

Calendar No. 395

103^D CONGRESS
2^D SESSION

S. 1970

[Report No. 103-241]

A BILL

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

MARCH 24 (legislative day, FEBRUARY 22), 1994

Placed on the calendar

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IN THE SENATE OF THE UNITED STATES

MARCH 24 (legislative day, FEBRUARY 22), 1994

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, reported the following original bill; which was read twice and placed on the calendar

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; 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 of
7 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.

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-
15 nent thereof, except that the term does not in-
16 clude a corporation; and

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

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

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

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Agriculture.

10 **TITLE I—GENERAL AUTHORITIES** 11 **OF THE SECRETARY**

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

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

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

22 (1) The functions vested in administrative law
23 judges by subchapter II of chapter 5 of title 5, Unit-
24 ed States Code.

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

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

7 (4) Corporations and the boards of directors
8 and officers of the corporations.

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

13 **SEC. 102. REORGANIZATION.**

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

23 (b) AUTHORITY TO TRANSFER RECORDS, PROPERTY,
24 AND FUNDS.—

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

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

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

23 (c) PURPOSE OF THE AUTHORITY.—The Secretary
24 shall carry out subsections (a) and (b) with the goals of
25 simplifying and maximizing the efficiency of the national,

1 State, regional, and local levels of the Department, and
2 of improving the accessibility of farm and other programs
3 at all levels. To the extent practicable, the Secretary shall
4 adapt the administration of the programs to State, re-
5 gional, and local conditions.

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

11 (1) the Secretary;

12 (2) the Department;

13 (3) an administrative unit of the Department;

14 or

15 (4) an employee or agent of an administrative
16 unit of the Department.

17 (e) CONFORMING AMENDMENTS.—Section 9 of the
18 Commodity Credit Corporation Charter Act (15 U.S.C.
19 714g) is amended—

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

21 (2) by striking subsection (b).

22 **SEC. 103. PERSONNEL REDUCTIONS.**

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

24 (1) FIELD STRUCTURE.—The term “field struc-
25 ture” means the offices, functions, and employee po-

1 sitions of all administrative units of the Department,
2 other than the headquarters offices. The term in-
3 cludes the physical and geographic locations of the
4 units. The term shall not include State, county, or
5 area committees established under section 8(b) of
6 the Soil Conservation and Domestic Allotment Act
7 (16 U.S.C. 590h(b)).

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

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

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

23 (d) SCHEDULE.—The personnel reductions under
24 subsections (b) and (c) should be accomplished concu-
25 rently in a manner determined by the Secretary.

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

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

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

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

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

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

20 **TITLE II—NATIONAL APPEALS**
21 **DIVISION**

22 **SEC. 201. DEFINITIONS.**

23 As used in this title:

24 (1) ADVERSE DECISION.—The term “adverse
25 decision” means an administrative decision made by
26 a decisionmaker that is adverse to a participant, in-

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

17 (2) AGENCY.—The term “agency” means any
18 agency of the Department designated by the Sec-
19 retary or a successor agency of the Department, ex-
20 cept that the term shall include—

21 (A) ASCS;

22 (B) CCC, with respect to domestic pro-
23 grams;

24 (C) FmHA (including rural housing pro-
25 grams);

1 (D) FCIC;

2 (E) RDA (including rural housing pro-
3 grams);

4 (F) SCS; or

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

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

13 (4) ASCS.—The term “ASCS” means the Agri-
14 cultural Stabilization and Conservation Service or a
15 successor agency.

16 (5) CASE RECORD.—The term “case record”
17 means all the materials maintained by the Secretary
18 that concern the participant, including any materials
19 related to the adverse decision.

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

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

1 (8) DIRECTOR.—The term “Director” means
2 the Director of the Division.

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

5 (10) EMPLOYEE.—The term “employee” means
6 an individual employed by an agency, including an
7 individual who enters into a contract with an agency
8 to perform services for the agency.

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

13 (12) FCIC.—The term “FCIC” means the
14 Federal Crop Insurance Corporation or a successor
15 agency.

16 (13) FMHA.—The term “FmHA” means the
17 Farmers Home Administration or a successor agen-
18 cy.

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

23 (15) HEARING RECORD.—The term “hearing
24 record” means the transcript of a hearing, any audio
25 tape or similar recording of a hearing, any informa-

1 tion from the case record that a hearing officer con-
2 siders relevant or that is raised by the appellant or
3 agency, and all documents and other evidence pre-
4 sented to a hearing officer.

5 (16) IMPLEMENT; IMPLEMENTATION.—The
6 terms “implement” and “implementation” refer to
7 those actions necessary to effectuate fully and
8 promptly a determination of the Division not later
9 than 30 calendar days after the effective date of the
10 determination.

11 (17) PARTICIPANT.—The term “participant”
12 means any individual, group of individuals, partner-
13 ship, corporation, association, cooperative, or other
14 entity whose application for, or right to participate
15 in or receive, payments, loans, or other benefits in
16 accordance with any of the programs administered
17 by an agency, is affected by an adverse decision
18 made by a decisionmaker.

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

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

23 (20) STATE DIRECTOR.—The term “State di-
24 rector” means the individual who is primarily re-

1 sponsible for carrying out the program of an agency
2 within a State.

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

4 (a) ESTABLISHMENT OF DIVISION.—

5 (1) ESTABLISHMENT.—The Secretary shall es-
6 tablish and maintain a National Appeals Division
7 within the Office of the Secretary to carry out this
8 title.

9 (2) APA APPLICATION.—The provisions of title
10 5, United States Code, shall apply to all appeals of
11 the Division, including chapters 5 and 7 of such
12 title.

13 (3) PROCEDURAL REGULATIONS AND POLI-
14 CIES.—The Secretary shall promulgate procedural
15 regulations and policies to govern the conduct of the
16 business of the Division. The Secretary shall ensure
17 and enhance the independence, integrity, and effi-
18 ciency of the Division, the Director, hearing officers,
19 and other employees of the Division.

20 (b) DIRECTOR.—

21 (1) APPOINTMENT.—The Division shall be
22 headed by a Director.

23 (2) POSITION CLASSIFICATION.—The position
24 of the Director shall be a Senior Executive Service
25 position that shall be filled by a career appointee (as

1 defined in section 3132(a)(4) of title 5, United
2 States Code), who shall not be subject to removal ex-
3 cept for cause in accordance with law.

4 (3) QUALIFICATIONS.—The Director shall be a
5 person who has substantial experience in practicing
6 administrative law. In considering applicants for the
7 position of Director, the Secretary shall consider
8 persons employed outside the Government as well as
9 Government employees.

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

13 “Director, National Appeals Division, Depart-
14 ment of Agriculture.”.

15 (c) DIRECTION, CONTROL, AND SUPPORT.—The Di-
16 rector shall be free from the direction and control of any
17 person other than the Secretary. The Division shall not
18 receive administrative support (except on a reimbursable
19 basis) from any agency other than the Office of the Sec-
20 retary. The Secretary may not delegate to any other offi-
21 cer or employee of the Department, other than the Direc-
22 tor, the authority of the Secretary with respect to the Divi-
23 sion.

24 (d) COMMUNICATION WITH SECRETARY AND AGEN-
25 CIES.—The Director shall inform the Secretary and the

1 appropriate agency of problems regarding the functions of
2 the agency that are identified as a result of the activities
3 of the Division under this title. The information provided
4 by the Director may include proposals to resolve the prob-
5 lems identified or otherwise to improve the programs of
6 the agency.

7 (e) APPEALABLE DECISIONS.—Subject to section
8 204(b)(2), if a decisionmaker determines that a decision
9 is not appealable and a participant appeals the decision
10 to the Director, the Director shall determine whether the
11 decision is adverse or of general applicability, and thus
12 appealable. Except for a legal interpretation that may be
13 reversed or modified by the Secretary, the determination
14 of the Director as to whether a decision is appealable shall
15 be administratively final, conclusive, and binding.

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

20 **SEC. 203. TRANSFER OF FUNCTIONS.**

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

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

5 (2) the National Appeals Division established
6 by subsections (d) through (g) of section 333B of
7 the Consolidated Farm and Rural Development Act
8 (7 U.S.C. 1983b) (as in effect before the amendment
9 made by section 215(b));

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

11 (4) appeals of decisions made by SCS.

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

13 (a) APPOINTMENT, DIRECTION, AND CONTROL.—
14 The Director shall appoint such hearing officers and other
15 employees as are necessary for the administration of the
16 Division. A hearing officer or other employee of the Divi-
17 sion shall have no duties other than those that are nec-
18 essary to carry out this title. Hearing officers shall be su-
19 pervised by the Director. All other employees of the Divi-
20 sion shall report to the Director.

21 (b) LEGAL COUNSEL.—

22 (1) IN GENERAL.—The Director shall employ
23 legal counsel to advise the Director with respect to
24 legal questions affecting the Division. The legal
25 counsel shall not serve as a counsel to any other

1 agency of the Department. This subsection is not in-
2 tended to affect the role of the Office of General
3 Counsel in representing the Department in civil or
4 criminal actions or as a liaison between the Depart-
5 ment and any other Federal agency.

6 (2) REVIEW BY THE SECRETARY.—If a hearing
7 officer or the Director disagrees with the General
8 Counsel on a matter of legal interpretation with re-
9 spect to a program or authority of the Department,
10 the Secretary shall have the authority to make a
11 final determination on the interpretation at the re-
12 quest of the General Counsel. The authority of the
13 Secretary under this paragraph may not be dele-
14 gated.

15 (c) PERFORMANCE EVALUATIONS.—The Director
16 shall establish policies to provide for the evaluation of the
17 Director, hearing officers, and other employees of the Di-
18 vision who are involved in the appeal process under section
19 208 or the supervision of other employees. The evaluation
20 process shall be designed to ensure and enhance the inde-
21 pendence, integrity, and efficiency of the Director and em-
22 ployees of the Division. The actual evaluations shall in-
23 clude evaluations by individuals outside of the Department
24 and may include peer review.

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

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

6 (b) CONTENT OF NOTICE.—The notice required
7 under subsection (a) shall contain a description of the fol-
8 lowing:

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

11 (2) The appeal and implementation process
12 available to the participant, including the rights and
13 responsibilities of the participant provided by this
14 title.

15 (3) An opportunity to request a determination
16 by the Director pursuant to section 202(e) concern-
17 ing whether a decision is appealable, if the
18 decisionmaker determines that the decision is not
19 appealable.

20 (c) MAINTENANCE OF RECORDS.—The Secretary and
21 the Director shall maintain the entire case record and
22 hearing record, respectively, and any additional informa-
23 tion from any further appeal proceeding, of the participant
24 at least until the expiration of the period during which
25 the participant may seek administrative or judicial review
26 of the determination.

1 (d) JOINDER.—

2 (1) GUARANTEED LOANS.—With regard to a
3 guaranteed loan under the Consolidated Farm and
4 Rural Development Act (7 U.S.C. 1921 et seq.), a
5 borrower or applicant who is directly and adversely
6 affected by a decision of the Secretary may appeal
7 the decision pursuant to this title without the lender
8 joining in the appeal.

9 (2) RENTAL HOUSING.—A tenant in rental
10 housing of an agency who is individually, directly,
11 and adversely affected by a decision of the Secretary
12 may appeal the decision pursuant to this title with-
13 out the landlord joining in the appeal.

14 (3) THIRD PARTIES.—If the Director deter-
15 mines that the receipt of a payment, loan, or other
16 direct benefit by a participant may be directly, sub-
17 stantially, and adversely affected by a determination
18 of the Division, a hearing officer may invite the par-
19 ticipant to participate in a hearing if the final deter-
20 mination resulting from the hearing would, as a
21 practical matter, foreclose the participant from re-
22 ceiving the payment, loan, or other direct benefit of
23 the participant. If the participant elects to partici-
24 pate in the hearing, the participant shall have the
25 same procedural rights as the appellant with regard

1 to the hearing and other procedures described in this
2 title.

3 (e) EFFECT OF REVERSAL OR MODIFICATION OF AD-
4 VERSE DECISION.—If an adverse decision is reversed or
5 modified by the Division, a decisionmaker may not base
6 any subsequent adverse decision with regard to that appel-
7 lant on the information that was available to the previous
8 decisionmaker (or could have been available with reason-
9 able diligence on the part of the previous decisionmaker).

10 **SEC. 206. INFORMAL HEARINGS.**

11 If a decisionmaker of an agency makes an adverse
12 decision, the decisionmaker shall hold, at the request of
13 the participant, an informal hearing on the decision.

14 **SEC. 207. RIGHTS OF PARTICIPANTS.**

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

17 (1) appeal any adverse decision;

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

21 (3) access to, and a reasonable opportunity to
22 inspect and reproduce, the case record at an office
23 of the agency located in the area of the participant;
24 and

25 (4) an evidentiary hearing.

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

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

5 (1) shall have access to all records, reports, au-
6 dits, reviews, documents, papers, recommendations,
7 or other material available that relate to programs
8 and operations with respect to which an appeal has
9 been taken;

10 (2) shall have the authorities that are provided
11 under section 202(a)(2);

12 (3) may request such information or assistance
13 as may be necessary for carrying out the duties and
14 responsibilities established under this title from any
15 Federal, State, or local governmental agency or unit
16 of the agency;

17 (4) may, or shall at the request of an appellant
18 with good cause shown, require the attendance of
19 witnesses and the production of all information, doc-
20 uments, reports, answers, records, accounts, papers,
21 and other data and documentary evidence necessary
22 to the proper resolution of appeals;

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

25 (6) may administer oaths or affirmations.

26 (b) TIME FOR HEARING.—

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

3 (A) request a hearing, not later than 30
4 days after the date an adverse decision is made;
5 and

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

9 (2) REDUCTION OR EXTENSION.—The Director
10 may establish an earlier deadline for a hearing (or
11 request for a hearing) on an appeal relating to a
12 time sensitive decision, or delay a hearing (or re-
13 quest for a hearing), at the request of an appellant
14 for good cause shown.

15 (c) LOCATION AND ELEMENTS OF HEARING.—

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

20 (2) EVIDENTIARY HEARING.—The evidentiary
21 hearing before a hearing officer shall be in person,
22 unless the appellant agrees to a hearing by telephone
23 or by a review of the case record and hearing record.
24 The hearing officer shall conduct and resolve the
25 hearing (regardless of the hearing format) in a fair

1 and impartial manner and free of undue influence.
2 The hearing officer shall not be bound by previous
3 findings of fact by the agency in making a deter-
4 mination.

5 (3) INFORMATION AT HEARING.—The hearing
6 officer shall consider information, including new in-
7 formation, presented at the hearing without regard
8 to whether the evidence was known to the
9 decisionmaker at the time the adverse decision was
10 made. The hearing officer shall leave the record
11 open after the hearing for a reasonable period of
12 time to allow the submission of information by the
13 appellant or the decisionmaker after the hearing to
14 the extent necessary to prevent the appellant or the
15 decisionmaker from being prejudiced by new facts,
16 information, arguments, or evidence presented or
17 raised by the decisionmaker or appellant. At the
18 hearing, the agency may not rely on or assert new
19 grounds for the adverse decision, if the grounds were
20 not described in the agency decision notice.

21 (4) BURDEN OF PROOF.—The appellant shall
22 bear the burden of proving that the adverse decision
23 of the agency was erroneous.

24 (5) PRODUCTION OF RECORD.—An official ver-
25 batim record shall be provided by the Division for

1 each hearing before a hearing officer. The appellant
2 or agency representative may record an unofficial
3 record of the hearing.

4 (6) STANDARD OF REVIEW.—In any case pend-
5 ing before a hearing officer, the hearing officer may
6 determine that the adverse decision was in error only
7 if substantial evidence demonstrates that the adverse
8 decision was not correct. For purposes of this para-
9 graph, the evidentiary threshold for substantial evi-
10 dence is lower than the evidentiary threshold for pre-
11 ponderance of the evidence.

12 (7) DETERMINATION NOTICE.—The hearing of-
13 ficer shall issue a notice of the determination on the
14 appeal not later than 30 days after a hearing or
15 after receipt of the request of the appellant to waive
16 a hearing, except that the Director may establish an
17 earlier or later deadline pursuant to subsection
18 (b)(2). The hearing officer may include rec-
19 ommendations in the determination notice. If the de-
20 termination is not appealed to the Director under
21 subsection (d), the notice provided by the hearing of-
22 ficer shall be considered to be a notice of final deter-
23 mination.

24 (d) REVIEW BY DIRECTOR.—

1 (1) REFERRAL.—At the request of the appel-
2 lant or the head of the agency affected by a deter-
3 mination of a hearing officer, the determination of
4 the hearing officer shall be referred to the Director
5 for review.

6 (2) APPEAL BY HEAD OF AGENCY TO DIREC-
7 TOR.—

8 (A) REVIEW OF DETERMINATION OF
9 HEARING OFFICER AT THE REQUEST OF AN
10 AGENCY HEAD.—In exceptional circumstances,
11 if the head of an agency believes that the deter-
12 mination of a hearing officer is contrary to a
13 statute or regulation, or a finding of fact of a
14 hearing officer is clearly erroneous, only the
15 head of the agency may make a written request,
16 not later than 10 business days after receipt of
17 the determination, that the Director review the
18 determination.

19 (B) REQUESTS FOR REVIEW.—A request
20 for review shall—

21 (i) include a full description of—

22 (I) the exceptional circumstances
23 justifying the request for review; and

24 (II) the reasons that the head of
25 the relevant agency believes that the

1 determination is contrary to statute or
2 regulation, or the finding of fact of
3 the hearing officer is clearly erro-
4 neous; and

5 (ii) be provided to the appellant and
6 the hearing officer at the same time the re-
7 quest is provided to the Director.

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

11 (i) conduct a review of the determina-
12 tion based on the case record and hearing
13 record, the request for review under sub-
14 section (b), and any additional arguments
15 or information submitted by the appellant
16 or the hearing officer; and

17 (ii)(I) issue a final determination no-
18 tice that upholds, reverses, or modifies the
19 determination of the hearing officer; or

20 (II) if the Director determines that
21 the hearing record is inadequate, remand
22 the determination for further proceedings
23 to complete the hearing record, or, at the
24 option of the Director, to hold a new hear-

1 ing, and notify the appellant, agency, and
2 hearing officer of the remand.

3 (D) NEW HEARING.—If the Director re-
4 mands a determination for a new hearing on
5 the adverse decision under subparagraph (C),
6 the hearing officer shall make a new determina-
7 tion with respect to the adverse decision based
8 on the case record and the hearing record.

9 (E) FINALITY.—The head of the relevant
10 agency may not request a second review as to
11 the determination of the hearing officer or the
12 Director on the same issue.

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

15 (A) USE OF RECORD.—If the determina-
16 tion of a hearing officer is appealed under para-
17 graph (1), the hearing officer shall certify the
18 hearing record and provide the record to the
19 Director.

20 (B) NEW INFORMATION.—The Director
21 may consider, under extraordinary cir-
22 cumstances, new information in reviewing a de-
23 termination under this section. The appellant,
24 decisionmaker, and hearing officer shall receive

1 and have the opportunity to comment on the
2 new information.

3 (C) ACTIONS.—Not later than 30 days
4 after the referral to the Director, the Director
5 shall—

6 (i) review the hearing record and the
7 determination;

8 (ii) uphold the determination, issue a
9 new determination, require that a new
10 hearing be held on 1 or more of the issues
11 considered at the original hearing, or take
12 any combination of the actions described in
13 this clause; and

14 (iii) issue a notice of—

15 (I) a new evidentiary hearing;

16 (II) a final determination; or

17 (III) a remand on certain issues
18 and a final determination on remain-
19 ing issues.

20 (D) RECOMMENDATIONS.—The Director
21 may include recommendations in a final deter-
22 mination notice.

23 (E) RELIEF.—The Director shall have the
24 same authority as the Secretary to grant equi-
25 table relief. Notwithstanding the administrative

1 finality of a final determination, the Secretary
2 shall have the authority to grant equitable or
3 other types of relief to the appellant after a
4 final determination is issued by the Division.

5 (e) BASIS FOR DETERMINATION.—The determination
6 of the hearing officer and the Director shall be based on
7 information from the hearing record, laws applicable to
8 the matter at issue, and applicable regulations published
9 in the Federal Register and in effect on the date of the
10 adverse decision or the date on which the acts that gave
11 rise to the adverse decision occurred, whichever date is ap-
12 propriate. The Director shall not reverse the determina-
13 tion of a hearing officer with regard to a finding of fact
14 that is based on oral testimony or inspection of evidence
15 unless the finding of fact is clearly erroneous or the Direc-
16 tor is considering new information under subsection (d)(3)
17 with respect to the finding of fact.

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

22 **SEC. 209. JUDICIAL REVIEW.**

23 A final determination of the Division under section
24 208 shall be reviewable and enforceable by any United
25 States district court of competent jurisdiction in accord-

1 ance with chapter 7 of title 5, United States Code. Not-
2 withstanding section 701(a)(2) of such title, a discre-
3 tionary decision of the Secretary or the Division shall be
4 reviewable under section 706(2)(A) of such title unless the
5 decision is generally applicable to all program participants
6 and, as a matter of general applicability, is committed to
7 agency discretion by law within the meaning of section
8 701(a)(2) of such title.

9 **SEC. 210. IMPLEMENTATION OF FINAL DETERMINATIONS**
10 **OF DIVISION.**

11 (a) IN GENERAL.—On the return of a case to an
12 agency pursuant to the final determination of a hearing
13 officer or the Director under section 208, the agency shall
14 implement the final determination of the Division not later
15 than 30 days after the effective date of the notice of the
16 final determination.

17 (b) ADDITIONAL AND UPDATED INFORMATION.—

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

21 (A) the agency may not require that addi-
22 tional and updated information be provided by
23 the appellant or considered by the
24 decisionmaker in implementing the final deter-

1 mination of the hearing officer or the Director;
2 and

3 (B) additional and updated information
4 from any other source may not be used in im-
5 plementing the final determination.

6 (2) EXCEPTIONS.—

7 (A) INTRODUCTION BY APPELLANT.—If
8 additional information is introduced by the ap-
9 pellant during the appeal process and accepted
10 by the hearing officer or the Director, the agen-
11 cy shall consider the additional information in
12 implementing the final determination.

13 (B) DETERMINATION LETTER.—If the
14 final determination notice specifically states
15 that additional and updated information will be
16 considered in implementing the final determina-
17 tion, the agency shall consider any additional
18 and updated information in implementing the
19 final determination.

20 (C) SUBSEQUENT ADVERSE DECISION.—
21 Additional and updated information considered
22 under this paragraph may not be used as a
23 ground for a subsequent adverse decision.

24 (c) IMPLEMENTATION RESPONSIBILITIES.—

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

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

6 (B) responsible for monitoring and ensur-
7 ing the implementation of final determinations
8 that reverse and modify adverse decisions.

9 (2) AGENCY HEADS.—Relevant agency heads
10 shall be responsible for—

11 (A) the performance of State directors
12 under paragraph (1); and

13 (B) the implementation of all final deter-
14 minations of the Division that reverse or modify
15 adverse decisions of the agency.

16 (d) PROTECTION OF APPELLANTS' RIGHTS.—

17 (1) IN GENERAL.—No officer or employee of
18 the Federal Government shall make or engage in
19 threats or intimidation, or solicit action, to prevent
20 any potential appellant from exercising a right of the
21 appellant under this title or make, solicit, or engage
22 in retaliation or retribution for the exercise of a
23 right of an appellant under this title.

24 (2) CORRECTIVE ACTION.—If an officer or em-
25 ployee of the Federal Government violates paragraph

1 (1), the Secretary shall take corrective action (in-
2 cluding the imposition of sanctions, when necessary)
3 in conformance with civil service laws.

4 (e) IMPLEMENTATION PROBLEMS.—

5 (1) ACTIONS BY RELEVANT AGENCY HEAD.—

6 The relevant agency head shall promptly correct any
7 problems that may arise in the implementation of a
8 final determination.

9 (2) OVERSIGHT.—The Secretary shall assign
10 employees within the Office of the Inspector General
11 whom appellants may contact concerning problems
12 with the implementation of final determinations of
13 the Division. The employees shall investigate and, to
14 the extent practicable, resolve the implementation
15 problems.

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

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

23 (a) FINALITY.—Each decision of a State or county
24 committee (or an employee of the committee) that admin-
25 isters functions of CCC, or functions assigned to ASCS

1 on the date of enactment of this Act, made in good faith
2 in the absence of misrepresentation, false statement,
3 fraud, or willful misconduct shall be final not later than
4 90 days after the date of filing of the application for bene-
5 fits, unless the decision is—

6 (1) appealed under this title; or

7 (2) modified by the Administrator of ASCS or
8 the Executive Vice President of CCC.

9 (b) RECOVERY OF AMOUNTS.—No action shall be
10 taken by the CCC, ASCS, or a State or county committee
11 to recover amounts found to have been disbursed as a re-
12 sult of a decision in error if the decision of the State or
13 county committee has become final under subsection (a),
14 unless the participant had reason to believe that the deci-
15 sion was erroneous.

16 **SEC. 212. PROHIBITION ON ADVERSE ACTION WHILE AP-**
17 **PEAL IS PENDING.**

18 (a) IN GENERAL.—The Secretary may not take any
19 adverse action against an appellant relating to an appeal
20 while any proceeding authorized or required under this
21 title is pending, including any action that would prevent
22 the implementation of a decision that is favorable to the
23 appellant.

24 (b) WITHHOLDING.—This section shall not preclude
25 the Secretary from withholding a payment if the eligibility

1 for, or amount of, the payment is an issue on appeal, ex-
2 cept that ongoing assistance to then current borrowers
3 and grantees shall not be discontinued pending the out-
4 come of an appeal.

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

6 (a) OTHER RIGHTS.—This title is not intended to su-
7 percede or deprive a recipient of assistance from an agency
8 of any rights that the recipient may have under any other
9 law, including section 510(g) of the Housing Act of 1949
10 (42 U.S.C. 1480(g)).

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

14 (c) EMPLOYEE RIGHTS.—This title shall neither su-
15 percede nor interfere with rights granted to employees or
16 their exclusive representatives by applicable civil service
17 laws.

18 **SEC. 214. EVALUATION OF AGENCY DECISIONMAKERS AND**
19 **OTHER EMPLOYEES.**

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

1 (b) PERFORMANCE.—In the review, a decisionmaker,
2 a State director, or an agency head shall be considered
3 to have performed poorly if the decisionmaker, State direc-
4 tor, or agency head—

5 (1) takes action that leads to numerous appeals
6 that result in adverse decisions that are reversed or
7 modified;

8 (2) fails to properly implement final determina-
9 tions of the Division;

10 (3) fails to satisfactorily perform the reviewing
11 and monitoring responsibilities required under sub-
12 section (c) or (e)(1) of section 210, whichever ap-
13 plies; or

14 (4) threatens or intimidates, or engages in re-
15 taliation or retribution against, an appellant in viola-
16 tion of section 210(d).

17 (c) SANCTIONS.—If a decisionmaker, State director,
18 or relevant agency head has performed poorly (as deter-
19 mined under subsection (b)), the Secretary shall issue
20 sanctions against the decisionmaker, State director, or rel-
21 evant agency head, as the case may be, which may include
22 a formal reprimand or dismissal consistent with civil serv-
23 ice laws.

24 **SEC. 215. CONFORMING AMENDMENTS.**

25 (a) ASCS.—

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

4 (A) by striking the first sentence and in-
5 serting the following new sentence: “As used in
6 this section, the term ‘payment’ means any pay-
7 ment under the Soil Conservation and Domestic
8 Allotment Act (16 U.S.C. 590a et seq.), any
9 payment under the wheat, feed grain, upland
10 cotton, extra long staple cotton, and rice pro-
11 grams authorized by the Agricultural Act of
12 1949 (7 U.S.C. 1421 et seq.) and this Act, or
13 any loan or price support operation, or the
14 amount of the payment, loan, or price sup-
15 port.”; and

16 (B) in the second sentence, by striking
17 “any such payment” and inserting “a pay-
18 ment”.

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

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

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

8 **TITLE III—FARM AND INTER-**
9 **NATIONAL TRADE SERVICES**

10 **SEC. 301. UNDER SECRETARY FOR FARM AND INTER-**
11 **NATIONAL TRADE SERVICES.**

12 (a) ESTABLISHMENT.—There is established in the
13 Department the position of Under Secretary of Agri-
14 culture for Farm and International Trade Services (re-
15 ferred to in this section as the “Under Secretary”), to be
16 appointed by the President, by and with the advice and
17 consent of the Senate.

18 (b) DUTIES.—The Under Secretary shall exercise
19 such functions and perform such duties related to farm
20 and international trade services, and shall perform such
21 other duties, as may be required by law or prescribed by
22 the Secretary.

23 (c) CONTINUITY OF THE POSITION.—Any official
24 serving as Under Secretary for International Affairs and
25 Commodity Programs on the date of enactment of this

1 Act, who has been appointed by the President and con-
2 firmed by the Senate, shall be considered on and after the
3 date of enactment of this Act to be serving in the successor
4 position established by subsection (a), and shall not be re-
5 quired to be reconfirmed by reason of the enactment of
6 this Act.

7 (d) CONFORMING AMENDMENTS.—

8 (1) Section 5314 of title 5, United States Code,
9 is amended by striking “Under Secretary of Agri-
10 culture for International Affairs and Commodity
11 Programs.” and inserting “Under Secretary of Agri-
12 culture for Farm and International Trade Serv-
13 ices.”.

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

16 **SEC. 302. FARM SERVICE AGENCY.**

17 (a) ESTABLISHMENT.—The Secretary is authorized
18 to establish and maintain a Farm Service Agency (re-
19 ferred to in this section as the “Agency”) and assign to
20 the Agency such functions as the Secretary may consider
21 appropriate.

22 (b) HEAD.—

23 (1) AGENCY.—If the Secretary establishes the
24 Agency, the Agency or any successor administrative
25 unit shall be headed by an Administrator who shall

1 be appointed by the President, by and with the ad-
2 vice and consent of the Senate.

3 (2) FCIC.—The Secretary may appoint the Ad-
4 ministrator of the Agency, or any other person, to
5 serve as head of the Federal Crop Insurance Cor-
6 poration.

7 (c) FUNCTIONS.—Except as provided in subsection
8 (d), the Secretary is authorized to carry out through the
9 Agency—

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

12 (2) functions of the Federal Crop Insurance
13 Corporation;

14 (3) notwithstanding section 331 of the Consoli-
15 dated Farm and Rural Development Act (7 U.S.C.
16 1981), agricultural credit functions assigned prior to
17 the date of enactment of this Act to the Farmers
18 Home Administration, including farm ownership, op-
19 erating, emergency, and disaster loan functions, and
20 other lending programs for producers of agricultural
21 commodities; and

22 (4) any other function or administrative unit
23 that the Secretary considers appropriate.

24 (d) FUNCTIONS NOT ASSIGNABLE TO THE AGEN-
25 CY.—Except as otherwise determined by the Secretary,

1 functions relating to conservation programs authorized to
2 be assigned to the Natural Resources Conservation Service
3 established under section 601 may not be assigned to the
4 Agency.

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

9 (1) use interchangeably, in the implementation
10 of functions, Federal employees, and employees of
11 county and State committees established under sec-
12 tion 8(b) of the Soil Conservation and Domestic Al-
13 lotment Act (16 U.S.C. 590h(b)); and

14 (2) provide interchangeably for supervision by
15 the employees of the performance of functions as-
16 signed to the Agency.

17 (f) COLLOCATION.—The Secretary, to the maximum
18 extent practicable, shall collocate county offices of the
19 Agency with county offices of the Natural Resources Con-
20 servation Service in order to—

21 (1) maximize savings from shared equipment,
22 office space, and administrative support;

23 (2) simplify paperwork and regulatory require-
24 ments;

1 (3) provide improved services to producers and
2 landowners affected by programs administered by
3 the Agency and the Service; and

4 (4) achieve computer compatibility between the
5 Agency and the Service to maximize efficiency and
6 savings.

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

12 (h) CONFORMING AMENDMENTS.—

13 (1) The second sentence of section 505(a) of
14 the Federal Crop Insurance Act (7 U.S.C. 1505(a))
15 is amended by striking “the Under Secretary or As-
16 sistant Secretary of Agriculture responsible for the
17 farm credit programs of the Department of Agri-
18 culture,” and inserting “one additional Under or As-
19 sistant Secretary of Agriculture, as designated by
20 the Secretary,”.

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

1 (3) Section 331(a) of the Consolidated Farm
2 and Rural Development Act (7 U.S.C. 1981(a)) is
3 amended by striking “assets to the Farmers Home
4 Administration” and all that follows through the pe-
5 riod at the end of the subsection and inserting “as-
6 sets to such officers or administrative units of the
7 Department of Agriculture as the Secretary may
8 consider appropriate.”.

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

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

12 (1) by designating the first through eighth un-
13 designated paragraphs as paragraphs (1) through
14 (8), respectively; and

15 (2) in paragraph (5) (as so designated) by add-
16 ing at the end the following new sentence: “The Sec-
17 retary is authorized, after consultation with the
18 State committee of the State in which the affected
19 counties are located, to terminate, combine, and con-
20 solidate two or more county committees established
21 under this subsection.”.

22 **SEC. 304. INTERNATIONAL TRADE SERVICE.**

23 (a) ESTABLISHMENT.—The Secretary is authorized
24 to establish and maintain an International Trade Service
25 (referred to in this section as the “Service”) and to assign

1 to the Service such functions or administrative units as
2 the Secretary may consider appropriate and consistent
3 with this Act.

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

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

13 (1) the acquisition of information pertaining to
14 agricultural trade;

15 (2) market promotion and development;

16 (3) promotion of exports of United States agri-
17 cultural commodities;

18 (4) administration of international food assist-
19 ance; and

20 (5) international development, technical assist-
21 ance, and training.

22 (d) CONTINUITY OF THE POSITION.—Any official
23 serving on the date of enactment of this Act, who has been
24 appointed by the President and confirmed by the Senate,

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

3 (e) CONFORMING AMENDMENTS.—Sections 502 and
4 503 of the Agricultural Trade Act of 1978 (7 U.S.C. 5692
5 and 5693) are repealed.

6 **TITLE IV—RURAL ECONOMIC**
7 **AND COMMUNITY DEVELOP-**
8 **MENT**

9 **SEC. 401. UNDER SECRETARY FOR RURAL ECONOMIC AND**
10 **COMMUNITY DEVELOPMENT.**

11 (a) ESTABLISHMENT.—Subsection (a) of section 3 of
12 the Rural Development Policy Act of 1980 (7 U.S.C.
13 2211b) is amended to read as follows:

14 “(a)(1) There is established in the Department of Ag-
15 riculture the position of Under Secretary of Agriculture
16 for Rural Economic and Community Development to be
17 appointed by the President, by and with the advice and
18 consent of the Senate.

19 “(2) The Under Secretary of Agriculture for Rural
20 Economic and Community Development shall exercise
21 such functions and perform such duties related to rural
22 economic and community development, and shall perform
23 such other duties, as may be required by law or prescribed
24 by the Secretary of Agriculture.”.

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

10 (c) CONFORMING AMENDMENT.—Section 5314 of
11 title 5, United States Code, is amended by striking
12 “Under Secretary of Agriculture for Small Community
13 and Rural Development.” and inserting “Under Secretary
14 of Agriculture for Rural Economic and Community Devel-
15 opment.”.

16 **SEC. 402. RURAL UTILITIES SERVICE.**

17 (a) ESTABLISHMENT.—Notwithstanding section 364
18 of the Consolidated Farm and Rural Development Act (7
19 U.S.C. 2006f) and any other provision of law, the Sec-
20 retary is authorized to establish and maintain within the
21 Department the Rural Utilities Service (referred to in this
22 section as the “Service”) and to assign to the Service such
23 functions and administrative units as the Secretary may
24 consider appropriate.

1 (b) HEAD.—If the Secretary establishes the Service,
2 the Service or any successor administrative unit shall be
3 headed by an Administrator who shall be appointed by the
4 President, by and with the advice and consent of the Sen-
5 ate.

6 (c) FUNCTIONS.—The Secretary may carry out
7 through the Service, or through any other officer or ad-
8 ministrative unit as the Secretary may consider appro-
9 priate—

10 (1) electric and telephone loan programs and
11 water and waste facility activities authorized by law,
12 including—

13 (A) the Rural Electrification Act of 1936
14 (7 U.S.C. 901 et seq.); and

15 (B) section 2322 of the Food, Agriculture,
16 Conservation, and Trade Act of 1990 (7 U.S.C.
17 1926–1); and

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

20 (A) sections 306, 306A, 306B, and 306C,
21 the provisions of sections 309 and 309A relat-
22 ing to assets, terms, and conditions of water
23 and sewer programs, section 310B(b)(2), and
24 the amendment made by section 342 of the
25 Consolidated Farm and Rural Development Act

1 (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929,
2 1929a, 1932(b)(2), and 1013a); and

3 (B) section 2324 of the Food, Agriculture,
4 Conservation, and Trade Act of 1990 (7 U.S.C.
5 1926 note).

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

11 (e) CONFORMING AMENDMENTS TO THE RURAL
12 ELECTRIFICATION ACT.—

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

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

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

22 (A) by striking “Administrator, upon the
23 request and approval of the Secretary of Agri-
24 culture,” and inserting “Secretary,”; and

1 (B) by striking “Administrator appointed
2 pursuant to the provisions of this Act or from
3 the Administrator of the Rural Electrification
4 Administration established by Executive Order
5 Numbered 7037” and inserting “Secretary”.

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

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

11 (B) in the second sentence, by striking
12 “Rural Electrification Administration created
13 by this Act” and inserting “Secretary”.

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

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

20 (7) Sections 206(b)(2), 306A(b), 311, and
21 405(b)(1)(A) of such Act (7 U.S.C. 927(b)(2),
22 936a(b), 940a, and 945(b)(1)(A)) are amended by
23 striking “Rural Electrification Administration” each
24 place it appears and inserting “Secretary”.

1 (8) Section 403(b) of such Act (7 U.S.C.
2 943(b)) is amended by striking “Rural Electrifica-
3 tion Administration or of any other agency of the
4 Department of Agriculture,” and inserting “Sec-
5 retary”.

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

11 (10) Sections 406(c) and 410(a)(1) of such Act
12 (7 U.S.C. 946(c) and 950) are amended by striking
13 “Administrator of the Rural Electrification Adminis-
14 tration” each place it appears and inserting “Sec-
15 retary”.

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

19 (f) MISCELLANEOUS CONFORMING AMENDMENTS.—

20 (1) Section 236(a) of the Disaster Relief Act of
21 1970 (7 U.S.C. 912a) is amended by striking “Rural
22 Electrification Administration” and inserting “Sec-
23 retary pursuant to the Rural Electrification Act of
24 1936 (7 U.S.C. 901 et seq.)”.

1 (2) The second undesignated paragraph of sec-
2 tion 401 of the Rural Electrification Act of 1938
3 (52 Stat. 818; 7 U.S.C. 903 note) is amended by
4 striking “Administrator of the Rural Electrification
5 Administration” and inserting “Secretary of Agri-
6 culture”.

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

11 (4)(A) Section 2333 of the Food, Agriculture,
12 Conservation, and Trade Act of 1990 (7 U.S.C.
13 950aaa-2) is amended—

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

15 (ii) by redesignating paragraphs (2)
16 through (11) as paragraphs (1) through (10),
17 respectively.

18 (B) Chapter 1 of subtitle D of title XXIII of
19 such Act (7 U.S.C. 950aaa et seq.) is amended by
20 striking “Administrator” each place it appears and
21 inserting “Secretary”.

22 **SEC. 403. RURAL HOUSING AND COMMUNITY DEVELOP-**
23 **MENT SERVICE.**

24 (a) ESTABLISHMENT.—Notwithstanding section 364
25 of the Consolidated Farm and Rural Development Act (7

1 U.S.C. 2006f) and any other provision of law, the Sec-
2 retary is authorized to establish and maintain within the
3 Department the Rural Housing and Community Develop-
4 ment Service (referred to in this section as the “Service”)
5 and to assign to the Service such functions as the Sec-
6 retary may consider appropriate.

7 (b) FUNCTIONS.—The Secretary is authorized to
8 carry out through the Service, or through any other officer
9 or administrative unit as the Secretary may consider ap-
10 propriate—

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

13 (2) programs and activities authorized under
14 section 310B(i) of the Consolidated Farm and Rural
15 Development Act (7 U.S.C. 1932(i)) and related
16 provisions of law; and

17 (3) programs and activities that relate to rural
18 community lending programs, including programs
19 authorized by sections 365 through 369 of the Con-
20 solidated Farm and Rural Development Act (7
21 U.S.C. 2008 through 2008d).

22 **SEC. 404. RURAL BUSINESS AND COOPERATIVE DEVELOP-**
23 **MENT SERVICE.**

24 (a) ESTABLISHMENT.—Notwithstanding section 364
25 of the Consolidated Farm and Rural Development Act (7

1 U.S.C. 2006f) and any other provision of law, the Sec-
2 retary is authorized to establish and maintain within the
3 Department the Rural Business and Cooperative Develop-
4 ment Service (referred to in this section as the “Service”),
5 and to assign to the Service such functions as the Sec-
6 retary may consider appropriate.

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

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

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

17 (3) sections 306(a)(1) and 310B of the Consoli-
18 dated Farm and Rural Development Act (7 U.S.C.
19 1926(a)(1) and 1932);

20 (4) section 1323 of the Food Security Act of
21 1985 (Public Law 99–198; 7 U.S.C. 1932 note); and

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

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

3 **SEC. 501. UNDER SECRETARY OF AGRICULTURE FOR FOOD,**
4 **NUTRITION, AND CONSUMER SERVICES.**

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

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

16 (c) CONTINUITY OF THE POSITION.—Any official
17 serving as Assistant Secretary of Agriculture for Food and
18 Consumer Services on the date of enactment of this Act,
19 after appointment by the President, by and with the advice
20 and consent of the Senate, shall be considered to be serv-
21 ing in the successor position established by subsection (a),
22 and shall not be required to be reconfirmed by reason of
23 the enactment of this Act.

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

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

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

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

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

16 (1) the Food Stamp Act of 1977 (7 U.S.C.
17 2011 et seq.);

18 (2) the National School Lunch Act (42 U.S.C.
19 1751 et seq.); and

20 (3) the Child Nutrition Act of 1966 (42 U.S.C.
21 1771 et seq).

22 **SEC. 503. NUTRITION RESEARCH AND EDUCATION SERV-**
23 **ICE.**

24 (a) ESTABLISHMENT.—The Secretary is authorized
25 to establish and maintain within the Department the Nu-

1 trition Research and Education Service (referred to in this
2 section as the “Service”) and to assign to the Service such
3 functions as the Secretary may consider appropriate.

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

9 **TITLE VI—NATURAL RESOURCES** 10 **AND ENVIRONMENT**

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

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

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

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

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

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

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

5 (5) title XII of the Food Security Act of 1985
6 (16 U.S.C. 3801 et seq.);

7 (6) title IV of the Agricultural Credit Act of
8 1978 (16 U.S.C. 2201 et seq.);

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

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

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

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

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

1 (d) AGRICULTURAL CONSERVATION PROGRAM.—In
2 carrying out the Agricultural Conservation Program, the
3 Secretary shall—

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

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

14 (e) CONFORMING AMENDMENTS.—

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

17 (2)(A) Section 2(2) of the Soil and Water Re-
18 sources Conservation Act of 1977 (16 U.S.C.
19 2001(2)) is amended by striking “the Soil Conserva-
20 tion Service of”.

21 (B) Section 3(2) of such Act (16 U.S.C.
22 2002(2)) is amended by striking “through the Soil
23 Conservation Service”.

24 (C) The first sentence of section 6(a) of such
25 Act (16 U.S.C. 2005(a)) is amended by striking

1 “Soil Conservation Service” and inserting “Sec-
2 retary”.

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

4 (a) IN GENERAL.—Reorganization proposals that are
5 developed by the Secretary to carry out the designation
6 by the President of the Forest Service as a Reinvention
7 Lab pursuant to the National Performance Review (Sep-
8 tember 1993) shall include proposals for—

9 (1) reorganizing the Service in a manner that
10 is consistent with the principles of interdisciplinary
11 planning;

12 (2) redefining and consolidating the mission
13 and roles of, and research conducted by, employees
14 of the Service in connection with the National For-
15 est System and State and private forestry to facili-
16 tate interdisciplinary planning and to eliminate func-
17 tionalism;

18 (3) reforming the budget structure of the Serv-
19 ice to support interdisciplinary planning, including
20 reducing the number of budget line items;

21 (4) defining new measures of accountability so
22 that Congress may meet the constitutional obligation
23 of Congress to oversee the Service;

24 (5) achieving structural and organizational con-
25 solidations;

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

8 (7) reorganizing the Service in a manner that
9 will result in a larger percentage of employees of the
10 Service being retained at organizational levels below
11 regional offices, research stations, and the area of-
12 fice of the Service.

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

20 **TITLE VII—MARKETING AND**
21 **INSPECTION SERVICES**

22 **SEC. 701. GRAIN INSPECTION, PACKERS AND STOCKYARDS**
23 **ADMINISTRATION.**

24 (a) ESTABLISHMENT.—The Secretary is authorized
25 to establish and maintain within the Department the

1 Grain Inspection, Packers and Stockyards Administration
2 (referred to in this section as the “Administration”) and
3 to assign to the Administration such functions as the Sec-
4 retary may consider appropriate.

5 (b) FUNCTIONS.—The Secretary is authorized to
6 carry out through the Administration, or through any
7 other officer or administrative unit as the Secretary may
8 consider appropriate, programs and activities authorized
9 under—

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

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

14 (c) CONFORMING AMENDMENTS.—

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

17 (i) by striking subsections (z) and (aa);
18 and

19 (ii) by redesignating subsection (bb) as
20 subsection (z).

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

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

1 (D) The first sentences of each of sections
2 7(j)(2) and 7A(l)(2) of such Act (7 U.S.C. 79(j)(2)
3 and 79a(l)(2), respectively) are amended by striking
4 “supervision by Service personnel of its field office
5 personnel” and inserting “supervision by the Sec-
6 retary of the field office personnel of the Secretary”.

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

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

11 (ii) in subsection (d), by striking “or the
12 Administrator”.

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

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

18 (A) by striking subsection (b);

19 (B) by redesignating subsections (c)
20 through (f) as subsections (b) through (e), re-
21 spectively; and

22 (C) in subsection (e) (as so designated), by
23 striking “subsection (e)” and inserting “sub-
24 section (d)”.

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

3 **SEC. 801. FEDERAL RESEARCH AND INFORMATION SERV-**
4 **ICE.**

5 (a) ESTABLISHMENT.—The Secretary is authorized
6 to establish and maintain within the Department the Fed-
7 eral Research and Information Service (referred to in this
8 section as the “Service”) and to assign to the Service such
9 functions as the Secretary may consider appropriate.

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

14 (1) agricultural research; and

15 (2) agricultural information and library serv-
16 ices.

17 **SEC. 802. COOPERATIVE STATE RESEARCH AND EDU-**
18 **CATION SERVICE.**

19 (a) ESTABLISHMENT.—The Secretary is authorized
20 to establish and maintain within the Department the Co-
21 operative State Research and Education Service (referred
22 to in this section as the “Service”) and to assign to the
23 Service such functions as the Secretary may consider ap-
24 propriate.

1 (b) FUNCTIONS.—The Secretary is authorized to
2 carry out through the Service programs and activities, in-
3 cluding—

- 4 (1) cooperative research programs; and
- 5 (2) agricultural extension and education pro-
6 grams.

7 **SEC. 803. AGRICULTURAL ECONOMICS AND STATISTICS**
8 **SERVICE.**

9 (a) ESTABLISHMENT.—The Secretary may establish
10 and maintain within the Department the Agricultural Eco-
11 nomics and Statistics Service (referred to in this section
12 as the “Service”) and to assign to the Service such func-
13 tions as the Secretary may consider appropriate.

14 (b) FUNCTIONS.—The Secretary may carry out
15 through the Service, or through any other officer or ad-
16 ministrative unit as the Secretary may consider appro-
17 priate, programs and activities, including—

- 18 (1) economic analysis and research;
- 19 (2) energy-related programs;
- 20 (3) crop and livestock estimates; and
- 21 (4) agricultural statistics.

22 (c) STATE AND LOCAL STATISTICAL OFFICES AND
23 PERSONNEL.—The authority provided by subsections (a)
24 and (b) shall not authorize a substantial change in the

1 functions or structures of State and local statistical offices
2 and employees of the offices.

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

4 (a) ESTABLISHMENT.—The Secretary is authorized
5 to establish and maintain within the Department the Pro-
6 gram Policy and Coordination Staff (referred to in this
7 section as the “Staff”) and to assign to the Staff such
8 functions as the Secretary may consider appropriate.

9 (b) FUNCTIONS.—If the Staff is established and
10 maintained, the Staff shall provide common program pol-
11 icy development for the Federal Research and Information
12 Service, the Cooperative State Research and Education
13 Service, and the Agricultural Economics and Statistics
14 Service.

15 (c) COMPOSITION.—Not less than 50 percent of the
16 employees of the Staff shall be former employees of the
17 Cooperative State Research Service and the Extension
18 Service, as in existence on the date of enactment of this
19 Act.

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

22 (1) interfere with statistic collection and report-
23 ing; or

24 (2) compromise the independence or integrity of
25 statistic collection and reporting functions of the

1 National Agricultural Statistics Service as in effect
2 on the date of enactment of this Act.

3 **TITLE IX—FOOD SAFETY**

4 **SEC. 901. FOOD SAFETY SERVICE.**

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

8 **“TITLE V—FOOD SAFETY**
9 **SERVICE**

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

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

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

17 “(1) APPOINTMENT.—There shall be in the
18 Service the position of Assistant Secretary for Food
19 Safety (referred to in this section as the ‘Assistant
20 Secretary’), who shall be appointed by the President,
21 by and with the advice and consent of the Senate.

22 “(2) CONTINUITY OF THE POSITION.—Any offi-
23 cial serving on the date of enactment of this section,
24 who has been appointed by the President and con-

1 firmed by the Senate, shall not be required to be re-
2 confirmed by reason of the enactment of this Act.

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

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

13 “(A) providing overall direction to the
14 Service and establishing and implementing gen-
15 eral policies concerning the management and
16 operation of programs and inspection activities
17 of the Service;

18 “(B) coordinating and overseeing the oper-
19 ation of all administrative entities within the
20 Service;

21 “(C) research and inspection relating to
22 meat, meat food products, poultry, and poultry
23 products in carrying out this Act and the Poul-
24 try Products Inspection Act;

1 “(D) conducting educational and public in-
2 formation programs relating to the responsibil-
3 ities of the Service; and

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

10 “(c) TECHNICAL AND SCIENTIFIC REVIEW
11 GROUPS.—The Secretary, acting through the Assistant
12 Secretary, may, without regard to the provisions of title
13 5, United States Code, governing appointment in the com-
14 petitive service, and without regard to the provisions of
15 chapter 51 and subchapter III of chapter 53 of title 5,
16 United States Code, relating to classification and General
17 Schedule pay rates—

18 “(1) establish such technical and scientific re-
19 view groups as are needed to carry out the functions
20 of the Service, including functions under this Act
21 and under the Poultry Products Inspection Act (21
22 U.S.C. 451 et seq.); and

23 “(2) appoint and pay the members of the
24 groups, except that officers and employees of the

1 United States shall not receive additional compensa-
2 tion for service as a member of a group.”.

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

6 (1) by redesignating section 29 as section 30;
7 and

8 (2) by inserting after section 28 the following
9 new section:

10 **“SEC. 29. ADMINISTRATION.**

11 “The Secretary shall administer this Act through the
12 Assistant Secretary for Food Safety of the Food Safety
13 Service established under section 501 of the Federal Meat
14 Inspection Act.”.

15 **TITLE X—MISCELLANEOUS**

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

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

21 (b) FUNCTIONS.—Each Assistant Secretary of Agri-
22 culture shall exercise such functions and perform such du-
23 ties as may be required by law or prescribed by the Sec-
24 retary, and shall receive compensation at the rate pre-
25 scribed by law for an Assistant Secretary of Agriculture.

1 (c) CONFORMING AMENDMENTS.—

2 (1) Section 2 of the Act of February 9, 1889
3 (25 Stat. 659, chapter 122; 7 U.S.C. 2212), is re-
4 pealed.

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

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

10 (4) Section 1413 of the National Agricultural
11 Research, Extension, and Teaching Policy Act of
12 1977 (7 U.S.C. 3128) is amended by striking sub-
13 section (d).

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

17 (d) CONTINUITY OF POSITIONS.—Notwithstanding
18 subsections (a) and (b) and the amendments made by sub-
19 section (c), any official serving in any of the positions re-
20 ferred to in this section on the date of enactment of this
21 Act, after appointment by the President, by and with the
22 advice and consent of the Senate, shall be considered after
23 the date of enactment of this Act to be serving in the suc-
24 cessor positions established by subsection (a) and shall not

1 be required to be reappointed by reason of the enactment
2 of this Act.

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

5 (1) by striking “Assistant Secretaries of Agri-
6 culture (7)” and inserting “Assistant Secretaries of
7 Agriculture (six)”; and

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

9 “Administrator, Farm Service Agency, Depart-
10 ment of Agriculture.

11 “Administrator, International Trade Service,
12 Department of Agriculture.

13 “Administrator, Rural Utilities Service, Depart-
14 ment of Agriculture.”.

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

16 Section 5316 of title 5, United States Code, is
17 amended—

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

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

22 (3) by striking “Administrator, Agricultural
23 Stabilization and Conservation Service, Department
24 of Agriculture.”;

1 (4) by striking “Administrator, Farmers Home
2 Administration.”;

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

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

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

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

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

14 (10) by striking “Administrator, Animal and
15 Plant Health Inspection Service, Department of Ag-
16 riculture.”; and

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

19 **SEC. 1003. ADDITIONAL CONFORMING AMENDMENTS.**

20 Not later than 180 days after the date of enactment
21 of this Act, the Secretary shall prepare and submit to Con-
22 gress recommended legislation containing additional tech-
23 nical and conforming amendments to Federal law that are
24 necessary as a result of the enactment of this Act.

1 **SEC. 1004. TERMINATION OF AUTHORITY.**

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

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

7 (1) the authority of the Secretary to continue to
 8 carry out a function that the Secretary performs on
 9 the date that is 2 years after the date of enactment
 10 of this Act; or

11 (2) the authority delegated to the Secretary
 12 under Reorganization Plan No. 2 of 1953 (5 U.S.C.
 13 App. 1).

S. 1970 PCS—2

S. 1970 PCS—3

S. 1970 PCS—4

S. 1970 PCS—5

S. 1970 PCS—6