

103D CONGRESS
2D SESSION

S. 1970

AN ACT

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

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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; TABLE OF CONTENTS.**

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

1 (b) TABLE OF CONTENTS.—The table of contents of
2 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.

TITLE I—GENERAL AUTHORITIES OF THE SECRETARY

- Sec. 101. Delegation of functions to the Secretary.
- Sec. 102. Reorganization.
- Sec. 103. Personnel reductions.
- Sec. 104. Consolidation of headquarters offices.
- Sec. 105. Reports by the Secretary.

TITLE II—NATIONAL APPEALS DIVISION

- Sec. 201. Definitions.
- Sec. 202. National Appeals Division and Director.
- Sec. 203. Transfer of functions.
- Sec. 204. Personnel of the Division.
- Sec. 205. Notice and opportunity for hearing.
- Sec. 206. Informal hearings.
- Sec. 207. Rights of participants.
- Sec. 208. Division hearings and Director review.
- Sec. 209. Judicial review.
- Sec. 210. Implementation of final determinations of Division.
- Sec. 211. Decisions of State and county committees.
- Sec. 212. Prohibition on adverse action while appeal is pending.
- Sec. 213. Relationship to other laws.
- Sec. 214. Evaluation of agency decisionmakers and other employees.
- Sec. 215. Conforming amendments.

TITLE III—FARM AND INTERNATIONAL TRADE SERVICES

- Sec. 301. Under Secretary for Farm and International Trade Services.
- Sec. 302. Farm Service Agency.
- Sec. 303. State and county committees.
- Sec. 304. International Trade Service.

TITLE IV—RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

- Sec. 401. Under Secretary for Rural Economic and Community Development.
- Sec. 402. Rural Utilities Service.
- Sec. 403. Rural Housing and Community Development Service.
- Sec. 404. Rural Business and Cooperative Development Service.

TITLE V—FOOD, NUTRITION, AND CONSUMER SERVICES

- Sec. 501. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
- Sec. 502. Food and Consumer Service.
- Sec. 503. Nutrition Research and Education Service.

TITLE VI—NATURAL RESOURCES AND ENVIRONMENT

- Sec. 601. Natural Resources Conservation Service.

Sec. 602. Reorganization of Forest Service.

TITLE VII—MARKETING AND INSPECTION SERVICES

Sec. 701. Grain Inspection, Packers and Stockyards Administration.

TITLE VIII—RESEARCH, ECONOMICS, AND EDUCATION

- Sec. 801. Federal Research and Information Service.
- Sec. 802. Cooperative State Research and Education Service.
- Sec. 803. Agricultural Economics and Statistics Service.
- Sec. 804. Program Policy and Coordination Staff.

TITLE IX—FOOD SAFETY

Sec. 901. Food Safety Service.

TITLE X—MISCELLANEOUS

- Sec. 1001. Assistant Secretaries of Agriculture.
- Sec. 1002. Removal of obsolete provisions.
- Sec. 1003. Additional conforming amendments.
- Sec. 1004. Termination of authority.
- Sec. 1005. Elimination of duplicative inspection requirements.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to provide the Secretary
3 of Agriculture with the necessary authority to streamline
4 and reorganize the Department of Agriculture to achieve
5 greater efficiency, effectiveness, and economies in the or-
6 ganization and management of the programs and activities
7 carried out at the Department.

8 **SEC. 3. DEFINITIONS.**

9 As used in this Act (unless the context clearly re-
10 quires otherwise):

11 (1) ADMINISTRATIVE UNIT.—The term “admin-
12 istrative unit” includes—

13 (A) any office, administration, agency, in-
14 stitute, unit, or organizational entity, or compo-

1 ment thereof, except that the term does not in-
2 clude a corporation; and

3 (B) any county, State, or area committee,
4 as established by the Secretary.

5 (2) DEPARTMENT.—The term “Department”
6 means the United States Department of Agriculture.

7 (3) FUNCTION.—The term “function” means
8 an administrative, financial, or regulatory duty of an
9 administrative unit or employee of the Department,
10 including a transfer of funds made available to carry
11 out a function of an administrative unit.

12 (4) SECRETARY.—The term “Secretary” means
13 the Secretary of Agriculture.

14 **TITLE I—GENERAL AUTHORI-**
15 **TIES OF THE SECRETARY**

16 **SEC. 101. DELEGATION OF FUNCTIONS TO THE SECRETARY.**

17 (a) DELEGATION OF FUNCTIONS.—Except as other-
18 wise provided in this Act and notwithstanding any other
19 provision of law, all functions and all activities, officers,
20 employees, and administrative units of the Department,
21 not vested in the Secretary on the date of enactment of
22 this Act, are delegated to the Secretary.

23 (b) EXCEPTIONS TO THE DELEGATION.—This sec-
24 tion shall not apply to the following functions and admin-
25 istrative units of the Department:

1 (1) The functions vested in administrative law
2 judges by subchapter II of chapter 5 of title 5, United
3 States Code.

4 (2) The functions vested in the Inspector Gen-
5 eral by the Inspector General Act of 1978 (5 U.S.C.
6 App. 3).

7 (3) The functions vested in the Chief Financial
8 Officer by chapter 9 of subtitle I of title 31, United
9 States Code.

10 (4) Corporations and the boards of directors
11 and officers of the corporations.

12 (5) The functions vested in the Alternative Ag-
13 ricultural Research and Commercialization Board by
14 the Alternative Agricultural Research and Commer-
15 cialization Act of 1990 (7 U.S.C. 5901 et seq.).

16 **SEC. 102. REORGANIZATION.**

17 (a) GENERAL AUTHORITY OF THE SECRETARY.—
18 The Secretary may transfer any function or administrative
19 unit of the Department, including any function or admin-
20 istrative unit delegated to the Secretary by this Act, and
21 any officer or employee of the Department, as the Sec-
22 retary considers appropriate. The authority established in
23 the preceding sentence includes the authority to establish,
24 consolidate, alter, or discontinue any administrative unit
25 of the Department.

1 (b) AUTHORITY TO TRANSFER RECORDS, PROPERTY,
2 AND FUNDS.—

3 (1) IN GENERAL.—Subject to section 1531 of
4 title 31, United States Code, the Secretary may
5 transfer any of the records, property, and unex-
6 pended balances (available or to be made available
7 for use in connection with any affected function or
8 administrative unit) of appropriations, allocations,
9 and other funds of the Department, as the Secretary
10 considers necessary to carry out this Act, except as
11 otherwise provided in this section.

12 (2) USE.—Absent prior approval by law, any
13 unexpended balances transferred pursuant to para-
14 graph (1) shall be used only for the purposes for
15 which the funds were originally made available.

16 (3) ADDITIONAL AUTHORITY.—The Secretary
17 may make such additional incidental dispositions of
18 personnel, assets, liabilities, grants, contracts, prop-
19 erty, records, and unexpended balances of appropria-
20 tions, authorizations, allocations, and other funds
21 held, used, arising from, available to, or to be made
22 available in connection with the functions or admin-
23 istrative units, as the Secretary considers necessary
24 to carry out this Act.

1 (c) PURPOSE OF THE AUTHORITY.—The Secretary
2 shall carry out subsections (a) and (b) with the goals of
3 simplifying and maximizing the efficiency of the national,
4 State, regional, and local levels of the Department, and
5 of improving the accessibility of farm and other programs
6 at all levels. To the extent practicable, the Secretary shall
7 adapt the administration of the programs to State, re-
8 gional, and local conditions.

9 (d) EXHAUSTION OF ADMINISTRATIVE APPEALS.—
10 Notwithstanding any other provision of law, a person shall
11 exhaust all administrative appeal procedures established
12 by the Secretary before the person may bring an action
13 in a court of competent jurisdiction against—

14 (1) the Secretary;

15 (2) the Department;

16 (3) an administrative unit of the Department;

17 or

18 (4) an employee or agent of an administrative
19 unit of the Department.

20 (e) CONFORMING AMENDMENTS.—Section 9 of the
21 Commodity Credit Corporation Charter Act (15 U.S.C.
22 714g) is amended—

23 (1) in subsection (a), by striking “(a)”; and

24 (2) by striking subsection (b).

1 **SEC. 103. PERSONNEL REDUCTIONS.**

2 (a) DEFINITIONS.—As used in this section:

3 (1) FIELD STRUCTURE.—The term “field struc-
4 ture” means the offices, functions, and employee po-
5 sitions of all administrative units of the Department,
6 other than the headquarters offices. The term in-
7 cludes the physical and geographic locations of the
8 units. The term shall not include State, county, or
9 area committees established under section 8(b) of
10 the Soil Conservation and Domestic Allotment Act
11 (16 U.S.C. 590h(b)).

12 (2) HEADQUARTERS OFFICES.—The term
13 “headquarters offices” means the offices, functions,
14 and employee positions of all administrative units of
15 the Department located or performed in Washing-
16 ton, District of Columbia, or elsewhere, as deter-
17 mined by the Secretary.

18 (b) EMPLOYEE REDUCTIONS.—Subject to subsection
19 (c), the Secretary shall achieve employee reductions of at
20 least 7,500 staff years within the Department by Septem-
21 ber 30, 1999.

22 (c) DISTRIBUTION.—The percentage of employee re-
23 ductions in the headquarters offices under subsection (b)
24 shall be substantially higher than the percentage of em-
25 ployee reductions in the field structure, as determined by
26 the Secretary.

1 (d) SCHEDULE.—The personnel reductions under
2 subsections (b) and (c) should be accomplished concur-
3 rently in a manner determined by the Secretary.

4 **SEC. 104. CONSOLIDATION OF HEADQUARTERS OFFICES.**

5 The Secretary shall develop and carry out a plan to
6 consolidate offices of administrative units of the Depart-
7 ment located in Washington, District of Columbia, subject
8 to the availability of appropriations.

9 **SEC. 105. REPORTS BY THE SECRETARY.**

10 (a) IN GENERAL.—Subject to subsection (b), not-
11 withstanding any other provision of law, the Secretary
12 may, but shall not be required to, prepare and submit any
13 report to Congress or any committee of Congress.

14 (b) LIMITATION.—For each fiscal year, the Secretary
15 may not prepare and submit more than 30 reports re-
16 ferred to in subsection (a).

17 (c) SELECTION OF REPORTS.—In consultation with
18 the Committee on Agriculture of the House of Representa-
19 tives and the Committee on Agriculture, Nutrition, and
20 Forestry of the Senate, the Secretary shall determine
21 which reports shall be prepared and submitted in accord-
22 ance with subsection (b).

1 **TITLE II—NATIONAL APPEALS**
2 **DIVISION**

3 **SEC. 201. DEFINITIONS.**

4 As used in this title:

5 (1) ADVERSE DECISION.—The term “adverse
6 decision” means an administrative decision made by
7 a decisionmaker that is adverse to a participant, in-
8 cluding a denial of equitable relief, except that the
9 term shall not include a decision over which the
10 Board of Contract Appeals has jurisdiction. The
11 term shall include the failure of a decisionmaker to
12 issue a decision or otherwise act on the request or
13 right of the participant to participate in, or receive
14 payments, loans, or other benefits under, any of the
15 programs administered by an agency. Notwithstand-
16 ing section 701(a)(2) of title 5, United States Code,
17 a discretionary decision of the Secretary or the Divi-
18 sion shall be reviewable under section 706(2)(A) of
19 such title unless the decision is generally applicable
20 to all program participants and, as a matter of gen-
21 eral applicability, is committed to agency discretion
22 by law within the meaning of section 701(a)(2) of
23 such title.

24 (2) AGENCY.—The term “agency” means any
25 agency of the Department designated by the Sec-

1 retary or a successor agency of the Department, ex-
2 cept that the term shall include—

3 (A) ASCS;

4 (B) CCC, with respect to domestic pro-
5 grams;

6 (C) FmHA (including rural housing pro-
7 grams);

8 (D) FCIC;

9 (E) RDA (including rural housing pro-
10 grams);

11 (F) SCS; or

12 (G) a State or county committee estab-
13 lished under section 8(b) of the Soil Conserva-
14 tion and Domestic Allotment Act (16 U.S.C.
15 590h(b)) or the Consolidated Farm and Rural
16 Development Act (7 U.S.C. 1921 et seq.).

17 (3) APPELLANT.—The term “appellant” means
18 a participant who appeals an adverse decision in ac-
19 cordance with this title.

20 (4) ASCS.—The term “ASCS” means the Agri-
21 cultural Stabilization and Conservation Service or a
22 successor agency.

23 (5) CASE RECORD.—The term “case record”
24 means all the materials maintained by the Secretary

1 that concern the participant, including any materials
2 related to the adverse decision.

3 (6) CCC.—The term “CCC” means the Com-
4modity Credit Corporation or a successor agency.

5 (7) DECISIONMAKER.—The term
6 “decisionmaker” means an officer, employee, or
7 committee of an agency who makes an adverse deci-
8sion that is appealed by an appellant.

9 (8) DIRECTOR.—The term “Director” means
10 the Director of the Division.

11 (9) DIVISION.—The term “Division” means the
12 National Appeals Division established by this title.

13 (10) EMPLOYEE.—The term “employee” means
14 an individual employed by an agency, including an
15 individual who enters into a contract with an agency
16 to perform services for the agency.

17 (11) FINAL DETERMINATION.—The term “final
18 determination” means a determination of an appeal
19 by the Division that is administratively final, conclu-
20sive, and binding.

21 (12) FCIC.—The term “FCIC” means the
22 Federal Crop Insurance Corporation or a successor
23 agency.

1 (13) FMHA.—The term “FmHA” means the
2 Farmers Home Administration or a successor agen-
3 cy.

4 (14) HEARING OFFICER.—The term “hearing
5 officer” means an individual employed by the Divi-
6 sion who hears and determines appeals of adverse
7 decisions by any agency.

8 (15) HEARING RECORD.—The term “hearing
9 record” means the transcript of a hearing, any audio
10 tape or similar recording of a hearing, any informa-
11 tion from the case record that a hearing officer con-
12 siders relevant or that is raised by the appellant or
13 agency, and all documents and other evidence pre-
14 sented to a hearing officer.

15 (16) IMPLEMENT; IMPLEMENTATION.—The
16 terms “implement” and “implementation” refer to
17 those actions necessary to effectuate fully and
18 promptly a determination of the Division not later
19 than 30 calendar days after the effective date of the
20 determination.

21 (17) PARTICIPANT.—The term “participant”
22 means any individual, group of individuals, partner-
23 ship, corporation, association, cooperative, or other
24 entity whose application for, or right to participate
25 in or receive, payments, loans, or other benefits in

1 accordance with any of the programs administered
2 by an agency, is affected by an adverse decision
3 made by a decisionmaker.

4 (18) RDA.—The term “RDA” means the Rural
5 Development Administration or a successor agency.

6 (19) SCS.—The term “SCS” means the Soil
7 Conservation Service or a successor agency.

8 (20) STATE DIRECTOR.—The term “State di-
9 rector” means the individual who is primarily re-
10 sponsible for carrying out the program of an agency
11 within a State.

12 **SEC. 202. NATIONAL APPEALS DIVISION AND DIRECTOR.**

13 (a) ESTABLISHMENT OF DIVISION.—

14 (1) ESTABLISHMENT.—The Secretary shall es-
15 tablish and maintain a National Appeals Division
16 within the Office of the Secretary to carry out this
17 title.

18 (2) APA APPLICATION.—The provisions of title
19 5, United States Code, shall apply to all appeals of
20 the Division, including chapters 5 and 7 of such
21 title.

22 (3) PROCEDURAL REGULATIONS AND POLI-
23 CIES.—The Secretary shall promulgate procedural
24 regulations and policies to govern the conduct of the
25 business of the Division. The Secretary shall ensure

1 and enhance the independence, integrity, and effi-
2 ciency of the Division, the Director, hearing officers,
3 and other employees of the Division.

4 (b) DIRECTOR.—

5 (1) APPOINTMENT.—The Division shall be
6 headed by a Director.

7 (2) POSITION CLASSIFICATION.—The position
8 of the Director shall be a Senior Executive Service
9 position that shall be filled by a career appointee (as
10 defined in section 3132(a)(4) of title 5, United
11 States Code), who shall not be subject to removal ex-
12 cept for cause in accordance with law.

13 (3) QUALIFICATIONS.—The Director shall be a
14 person who has substantial experience in practicing
15 administrative law. In considering applicants for the
16 position of Director, the Secretary shall consider
17 persons employed outside the Government as well as
18 Government employees.

19 (4) CONFORMING AMENDMENT.—Section 5316
20 of title 5, United States Code, is amended by adding
21 at the end the following:

22 “Director, National Appeals Division, Depart-
23 ment of Agriculture.”.

24 (c) DIRECTION, CONTROL, AND SUPPORT.—The Di-
25 rector shall be free from the direction and control of any

1 person other than the Secretary. The Division shall not
2 receive administrative support (except on a reimbursable
3 basis) from any agency other than the Office of the Sec-
4 retary. The Secretary may not delegate to any other offi-
5 cer or employee of the Department, other than the Direc-
6 tor, the authority of the Secretary with respect to the Divi-
7 sion.

8 (d) COMMUNICATION WITH SECRETARY AND AGEN-
9 CIES.—The Director shall inform the Secretary and the
10 appropriate agency of problems regarding the functions of
11 the agency that are identified as a result of the activities
12 of the Division under this title. The information provided
13 by the Director may include proposals to resolve the prob-
14 lems identified or otherwise to improve the programs of
15 the agency.

16 (e) APPEALABLE DECISIONS.—Subject to section
17 204(b)(2), if a decisionmaker determines that a decision
18 is not appealable and a participant appeals the decision
19 to the Director, the Director shall determine whether the
20 decision is adverse or of general applicability, and thus
21 appealable. Except for a legal interpretation that may be
22 reversed or modified by the Secretary, the determination
23 of the Director as to whether a decision is appealable shall
24 be administratively final, conclusive, and binding.

1 (f) OTHER POWERS OF THE DIRECTOR.—The Direc-
2 tor may enter into contracts and make other arrangements
3 for reporting and other services and make such payments
4 as may be necessary to carry out this title.

5 **SEC. 203. TRANSFER OF FUNCTIONS.**

6 There are transferred to the Division all functions ex-
7 ercised and all administrative appeals pending before the
8 date of enactment of this Act (including all related func-
9 tions of any officer or employee) of or relating to—

10 (1) the National Appeals Division established
11 by section 426(c) of the Agricultural Act of 1949 (7
12 U.S.C. 1433e(c)) (as in effect before the amendment
13 made by section 215(a)(2));

14 (2) the National Appeals Division established
15 by subsections (d) through (g) of section 333B of
16 the Consolidated Farm and Rural Development Act
17 (7 U.S.C. 1983b) (as in effect before the amendment
18 made by section 215(b));

19 (3) appeals of decisions made by FCIC; and

20 (4) appeals of decisions made by SCS.

21 **SEC. 204. PERSONNEL OF THE DIVISION.**

22 (a) APPOINTMENT, DIRECTION, AND CONTROL.—
23 The Director shall appoint such hearing officers and other
24 employees as are necessary for the administration of the
25 Division. A hearing officer or other employee of the Divi-

1 sion shall have no duties other than those that are nec-
2 essary to carry out this title. Hearing officers shall be su-
3 pervised by the Director. All other employees of the Divi-
4 sion shall report to the Director.

5 (b) LEGAL COUNSEL.—

6 (1) IN GENERAL.—The Director shall employ
7 legal counsel to advise the Director with respect to
8 legal questions affecting the Division. The legal
9 counsel shall not serve as a counsel to any other
10 agency of the Department. This subsection is not in-
11 tended to affect the role of the Office of General
12 Counsel in representing the Department in civil or
13 criminal actions or as a liaison between the Depart-
14 ment and any other Federal agency.

15 (2) REVIEW BY THE SECRETARY.—If a hearing
16 officer or the Director disagrees with the General
17 Counsel on a matter of legal interpretation with re-
18 spect to a program or authority of the Department,
19 the Secretary shall have the authority to make a
20 final determination on the interpretation at the re-
21 quest of the General Counsel. The authority of the
22 Secretary under this paragraph may not be dele-
23 gated.

24 (c) PERFORMANCE EVALUATIONS.—The Director
25 shall establish policies to provide for the evaluation of the

1 Director, hearing officers, and other employees of the Di-
2 vision who are involved in the appeal process under section
3 208 or the supervision of other employees. The evaluation
4 process shall be designed to ensure and enhance the inde-
5 pendence, integrity, and efficiency of the Director and em-
6 ployees of the Division. The actual evaluations shall in-
7 clude evaluations by individuals outside of the Department
8 and may include peer review.

9 **SEC. 205. NOTICE AND OPPORTUNITY FOR HEARING.**

10 (a) NOTICE REQUIRED.—Not later than 10 working
11 days after an adverse decision is made that is adverse to
12 the participant, the Secretary shall provide the participant
13 with the written notice described in subsection (b).

14 (b) CONTENT OF NOTICE.—The notice required
15 under subsection (a) shall contain a description of the fol-
16 lowing:

17 (1) The decision, including all of the reasons,
18 facts, and conclusions underlying the decision.

19 (2) The appeal and implementation process
20 available to the participant, including the rights and
21 responsibilities of the participant provided by this
22 title.

23 (3) An opportunity to request a determination
24 by the Director pursuant to section 202(e) concern-
25 ing whether a decision is appealable, if the

1 decisionmaker determines that the decision is not
2 appealable.

3 (c) MAINTENANCE OF RECORDS.—The Secretary and
4 the Director shall maintain the entire case record and
5 hearing record, respectively, and any additional informa-
6 tion from any further appeal proceeding, of the participant
7 at least until the expiration of the period during which
8 the participant may seek administrative or judicial review
9 of the determination.

10 (d) JOINDER.—

11 (1) GUARANTEED LOANS.—With regard to a
12 guaranteed loan under the Consolidated Farm and
13 Rural Development Act (7 U.S.C. 1921 et seq.), a
14 borrower or applicant who is directly and adversely
15 affected by a decision of the Secretary may appeal
16 the decision pursuant to this title without the lender
17 joining in the appeal.

18 (2) RENTAL HOUSING.—A tenant in rental
19 housing of an agency who is individually, directly,
20 and adversely affected by a decision of the Secretary
21 may appeal the decision pursuant to this title with-
22 out the landlord joining in the appeal.

23 (3) THIRD PARTIES.—If the Director deter-
24 mines that the receipt of a payment, loan, or other
25 direct benefit by a participant may be directly, sub-

1 stantially, and adversely affected by a determination
2 of the Division, a hearing officer may invite the par-
3 ticipant to participate in a hearing if the final deter-
4 mination resulting from the hearing would, as a
5 practical matter, foreclose the participant from re-
6 ceiving the payment, loan, or other direct benefit of
7 the participant. If the participant elects to partici-
8 pate in the hearing, the participant shall have the
9 same procedural rights as the appellant with regard
10 to the hearing and other procedures described in this
11 title.

12 (e) EFFECT OF REVERSAL OR MODIFICATION OF AD-
13 VERSE DECISION.—If an adverse decision is reversed or
14 modified by the Division, a decisionmaker may not base
15 any subsequent adverse decision with regard to that appel-
16 lant on the information that was available to the previous
17 decisionmaker (or could have been available with reason-
18 able diligence on the part of the previous decisionmaker).

19 **SEC. 206. INFORMAL HEARINGS.**

20 If a decisionmaker of an agency makes an adverse
21 decision, the decisionmaker shall hold, at the request of
22 the participant, an informal hearing on the decision.

23 **SEC. 207. RIGHTS OF PARTICIPANTS.**

24 Among other rights, a participant shall have the
25 right, in accordance with this title, to—

1 (1) appeal any adverse decision;

2 (2) representation by an attorney or
3 nonattorney throughout the informal hearing and
4 appeals process under this title;

5 (3) access to, and a reasonable opportunity to
6 inspect and reproduce, the case record at an office
7 of the agency located in the area of the participant;
8 and

9 (4) an evidentiary hearing.

10 **SEC. 208. DIVISION HEARINGS AND DIRECTOR REVIEW.**

11 (a) POWERS OF DIRECTOR AND HEARING OFFI-
12 CERS.—To carry out their responsibilities under this sec-
13 tion, the Director and hearing officers—

14 (1) shall have access to all records, reports, au-
15 dits, reviews, documents, papers, recommendations,
16 or other material available that relate to programs
17 and operations with respect to which an appeal has
18 been taken;

19 (2) shall have the authorities that are provided
20 under section 202(a)(2);

21 (3) may request such information or assistance
22 as may be necessary for carrying out the duties and
23 responsibilities established under this title from any
24 Federal, State, or local governmental agency or unit
25 of the agency;

1 (4) may, or shall at the request of an appellant
2 with good cause shown, require the attendance of
3 witnesses and the production of all information, doc-
4 uments, reports, answers, records, accounts, papers,
5 and other data and documentary evidence necessary
6 to the proper resolution of appeals;

7 (5) may require the attendance of witnesses,
8 and the production of evidence, by subpoena; and

9 (6) may administer oaths or affirmations.

10 (b) TIME FOR HEARING.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), an appellant shall have the right to—

13 (A) request a hearing, not later than 30
14 days after the date an adverse decision is made;
15 and

16 (B) have a hearing by the Division on the
17 adverse decision, not later than 45 days after
18 receipt of the request for the hearing.

19 (2) REDUCTION OR EXTENSION.—The Director
20 may establish an earlier deadline for a hearing (or
21 request for a hearing) on an appeal relating to a
22 time sensitive decision, or delay a hearing (or re-
23 quest for a hearing), at the request of an appellant
24 for good cause shown.

25 (c) LOCATION AND ELEMENTS OF HEARING.—

1 (1) LOCATION.—A hearing on an adverse deci-
2 sion shall be held in the State of residence of the ap-
3 pellant or at a location that is otherwise convenient
4 to the appellant and the Division.

5 (2) EVIDENTIARY HEARING.—The evidentiary
6 hearing before a hearing officer shall be in person,
7 unless the appellant agrees to a hearing by telephone
8 or by a review of the case record and hearing record.
9 The hearing officer shall conduct and resolve the
10 hearing (regardless of the hearing format) in a fair
11 and impartial manner and free of undue influence.
12 The hearing officer shall not be bound by previous
13 findings of fact by the agency in making a deter-
14 mination.

15 (3) INFORMATION AT HEARING.—The hearing
16 officer shall consider information, including new in-
17 formation, presented at the hearing without regard
18 to whether the evidence was known to the
19 decisionmaker at the time the adverse decision was
20 made. The hearing officer shall leave the record
21 open after the hearing for a reasonable period of
22 time to allow the submission of information by the
23 appellant or the decisionmaker after the hearing to
24 the extent necessary to prevent the appellant or the
25 decisionmaker from being prejudiced by new facts,

1 information, arguments, or evidence presented or
2 raised by the decisionmaker or appellant. At the
3 hearing, the agency may not rely on or assert new
4 grounds for the adverse decision, if the grounds were
5 not described in the agency decision notice.

6 (4) BURDEN OF PROOF.—The appellant shall
7 bear the burden of proving that the adverse decision
8 of the agency was erroneous.

9 (5) PRODUCTION OF RECORD.—An official ver-
10 batim record shall be provided by the Division for
11 each hearing before a hearing officer. The appellant
12 or agency representative may record an unofficial
13 record of the hearing.

14 (6) STANDARD OF REVIEW.—In any case pend-
15 ing before a hearing officer, the hearing officer may
16 determine that the adverse decision was in error only
17 if substantial evidence demonstrates that the adverse
18 decision was not correct. For purposes of this para-
19 graph, the evidentiary threshold for substantial evi-
20 dence is lower than the evidentiary threshold for pre-
21 ponderance of the evidence.

22 (7) DETERMINATION NOTICE.—The hearing of-
23 ficer shall issue a notice of the determination on the
24 appeal not later than 30 days after a hearing or
25 after receipt of the request of the appellant to waive

1 a hearing, except that the Director may establish an
2 earlier or later deadline pursuant to subsection
3 (b)(2). The hearing officer may include rec-
4 ommendations in the determination notice. If the de-
5 termination is not appealed to the Director under
6 subsection (d), the notice provided by the hearing of-
7 ficer shall be considered to be a notice of final deter-
8 mination.

9 (d) REVIEW BY DIRECTOR.—

10 (1) REFERRAL.—At the request of the appel-
11 lant or the head of the agency affected by a deter-
12 mination of a hearing officer, the determination of
13 the hearing officer shall be referred to the Director
14 for review.

15 (2) APPEAL BY HEAD OF AGENCY TO DIREC-
16 TOR.—

17 (A) REVIEW OF DETERMINATION OF
18 HEARING OFFICER AT THE REQUEST OF AN
19 AGENCY HEAD.—In exceptional circumstances,
20 if the head of an agency believes that the deter-
21 mination of a hearing officer is contrary to a
22 statute or regulation, or a finding of fact of a
23 hearing officer is clearly erroneous, only the
24 head of the agency may make a written request,
25 not later than 10 business days after receipt of

1 the determination, that the Director review the
2 determination.

3 (B) REQUESTS FOR REVIEW.—A request
4 for review shall—

5 (i) include a full description of—

6 (I) the exceptional circumstances
7 justifying the request for review; and

8 (II) the reasons that the head of
9 the relevant agency believes that the
10 determination is contrary to statute or
11 regulation, or the finding of fact of
12 the hearing officer is clearly erro-
13 neous; and

14 (ii) be provided to the appellant and
15 the hearing officer at the same time the re-
16 quest is provided to the Director.

17 (C) DETERMINATION OF DIRECTOR.—Not
18 later than 10 business days after receipt of the
19 request for review, the Director shall—

20 (i) conduct a review of the determina-
21 tion based on the case record and hearing
22 record, the request for review under sub-
23 section (b), and any additional arguments
24 or information submitted by the appellant
25 or the hearing officer; and

1 (ii)(I) issue a final determination no-
2 tice that upholds, reverses, or modifies the
3 determination of the hearing officer; or

4 (II) if the Director determines that
5 the hearing record is inadequate, remand
6 the determination for further proceedings
7 to complete the hearing record, or, at the
8 option of the Director, to hold a new hear-
9 ing, and notify the appellant, agency, and
10 hearing officer of the remand.

11 (D) NEW HEARING.—If the Director re-
12 mands a determination for a new hearing on
13 the adverse decision under subparagraph (C),
14 the hearing officer shall make a new determina-
15 tion with respect to the adverse decision based
16 on the case record and the hearing record.

17 (E) FINALITY.—The head of the relevant
18 agency may not request a second review as to
19 the determination of the hearing officer or the
20 Director on the same issue.

21 (3) APPEAL BY HEAD OF AGENCY OR APPEL-
22 LANT TO DIRECTOR.—

23 (A) USE OF RECORD.—If the determina-
24 tion of a hearing officer is appealed under para-
25 graph (1), the hearing officer shall certify the

1 hearing record and provide the record to the
2 Director.

3 (B) NEW INFORMATION.—The Director
4 may consider, under extraordinary cir-
5 cumstances, new information in reviewing a de-
6 termination under this section. The appellant,
7 decisionmaker, and hearing officer shall receive
8 and have the opportunity to comment on the
9 new information.

10 (C) ACTIONS.—Not later than 30 days
11 after the referral to the Director, the Director
12 shall—

13 (i) review the hearing record and the
14 determination;

15 (ii) uphold the determination, issue a
16 new determination, require that a new
17 hearing be held on 1 or more of the issues
18 considered at the original hearing, or take
19 any combination of the actions described in
20 this clause; and

21 (iii) issue a notice of—

22 (I) a new evidentiary hearing;

23 (II) a final determination; or

1 (III) a remand on certain issues
2 and a final determination on remain-
3 ing issues.

4 (D) RECOMMENDATIONS.—The Director
5 may include recommendations in a final deter-
6 mination notice.

7 (E) RELIEF.—The Director shall have the
8 same authority as the Secretary to grant equi-
9 table relief. Notwithstanding the administrative
10 finality of a final determination, the Secretary
11 shall have the authority to grant equitable or
12 other types of relief to the appellant after a
13 final determination is issued by the Division.

14 (e) BASIS FOR DETERMINATION.—The determination
15 of the hearing officer and the Director shall be based on
16 information from the hearing record, laws applicable to
17 the matter at issue, and applicable regulations published
18 in the Federal Register and in effect on the date of the
19 adverse decision or the date on which the acts that gave
20 rise to the adverse decision occurred, whichever date is ap-
21 propriate. The Director shall not reverse the determina-
22 tion of a hearing officer with regard to a finding of fact
23 that is based on oral testimony or inspection of evidence
24 unless the finding of fact is clearly erroneous or the Direc-

1 tor is considering new information under subsection (d)(3)
2 with respect to the finding of fact.

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

7 **SEC. 209. JUDICIAL REVIEW.**

8 A final determination of the Division under section
9 208 shall be reviewable and enforceable by any United
10 States district court of competent jurisdiction in accord-
11 ance with chapter 7 of title 5, United States Code. Not-
12 withstanding section 701(a)(2) of such title, a discre-
13 tionary decision of the Secretary or the Division shall be
14 reviewable under section 706(2)(A) of such title unless the
15 decision is generally applicable to all program participants
16 and, as a matter of general applicability, is committed to
17 agency discretion by law within the meaning of section
18 701(a)(2) of such title.

19 **SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS**
20 **OF DIVISION.**

21 (a) IN GENERAL.—On the return of a case to an
22 agency pursuant to the final determination of a hearing
23 officer or the Director under section 208, the agency shall
24 implement the final determination of the Division not later

1 than 30 days after the effective date of the notice of the
2 final determination.

3 (b) ADDITIONAL AND UPDATED INFORMATION.—

4 (1) IN GENERAL.—Except as provided in para-
5 graph (2), after notice of a final determination is re-
6 ceived by the agency—

7 (A) the agency may not require that addi-
8 tional and updated information be provided by
9 the appellant or considered by the
10 decisionmaker in implementing the final deter-
11 mination of the hearing officer or the Director;
12 and

13 (B) additional and updated information
14 from any other source may not be used in im-
15 plementing the final determination.

16 (2) EXCEPTIONS.—

17 (A) INTRODUCTION BY APPELLANT.—If
18 additional information is introduced by the ap-
19 pellant during the appeal process and accepted
20 by the hearing officer or the Director, the agen-
21 cy shall consider the additional information in
22 implementing the final determination.

23 (B) DETERMINATION LETTER.—If the
24 final determination notice specifically states
25 that additional and updated information will be

1 considered in implementing the final determina-
2 tion, the agency shall consider any additional
3 and updated information in implementing the
4 final determination.

5 (C) SUBSEQUENT ADVERSE DECISION.—
6 Additional and updated information considered
7 under this paragraph may not be used as a
8 ground for a subsequent adverse decision.

9 (c) IMPLEMENTATION RESPONSIBILITIES.—

10 (1) STATE DIRECTOR.—Each State director
11 shall be—

12 (A) required to implement final determina-
13 tions of a hearing officer or the Director that
14 affect appellants in the State; and

15 (B) responsible for monitoring and ensur-
16 ing the implementation of final determinations
17 that reverse and modify adverse decisions.

18 (2) AGENCY HEADS.—Relevant agency heads
19 shall be responsible for—

20 (A) the performance of State directors
21 under paragraph (1); and

22 (B) the implementation of all final deter-
23 minations of the Division that reverse or modify
24 adverse decisions of the agency.

25 (d) PROTECTION OF APPELLANTS' RIGHTS.—

1 (1) IN GENERAL.—No officer or employee of
2 the Federal Government shall make or engage in
3 threats or intimidation, or solicit action, to prevent
4 any potential appellant from exercising a right of the
5 appellant under this title or make, solicit, or engage
6 in retaliation or retribution for the exercise of a
7 right of an appellant under this title.

8 (2) CORRECTIVE ACTION.—If an officer or em-
9 ployee of the Federal Government violates paragraph
10 (1), the Secretary shall take corrective action (in-
11 cluding the imposition of sanctions, when necessary)
12 in conformance with civil service laws.

13 (e) IMPLEMENTATION PROBLEMS.—

14 (1) ACTIONS BY RELEVANT AGENCY HEAD.—
15 The relevant agency head shall promptly correct any
16 problems that may arise in the implementation of a
17 final determination.

18 (2) OVERSIGHT.—The Secretary shall assign
19 employees within the Office of the Inspector General
20 whom appellants may contact concerning problems
21 with the implementation of final determinations of
22 the Division. The employees shall investigate and, to
23 the extent practicable, resolve the implementation
24 problems.

1 (3) IDENTITY AND ACTIVITIES OF OVERSIGHT
2 AGENCY.—The Secretary shall notify the Director of
3 the business address and telephone number of em-
4 ployees assigned under paragraph (2). The Director
5 shall include this information in the final determina-
6 tion notice of the Division to an appellant.

7 **SEC. 211. DECISIONS OF STATE AND COUNTY COMMITTEES.**

8 (a) FINALITY.—Each decision of a State or county
9 committee (or an employee of the committee) that admin-
10 isters functions of CCC, or functions assigned to ASCS
11 on the date of enactment of this Act, made in good faith
12 in the absence of misrepresentation, false statement,
13 fraud, or willful misconduct shall be final not later than
14 90 days after the date of filing of the application for bene-
15 fits, unless the decision is—

16 (1) appealed under this title; or

17 (2) modified by the Administrator of ASCS or
18 the Executive Vice President of CCC.

19 (b) RECOVERY OF AMOUNTS.—No action shall be
20 taken by the CCC, ASCS, or a State or county committee
21 to recover amounts found to have been disbursed as a re-
22 sult of a decision in error if the decision of the State or
23 county committee has become final under subsection (a),
24 unless the participant had reason to believe that the deci-
25 sion was erroneous.

1 **SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE AP-**
2 **PEAL IS PENDING.**

3 (a) IN GENERAL.—The Secretary may not take any
4 adverse action against an appellant relating to an appeal
5 while any proceeding authorized or required under this
6 title is pending, including any action that would prevent
7 the implementation of a decision that is favorable to the
8 appellant.

9 (b) WITHHOLDING.—This section shall not preclude
10 the Secretary from withholding a payment if the eligibility
11 for, or amount of, the payment is an issue on appeal, ex-
12 cept that ongoing assistance to then current borrowers
13 and grantees shall not be discontinued pending the out-
14 come of an appeal.

15 **SEC. 213. RELATIONSHIP TO OTHER LAWS.**

16 (a) OTHER RIGHTS.—This title is not intended to su-
17 percede or deprive a recipient of assistance from an agency
18 of any rights that the recipient may have under any other
19 law, including section 510(g) of the Housing Act of 1949
20 (42 U.S.C. 1480(g)).

21 (b) EQUITABLE RELIEF.—This title is not intended
22 to affect the authority of an agency head to grant equi-
23 table relief.

24 (c) EMPLOYEE RIGHTS.—This title shall neither su-
25 percede nor interfere with rights granted to employees or

1 their exclusive representatives by applicable civil service
2 laws.

3 **SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND**
4 **OTHER EMPLOYEES.**

5 (a) EVALUATION IN ANNUAL REVIEW.—The Sec-
6 retary shall promulgate regulations to require the evalua-
7 tion described in subsection (b) as part of the annual re-
8 view of the performance of decisionmakers, State direc-
9 tors, and agency heads.

10 (b) PERFORMANCE.—In the review, a decisionmaker,
11 a State director, or an agency head shall be considered
12 to have performed poorly if the decisionmaker, State direc-
13 tor, or agency head—

14 (1) takes action that leads to numerous appeals
15 that result in adverse decisions that are reversed or
16 modified;

17 (2) fails to properly implement final determina-
18 tions of the Division;

19 (3) fails to satisfactorily perform the reviewing
20 and monitoring responsibilities required under sub-
21 section (c) or (e)(1) of section 210, whichever ap-
22 plies; or

23 (4) threatens or intimidates, or engages in re-
24 taliation or retribution against, an appellant in viola-
25 tion of section 210(d).

1 (c) SANCTIONS.—If a decisionmaker, State director,
2 or relevant agency head has performed poorly (as deter-
3 mined under subsection (b)), the Secretary shall issue
4 sanctions against the decisionmaker, State director, or rel-
5 evant agency head, as the case may be, which may include
6 a formal reprimand or dismissal consistent with civil serv-
7 ice laws.

8 **SEC. 215. CONFORMING AMENDMENTS.**

9 (a) ASCS.—

10 (1) FINALITY OF FARMERS PAYMENTS AND
11 LOANS.—Section 385 of the Agricultural Adjustment
12 Act of 1938 (7 U.S.C. 1385) is amended—

13 (A) by striking the first sentence and in-
14 serting the following new sentence: “As used in
15 this section, the term ‘payment’ means any pay-
16 ment under the Soil Conservation and Domestic
17 Allotment Act (16 U.S.C. 590a et seq.), any
18 payment under the wheat, feed grain, upland
19 cotton, extra long staple cotton, and rice pro-
20 grams authorized by the Agricultural Act of
21 1949 (7 U.S.C. 1421 et seq.) and this Act, or
22 any loan or price support operation, or the
23 amount of the payment, loan, or price sup-
24 port.”; and

1 (B) in the second sentence, by striking
2 “any such payment” and inserting “a pay-
3 ment”.

4 (2) DETERMINATIONS BY SECRETARY; AP-
5 PEALS.—Sections 412 and 426 of the Agricultural
6 Act of 1949 (7 U.S.C. 1429 and 1433e) are re-
7 pealed.

8 (b) FMHA.—Section 333B of the Consolidated Farm
9 and Rural Development Act (7 U.S.C. 1983b) is repealed.

10 (c) FCIC.—The last sentence of section 508(f) of the
11 Federal Crop Insurance Act (7 U.S.C. 1508(f)) is amend-
12 ed by inserting before the period at the end the following:
13 “or within 1 year after the claimant receives a final deter-
14 mination notice from an administrative appeal made in ac-
15 cordance with title II of the Department of Agriculture
16 Reorganization Act of 1994, whichever is later”.

17 **TITLE III—FARM AND INTER-**
18 **NATIONAL TRADE SERVICES**

19 **SEC. 301. UNDER SECRETARY FOR FARM AND INTER-**
20 **NATIONAL TRADE SERVICES.**

21 (a) ESTABLISHMENT.—There is established in the
22 Department the position of Under Secretary of Agri-
23 culture for Farm and International Trade Services (re-
24 ferred to in this section as the “Under Secretary”), to be

1 appointed by the President, by and with the advice and
2 consent of the Senate.

3 (b) DUTIES.—The Under Secretary shall exercise
4 such functions and perform such duties related to farm
5 and international trade services, and shall perform such
6 other duties, as may be required by law or prescribed by
7 the Secretary.

8 (c) CONTINUITY OF THE POSITION.—Any official
9 serving as Under Secretary for International Affairs and
10 Commodity Programs on the date of enactment of this
11 Act, who has been appointed by the President and con-
12 firmed by the Senate, shall be considered on and after the
13 date of enactment of this Act to be serving in the successor
14 position established by subsection (a), and shall not be re-
15 quired to be reconfirmed by reason of the enactment of
16 this Act.

17 (d) CONFORMING AMENDMENTS.—

18 (1) Section 5314 of title 5, United States Code,
19 is amended by striking “Under Secretary of Agri-
20 culture for International Affairs and Commodity
21 Programs.” and inserting “Under Secretary of Agri-
22 culture for Farm and International Trade Serv-
23 ices.”.

24 (2) Section 501 of the Agricultural Trade Act
25 of 1978 (7 U.S.C. 5691) is repealed.

1 **SEC. 302. FARM SERVICE AGENCY.**

2 (a) ESTABLISHMENT.—The Secretary is authorized
3 to establish and maintain a Farm Service Agency (re-
4 ferred to in this section as the “Agency”) and assign to
5 the Agency such functions as the Secretary may consider
6 appropriate.

7 (b) HEAD.—

8 (1) AGENCY.—If the Secretary establishes the
9 Agency, the Agency or any successor administrative
10 unit shall be headed by an Administrator who shall
11 be appointed by the President, by and with the ad-
12 vice and consent of the Senate.

13 (2) FCIC.—The Secretary may appoint the Ad-
14 ministrator of the Agency, or any other person, to
15 serve as head of the Federal Crop Insurance Cor-
16 poration.

17 (c) FUNCTIONS.—Except as provided in subsection
18 (d), the Secretary is authorized to carry out through the
19 Agency—

20 (1) price and income support, production ad-
21 justment, and other related functions;

22 (2) functions of the Federal Crop Insurance
23 Corporation;

24 (3) notwithstanding section 331 of the Consoli-
25 dated Farm and Rural Development Act (7 U.S.C.
26 1981), agricultural credit functions assigned prior to

1 the date of enactment of this Act to the Farmers
2 Home Administration, including farm ownership, op-
3 erating, emergency, and disaster loan functions, and
4 other lending programs for producers of agricultural
5 commodities; and

6 (4) any other function or administrative unit
7 that the Secretary considers appropriate.

8 (d) FUNCTIONS NOT ASSIGNABLE TO THE AGEN-
9 CY.—Except as otherwise determined by the Secretary,
10 functions relating to conservation programs authorized to
11 be assigned to the Natural Resources Conservation Service
12 established under section 601 may not be assigned to the
13 Agency.

14 (e) USE OF EMPLOYEES.—Notwithstanding any
15 other provision of law, in carrying out in any county or
16 area any functions assigned to the Agency or any succes-
17 sor administrative area, the Secretary is authorized to—

18 (1) use interchangeably, in the implementation
19 of functions, Federal employees, and employees of
20 county and State committees established under sec-
21 tion 8(b) of the Soil Conservation and Domestic Al-
22 lotment Act (16 U.S.C. 590h(b)); and

23 (2) provide interchangeably for supervision by
24 the employees of the performance of functions as-
25 signed to the Agency.

1 (f) COLLOCATION.—The Secretary, to the maximum
2 extent practicable, shall collocate county offices of the
3 Agency with county offices of the Natural Resources Con-
4 servation Service in order to—

5 (1) maximize savings from shared equipment,
6 office space, and administrative support;

7 (2) simplify paperwork and regulatory require-
8 ments;

9 (3) provide improved services to producers and
10 landowners affected by programs administered by
11 the Agency and the Service; and

12 (4) achieve computer compatibility between the
13 Agency and the Service to maximize efficiency and
14 savings.

15 (g) CONTINUITY OF THE POSITION.—Any official
16 serving on the date of enactment of this Act, who has been
17 appointed by the President and confirmed by the Senate,
18 shall not be required to be reconfirmed by reason of the
19 enactment of this Act.

20 (h) CONFORMING AMENDMENTS.—

21 (1) The second sentence of section 505(a) of
22 the Federal Crop Insurance Act (7 U.S.C. 1505(a))
23 is amended by striking “the Under Secretary or As-
24 sistant Secretary of Agriculture responsible for the
25 farm credit programs of the Department of Agri-

1 culture,” and inserting “one additional Under or As-
2 sistant Secretary of Agriculture, as designated by
3 the Secretary,”.

4 (2) Section 507(d) of the Federal Crop Insur-
5 ance Act (7 U.S.C. 1507(d)) is amended by striking
6 “section 516 of this Act,” and all that follows
7 through the period at the end of the subsection and
8 inserting “section 516.”.

9 (3) Section 331(a) of the Consolidated Farm
10 and Rural Development Act (7 U.S.C. 1981(a)) is
11 amended by striking “assets to the Farmers Home
12 Administration” and all that follows through the pe-
13 riod at the end of the subsection and inserting “as-
14 sets to such officers or administrative units of the
15 Department of Agriculture as the Secretary may
16 consider appropriate.”.

17 **SEC. 303. STATE AND COUNTY COMMITTEES.**

18 Section 8(b) of the Soil Conservation and Domestic
19 Allotment Act (16 U.S.C. 590h(b)) is amended—

20 (1) by designating the first through eighth un-
21 designated paragraphs as paragraphs (1) through
22 (8), respectively; and

23 (2) in paragraph (5) (as so designated) by add-
24 ing at the end the following new sentence: “The Sec-
25 retary is authorized, after consultation with the

1 State committee of the State in which the affected
2 counties are located, to terminate, combine, and con-
3 solidate two or more county committees established
4 under this subsection.”.

5 **SEC. 304. INTERNATIONAL TRADE SERVICE.**

6 (a) ESTABLISHMENT.—The Secretary is authorized
7 to establish and maintain an International Trade Service
8 (referred to in this section as the “Service”) and to assign
9 to the Service such functions or administrative units as
10 the Secretary may consider appropriate and consistent
11 with this Act.

12 (b) HEAD.—If the Secretary establishes the Service,
13 the Service or any successor administrative unit shall be
14 headed by an Administrator who shall be appointed by the
15 President, by and with the advice and consent of the Sen-
16 ate.

17 (c) FUNCTIONS.—The Secretary is authorized to
18 carry out, through the Service or through such other offi-
19 cers or administrative units as the Secretary may consider
20 appropriate, programs and activities involving—

- 21 (1) the acquisition of information pertaining to
22 agricultural trade;
- 23 (2) market promotion and development;
- 24 (3) promotion of exports of United States agri-
25 cultural commodities;

1 (4) administration of international food assist-
2 ance; and

3 (5) international development, technical assist-
4 ance, and training.

5 (d) CONTINUITY OF THE POSITION.—Any official
6 serving on the date of enactment of this Act, who has been
7 appointed by the President and confirmed by the Senate,
8 shall not be required to be reconfirmed by reason of the
9 enactment of this Act.

10 (e) CONFORMING AMENDMENTS.—Sections 502 and
11 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692
12 and 5693) are repealed.

13 **TITLE IV—RURAL ECONOMIC**
14 **AND COMMUNITY DEVELOP-**
15 **MENT**

16 **SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND**
17 **COMMUNITY DEVELOPMENT.**

18 (a) ESTABLISHMENT.—Subsection (a) of section 3 of
19 the Rural Development Policy Act of 1980 (7 U.S.C.
20 2211b) is amended to read as follows:

21 “(a)(1) There is established in the Department of Ag-
22 riculture the position of Under Secretary of Agriculture
23 for Rural Economic and Community Development to be
24 appointed by the President, by and with the advice and
25 consent of the Senate.

1 “(2) The Under Secretary of Agriculture for Rural
2 Economic and Community Development shall exercise
3 such functions and perform such duties related to rural
4 economic and community development, and shall perform
5 such other duties, as may be required by law or prescribed
6 by the Secretary of Agriculture.”.

7 (b) CONTINUITY OF POSITION.—Any official serving
8 as Under Secretary of Agriculture for Small Community
9 and Rural Development on the date of enactment of this
10 Act, after appointment by the President, by and with the
11 advice and consent of the Senate, shall be considered after
12 the date of enactment of this Act to be serving in the suc-
13 cessor position established by the amendment made by
14 subsection (a), and shall not be required to be reconfirmed
15 by reason of the enactment of this Act.

16 (c) CONFORMING AMENDMENT.—Section 5314 of
17 title 5, United States Code, is amended by striking
18 “Under Secretary of Agriculture for Small Community
19 and Rural Development.” and inserting “Under Secretary
20 of Agriculture for Rural Economic and Community Devel-
21 opment.”.

22 **SEC. 402. RURAL UTILITIES SERVICE.**

23 (a) ESTABLISHMENT.—Notwithstanding section 364
24 of the Consolidated Farm and Rural Development Act (7
25 U.S.C. 2006f) and any other provision of law, the Sec-

1 retary is authorized to establish and maintain within the
2 Department the Rural Utilities Service (referred to in this
3 section as the “Service”) and to assign to the Service such
4 functions and administrative units as the Secretary may
5 consider appropriate.

6 (b) HEAD.—If the Secretary establishes the Service,
7 the Service or any successor administrative unit shall be
8 headed by an Administrator who shall be appointed by the
9 President, by and with the advice and consent of the Sen-
10 ate.

11 (c) FUNCTIONS.—The Secretary may carry out
12 through the Service, or through any other officer or ad-
13 ministrative unit as the Secretary may consider appro-
14 priate—

15 (1) electric and telephone loan programs and
16 water and waste facility activities authorized by law,
17 including—

18 (A) the Rural Electrification Act of 1936
19 (7 U.S.C. 901 et seq.); and

20 (B) section 2322 of the Food, Agriculture,
21 Conservation, and Trade Act of 1990 (7 U.S.C.
22 1926–1); and

23 (2) water and waste facility programs and ac-
24 tivities authorized by law, including—

1 (A) sections 306, 306A, 306B, and 306C,
2 the provisions of sections 309 and 309A relat-
3 ing to assets, terms, and conditions of water
4 and sewer programs, section 310B(b)(2), and
5 the amendment made by section 342 of the
6 Consolidated Farm and Rural Development Act
7 (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929,
8 1929a, 1932(b)(2), and 1013a); and

9 (B) section 2324 of the Food, Agriculture,
10 Conservation, and Trade Act of 1990 (7 U.S.C.
11 1926 note).

12 (d) CONTINUITY OF THE POSITION.—Any official
13 serving on the date of enactment of this Act, who has been
14 appointed by the President and confirmed by the Senate,
15 shall not be required to be reconfirmed by reason of the
16 enactment of this Act.

17 (e) CONFORMING AMENDMENTS TO THE RURAL
18 ELECTRIFICATION ACT.—

19 (1) The first section of the Rural Electrification
20 Act of 1936 (7 U.S.C. 901) is amended by striking
21 “there is” and all that follows through “This Act”
22 and inserting “this Act”.

23 (2) Section 2 of such Act (7 U.S.C. 902) is
24 amended by striking “Administrator” and inserting
25 “Secretary of Agriculture”.

1 (3) Section 3(a) of such Act (7 U.S.C 903(a))
2 is amended—

3 (A) by striking “Administrator, upon the
4 request and approval of the Secretary of Agri-
5 culture,” and inserting “Secretary,”; and

6 (B) by striking “Administrator appointed
7 pursuant to the provisions of this Act or from
8 the Administrator of the Rural Electrification
9 Administration established by Executive Order
10 Numbered 7037” and inserting “Secretary”.

11 (4) Section 8 of such Act (7 U.S.C. 908) is
12 amended—

13 (A) in the first sentence, by striking “Ad-
14 ministrator authorized to be appointed by this
15 Act” and inserting “Secretary”; and

16 (B) in the second sentence, by striking
17 “Rural Electrification Administration created
18 by this Act” and inserting “Secretary”.

19 (5) Section 11A of such Act (7 U.S.C. 911a) is
20 repealed.

21 (6) Section 13 of such Act (7 U.S.C. 913) is
22 amended by inserting before the period the follow-
23 ing: “; and the term ‘Secretary’ means the Secretary
24 of Agriculture”.

1 (7) Sections 206(b)(2), 306A(b), 311, and
2 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2),
3 936a(b), 940a, and 945(b)(1)(A)) are amended by
4 striking “Rural Electrification Administration” each
5 place it appears and inserting “Secretary”.

6 (8) Section 403(b) of such Act (7 U.S.C.
7 943(b)) is amended by striking “Rural Electrifica-
8 tion Administration or of any other agency of the
9 Department of Agriculture,” and inserting “Sec-
10 retary”.

11 (9) Section 404 of such Act (7 U.S.C. 944) is
12 amended by striking “the Administrator of the
13 Rural Electrification Administration” and inserting
14 “the Secretary of Agriculture shall designate an offi-
15 cial of the Department of Agriculture who”.

16 (10) Sections 406(c) and 410(a)(1) of such Act
17 (7 U.S.C. 946(c) and 950) are amended by striking
18 “Administrator of the Rural Electrification Adminis-
19 tration” each place it appears and inserting “Sec-
20 retary”.

21 (11) Such Act (7 U.S.C. 901 et seq.) is amend-
22 ed by striking “Administrator” each place it appears
23 and inserting “Secretary”.

24 (f) MISCELLANEOUS CONFORMING AMENDMENTS.—

1 (1) Section 236(a) of the Disaster Relief Act of
2 1970 (7 U.S.C. 912a) is amended by striking “Rural
3 Electrification Administration” and inserting “Sec-
4 retary pursuant to the Rural Electrification Act of
5 1936 (7 U.S.C. 901 et seq.)”.

6 (2) The second undesignated paragraph of sec-
7 tion 401 of the Rural Electrification Act of 1938
8 (52 Stat. 818; 7 U.S.C. 903 note) is amended by
9 striking “Administrator of the Rural Electrification
10 Administration” and inserting “Secretary of Agri-
11 culture”.

12 (3) Section 15 of the Department of Agri-
13 culture Organic Act of 1944 (7 U.S.C. 915) is
14 amended by striking “Rural Electrification Adminis-
15 tration” and inserting “Secretary”.

16 (4)(A) Section 2333 of the Food, Agriculture,
17 Conservation, and Trade Act of 1990 (7 U.S.C.
18 950aaa-2) is amended—

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

20 (ii) by redesignating paragraphs (2)
21 through (11) as paragraphs (1) through (10),
22 respectively.

23 (B) Chapter 1 of subtitle D of title XXIII of
24 such Act (7 U.S.C. 950aaa et seq.) is amended by

1 striking “Administrator” each place it appears and
2 inserting “Secretary”.

3 **SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOP-**
4 **MENT SERVICE.**

5 (a) ESTABLISHMENT.—Notwithstanding section 364
6 of the Consolidated Farm and Rural Development Act (7
7 U.S.C. 2006f) and any other provision of law, the Sec-
8 retary is authorized to establish and maintain within the
9 Department the Rural Housing and Community Develop-
10 ment Service (referred to in this section as the “Service”)
11 and to assign to the Service such functions as the Sec-
12 retary may consider appropriate.

13 (b) FUNCTIONS.—The Secretary is authorized to
14 carry out through the Service, or through any other officer
15 or administrative unit as the Secretary may consider ap-
16 propriate—

17 (1) programs and activities under title V of the
18 Housing Act of 1949 (42 U.S.C. 1471 et seq.);

19 (2) programs and activities authorized under
20 section 310B(i) of the Consolidated Farm and Rural
21 Development Act (7 U.S.C. 1932(i)) and related
22 provisions of law; and

23 (3) programs and activities that relate to rural
24 community lending programs, including programs
25 authorized by sections 365 through 369 of the Con-

1 consolidated Farm and Rural Development Act (7
2 U.S.C. 2008 through 2008d).

3 **SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOP-**
4 **MENT SERVICE.**

5 (a) ESTABLISHMENT.—Notwithstanding section 364
6 of the Consolidated Farm and Rural Development Act (7
7 U.S.C. 2006f) and any other provision of law, the Sec-
8 retary is authorized to establish and maintain within the
9 Department the Rural Business and Cooperative Develop-
10 ment Service (referred to in this section as the “Service”),
11 and to assign to the Service such functions as the Sec-
12 retary may consider appropriate.

13 (b) FUNCTIONS.—The Secretary is authorized to
14 carry out through the Service, or through any other officer
15 or administrative unit as the Secretary may consider ap-
16 propriate, programs and activities, including—

17 (1) section 313 and title V of the Rural Elec-
18 trification Act of 1936 (7 U.S.C. 940c and 950aa et
19 seq.);

20 (2) subtitle G of title XVI of the Food, Agri-
21 culture, Conservation, and Trade Act of 1990 (7
22 U.S.C. 5901 et seq.);

23 (3) sections 306(a)(1) and 310B of the Consoli-
24 dated Farm and Rural Development Act (7 U.S.C.
25 1926(a)(1) and 1932);

1 (4) section 1323 of the Food Security Act of
2 1985 (Public Law 99–198; 7 U.S.C. 1932 note); and

3 (5) the Act of July 2, 1926 (44 Stat. 802,
4 chapter 725; 7 U.S.C. 451 et seq.).

5 **TITLE V—FOOD, NUTRITION,**
6 **AND CONSUMER SERVICES**

7 **SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD,**
8 **NUTRITION, AND CONSUMER SERVICES.**

9 (a) ESTABLISHMENT.—There is established in the
10 Department the position of Under Secretary of Agri-
11 culture for Food, Nutrition, and Consumer Services to be
12 appointed by the President, by and with the advice and
13 consent of the Senate.

14 (b) DUTIES.—The Under Secretary of Agriculture
15 for Food, Nutrition, and Consumer Services shall exercise
16 such functions and perform such duties related to food,
17 nutrition, and consumer services, and shall perform such
18 other duties, as may be required by law or prescribed by
19 the Secretary.

20 (c) CONTINUITY OF THE POSITION.—Any official
21 serving as Assistant Secretary of Agriculture for Food and
22 Consumer Services on the date of enactment of this Act,
23 after appointment by the President, by and with the advice
24 and consent of the Senate, shall be considered to be serv-
25 ing in the successor position established by subsection (a),

1 and shall not be required to be reconfirmed by reason of
2 the enactment of this Act.

3 (d) CONFORMING AMENDMENT.—Section 5314 of
4 title 5, United States Code, is amended by adding at the
5 end the following:

6 “Under Secretary of Agriculture for Food, Nu-
7 trition, and Consumer Services.”.

8 **SEC. 502. FOOD AND CONSUMER SERVICE.**

9 (a) ESTABLISHMENT.—The Secretary is authorized
10 to establish and maintain within the Department the Food
11 and Consumer Service (referred to in this section as the
12 “Service”) and to assign to the Service such functions as
13 the Secretary may consider appropriate.

14 (b) FUNCTIONS.—The Secretary is authorized to
15 carry out through the Service, or through any other officer
16 or administrative unit as the Secretary may consider ap-
17 propriate, programs and activities, including—

18 (1) the Food Stamp Act of 1977 (7 U.S.C.
19 2011 et seq.);

20 (2) the National School Lunch Act (42 U.S.C.
21 1751 et seq.); and

22 (3) the Child Nutrition Act of 1966 (42 U.S.C.
23 1771 et seq).

1 **SEC. 503. NUTRITION RESEARCH AND EDUCATION SERV-**
2 **ICE.**

3 (a) ESTABLISHMENT.—The Secretary is authorized
4 to establish and maintain within the Department the Nu-
5 trition Research and Education Service (referred to in this
6 section as the “Service”) and to assign to the Service such
7 functions as the Secretary may consider appropriate.

8 (b) FUNCTIONS.—The Secretary is authorized to
9 carry out through the Service, or through any other officer
10 or administrative unit as the Secretary may consider ap-
11 propriate, programs and activities relating to human nu-
12 trition research and education.

13 **TITLE VI—NATURAL RESOURCES**
14 **AND ENVIRONMENT**

15 **SEC. 601. NATURAL RESOURCES CONSERVATION SERVICE.**

16 (a) ESTABLISHMENT.—The Secretary is authorized
17 to establish and maintain within the Department the Nat-
18 ural Resources Conservation Service (referred to in this
19 section as the “Service”) and to assign to the Service such
20 functions as the Secretary may consider appropriate.

21 (b) FUNCTIONS.—The Secretary is authorized to
22 carry out through the Service, or through any other officer
23 or administrative unit of the Department as the Secretary
24 may consider appropriate, programs and activities, includ-
25 ing—

1 (1) title X of the Agricultural Act of 1970 (16
2 U.S.C. 1501 et seq.);

3 (2) the Soil Conservation and Domestic Allot-
4 ment Act (16 U.S.C. 590a et seq.);

5 (3) the Water Bank Act (16 U.S.C. 1301 et
6 seq.);

7 (4) section 4 of the Cooperative Forestry As-
8 sistance Act of 1978 (16 U.S.C. 2103);

9 (5) title XII of the Food Security Act of 1985
10 (16 U.S.C. 3801 et seq.);

11 (6) title IV of the Agricultural Credit Act of
12 1978 (16 U.S.C. 2201 et seq.);

13 (7) section 202(c) of the Colorado River Basin
14 Salinity Control Act (43 U.S.C. 1592(c)); and

15 (8) the Farms for the Future Act of 1990 (7
16 U.S.C. 4201 note).

17 (c) USE OF EMPLOYEES.—Notwithstanding any
18 other provision of law, in carrying out in any county or
19 area any functions assigned to the Service or any succes-
20 sor administrative unit, the Secretary is authorized to—

21 (1) use interchangeably, in the implementation
22 of functions, Federal employees, and employees of
23 county and area committees established under sec-
24 tion 8(b) of the Soil Conservation and Domestic Al-
25 lotment Act (16 U.S.C. 590h(b)); and

1 (2) provide interchangeably for supervision by
2 the employees of the performance of functions as-
3 signed to the Service.

4 (d) AGRICULTURAL CONSERVATION PROGRAM.—In
5 carrying out the Agricultural Conservation Program, the
6 Secretary shall—

7 (1) acting on the recommendations of the Serv-
8 ice, with the concurrence of the Farm Service Agen-
9 cy, issue regulations to carry out the program; and

10 (2) use a county committee established under
11 section 8(b) of the Soil Conservation and Domestic
12 Allotment Act (16 U.S.C. 590h(b)) to make the final
13 decision on which applicants are eligible to receive
14 cost share assistance under the program based on
15 priorities and guidelines established at the national
16 and State levels by the Service.

17 (e) CONFORMING AMENDMENTS.—

18 (1) Section 5 of the Soil Conservation and Do-
19 mestic Allotment Act (16 U.S.C. 590e) is repealed.

20 (2)(A) Section 2(2) of the Soil and Water Re-
21 sources Conservation Act of 1977 (16 U.S.C.
22 2001(2)) is amended by striking “the Soil Conserva-
23 tion Service of”.

1 (B) Section 3(2) of such Act (16 U.S.C.
2 2002(2)) is amended by striking “through the Soil
3 Conservation Service”.

4 (C) The first sentence of section 6(a) of such
5 Act (16 U.S.C. 2005(a)) is amended by striking
6 “Soil Conservation Service” and inserting “Sec-
7 retary”.

8 **SEC. 602. REORGANIZATION OF FOREST SERVICE.**

9 (a) IN GENERAL.—Reorganization proposals that are
10 developed by the Secretary to carry out the designation
11 by the President of the Forest Service as a Reinvention
12 Lab pursuant to the National Performance Review (Sep-
13 tember 1993) shall include proposals for—

14 (1) reorganizing the Service in a manner that
15 is consistent with the principles of interdisciplinary
16 planning;

17 (2) redefining and consolidating the mission
18 and roles of, and research conducted by, employees
19 of the Service in connection with the National For-
20 est System and State and private forestry to facili-
21 tate interdisciplinary planning and to eliminate func-
22 tionalism;

23 (3) reforming the budget structure of the Serv-
24 ice to support interdisciplinary planning, including
25 reducing the number of budget line items;

1 (4) defining new measures of accountability so
2 that Congress may meet the constitutional obligation
3 of Congress to oversee the Service;

4 (5) achieving structural and organizational con-
5 solidations;

6 (6) to the extent practicable, sharing office
7 space, equipment, vehicles, and electronic systems
8 with other administrative units of the Department
9 and other Federal field offices, including proposals
10 for using an on-line system by all administrative
11 units of the Department to maximize administrative
12 efficiency; and

13 (7) reorganizing the Service in a manner that
14 will result in a larger percentage of employees of the
15 Service being retained at organizational levels below
16 regional offices, research stations, and the area of-
17 fice of the Service.

18 (b) REPORT.—Not later than March 31, 1995, the
19 Secretary shall submit a report to the Committee on Agri-
20 culture of the House of Representatives and the Commit-
21 tee on Agriculture, Nutrition, and Forestry of the Senate
22 that describes actions taken to carry out subsection (a)
23 and identifies any disparities in regional funding patterns
24 and the rationale behind the disparities.

1 **TITLE VII—MARKETING AND**
2 **INSPECTION SERVICES**

3 **SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS**

4 **ADMINISTRATION.**

5 (a) ESTABLISHMENT.—The Secretary is authorized
6 to establish and maintain within the Department the
7 Grain Inspection, Packers and Stockyards Administration
8 (referred to in this section as the “Administration”) and
9 to assign to the Administration such functions as the Sec-
10 retary may consider appropriate.

11 (b) FUNCTIONS.—The Secretary is authorized to
12 carry out through the Administration, or through any
13 other officer or administrative unit as the Secretary may
14 consider appropriate, programs and activities authorized
15 under—

16 (1) the United States Grain Standards Act (7
17 U.S.C. 71 et seq.); and

18 (2) the Packers and Stockyards Act, 1921 (7
19 U.S.C. 181 et seq.).

20 (c) CONFORMING AMENDMENTS.—

21 (1)(A) Section 3 of the United States Grain
22 Standards Act (7 U.S.C. 75) is amended—

23 (i) by striking subsections (z) and (aa);

24 and

1 (ii) by redesignating subsection (bb) as
2 subsection (z).

3 (B) Section 3A of such Act (7 U.S.C. 75a) is
4 repealed.

5 (C) Section 5(b) of such Act (7 U.S.C. 77(b))
6 is amended by striking “Service employees” and in-
7 serting “employees of the Secretary”.

8 (D) The first sentences of each of sections
9 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2)
10 and 79a(l)(2), respectively) are amended by striking
11 “supervision by Service personnel of its field office
12 personnel” and inserting “supervision by the Sec-
13 retary of the field office personnel of the Secretary”.

14 (E) Section 12 of such Act (7 U.S.C. 87a) is
15 amended—

16 (i) in the first sentence of subsection (c),
17 by striking “or Administrator”; and

18 (ii) in subsection (d), by striking “or the
19 Administrator”.

20 (F) Such Act (7 U.S.C. 71 et seq.) is amended
21 by striking “Administrator” and “Service” each
22 place either term appears and inserting “Secretary”.

23 (2) Section 407 of the Packers and Stockyards
24 Act, 1921 (7 U.S.C. 228) is amended—

25 (A) by striking subsection (b);

1 (B) by redesignating subsections (c)
2 through (f) as subsections (b) through (e), re-
3 spectively; and

4 (C) in subsection (e) (as so designated), by
5 striking “subsection (e)” and inserting “sub-
6 section (d)”.

7 **TITLE VIII—RESEARCH,**
8 **ECONOMICS, AND EDUCATION**

9 **SEC. 801. FEDERAL RESEARCH AND INFORMATION SERV-**
10 **ICE.**

11 (a) ESTABLISHMENT.—The Secretary is authorized
12 to establish and maintain within the Department the Fed-
13 eral Research and Information Service (referred to in this
14 section as the “Service”) and to assign to the Service such
15 functions as the Secretary may consider appropriate.

16 (b) FUNCTIONS.—The Secretary is authorized to
17 carry out through the Service, or through any other officer
18 or administrative unit as the Secretary may consider ap-
19 propriate, programs and activities, including—

20 (1) agricultural research; and

21 (2) agricultural information and library serv-
22 ices.

1 **SEC. 802. COOPERATIVE STATE RESEARCH AND EDU-**
2 **CATION SERVICE.**

3 (a) ESTABLISHMENT.—The Secretary is authorized
4 to establish and maintain within the Department the Co-
5 operative State Research and Education Service (referred
6 to in this section as the “Service”) and to assign to the
7 Service such functions as the Secretary may consider ap-
8 propriate.

9 (b) FUNCTIONS.—The Secretary is authorized to
10 carry out through the Service programs and activities, in-
11 cluding—

- 12 (1) cooperative research programs; and
13 (2) agricultural extension and education pro-
14 grams.

15 **SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS**
16 **SERVICE.**

17 (a) ESTABLISHMENT.—The Secretary may establish
18 and maintain within the Department the Agricultural Eco-
19 nomics and Statistics Service (referred to in this section
20 as the “Service”) and to assign to the Service such func-
21 tions as the Secretary may consider appropriate.

22 (b) FUNCTIONS.—The Secretary may carry out
23 through the Service, or through any other officer or ad-
24 ministrative unit as the Secretary may consider appro-
25 priate, programs and activities, including—

- 26 (1) economic analysis and research;

- 1 (2) energy-related programs;
- 2 (3) crop and livestock estimates; and
- 3 (4) agricultural statistics.

4 (c) STATE AND LOCAL STATISTICAL OFFICES AND
5 PERSONNEL.—The authority provided by subsections (a)
6 and (b) shall not authorize a substantial change in the
7 functions or structures of State and local statistical offices
8 and employees of the offices.

9 **SEC. 804. PROGRAM POLICY AND COORDINATION STAFF.**

10 (a) ESTABLISHMENT.—The Secretary is authorized
11 to establish and maintain within the Department the Pro-
12 gram Policy and Coordination Staff (referred to in this
13 section as the “Staff”) and to assign to the Staff such
14 functions as the Secretary may consider appropriate.

15 (b) FUNCTIONS.—If the Staff is established and
16 maintained, the Staff shall provide common program pol-
17 icy development for the Federal Research and Information
18 Service, the Cooperative State Research and Education
19 Service, and the Agricultural Economics and Statistics
20 Service.

21 (c) COMPOSITION.—Not less than 50 percent of the
22 employees of the Staff shall be former employees of the
23 Cooperative State Research Service and the Extension
24 Service, as in existence on the date of enactment of this
25 Act.

1 (d) RELATIONSHIP TO FUNCTIONS CURRENTLY PER-
2 FORMED BY NASS.—The Staff may not—

3 (1) interfere with statistic collection and report-
4 ing; or

5 (2) compromise the independence or integrity of
6 statistic collection and reporting functions of the
7 National Agricultural Statistics Service as in effect
8 on the date of enactment of this Act.

9 **TITLE IX—FOOD SAFETY**

10 **SEC. 901. FOOD SAFETY SERVICE.**

11 (a) MEAT INSPECTION.—The Federal Meat Inspec-
12 tion Act (21 U.S.C. 601 et seq.) is amended by adding
13 at the end the following new title:

14 **“TITLE V—FOOD SAFETY**
15 **SERVICE**

16 **“SEC. 501. FOOD SAFETY SERVICE.**

17 “(a) IN GENERAL.—The Secretary shall establish
18 and maintain within the United States Department of Ag-
19 riculture the Food Safety Service (referred to in this sec-
20 tion as the ‘Service’) and to assign to the Service such
21 functions as the Secretary may consider appropriate.

22 “(b) ASSISTANT SECRETARY FOR FOOD SAFETY.—

23 “(1) APPOINTMENT.—There shall be in the
24 Service the position of Assistant Secretary for Food
25 Safety (referred to in this section as the ‘Assistant

1 Secretary'), who shall be appointed by the President,
2 by and with the advice and consent of the Senate.

3 “(2) CONTINUITY OF THE POSITION.—Any offi-
4 cial serving on the date of enactment of this section,
5 who has been appointed by the President and con-
6 firmed by the Senate, shall not be required to be re-
7 confirmed by reason of the enactment of this Act.

8 “(3) RELATIONSHIP TO THE SECRETARY.—The
9 Assistant Secretary shall report directly to the Sec-
10 retary.

11 “(4) GENERAL POWERS.—The Secretary is au-
12 thorized to carry out, through the Service or through
13 such other officers or administrative units as the
14 Secretary may consider appropriate, programs and
15 activities involving food safety under this Act and
16 the Poultry Products Inspection Act (21 U.S.C. 451
17 et seq.), including—

18 “(A) providing overall direction to the
19 Service and establishing and implementing gen-
20 eral policies concerning the management and
21 operation of programs and inspection activities
22 of the Service;

23 “(B) coordinating and overseeing the oper-
24 ation of all administrative entities within the
25 Service;

1 “(C) research and inspection relating to
2 meat, meat food products, poultry, and poultry
3 products in carrying out this Act and the Poul-
4 try Products Inspection Act;

5 “(D) conducting educational and public in-
6 formation programs relating to the responsibil-
7 ities of the Service; and

8 “(E) performing such other functions re-
9 lated to food safety as the Secretary may pre-
10 scribe, except that only programs and activities
11 related to food safety, as determined by the
12 Secretary, shall be administered through the
13 Service.

14 “(c) TECHNICAL AND SCIENTIFIC REVIEW
15 GROUPS.—The Secretary, acting through the Assistant
16 Secretary, may, without regard to the provisions of title
17 5, United States Code, governing appointment in the com-
18 petitive service, and without regard to the provisions of
19 chapter 51 and subchapter III of chapter 53 of title 5,
20 United States Code, relating to classification and General
21 Schedule pay rates—

22 “(1) establish such technical and scientific re-
23 view groups as are needed to carry out the functions
24 of the Service, including functions under this Act

1 and under the Poultry Products Inspection Act (21
2 U.S.C. 451 et seq.); and

3 “(2) appoint and pay the members of the
4 groups, except that officers and employees of the
5 United States shall not receive additional compensa-
6 tion for service as a member of a group.”.

7 (b) POULTRY PRODUCTS INSPECTION.—The Poultry
8 Products Inspection Act (21 U.S.C. 451 et seq.) is amend-
9 ed—

10 (1) by redesignating section 29 as section 30;

11 and

12 (2) by inserting after section 28 the following
13 new section:

14 **“SEC. 29. ADMINISTRATION.**

15 “The Secretary shall administer this Act through the
16 Assistant Secretary for Food Safety of the Food Safety
17 Service established under section 501 of the Federal Meat
18 Inspection Act.”.

19 **TITLE X—MISCELLANEOUS**

20 **SEC. 1001. ASSISTANT SECRETARIES OF AGRICULTURE.**

21 (a) ESTABLISHMENT.—There are established in the
22 Department six positions of Assistant Secretary of Agri-
23 culture, each to be appointed by the President, by and
24 with the advice and consent of the Senate.

1 (b) FUNCTIONS.—Each Assistant Secretary of Agri-
2 culture shall exercise such functions and perform such du-
3 ties as may be required by law or prescribed by the Sec-
4 retary, and shall receive compensation at the rate pre-
5 scribed by law for an Assistant Secretary of Agriculture.
6 The compensation of any person serving as an Adminis-
7 trator shall not be raised by this Act.

8 (c) CONFORMING AMENDMENTS.—

9 (1) Section 2 of the Act of February 9, 1889
10 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is re-
11 pealed.

12 (2) Section 604 of the Rural Development Act
13 of 1972 (7 U.S.C. 2212a) is amended by striking
14 subsection (a).

15 (3) Section 2 of Public Law No. 94-561 (7
16 U.S.C. 2212b) is repealed.

17 (4) Section 1413 of the National Agricultural
18 Research, Extension, and Teaching Policy Act of
19 1977 (7 U.S.C. 3128) is amended by striking sub-
20 section (d).

21 (5) Section 8 of the International Carriage of
22 Perishable Foodstuffs Act (7 U.S.C. 2212c) is
23 amended by striking subsection (a).

24 (d) CONTINUITY OF POSITIONS.—Notwithstanding
25 subsections (a) and (b) and the amendments made by sub-

1 section (c), any official serving in any of the positions re-
2 ferred to in this section on the date of enactment of this
3 Act, after appointment by the President, by and with the
4 advice and consent of the Senate, shall be considered after
5 the date of enactment of this Act to be serving in the suc-
6 cessor positions established by subsection (a) and shall not
7 be required to be reappointed by reason of the enactment
8 of this Act.

9 (e) ADDITIONAL CONFORMING AMENDMENTS.—Sec-
10 tion 5315 of title 5, United States Code, is amended—

11 (1) by striking “Assistant Secretaries of Agri-
12 culture (7)” and inserting “Assistant Secretaries of
13 Agriculture (six)”; and

14 (2) by adding at the end the following:

15 “Administrator, Farm Service Agency, Depart-
16 ment of Agriculture.

17 “Administrator, International Trade Service,
18 Department of Agriculture.

19 “Administrator, Rural Utilities Service, Depart-
20 ment of Agriculture.”.

21 **SEC. 1002. REMOVAL OF OBSOLETE PROVISIONS.**

22 Section 5316 of title 5, United States Code, is
23 amended—

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

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

3 (3) by striking “Administrator, Agricultural
4 Stabilization and Conservation Service, Department
5 of Agriculture.”;

6 (4) by striking “Administrator, Farmers Home
7 Administration.”;

8 (5) by striking “Administrator, Foreign Agri-
9 cultural Service, Department of Agriculture.”;

10 (6) by striking “Administrator, Rural Elec-
11 trification Administration, Department of Agri-
12 culture.”;

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

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

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

19 (10) by striking “Administrator, Animal and
20 Plant Health Inspection Service, Department of Ag-
21 riculture.”; and

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

1 **SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.**

2 Not later than 180 days after the date of enactment
3 of this Act, the Secretary shall prepare and submit to Con-
4 gress recommended legislation containing additional tech-
5 nical and conforming amendments to Federal law that are
6 necessary as a result of the enactment of this Act.

7 **SEC. 1004. TERMINATION OF AUTHORITY.**

8 (a) IN GENERAL.—Subject to subsection (b), the au-
9 thority delegated to the Secretary by this Act to reorganize
10 the Department shall terminate on the date that is 2 years
11 after the date of enactment of this Act.

12 (b) FUNCTIONS.—Subsection (a) shall not affect—

13 (1) the authority of the Secretary to continue to
14 carry out a function that the Secretary performs on
15 the date that is 2 years after the date of enactment
16 of this Act; or

17 (2) the authority delegated to the Secretary
18 under Reorganization Plan No. 2 of 1953 (5 U.S.C.
19 App. 1).

20 **SEC. 1005. ELIMINATION OF DUPLICATIVE INSPECTION RE-**
21 **QUIREMENTS.**

22 (a) IN GENERAL.—The Secretary of Agriculture
23 shall—

24 (1) eliminate inspections of pilots and aircraft
25 by the Department of Agriculture;

1 (2) develop with the Administrator of the Fed-
2 eral Aviation Administration inspection specifica-
3 tions and procedures by which aircraft and pilots
4 contracted by the United States Department of Ag-
5 riculture will be inspected. The Administrator will
6 ensure that the inspection specifications and proce-
7 dures are met; and

8 (3) permit the utilization by the Department of
9 Agriculture of inspections and certifications of pilots
10 and aircraft conducted by the Federal Aviation Ad-
11 ministration.

12 (b) *APPLICABILITY.*—An inspection requirement
13 shall be eliminated pursuant to subsection (a)(1) only if
14 the pilots and aircraft are inspected by the Federal Avia-
15 tion Administration for compliance with the safety regula-
16 tions of the Federal Aviation Regulations.

 Passed the Senate April 13 (legislative day, April
11), 1994.

Attest:

Secretary.

- S 1970 ES—2
- S 1970 ES—3
- S 1970 ES—4
- S 1970 ES—5
- S 1970 ES—6
- S 1970 ES—7
- S 1970 ES—8
- S 1970 ES—9
- S 1970 ES—10