tee shall serve at the pleasure of the Secretary for such*
4 *term as the Secretary may establish.*

5 *“(B) ESTABLISHMENT OF COUNTY OR AREA COM-*
6 *MITTEES.—(i) In each county or area in which ac-*
7 *tivities are carried out under this section, the Sec-*
8 *retary shall establish a county or area committee.*

9 *“(ii) Any such committee shall consist of not*
10 *fewer than 3 nor more than 5 members who are fairly*
11 *representative of the farmers in the county or area*
12 *and who shall be elected by the farmers in such coun-*
13 *ty or area under such procedures as the Secretary*
14 *may prescribe.*

15 *“(iii) Only farmers within a local administra-*
16 *tive area who are producers who participate or co-*
17 *operate in programs administered within their area*
18 *shall be eligible for nomination and election to the*
19 *local committee for that area.*

20 *“(iv) The Secretary shall solicit and accept*
21 *nominations from organizations representing the in-*
22 *terests of socially disadvantaged groups (as defined in*
23 *section 355(e)(1) of the Consolidated Farm and Rural*
24 *Development Act (7 U.S.C. 2003(e)(1)).*

1 “(v) *Members of each county or area committee*
2 *shall serve for terms not to exceed 3 years.*

3 “(C) *USE OF COMMITTEES.—The Secretary shall*
4 *use the services of such committees in carrying out*
5 *programs under this section and the agricultural*
6 *credit programs under the Consolidated Farm and*
7 *Rural Development Act (7 U.S.C. 1921 et seq.) and*
8 *in considering administrative appeals under the ju-*
9 *risdiction of the Agricultural Service Agency, as pro-*
10 *vided by section 202(c) of the Department of Agri-*
11 *culture Reorganization Act of 1994. In addition, to*
12 *the extent the Secretary determines appropriate, the*
13 *Secretary may use the services of such committees in*
14 *carrying out programs under other authorities ad-*
15 *ministered by the Secretary .*

16 “(D) *REGULATIONS.—The Secretary shall issue*
17 *such regulations as the Secretary considers necessary*
18 *relating to the selection and exercise of the functions*
19 *of the respective committees, and to the administra-*
20 *tion through such committees of the programs de-*
21 *scribed in subparagraph (C). Regulations governing*
22 *payments or grants under this subsection shall be as*
23 *simple and direct as possible, and, whenever prac-*
24 *ticable, they shall be classified on the following two*
25 *bases:*

1 “(i) *Soil-depleting practices.*

2 “(ii) *Soil-building practices.*

3 “(E) *MANDATORY DUTIES OF SECRETARY.—In*
4 *carrying out this section, the Secretary shall—*

5 “(i) *insofar as practicable, protect the inter-*
6 *ests of tenants and sharecroppers;*

7 “(ii) *accord such encouragement to pro-*
8 *ducer-owned and producer-controlled cooperative*
9 *associations as will be in harmony with the pol-*
10 *icy toward cooperative associations set forth in*
11 *Federal laws and as will tend to promote effi-*
12 *cient methods of marketing and distribution;*

13 “(iii) *in every practicable manner, protect*
14 *the interests of small producers; and*

15 “(iv) *in every practical way, encourage and*
16 *provide for soil-conserving and soil-rebuilding*
17 *practices.*

18 “(F) *DISCRETIONARY AUTHORITIES OF SEC-*
19 *RETARY.—In carrying out this section, the Secretary*
20 *may use other approved agencies.*

21 “(G) *LIMITATIONS.—In carrying out this sec-*
22 *tion, the Secretary shall not have the authority to ac-*
23 *quire any land or any right or interest in land.”.*

1 (b) *CONFORMING AMENDMENTS.*—*The Consolidated*
2 *Farm and Rural Development Act (7 U.S.C. 1921 et seq.)*
3 *is amended—*

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

5 (2) *in section 333 (7 U.S.C. 1983)—*

6 (A) *by striking paragraph (2); and*

7 (B) *redesignating paragraphs (3), (4), and*

8 (5) *as paragraphs (2), (3), and (4), respectively.*

9 **TITLE III—RURAL ECONOMIC**
10 **AND COMMUNITY DEVELOP-**
11 **MENT**

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

14 (a) *ESTABLISHMENT.*—*There is established in the De-*
15 *partment the position of Under Secretary of Agriculture for*
16 *Rural Economic and Community Development. The Under*
17 *Secretary shall be appointed by the President, by and with*
18 *the advice and consent of the Senate.*

19 (b) *FUNCTIONS OF UNDER SECRETARY.*—

20 (1) *PRINCIPAL FUNCTIONS.*—*The Secretary shall*
21 *delegate to the Under Secretary of Agriculture for*
22 *Rural Economic and Community Development those*
23 *functions and duties under the jurisdiction of the De-*
24 *partment that are related to rural economic and com-*
25 *munity development.*

1 (2) *ADDITIONAL FUNCTIONS.*—*The Under Sec-*
2 *retary of Agriculture for Rural Economic and Com-*
3 *munity Development shall perform such other func-*
4 *tions and duties as may be required by law or pre-*
5 *scribed by the Secretary.*

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

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

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

15 (d) *LOAN APPROVAL AUTHORITY.*—*Approval author-*
16 *ity for loans and loan guarantees in the electric and tele-*
17 *phone loan and loan guarantee programs authorized by the*
18 *Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.)*
19 *shall not be transferred to, or conditioned upon review of,*
20 *a State director or other employee whose primary duty is*
21 *not the review and approval of such loans or the provision*
22 *of assistance to such borrowers.*

23 (e) *CONFORMING AMENDMENTS.*—

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

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

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

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

15 (2) in section 2(a) (7 U.S.C. 902(a)), by striking
16 “Administrator” and inserting “Secretary of Agri-
17 culture”;

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

19 (A) by striking “Administrator, upon the
20 request and approval of the Secretary of Agri-
21 culture,” and inserting “Secretary”; and

22 (B) by striking “Administrator appointed
23 pursuant to the provisions of this Act or from
24 the Administrator of the Rural Electrification

1 *Administration established by Executive Order*
2 *Numbered 7037” and inserting “Secretary”;*

3 *(4) in section 8 (7 U.S.C. 908)—*

4 *(A) by striking “Administrator authorized*
5 *to be appointed by this Act” and inserting “Sec-*
6 *retary”;* and

7 *(B) by striking “Rural Electrification Ad-*
8 *ministration created by this Act” and inserting*
9 *“Secretary”;*

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

11 *(6) in section 13 (7 U.S.C. 913), by inserting be-*
12 *fore the period the following: “; the term ‘Secretary’*
13 *shall be deemed to mean the Secretary of Agri-*
14 *culture”;*

15 *(7) in sections 206(b)(2), 306A(b), 311, and*
16 *405(b)(1)(A) (7 U.S.C. 927(b)(2), 936a(b), 940a, and*
17 *945(b)(1)(A)), by striking “Rural Electrification Ad-*
18 *ministration” each place it appears and inserting*
19 *“Secretary”;*

20 *(8) in sections 305(c)(2)(C)(ii)(II) and 306E(d)*
21 *(7 U.S.C. 935(c)(2)(C)(ii)(II) and 936e(d)), by strik-*
22 *ing “ADMINISTRATOR” both places it appears and in-*
23 *serting “SECRETARY”;*

24 *(9) in section 403(b) (7 U.S.C. 943(b)), by strik-*
25 *ing “Rural Electrification Administration or of any*

1 *other agency of the Department of Agriculture,” and*
2 *inserting “Secretary,”;*

3 *(10) in section 404 (7 U.S.C. 944), by striking*
4 *“the Administrator of the Rural Electrification Ad-*
5 *ministration” and inserting “the Secretary shall des-*
6 *ignate an official of the Department of Agriculture*
7 *who”;*

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

12 *(12) in the heading of section 501 (7 U.S.C.*
13 *950aa), by striking “**OF REA ADMINISTRATOR**”;*
14 *and*

15 *(13) except as otherwise provided in this sub-*
16 *section, by striking “Administrator” each place it ap-*
17 *pears in such Act and inserting “Secretary”.*

18 *(g) MISCELLANEOUS AMENDMENTS RELATED TO*
19 *RURAL ELECTRIFICATION ADMINISTRATION.—(1) Section*
20 *236(a) of the Disaster Relief Act of 1970 (7 U.S.C. 912a)*
21 *is amended by striking “Rural Electrification Administra-*
22 *tion” and inserting “Secretary under the Rural Electrifica-*
23 *tion Act of 1936”.*

24 *(2) Section 505 of the Department of Agriculture Or-*
25 *ganic Act of 1944 (7 U.S.C. 915) is amended—*

1 (A) by striking “Rural Electrification Ad-
2 ministration” and inserting “Secretary of Agri-
3 culture”; and

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

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

11 (4) Chapter 1 of subtitle D of title XXIII of the Food,
12 Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C.
13 950aaa et seq.), relating to Distance Learning and Medical
14 Link Programs, is amended—

15 (A) in section 2333—

16 (i) by striking paragraph (1); and

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

20 (B) in section 2334(h)(2), by striking “section
21 2333(3)(F)” and inserting “section 2333(2)(F)”;

22 (C) by striking “Administrator” each place it
23 appears and inserting “Secretary”.

1 **TITLE IV—FOOD, NUTRITION,**
2 **AND CONSUMER SERVICES**

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

5 (a) *ESTABLISHMENT.*—There is established in the De-
6 partment the position of Under Secretary of Agriculture for
7 Food, Nutrition, and Consumer Services. The Under Sec-
8 retary shall be appointed by the President, by and with the
9 advice and consent of the Senate.

10 (b) *FUNCTIONS OF UNDER SECRETARY.*—

11 (1) *PRINCIPAL FUNCTIONS.*—The Secretary shall
12 delegate to the Under Secretary of Agriculture for
13 Food, Nutrition, and Consumer Services those func-
14 tions and duties under the jurisdiction of the Depart-
15 ment that are related to food, nutrition, and
16 consumer services (except as provided in section
17 701(b)(1)).

18 (2) *ADDITIONAL FUNCTIONS.*—The Under Sec-
19 retary of Agriculture for Food, Nutrition, and
20 Consumer Services shall perform such other functions
21 and duties as may be required by law or prescribed
22 by the Secretary.

23 (c) *SUCCESSION.*—Any official who is serving as As-
24 sistant Secretary of Agriculture for Food and Consumer
25 Services on the date of the enactment of this Act and who

1 *was appointed by the President, by and with the advice*
2 *and consent of the Senate—*

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

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

7 *(d) EXECUTIVE SCHEDULE.—Section 5314 of title 5,*
8 *United States Code, is amended by inserting after the item*
9 *relating to the Under Secretary of Agriculture for Farm*
10 *and Foreign Agricultural Services (as added by section*
11 *201(d)(2)) the following:*

12 *“Under Secretary of Agriculture for Food, Nutri-*
13 *tion, and Consumer Services.”.*

14 ***TITLE V—NATURAL RESOURCES***
15 ***AND ENVIRONMENT***

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

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

23 *(b) FUNCTIONS OF UNDER SECRETARY.—*

24 *(1) PRINCIPAL FUNCTIONS.—The Secretary shall*
25 *delegate to the Under Secretary of Agriculture for*

1 *Natural Resources and Environment those functions*
2 *and duties under the jurisdiction of the Department*
3 *that are related to natural resources and the environ-*
4 *ment (except to the extent those functions and duties*
5 *are delegated to the Agricultural Service Agency*
6 *under section 202).*

7 (2) *ADDITIONAL FUNCTIONS.—The Under Sec-*
8 *retary of Agriculture for Natural Resources and Envi-*
9 *ronment shall perform such other functions and duties*
10 *as may be required by law or prescribed by the Sec-*
11 *retary.*

12 (c) *SUCCESSION.—Any official who is serving as As-*
13 *stant Secretary of Agriculture for Natural Resources and*
14 *Environment on the date of the enactment of this Act and*
15 *who was appointed by the President, by and with the advice*
16 *and consent of the Senate—*

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

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

21 (d) *EXECUTIVE SCHEDULE.—Section 5314 of title 5,*
22 *United States Code, is amended by inserting after the item*
23 *relating to the Under Secretary of Agriculture for Food, Nu-*
24 *trition, and Consumer Services (as added by section 401(d))*
25 *the following:*

1 *“Under Secretary of Agriculture for Natural Re-*
2 *sources and Environment.”*

3 (e) *CONFORMING AMENDMENTS.*—

4 (1) *SOIL CONSERVATION SERVICE.*—*Section 5 of*
5 *the Soil Conservation and Domestic Allotment Act*
6 *(16 U.S.C. 590e) is repealed.*

7 (2) *SOIL AND WATER RESOURCES CONSERVA-*
8 *TION.*—*The Soil and Water Resources Conservation*
9 *Act of 1977 (16 U.S.C. 2001) is amended—*

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

11 (i) *by striking “created the Soil Con-*
12 *servations Service”; and*

13 (ii) *by striking “Department of Agri-*
14 *culture which” and inserting “, has ensured*
15 *that the Department of Agriculture”;*

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

19 (C) *in section 6(a) (16 U.S.C. 2005(a)), by*
20 *striking “Soil Conservation Service” and insert-*
21 *ing “Secretary”.*

1 **TITLE VI—RESEARCH,**
2 **EDUCATION, AND ECONOMICS**

3 **SEC. 601. UNDER SECRETARY OF AGRICULTURE FOR RE-**
4 **SEARCH, EDUCATION, AND ECONOMICS.**

5 (a) *ESTABLISHMENT.*—*There is established in the De-*
6 *partment the position of Under Secretary of Agriculture for*
7 *Research, Education, and Economics. The Under Secretary*
8 *shall be appointed by the President, by and with the advice*
9 *and consent of the Senate.*

10 (b) *FUNCTIONS OF UNDER SECRETARY.*—

11 (1) *PRINCIPAL FUNCTIONS.*—*The Secretary shall*
12 *delegate to the Under Secretary of Agriculture for Re-*
13 *search, Education, and Economics those functions*
14 *and duties under the jurisdiction of the Department*
15 *that are related to research, education, and economics.*

16 (2) *ADDITIONAL FUNCTIONS.*—*The Under Sec-*
17 *retary of Agriculture for Research, Education, and*
18 *Economics shall perform such other functions and du-*
19 *ties as may be required by law or prescribed by the*
20 *Secretary.*

21 (c) *COOPERATIVE STATE RESEARCH AND EDUCATION*
22 *SERVICE.*—

23 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
24 *lish and maintain within the Department a Coopera-*
25 *tive State Research and Education Service.*

1 (2) *DUTIES.*—*The Secretary shall delegate to the*
2 *Cooperative State Research and Education Service*
3 *functions related to cooperative State research pro-*
4 *grams and cooperative extension and education pro-*
5 *grams that are under the jurisdiction of the Depart-*
6 *ment.*

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

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

16 “*Under Secretary of Agriculture for Research,*
17 *Education, and Economics.*”.

18 **TITLE VII—FOOD SAFETY**

19 **SEC. 701. UNDER SECRETARY OF AGRICULTURE FOR FOOD** 20 **SAFETY.**

21 (a) *ESTABLISHMENT.*—*There is established in the De-*
22 *partment of Agriculture the position of Under Secretary of*
23 *Agriculture for Food Safety. The Under Secretary shall be*
24 *appointed by the President, by and with the advice and*
25 *consent of the Senate, from among individuals with special-*

1 ized training or significant experience in food safety or
2 public health programs.

3 (b) *FUNCTIONS OF UNDER SECRETARY.*—

4 (1) *PRINCIPAL FUNCTIONS.*—The Secretary shall
5 delegate to the Under Secretary of Agriculture for
6 Food Safety those functions and duties under the ju-
7 risdiction of the Department that are related to food
8 safety.

9 (2) *ADDITIONAL FUNCTIONS.*—The Under Sec-
10 retary of Agriculture for Food Safety shall perform
11 such other functions and duties as may be required by
12 law or prescribed by the Secretary.

13 (c) *EXECUTIVE SCHEDULE.*—Section 5314 of title 5,
14 United States Code, is amended by inserting after the item
15 relating to the Under Secretary of Agriculture for Research,
16 Education, and Economics (as added by section 601(d)) the
17 following:

18 “Under Secretary of Agriculture for Food
19 Safety.”

1 **TITLE VIII—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 801. EXPANSION OF ISSUES COVERED BY STATE MEDI-**
4 **ATION PROGRAMS.**

5 (a) *EXPANSION OF MEDIATION PROGRAMS.*—Section
6 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101)
7 is amended—

8 (1) in subsection (a), by striking “an agricul-
9 tural loan mediation program” and inserting “a me-
10 diation program”;

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

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

15 “(c) *REQUIREMENTS OF STATE MEDIATION PRO-*
16 *GRAMS.*—

17 “(1) *ISSUES COVERED.*—To be certified as a
18 qualifying State, the mediation program of the State
19 must provide mediation services for the persons de-
20 scribed in paragraph (2) who are involved in agricul-
21 tural loans or agricultural loans and one or more of
22 the following issues under the jurisdiction of the De-
23 partment of Agriculture:

24 “(A) Wetlands determinations.

1 “(B) *Compliance with farm programs, in-*
2 *cluding conservation programs.*

3 “(C) *Agricultural credit.*

4 “(D) *Rural water loan programs.*

5 “(E) *Grazing on National Forest System*
6 *lands.*

7 “(F) *Pesticides.*

8 “(G) *Such other issues as the Secretary con-*
9 *siders appropriate.*

10 “(2) *PERSONS ELIGIBLE FOR MEDIATION.—The*
11 *persons referred to in paragraph (1) are producers,*
12 *their creditors (if applicable), and other persons di-*
13 *rectly affected by actions of the Department of Agri-*
14 *culture.*

15 “(3) *CERTIFICATION CONDITIONS.—The Sec-*
16 *retary shall certify a State as a qualifying State with*
17 *respect to the issues proposed to be covered by the me-*
18 *diation program of the State if the mediation pro-*
19 *gram—*

20 “(A) *provides for mediation services that, if*
21 *decisions are reached, result in mediated, mutu-*
22 *ally agreeable decisions between the parties to the*
23 *mediation;*

1 “(B) is authorized or administered by an
2 agency of the State government or by the Gov-
3 ernor of the State;

4 “(C) provides for the training of mediators;

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

7 “(E) ensures, in the case of agricultural
8 loans, that all lenders and borrowers of agricul-
9 tural loans receive adequate notification of the
10 mediation program; and

11 “(F) ensures, in the case of other issues cov-
12 ered by the mediation program, that persons di-
13 rectly affected by actions of the Department of
14 Agriculture receive adequate notification of the
15 mediation program.”.

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

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

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

22 (A) by inserting “or agency” after “pro-
23 gram”; and

24 (B) by striking “that makes, guarantees, or
25 insures agricultural loans”;

1 (3) *in subsection (a)(1)(A)—*

2 (A) *by inserting “or agency” after “such*
3 *program”;* and

4 (B) *by inserting “certified under section*
5 *501” after “mediation program”;*

6 (4) *in subsection (a)(1)(B)—*

7 (A) *by striking “, effective beginning on the*
8 *date of the enactment of this Act,”;* and

9 (B) *by inserting “certified under section*
10 *501” after “mediation programs”;* and

11 (5) *in subsection (a)(1)(C)—*

12 (A) *in clause (i), by striking “described in”*
13 *and inserting “certified under”;* and

14 (B) *in clause (ii), by inserting “if applica-*
15 *ble,” before “present”.*

16 (c) *REGULATIONS.—Section 504 of such Act (7 U.S.C.*
17 *5104) is amended—*

18 (1) *by striking “Within 150 days after the date*
19 *of the enactment of this Act, the” and inserting*
20 *“The”;* and

21 (2) *by adding at the end the following new sen-*
22 *tence: “The regulations prescribed by the Secretary*
23 *shall require qualifying States to adequately train*
24 *mediators to address all of the issues covered by the*
25 *mediation program of the State.”.*

1 (d) *REPORT.*—Section 505 of such Act (7 U.S.C. 5105)
2 is amended by striking “1990” and inserting “1998”.

3 (e) *AUTHORIZATION OF APPROPRIATIONS.*—Section
4 506 of such Act (7 U.S.C. 5106) is amended by striking
5 “1995” and inserting “2000”.

6 (f) *CONFORMING AMENDMENTS.*—

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

9 (A) in sections 502 and 505(1) (7 U.S.C.
10 5102, 5105(1)), by striking “agricultural loan”
11 each place it appears; and

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

15 (2) *WAIVER OF FARM CREDIT SYSTEM MEDI-*
16 *ATION RIGHTS BY BORROWERS.*—Section 4.14E of the
17 Farm Credit Act of 1971 (12 U.S.C. 2202e) is amend-
18 ed by striking “agricultural loan”.

19 (3) *WAIVER OF FMHA MEDIATION RIGHTS BY*
20 *BORROWERS.*—Section 358 of the Consolidated Farm
21 and Rural Development Act (7 U.S.C. 2006) is
22 amended by striking “agricultural loan”.

1 **SEC. 802. SUCCESSORSHIP PROVISIONS RELATING TO BAR-**
2 **GAINING UNITS AND EXCLUSIVE REPRESENT-**
3 **ATIVES.**

4 (a) *VOLUNTARY AGREEMENT.*—

5 (1) *IN GENERAL.*—*If the exercise of the Sec-*
6 *retary's authority under this Act results in changes to*
7 *an existing bargaining unit that has been certified*
8 *under chapter 71 of title 5, United States Code, the*
9 *affected parties shall attempt to reach a voluntary*
10 *agreement on a new bargaining unit and an exclusive*
11 *representative for such unit.*

12 (2) *CRITERIA.*—*In carrying out the requirements*
13 *of this subsection, the affected parties shall use cri-*
14 *teria set forth in—*

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

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

22 (b) *EFFECT OF AN AGREEMENT.*—

23 (1) *IN GENERAL.*—*If the affected parties reach*
24 *agreement on the appropriate unit and the exclusive*
25 *representative for such unit under subsection (a), the*
26 *Federal Labor Relations Authority shall certify the*

1 *terms of such agreement, subject to paragraph (2)(A).*
2 *Nothing in this subsection shall be considered to re-*
3 *quire the holding of any hearing or election as a con-*
4 *dition for certification.*

5 *(2) RESTRICTIONS.—*

6 *(A) CONDITIONS REQUIRING NONCER-*
7 *TIFICATION.—The Federal Labor Relations Au-*
8 *thority may not certify the terms of an agree-*
9 *ment under paragraph (1) if—*

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

14 *(ii) after the Secretary’s exercise of au-*
15 *thority and before certification under this*
16 *section, a valid election under section*
17 *7111(b) of title 5, United States Code, is*
18 *held covering any employees who would be*
19 *included in the unit proposed for certifi-*
20 *cation.*

21 *(B) TEMPORARY WAIVER OF PROVISION*
22 *THAT WOULD BAR AN ELECTION AFTER A COL-*
23 *LECTIVE BARGAINING AGREEMENT IS*
24 *REACHED.—Nothing in section 7111(f)(3) of title*
25 *5, United States Code, shall prevent the holding*

1 *of an election under section 7111(b) of such title*
2 *that covers employees within a unit certified*
3 *under paragraph (1), or giving effect to the re-*
4 *sults of such an election (including a decision*
5 *not to be represented by any labor organization),*
6 *if the election is held before the end of the 12-*
7 *month period beginning on the date such unit is*
8 *so certified.*

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

15 *(3) DELEGATION.—*

16 *(A) IN GENERAL.—The Federal Labor Rela-*
17 *tions Authority may delegate to any regional di-*
18 *rector (as referred to in section 7105(e) of title*
19 *5, United States Code) its authority under the*
20 *preceding provisions of this subsection.*

21 *(B) REVIEW.—Any action taken by a re-*
22 *gional director under subparagraph (A) shall be*
23 *subject to review under the provisions of section*
24 *7105(f) of title 5, United States Code, in the*
25 *same manner as if such action had been taken*

1 under section 7105(e) of such title, except that in
2 the case of a decision not to certify, such review
3 shall be required if application therefor is filed
4 by an affected party within the time specified in
5 such provisions.

6 (c) *DEFINITION.*—For purposes of this section, the
7 term “affected party” means—

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

11 (2) the Department of Agriculture.

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

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

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

24 (2) selenium at such levels is not safe to the ani-
25 mals consuming the additive;

1 (3) *selenium at such levels is not safe to individ-*
2 *uals consuming edible portions of animals that re-*
3 *ceive the additive;*

4 (4) *selenium at such levels does not achieve its*
5 *intended effect of promoting normal growth and re-*
6 *production of livestock and poultry; and*

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

10 (b) *FINAL RULE DESCRIBED.*—*The final rule referred*
11 *to in subsection (a) is the final rule issued by the Food*
12 *and Drug Administration and published in the Federal*
13 *Register on September 13, 1993 (58 Fed. Reg. 47962), in*
14 *which the Administration stayed 1987 amendments to the*
15 *selenium food additive regulations, and any modification*
16 *of such rule issued after the date of the enactment of this*
17 *Act.*

18 **SEC. 804. OFFICE OF ENVIRONMENTAL RISK ASSESSMENT.**

19 (a) *OFFICE OF ENVIRONMENTAL RISK ASSESSMENT.*—
20 *The Secretary shall establish in the Department an Office*
21 *of Environmental Risk Assessment (in this section referred*
22 *to as the “Office”), which shall be independent of other of-*
23 *fices and agencies of the Department, but shall have the au-*
24 *thority to advise such offices and agencies regarding the en-*
25 *vironmental risks addressed by Department regulations and*

1 *the implementation and compliance costs associated with*
2 *such regulations. The Office shall be under the direction of*
3 *a Director appointed by the Secretary.*

4 **(b) STRATEGY TO ANALYZE RISKS AND BENEFITS.—**
5 *The Director of the Office shall develop a strategy for per-*
6 *forming, to the greatest extent practicable and consistent*
7 *with the provisions of this section and other provisions of*
8 *the law applicable to the Department, risk/benefit analyses*
9 *in connection with the regulations described in subsection*
10 *(c) that are performed consistently and employ state-of-the-*
11 *art scientific techniques that are practicable with the re-*
12 *sources available. The implementation of the strategy shall*
13 *be subject to the approval of the Secretary.*

14 **(c) REVIEW AND CERTIFICATION OF DEPARTMENT**
15 **REGULATIONS.—***In connection with each proposed major*
16 *regulation relating to public health, public safety, or the*
17 *environment that is issued by the Department after the date*
18 *on which the Secretary approves of the risk/benefit analysis*
19 *strategy under subsection (b), the Director of the Office shall*
20 *publish in the Federal Register—*

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

23 **(A) the risk to the health and safety of indi-**
24 *viduals that is addressed by the regulation, in-*

1 *cluding the effect of the risk on human health or*
2 *the environment;*

3 *(B) the costs associated with the implemen-*
4 *tation of, and compliance with, the regulation;*
5 *and*

6 *(C) a comparative analysis of that risk rel-*
7 *ative to other risks to which the public is ex-*
8 *posed; and*

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

11 *(A) the estimate under paragraph (1)(B)*
12 *and the analysis under paragraph (1)(C) are*
13 *based on a scientific evaluation of the risk re-*
14 *ferred to in paragraph (1)(A) and are supported*
15 *by the best available scientific data;*

16 *(B) the regulation will substantially ad-*
17 *vance the purpose of protecting the public health*
18 *and safety or the environment against the risk*
19 *referred to in paragraph (1)(A); and*

20 *(C) the regulation will produce benefits to*
21 *public health and safety or the environment that*
22 *will justify the costs incurred by local, State,*
23 *and Federal Government and other public and*
24 *private entities as a result of the implementation*

1 *of, and compliance with, the regulation, as esti-*
2 *mated in paragraph (1)(B).*

3 (d) *REPORT TO CONGRESS OF LACK OF CERTIFI-*
4 *CATION.—If the Director of the Office cannot make the cer-*
5 *tification required under subsection (c)(2) for a regulation,*
6 *the Director shall submit to Congress a report containing*
7 *a statement of the reasons why the certification cannot be*
8 *made. The statement shall be included in the final regula-*
9 *tion.*

10 (e) *EFFECT ON OTHER LAWS; JUDICIAL REVIEW.—*
11 *This section, and any certification made under subsection*
12 *(c), shall not be construed to amend, modify, or alter any*
13 *law and shall not be subject to judicial review. This section*
14 *shall not be construed to grant a cause of action to any*
15 *person.*

16 **SEC. 805. REPEAL OF SUPERSEDED PROVISIONS.**

17 (a) *IN GENERAL.—The following provisions of law are*
18 *repealed:*

19 (1) *Section 2 of Reorganization Plan No. 2 of*
20 *1953 (5 U.S.C. App; 7 U.S.C. 2201 note).*

21 (2) *Section 2 of the Act entitled “An Act to en-*
22 *large the powers and duties of the Department of Ag-*
23 *riculture and to create an Executive Department to*
24 *be known as the Department of Agriculture.”, ap-*
25 *proved February 9, 1889 (7 U.S.C. 2212).*

1 (3) *The first paragraph designated “OFFICE OF*
2 *THE SECRETARY:” under the heading “DEPART-*
3 *MENT OF AGRICULTURE” of the Act entitled “An*
4 *Act making appropriations for the Department of Ag-*
5 *riculture for the fiscal year ending June thirtieth,*
6 *nineteen hundred and seven.”, approved June 30,*
7 *1906 (34 Stat. 670; 7 U.S.C. 2212).*

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

10 (5) *Section 2 of Public Law 94–561 (7 U.S.C.*
11 *2212b).*

12 (6) *Section 8(a) of Public Law 97–325 (7 U.S.C.*
13 *2212c).*

14 (7) *Section 1413(d) of the National Agricultural*
15 *Research, Extension, and Teaching Policy Act of 1977*
16 *(7 U.S.C. 3128(d)).*

17 (8) *Section 306(a)(15)(C) of the Consolidated*
18 *Farm and Rural Development Act (7 U.S.C.*
19 *1926(a)(15)(C)).*

20 (9) *Section 2322(d)(2) of the Food, Agriculture,*
21 *Conservation, and Trade Act of 1990 (7 U.S.C. 1926–*
22 *1(d)(2)).*

23 (10) *Section 364 of the Consolidated Farm and*
24 *Rural Development Act (7 U.S.C. 2006f).*

1 (b) *TERMINATION OF AUTHORITY FOR ASSISTANT SEC-*
2 *RETARIES.*—Section 5315 of title 5, United States Code, is
3 amended by striking “Assistant Secretaries of Agriculture
4 (7).”.

5 (c) *TERMINATION OF OTHER EXECUTIVE SCHEDULE*
6 *POSITIONS.*—Section 5316 of title 5, United States Code,
7 is amended—

8 (1) by striking “Administrator, Agricultural
9 Marketing Service, Department of Agriculture.”;

10 (2) by striking “Administrator, Agricultural Re-
11 search Service, Department of Agriculture.”;

12 (3) by striking “Administrator, Agricultural
13 Stabilization and Conservation Service, Department
14 of Agriculture.”;

15 (4) by striking “Administrator, Farmers Home
16 Administration.”;

17 (5) by striking “Administrator, Foreign Agricul-
18 tural Service, Department of Agriculture.”;

19 (6) by striking “Administrator, Rural Elec-
20 trification Administration, Department of Agri-
21 culture.”;

22 (7) by striking “Administrator, Soil Conserva-
23 tion Service, Department of Agriculture.”;

24 (8) by striking “Chief Forester of the Forest
25 Service, Department of Agriculture.”;

1 (9) by striking “Director of Science and Edu-
2 cation, Department of Agriculture.”;

3 (10) by striking “Administrator, Animal and
4 Plant Health Inspection Service, Department of Agri-
5 culture.”; and

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

8 **SEC. 806. CONFORMING AMENDMENTS.**

9 (a) UNITED STATES GRAIN STANDARDS ACT.—The
10 United States Grain Standards Act (7 U.S.C. 71 et seq.)
11 is amended—

12 (1) in section 3 (7 U.S.C. 75)—

13 (A) by inserting “and” at the end of sub-
14 section (y);

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

17 (C) by redesignating subsection (bb) as sub-
18 section (z);

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

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

23 (4) in sections 7(j)(2) and 7A(l)(2) (7 U.S.C.
24 79(j)(2) and 79a(l)(2)), by striking “supervision by
25 Service personnel of its field office personnel” both

1 *places it appears and inserting “supervision by the*
2 *Secretary of the Secretary’s field office personnel”;*

3 *(5) in section 12(c) (7 U.S.C. 87a(c)), by strik-*
4 *ing “or Administrator”;*

5 *(6) in section 12(d) (7 U.S.C. 87a(d)), by strik-*
6 *ing “or the Administrator”;*

7 *(7) except as otherwise provided in this sub-*
8 *section, by striking “Administrator” each place it ap-*
9 *pears and inserting “Secretary”; and*

10 *(8) except as otherwise provided in this sub-*
11 *section, by striking “Service” each place it appears*
12 *and inserting “Secretary”.*

13 *(b) PACKERS AND STOCKYARDS ACT, 1921.—Section*
14 *407 of the Packers and Stockyards Act, 1921 (7 U.S.C.*
15 *228), is amended—*

16 *(1) by striking subsection (b);*

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

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

23 **SEC. 807. PROPOSED CONFORMING AMENDMENTS.**

24 *Not later than 180 days after the date of the enactment*
25 *of this Act, the Secretary shall submit to Congress rec-*

1 *ommended legislation containing additional technical and*
2 *conforming amendments to Federal laws that are required*
3 *as a result of the enactment of this Act.*

HR 3171 RH—2

HR 3171 RH—3

HR 3171 RH—4

HR 3171 RH—5