

## DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

[Public Law 103–354, approved October 13, 1994, except that title I of the Act, related to crop insurance, is omitted. The authority provided to the Secretary of Agriculture by title II of the Act to reorganize the Department of Agriculture expires on October 13, 1996. See section 296.]

[As Amended Through P.L. 115–334, Enacted December 20, 2018]

[Currency: This publication is a compilation of the text of Public Law 103–354. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>]

[Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).]

### TABLE OF CONTENTS<sup>1</sup>

Sec. 1. Short title; table of contents.

#### TITLE I—FEDERAL CROP INSURANCE REFORM

[Title I consists of amendments to the Federal Crop Insurance Act and free standing provisions related to that Act. Please see the separate compilation related to that Act.]

#### TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION

Sec. 201. Short title.  
Sec. 202. Purpose.  
Sec. 203. Definitions.

##### Subtitle A—General Reorganization Authorities

Sec. 211. [Repealed]  
Sec. 212. Authority of Secretary to delegate transferred functions.  
Sec. 213. [Repealed]  
Sec. 214. [Repealed]  
Sec. 215. Combination of field offices.  
Sec. 216. Improvement of information sharing.  
Sec. 217. [Repealed]  
Sec. 218. Assistant Secretaries of Agriculture.  
Sec. 219. Military Veterans Agricultural Liaison  
Sec. 220. Office of Energy Policy and New Uses.  
Sec. 221. Office of Homeland Security.  
Sec. 221. Office of Homeland Security.  
Sec. 222. Office of Urban Agriculture and Innovative Production.  
Sec. 224. Food loss and waste reduction liaison.  
Sec. 225. Food access liaison.

<sup>1</sup>This table of contents is not part of the Act but is included for user convenience.

**Subtitle B—Farm and Foreign Agricultural Services**

- Sec. 225. Under Secretary of Agriculture for Farm and Foreign Agricultural Services.
- Sec. 226. Farm Service Agency.
- Sec. 226A. Office of Risk Management.
- Sec. 226B. Office of Partnerships and Public Engagement.
- Sec. 227. State, county, and area committees.

**Subtitle C—Rural Economic and Community Development**

- Sec. 231. Under Secretary of Agriculture for Economic and Community Rural Development.
- Sec. 232. Rural Utilities Service.
- Sec. 233. Rural Housing and Community Development Service.
- Sec. 234. Rural Business and Cooperative Development Service.
- Sec. 235. Conforming amendments regarding Rural Electrification Administration.
- Sec. 236. Rural health liaison.

**Subtitle D—Food, Nutrition, and Consumer Services**

- Sec. 241. Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.
- Sec. 242. Multiagency Task Force.
- Sec. 243. Healthy Food Financing Initiative.

**Subtitle E—Natural Resources and Environment**

- Sec. 245. Under Secretary of Agriculture for Natural Resources and Environment.
- Sec. 246. Natural Resources Conservation Service.
- Sec. 247. [Repealed]

**Subtitle F—Research, Education, and Economics**

- Sec. 251. Under Secretary of Agriculture for Research, Education, and Economics.
- Sec. 252. [Repealed]

**Subtitle G—Food Safety**

- Sec. 261. Under Secretary of Agriculture for Food Safety.
- Sec. 262. Conditions for implementation of alterations in the level of additives allowed in animal diets.

**Subtitle H—National Appeals Division**

- Sec. 271. Definitions.
- Sec. 272. National Appeals Division and Director.
- Sec. 273. Transfer of functions.
- Sec. 274. Notice and opportunity for hearing.
- Sec. 275. Informal hearings.
- Sec. 276. Right of participants to Division hearing.
- Sec. 277. Division hearings.
- Sec. 278. Director review of determinations of hearing officers.
- Sec. 279. Judicial review.
- Sec. 280. Implementation of final determinations of Division.
- Sec. 281. Conforming amendments relating to National Appeals Division.
- Sec. 282. Expansion of issues covered by State mediation programs.
- Sec. 283. Authorization of appropriations.

**Subtitle I—Marketing and Regulatory Programs**

- Sec. 285. Under Secretary of Agriculture for Marketing and Regulatory Programs.

**Subtitle J—Miscellaneous Reorganization Provisions**

- Sec. 291. Successorship provisions relating to bargaining units and exclusive representatives.
- Sec. 292. Purchase of American-made equipment and products.
- Sec. 293. Miscellaneous conforming amendments.
- Sec. 294. Removal of obsolete administrative provisions.
- Sec. 295. [Repealed]
- Sec. 296. Termination of authority.

**TITLE III—MISCELLANEOUS**

- Sec. 301. Poultry labeling.
- Sec. 302. First Amendment rights of employees of the United States Department of Agriculture.
- Sec. 303. Adjusted cost of thrifty food plan.
- Sec. 304. Office of Risk Assessment and Cost-Benefit Analysis.
- Sec. 305. Fair and equitable treatment of socially disadvantaged producers.
- Sec. 306. Aviation inspections.
- Sec. 307. Exchange or sale authority.
- Sec. 308. Enhanced use lease authority program.
- Sec. 309. Office of Tribal Relations.

**SECTION 1. [7 U.S.C. 6901 note] SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994”.<sup>2</sup>

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**TITLE II—DEPARTMENT OF AGRICULTURE REORGANIZATION**

**SEC. 201. [7 U.S.C. 6901 note] SHORT TITLE.**

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

**SEC. 202. [7 U.S.C. 6901] PURPOSE.**

The purpose of this title is to provide the Secretary of Agriculture with the necessary authority to streamline and reorganize the Department of Agriculture to achieve greater efficiency, effectiveness, and economies in the organization and management of the programs and activities carried out by the Department.

**SEC. 203. [7 U.S.C. 6902] DEFINITIONS.**

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

- (1) **DEPARTMENT.**—The term “Department” means the Department of Agriculture.
- (2) **NATIONAL APPEALS DIVISION.**—The term “National Appeals Division” means the National Appeals Division of the Department established under section 272.
- (3) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture.
- (4) **FUNCTION.**—The term “function” means an administrative, financial, or regulatory activity of an agency, office, officer, or employee of the Department.

**Subtitle A—General Reorganization Authorities**

**[Section 211 was repealed by section 12414(a)(1) of Public Law 115–334.]**

<sup>2</sup>Title II of this Act, which deals specifically with the reorganization of the Department of Agriculture, has its own short title. See section 201.

**SEC. 212. [7 U.S.C. 6912] AUTHORITY OF SECRETARY TO DELEGATE TRANSFERRED FUNCTIONS.**

(a) **DELEGATION OF AUTHORITY.**—

(1) **DELEGATION AUTHORIZED.**—Subject to paragraph (2), the Secretary may delegate to any agency, office, officer, or employee of the Department the authority to perform any function transferred to the Secretary under section 211(a) or any other function vested in the Secretary as of the date of the enactment of this Act. The authority provided in the preceding sentence includes the authority to establish, consolidate, alter, or discontinue any agency, office, or other administrative unit of the Department.

(2) **CONDITION ON AUTHORITY.**—The delegation authority provided by paragraph (1) shall be subject to—

(A) sections 232, 251(f), 273, and 304 and subsections (a) and (b)(1) of section 261;

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

(C) section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(b) **COST-BENEFIT ANALYSIS REQUIRED FOR NAME CHANGE.**—

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

(2) **EXCEPTION.**—Paragraph (1) shall not apply with respect to any name change required or authorized by this title.

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

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

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

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

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

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

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

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

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

- (1) the Secretary;
- (2) the Department; or
- (3) an agency, office, officer, or employee of the Department.

【Sections 213 and 214 were repealed by section 12414(a)(2) and (3) of Public Law 115–334.】

**SEC. 215. [7 U.S.C. 6915] COMBINATION OF FIELD OFFICES.**

(a) COMBINATION OF OFFICES REQUIRED.—Where practicable and to the extent consistent with efficient, effective, and improved service, the Secretary shall combine field offices of agencies within the Department to reduce personnel and duplicative overhead expenses.

(b) JOINT USE OF RESOURCES AND OFFICES REQUIRED.—When two or more agencies of the Department share a common field office, the Secretary shall require the agencies to jointly use office space, equipment, office supplies, administrative personnel, and clerical personnel associated with that field office.

**SEC. 216. [7 U.S.C. 6916] IMPROVEMENT OF INFORMATION SHARING.**

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

【Section 217 was repealed by section 12414(a)(4) of Public Law 115–334.】

**SEC. 218. [7 U.S.C. 6918] ASSISTANT SECRETARIES OF AGRICULTURE.**

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the positions of—

- (1) Assistant Secretary of Agriculture for Congressional Relations and Intergovernmental Affairs;
- (2) Assistant Secretary of Agriculture for Administration; and
- (3) Assistant Secretary of Agriculture for Civil Rights.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes any position of Assistant Secretary authorized under paragraph (1) or (3) of subsection (a), the Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) DUTIES OF ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.—The Secretary may delegate to the Assistant Secretary for Civil Rights responsibility for—

- (1) ensuring compliance with all civil rights and related laws by all agencies and under all programs of the Department;

(2) coordinating administration of civil rights laws (including regulations) within the Department for employees of, and participants in, programs of the Department; and

(3) ensuring that necessary and appropriate civil rights components are properly incorporated into all strategic planning initiatives of the Department and agencies of the Department.

**SEC. 219. [7 U.S.C. 6919] MILITARY VETERANS AGRICULTURAL LIAISON.**

(a) **AUTHORIZATION.**—The Secretary shall establish in the Department the position of Military Veterans Agricultural Liaison.

(b) **DUTIES.**—The Military Veterans Agricultural Liaison shall—

(1) provide information to returning veterans about, and connect returning veterans with, beginning farmer training and agricultural vocational and rehabilitation programs appropriate to the needs and interests of returning veterans, including assisting veterans in using Federal veterans educational benefits for purposes relating to beginning a farming or ranching career;

(2) provide information to veterans concerning the availability of, and eligibility requirements for, participation in agricultural programs, with particular emphasis on beginning farmer and rancher programs;

(3) serve as a resource for assisting veteran farmers and ranchers, and potential farmers and ranchers, in applying for participation in agricultural programs;

(4) advocate on behalf of veterans in interactions with employees of the Department;

(5) establish and periodically update the website described in subsection (d); and

(6) in carrying out the duties described in paragraphs (1) through (5), consult with and provide technical assistance to any Federal agency, including the Department of Defense, the Department of Veterans Affairs, the Small Business Administration, and the Department of Labor.

(c) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—For purposes of carrying out the duties under subsection (b), the Military Veterans Agricultural Liaison may enter into contracts or cooperative agreements with the research centers of the Agricultural Research Service, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or nonprofit organizations for—

(1) the conduct of regional research on the profitability of small farms;

(2) the development of educational materials;

(3) the conduct of workshops, courses, and certified vocational training;

(4) the conduct of mentoring activities; or

(5) the provision of internship opportunities.

(d) **WEBSITE REQUIRED.**—

(1) **IN GENERAL.**—The website required under subsection (b)(5) shall include the following:

(A) Positions identified within the Department of Agriculture that are available to veterans for apprenticeships.

(B) Apprenticeships, programs of training on the job, and programs of education that are approved for purposes of chapter 36 of title 38, United States Code.

(C) Employment skills training programs for members of the Armed Forces carried out pursuant to section 1143(e) of title 10, United States Code.

(D) Information designed to assist businesses, non-profit entities, educational institutions, and farmers interested in developing apprenticeships, on-the-job training, educational, or entrepreneurial programs for veterans in navigating the process of having a program approved by a State approving agency for purposes of chapter 36 of title 38, United States Code, including—

(i) contact information for relevant offices in the Department of Defense, Department of Veterans Affairs, Department of Labor, and Small Business Administration;

(ii) basic requirements for approval by each State approving agency;

(iii) recommendations with respect to training and coursework to be used during apprenticeships or on-the-job training that will enable a veteran to be eligible for agricultural programs; and

(iv) examples of successful programs and curriculums that have been approved for purposes of chapter 36 of title 38, United States Code (with consent of the organization and without any personally identifiable information).

(2) REVIEW OF WEBSITE.—

(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, and once every 5 years thereafter, the Secretary shall conduct a study to determine if the website required under subsection (b)(5) is effective in providing veterans the information required under paragraph (1).

(B) INEFFECTIVE WEBSITE.—If the Secretary determines that the website is not effective under subparagraph (A), the Secretary shall—

(i) notify the agriculture and veterans committees described in subparagraph (C) of that determination; and

(ii) not earlier than 180 days after the date on which the Secretary provides notice under clause (i), terminate the website.

(C) AGRICULTURE AND VETERANS COMMITTEES.—The agriculture and veterans committees referred to in subparagraph (B)(i) are—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(iii) the Committee on Veterans' Affairs of the House of Representatives; and

(iv) the Committee on Veterans' Affairs of the Senate.

(e) CONSULTATION REQUIRED.—In carrying out this section, the Secretary shall consult with organizations that serve veterans.

(f) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Military Veterans Agricultural Liaison shall submit a report on beginning farmer training for veterans and agricultural vocational and rehabilitation programs for veterans to—

(A) the Committee on Agriculture of the House of Representatives;

(B) the Committee on Veterans' Affairs of the House of Representatives;

(C) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(D) the Committee on Veterans' Affairs of the Senate.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall include—

(A) a summary of the measures taken to carry out subsections (b) and (c);

(B) a description of the information provided to veterans under paragraphs (1) and (2) of subsection (b);

(C) recommendations for best informing veterans of the programs described in paragraphs (1) and (2) of subsection (b);

(D) a summary of the contracts or cooperative agreements entered into under subsection (c);

(E) a description of the programs implemented under subsection (c);

(F) a summary of the employment outreach activities directed to veterans;

(G) recommendations for how opportunities for veterans in agriculture should be developed or expanded;

(H) a summary of veteran farm lending data and a summary of shortfalls, if any, identified by the Military Veterans Agricultural Liaison in collecting data with respect to veterans engaged in agriculture; and

(I) recommendations, if any, on how to improve activities under subsection (b).

(g) PUBLIC DISSEMINATION OF INFORMATION.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Military Veterans Agricultural Liaison shall make publicly available and share broadly, including by posting on the website of the Department—

(A) the report of the Military Veterans Agricultural Liaison on beginning farmer training for veterans and agricultural vocational and rehabilitation programs; and

(B) the information disseminated under paragraphs (1) and (2) of subsection (b).



(2) FURTHER DISSEMINATION.—Not later than the day before the date on which the Military Veterans Agricultural Liaison makes publicly available the information under paragraph (1), the Military Veterans Agricultural Liaison shall provide that information to the Department of Defense, the Department of Veterans Affairs, the Small Business Administration, and the Department of Labor.

**SEC. 219. [7 U.S.C. 6919] PAY INCREASES PROHIBITED.**

【Repealed by section 362 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (as contained in section 101(e) of division A of Public Law 105–277).】

**SEC. 220. [7 U.S.C. 6920] OFFICE OF ENERGY POLICY AND NEW USES.**

The Secretary shall establish for the Department, in the Office of the Secretary, an Office of Energy Policy and New Uses.

**SEC. 221. [7 U.S.C. 6922] OFFICE OF HOMELAND SECURITY.**

(a) DEFINITION OF AGRICULTURE AND FOOD DEFENSE.—In this section, the term “agriculture and food defense” means any action to prevent, protect against, mitigate the effects of, respond to, or recover from a naturally occurring, unintentional, or intentional threat to the agriculture and food system.

(b) AUTHORIZATION.—The Secretary shall establish in the Department the Office of Homeland Security.

(c) EXECUTIVE DIRECTOR.—The Office of Homeland Security shall be headed by an Executive Director, who shall be known as the Executive Director of Homeland Security.

(d) DUTIES.—The Executive Director of Homeland Security shall—

(1) serve as the principal advisor to the Secretary on homeland security, including emergency management and agriculture and food defense;

(2) coordinate activities of the Department, including policies, processes, budget needs, and oversight relating to homeland security, including emergency management and agriculture and food defense;

(3) act as the primary liaison on behalf of the Department with other Federal departments and agencies in activities relating to homeland security, including emergency management and agriculture and food defense, and provide for interagency coordination and data sharing;

(4)(A) coordinate in the Department the gathering of information relevant to early warning and awareness of threats and risks to the food and agriculture critical infrastructure sector; and

(B) share that information with, and provide assistance with interpretation and risk characterization of that information to, the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), law enforcement agencies, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of Health and Human Services, and State fusion centers (as defined in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j)));

(5) liaise with the Director of National Intelligence to assist in the development of periodic assessments and intel-

ligence estimates, or other intelligence products, that support the defense of the food and agriculture critical infrastructure sector;

(6) coordinate the conduct, evaluation, and improvement of exercises to identify and eliminate gaps in preparedness and response;

(7) produce a Department-wide centralized strategic coordination plan to provide a high-level perspective of the operations of the Department relating to homeland security, including emergency management and agriculture and food defense; and

(8) carry out other appropriate duties, as determined by the Secretary.

**(e) AGRICULTURE AND FOOD THREAT AWARENESS PARTNERSHIP PROGRAM.—**

(1) **INTERAGENCY EXCHANGE PROGRAM.**—The Secretary, in partnership with the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) and fusion centers (as defined in section 210A(j) of the Homeland Security Act of 2002 (6 U.S.C. 124h(j))) that have analysis and intelligence capabilities relating to the defense of the food and agriculture critical infrastructure sector, shall establish and carry out an interagency exchange program of personnel and information to improve communication and analysis for the defense of the food and agriculture critical infrastructure sector.

(2) **COLLABORATION WITH FEDERAL, STATE, AND LOCAL AUTHORITIES.**—To carry out the program established under paragraph (1), the Secretary may—

(A) enter into 1 or more cooperative agreements or contracts with Federal, State, or local authorities that have analysis and intelligence capabilities and expertise relating to the defense of the food and agriculture critical infrastructure sector; and

(B) carry out any other activity under any other authority of the Secretary that is appropriate to engage the authorities described in subparagraph (A) for the defense of the food and agriculture critical infrastructure sector, as determined by the Secretary.

**SEC. 222. [7 U.S.C. 6923] OFFICE OF URBAN AGRICULTURE AND INNOVATIVE PRODUCTION.**

**(a) OFFICE.—**

(1) **IN GENERAL.**—The Secretary shall establish in the Department an Office of Urban Agriculture and Innovative Production.

(2) **DIRECTOR.**—The Secretary shall appoint a senior official to serve as the Director of the Office of Urban Agriculture and Innovative Production (referred to in this section as the “Director”).

(3) **MISSION.**—The mission of the Office of Urban Agriculture and Innovative Production shall be to encourage and promote urban, indoor, and other emerging agricultural practices, including—

- (A) community gardens and farms located in urban areas, suburbs, and urban clusters;
  - (B) rooftop farms, outdoor vertical production, and green walls;
  - (C) indoor farms, greenhouses, and high-tech vertical technology farms;
  - (D) hydroponic, aeroponic, and aquaponic farm facilities; and
  - (E) other innovations in agricultural production, as determined by the Secretary.
- (4) RESPONSIBILITIES.—The Director shall be responsible for engaging in activities to carry out the mission described in paragraph (3), including by—
- (A) managing programs, including for community gardens, urban farms, rooftop agriculture, and indoor vertical production;
  - (B) advising the Secretary;
  - (C) coordinating with the agencies and officials of the Department to update relevant programs;
  - (D) engaging in stakeholder relations and developing external partnerships;
  - (E) identifying common State and municipal best practices for navigating local policies;
  - (F) coordinating networks of community gardens and facilitating connections to local food banks, in partnership with the Food and Nutrition Service; and
  - (G) collaborating with other Federal agencies.
- (b) URBAN AGRICULTURE AND INNOVATIVE PRODUCTION ADVISORY COMMITTEE.—
- (1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish an Urban Agriculture and Innovative Production Advisory Committee (referred to in this subsection as the “Committee”) to advise the Secretary on—
- (A) the development of policies and outreach relating to urban, indoor, and other emerging agricultural production practices; and
  - (B) any other aspects of the implementation of this section.
- (2) MEMBERSHIP.—
- (A) IN GENERAL.—The Committee shall be composed of 12 members, of whom—
- (i) 4 shall be individuals who are agricultural producers, of whom—
    - (I) 2 individuals shall be agricultural producers located in an urban area or urban cluster; and
    - (II) 2 individuals shall be farmers that use innovative technology;
  - (ii) 2 shall be representatives from an institution of higher education or extension program;
  - (iii) 1 shall be an individual who represents a non-profit organization, which may include a public health, environmental, or community organization;

(iv) 1 shall be an individual who represents business and economic development, which may include a business development entity, a chamber of commerce, a city government, or a planning organization;

(v) 1 shall be an individual with supply chain experience, which may include a food aggregator, wholesale food distributor, food hub, or an individual who has direct-to-consumer market experience;

(vi) 1 shall be an individual from a financing entity; and

(vii) 2 shall be individuals with related experience or expertise in urban, indoor, and other emerging agriculture production practices, as determined by the Secretary.

(B) INITIAL APPOINTMENTS.—The Secretary shall appoint the members of the Committee not later than 180 days after the date of enactment of this section.

(3) PERIOD OF APPOINTMENT; VACANCIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Committee shall be appointed for a term of 3 years.

(B) INITIAL APPOINTMENTS.—Of the members first appointed to the Committee—

(i) 4 of the members, as determined by the Secretary, shall be appointed for a term of 3 years;

(ii) 4 of the members, as determined by the Secretary, shall be appointed for a term of 2 years; and

(iii) 4 of the members, as determined by the Secretary, shall be appointed for a term of 1 year.

(C) VACANCIES.—Any vacancy in the Committee—

(i) shall not affect the powers of the Committee; and

(ii) shall be filled as soon as practicable in the same manner as the original appointment.

(D) CONSECUTIVE TERMS.—An initial appointee of the committee may serve an additional consecutive term if the member is reappointed by the Secretary.

(4) MEETINGS.—

(A) FREQUENCY.—The Committee shall meet not fewer than 3 times per year.

(B) INITIAL MEETING.—Not later than 180 days after the date on which the members are appointed under paragraph (2)(B), the Committee shall hold the first meeting of the Committee.

(5) DUTIES.—

(A) IN GENERAL.—The Committee shall—

(i) develop recommendations and advise the Director on policies, initiatives, and outreach administered by the Office of Urban Agriculture and Innovative Production;

(ii) evaluate and review ongoing research and extension activities relating to urban, indoor, and other innovative agricultural practices;

(iii) identify new and existing barriers to successful urban, indoor, and other emerging agricultural production practices; and

(iv) provide additional assistance and advice to the Director as appropriate.

(B) REPORTS.—Not later than 1 year after the date on which the Committee is established, and every 2 years through 2023, the Committee shall submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the recommendations developed under subparagraph (A).

(6) PERSONNEL MATTERS.—

(A) COMPENSATION.—A member of the Committee shall serve without compensation.

(B) TRAVEL EXPENSES.—A member of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of title 5, United States Code.

(7) TERMINATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Committee shall terminate on the date that is 5 years after the date on which the members are appointed under paragraph (2)(B).

(B) EXTENSIONS.—Before the date on which the Committee terminates, the Secretary may renew the Committee for 1 or more 2-year periods.

(c) GRANTS.—The Director shall award competitive grants to support the development of urban agriculture and innovative production to any of the following eligible entities:

(1) A nonprofit organization.

(2) A unit of local government.

(3) A Tribal government.

(4) Any school that serves any of grades kindergarten through grade 12.

(d) PILOT PROJECTS.—

(1) URBAN AND SUBURBAN COUNTY COMMITTEES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall establish a pilot program for not fewer than 5 years that establishes 10 county committees in accordance with section 8(b)(5)(B)(ii)(II) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)(B)(ii)(II)) to operate in counties located in urban or suburban areas with a high concentration of urban or suburban farms.

(B) EFFECT.—Nothing in this paragraph requires or precludes the establishment of a Farm Service Agency office in a county in which a county committee is established under subparagraph (A).

(C) REPORT.—For fiscal year 2019 and each fiscal year thereafter through fiscal year 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutri-

tion, and Forestry of the Senate a report describing a summary of—

(i) the status of the pilot program under subparagraph (A);

(ii) meetings and other activities of the committees established under that subparagraph; and

(iii) the types and volume of assistance and services provided to farmers in counties in which county committees are established under that subparagraph.

(2) INCREASING COMMUNITY COMPOST AND REDUCING FOOD WASTE.—

(A) IN GENERAL.—The Secretary, acting through the Director, shall carry out pilot projects under which the Secretary shall offer to enter into cooperative agreements with local or municipal governments in not fewer than 10 States to develop and test strategies for planning and implementing municipal compost plans and food waste reduction plans.

(B) ELIGIBLE ENTITIES AND PURPOSES OF PILOT PROJECTS.—Under a cooperative agreement entered into under this paragraph, the Secretary shall provide assistance to municipalities, counties, local governments, or city planners, as appropriate, to carry out planning and implementing activities that will—

(i) generate compost;

(ii) increase access to compost for agricultural producers;

(iii) reduce reliance on, and limit the use of, fertilizer;

(iv) improve soil quality;

(v) encourage waste management and permaculture business development;

(vi) increase rainwater absorption;

(vii) reduce municipal food waste; and

(viii) divert food waste from landfills.

(C) EVALUATION AND RANKING OF APPLICATIONS.—

(i) CRITERIA.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish criteria for the selection of pilot projects under this paragraph.

(ii) CONSIDERATION.—In selecting, undertaking, or funding pilot projects under this paragraph, the Secretary shall consider any commonly known significant impact on existing food waste recovery and disposal by commercial, marketing, or business relationships.

(iii) PRIORITY.—In selecting a pilot project under this paragraph, the Secretary shall give priority to an application for a pilot project that—

(I) anticipates or demonstrates economic benefits;

(II) incorporates plans to make compost easily accessible to agricultural producers, including community gardeners;

(III) integrates other food waste strategies, including food recovery efforts; and

(IV) provides for collaboration with multiple partners.

(D) MATCHING REQUIREMENT.—The recipient of assistance for a pilot project under this paragraph shall provide funds, in-kind contributions, or a combination of both from sources other than funds provided through the grant in an amount equal to not less than 25 percent of the amount of the grant.

(E) EVALUATION.—The Secretary shall conduct an evaluation of the pilot projects funded under this paragraph to assess different solutions for increasing access to compost and reducing municipal food waste, including an evaluation of—

(i) the amount of Federal funds used for each project; and

(ii) a measurement of the outcomes of each project.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section and the amendments made by this section \$25,000,000 for each of fiscal years 2019 through 2023.

**SEC. 224. [7 U.S.C. 6924] FOOD LOSS AND WASTE REDUCTION LIAISON.**

(a) ESTABLISHMENT.—The Secretary shall establish a Food Loss and Waste Reduction Liaison to coordinate Federal, State, local, and nongovernmental programs, and other efforts, to measure and reduce the incidence of food loss and waste in accordance with this section.

(b) IN GENERAL.—The Food Loss and Waste Reduction Liaison shall—

(1) coordinate food loss and waste reduction efforts within the Department of Agriculture and with other Federal agencies, including the Environmental Protection Agency and the Food and Drug Administration;

(2) support and promote Federal programs to measure and reduce the incidence of food loss and waste and increase food recovery;

(3) provide information to, and serve as a resource for, entities engaged in food loss and waste reduction and food recovery, including information about the availability of, and eligibility requirements for, participation in Federal, State, local, and nongovernmental programs;

(4) raise awareness of the liability protections afforded under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791) to persons engaged in food loss and waste reduction and food recovery; and

(5) make recommendations with respect to expanding innovative food recovery models and reducing the incidence of food loss and waste.

(c) COOPERATIVE AGREEMENTS.—For purposes of carrying out the duties under subsection (b), the Food Loss and Waste Reduction Liaison may enter into contracts or cooperative agreements

with the research centers of the Research, Education, and Economics mission area, institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)), or nonprofit organizations for—

- (1) the development of educational materials;
- (2) the conduct of workshops and courses; or
- (3) the conduct of research on best practices with respect to food loss and waste reduction and food recovery.

(d) **STUDY ON FOOD WASTE.**—The Secretary shall conduct a study, in consultation with the Food Loss and Waste Reduction Liaison, to evaluate and determine—

- (1) methods of measuring food waste;
- (2) standards for the volume of food waste;
- (3) factors that contribute to food waste;
- (4) the cost and volume of food loss;
- (5) the effectiveness of existing liability protections afforded under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791); and
- (6) measures to ensure that programs contemplated, undertaken, or funded by the Department of Agriculture do not disrupt existing food waste recovery and disposal efforts by commercial, marketing, or business relationships.

(e) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this section, the Food Loss and Waste Liaison shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study conducted under subsection (d).

(2) **REPORT.**—Not later than 1 year after the date of the submission of the report under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains, with respect to the preceding year—

(A) an estimate of the quantity of food waste during such year; and

(B) the results of the food waste reduction and loss prevention activities carried out or led by the Department of Agriculture.

**SEC. 225.<sup>3</sup> [7 U.S.C. 6925] FOOD ACCESS LIAISON.**

(a) **ESTABLISHMENT.**—The Secretary shall establish the position of Food Access Liaison to coordinate Department programs to reduce barriers to food access and monitor and evaluate the progress of such programs in accordance with this section.

(b) **DUTIES.**—The Food Access Liaison shall—

- (1) coordinate the efforts of the Department, including regional offices, to experiment and consider programs and policies aimed at reducing barriers to food access for consumers, including but not limited to participants in nutrition assistance programs;

<sup>3</sup>There are two sections designated as section 225 in this Act. The one (relating to food access liaison) was added to the end of subtitle A by section 12614(a) of Public Law 115-334.



(2) provide outreach to entities engaged in activities to reduce barriers to food access in accordance with the statutory authorization for each program;

(3) provide outreach to entities engaged in activities to reduce barriers to food access, including retailers, markets, producers, and others involved in food production and distribution, with respect to the availability of, and eligibility for, Department programs;

(4) raise awareness of food access issues in interactions with employees of the Department;

(5) make recommendations to the Secretary with respect to efforts to reduce barriers to food access; and

(6) submit to Congress an annual report with respect to the efforts of the Department to reduce barriers to food access.

## Subtitle B—Farm Production and Conservation

### SEC. 225.<sup>3</sup> [7 U.S.C. 6931] UNDER SECRETARY OF AGRICULTURE FOR FARM PRODUCTION AND CONSERVATION.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Farm Production and Conservation.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Farm Production and Conservation authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDERSECRETARY.—The Under Secretary of Agriculture for Farm Production and Conservation shall perform such functions and duties as the Secretary shall prescribe.

(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Farm and Foreign Agricultural Services on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a).

### SEC. 226. [7 U.S.C. 6932] FARM SERVICE AGENCY.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain in the Department a Farm Service Agency.

(b) FUNCTIONS.—If the Secretary establishes the Farm Service Agency under subsection (a), the Secretary is authorized to assign to the Agency jurisdiction over the following functions:

(1) Agricultural price and income support programs, production adjustment programs, and related programs.

(3) Agricultural credit programs assigned before the date of the enactment of this Act by law to the Farmers Home Administration (including farm ownership and operating, emergency, and disaster loan programs) and other lending programs for agricultural producers and others engaged in the production of agricultural commodities.

(4) Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831–3836).

(5) Such other functions as the Secretary considers appropriate, except for those programs assigned by the Secretary to the Natural Resources Conservation Service or another agency of the Department under section 228(b).

(c) SPECIAL CONCURRENCE REQUIREMENTS FOR CERTAIN FUNCTIONS.—In carrying out the programs specified in subsection (b)(4), the Secretary shall—

(1) acting on the recommendations of the Farm Service Agency, with the concurrence of the Natural Resources Conservation Service, issue regulations to carry out such programs;

(2) ensure that the Farm Service Agency, in establishing policies, priorities, and guidelines for such programs, does so with the concurrence of the Natural Resources Conservation Service at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) JURISDICTION OVER CONSERVATION PROGRAM APPEALS.—

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

(2) TREATMENT OF TECHNICAL DETERMINATION.—

(A) IN GENERAL.—With respect to administrative appeals involving a technical determination made by the Natural Resources Conservation Service, the Farm Service Agency, by rule with the concurrence of the Natural Resources Conservation Service, shall establish procedures for obtaining review by the Natural Resources Conservation Service of the technical determinations involved. Such rules shall ensure that technical criteria established by the Natural Resources Conservation Service shall be used by the Farm Service Agency as the basis for any decisions regarding technical determinations. If no review is requested, the technical determination of the Natural Resources Conservation Service shall be the technical basis for any decision rendered by a county or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)). If the committee requests a review by the Natural Resources Conservation Service of a wetlands determination of the

Service, the Farm Service Agency shall consult with other Federal agencies whenever required by law or under a memorandum of agreement in existence on the date of the enactment of this Act.

(B) ECONOMIC HARDSHIP.—After a technical determination has been made, on a producer's request, if a county or area committee determines that the application of the producer's conservation system would impose an undue economic hardship on the producer, the committee shall provide the producer with relief to avoid the hardship.

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

(e) USE OF FEDERAL AND NON-FEDERAL EMPLOYEES.—

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

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

(f) COLLOCATION.—To the maximum extent practicable, the Secretary shall collocate county offices of the Farm Service Agency with county offices of the Natural Resources Conservation Service in order to—

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

(2) simplify paperwork and regulatory requirements;

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

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

(g) SAVINGS PROVISION.—For purposes of subsections (c) through (f) of this section:

(1) A reference to the "Farm Service Agency" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Farm Service Agency under this section.

(2) A reference to the "Natural Resources Conservation Service" includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 228(b).

(h) CONFORMING AMENDMENT.—[Omitted]

**Sec. 226A DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1... 20**

**SEC. 226A. [7 U.S.C. 6933] OFFICE OF RISK MANAGEMENT.**

(a) **ESTABLISHMENT.**—The Secretary shall establish and maintain in the Department an independent Office of Risk Management.

(b) **FUNCTIONS OF THE OFFICE OF RISK MANAGEMENT.**—The Office of Risk Management shall have jurisdiction over the following functions:

(1) Supervision of the Federal Crop Insurance Corporation.

(2) Administration and oversight of all aspects, including delivery through local offices of the Department, of all programs authorized under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(3) Any pilot or other programs involving revenue insurance, risk management savings accounts, or the use of the futures market to manage risk and support farm income that may be established under the Federal Crop Insurance Act or other law.

(4) Such other functions as the Secretary considers appropriate.

(c) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—The Office of Risk Management shall be headed by an Administrator who shall be appointed by the Secretary.

(2) **MANAGER.**—The Administrator of the Office of Risk Management shall also serve as Manager of the Federal Crop Insurance Corporation.

(d) **RESOURCES.**—

(1) **FUNCTIONAL COORDINATION.**—Certain functions of the Office of Risk Management, such as human resources, public affairs, and legislative affairs, may be provided by a consolidation of such functions under the Under Secretary of Agriculture for Farm Production and Conservation.

(2) **MINIMUM PROVISIONS.**—Notwithstanding paragraph (1) or any other provision of law or order of the Secretary, the Secretary shall provide the Office of Risk Management with human and capital resources sufficient for the Office to carry out its functions in a timely and efficient manner.

**SEC. 226B. [7 U.S.C. 6934] OFFICE OF PARTNERSHIPS AND PUBLIC ENGAGEMENT.**

(a) **DEFINITIONS.**—In this section:

(1) **BEGINNING FARMER OR RANCHER.**—The term “beginning farmer or rancher” has the meaning given the term in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)).

(2) **OFFICE.**—The term “Office” means the Office of Partnerships and Public Engagement established under this section.

(3) **SOCIALLY DISADVANTAGED FARMER OR RANCHER.**—The term “socially disadvantaged farmer or rancher” has the meaning given the term in section 2501(e) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)).

(b) **ESTABLISHMENT AND PURPOSE.**—

21 **DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1... Sec. 226B**

(1) IN GENERAL.—The Secretary shall establish within the executive operations of the Department an office to be known as the “Office of Partnerships and Public Engagement”—

(A) to improve access to programs of the Department;

(B) to improve the viability and profitability of—

(i) small farms and ranches;

(ii) beginning farmers or ranchers;

(iii) socially disadvantaged farmers or ranchers;

(iv) limited resource producers; and

(v) veteran farmers and ranchers; and

(C) to promote youth outreach.

(2) DIRECTOR.—The Office shall be headed by a Director, to be appointed by the Secretary from among the competitive service.

(c) DUTIES.—The duties of the Office shall be to ensure small farms and ranches, beginning farmers or ranchers, veteran farmers and ranchers, and socially disadvantaged farmers or ranchers access to, and equitable participation in, programs and services of the Department by—

(1) establishing and monitoring the goals and objectives of the Department to increase participation in programs of the Department by small, beginning, socially disadvantaged, or veteran farmers or ranchers;

(2) assessing the effectiveness of Department outreach programs;

(3) developing and implementing a plan to coordinate outreach activities and services provided by the Department;

(4) providing input to the agencies and offices on programmatic and policy decisions;

(5) measuring outcomes of the programs and activities of the Department on small farms and ranches, beginning farmers or ranchers, veteran farmers or ranchers, and socially disadvantaged farmers or ranchers programs;

(6) recommending new initiatives and programs to the Secretary; and

(7) carrying out any other related duties that the Secretary determines to be appropriate.

(d) SOCIALLY DISADVANTAGED FARMERS GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Socially Disadvantaged Farmers Group.

(2) OUTREACH AND ASSISTANCE.—The Socially Disadvantaged Farmers Group—

(A) shall carry out section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279); and

(B) in the case of activities described in section 2501(a) of that Act, may conduct such activities through other agencies and offices of the Department.

(3) SOCIALLY DISADVANTAGED FARMERS AND FARMWORKERS.—The Socially Disadvantaged Farmers Group shall oversee the operations of—

(A) the Advisory Committee on Minority Farmers established under section 14009 of the Food, Conservation, and Energy Act of 2008; and

(B) the position of Farmworker Coordinator established under subsection (f).

(4) OTHER DUTIES.—

(A) IN GENERAL.—The Socially Disadvantaged Farmers Group may carry out other duties to improve access to, and participation in, programs of the Department by socially disadvantaged farmers or ranchers, as determined by the Secretary.

(B) OFFICE OF OUTREACH AND DIVERSITY.—The Office of Partnerships and Public Engagement shall carry out the functions and duties of the Office of Outreach and Diversity carried out by the Assistant Secretary for Civil Rights as such functions and duties existed immediately before the date of the enactment of this section.

(e) SMALL FARMS AND BEGINNING FARMERS AND RANCHERS GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Office the Small Farms and Beginning Farmers and Ranchers Group.

(2) DUTIES.—

(A) OVERSEE OFFICES.—The Small Farms and Beginning Farmers and Ranchers Group shall oversee the operations of the Office of Small Farms Coordination established by Departmental Regulation 9700-1 (August 3, 2006).

(B) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—The Small Farms and Beginning Farmers and Ranchers Group shall consult with the National Institute for Food and Agriculture on the administration of the beginning farmer and rancher development grant program established under subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).

(C) ADVISORY COMMITTEE FOR BEGINNING FARMERS AND RANCHERS.—The Small Farms and Beginning Farmers and Ranchers Group shall coordinate the activities of the Group with the Advisory Committee for Beginning Farmers and Ranchers established under section 5(b) of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1621 note; Public Law 102-554).

(D) OTHER DUTIES.—The Small Farms and Beginning Farmers and Ranchers Group may carry out other duties to improve access to, and participation in, programs of the Department by small farms and ranches and beginning farmers or ranchers, as determined by the Secretary.

(f) FARMWORKER COORDINATOR.—

(1) ESTABLISHMENT.—The Secretary shall establish within the Office the position of Farmworker Coordinator (referred to in this subsection as the “Coordinator”).

(2) DUTIES.—The Secretary shall delegate to the Coordinator responsibility for the following:

(A) Assisting in administering the program established by section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a).

(B) Serving as a liaison to community-based nonprofit organizations that represent and have demonstrated experience serving low-income migrant and seasonal farmworkers.

(C) Coordinating with the Department, other Federal agencies, and State and local governments to ensure that farmworker needs are assessed and met during declared disasters and other emergencies.

(D) Consulting within the Office and with other entities to better integrate farmworker perspectives, concerns, and interests into the ongoing programs of the Department.

(E) Consulting with appropriate institutions on research, program improvements, or agricultural education opportunities that assist low-income and migrant seasonal farmworkers.

(F) Assisting farmworkers in becoming agricultural producers or landowners.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection—

(A) such sums as are necessary for each of fiscal years 2009 through 2013; and

(B) \$2,000,000 for each of fiscal years 2014 through 2023.

**SEC. 227. STATE, COUNTY, AND AREA COMMITTEES.**

【This section amended other laws, principally section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b))(a).】

## **Subtitle C—Rural Economic and Community Development**

**SEC. 231. [7 U.S.C. 6941] UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT.**

(a) AUTHORIZATION.—The Secretary shall establish in the Department the position of Under Secretary of Agriculture for Rural Development.

(b) CONFIRMATION REQUIRED.—The Under Secretary of Agriculture for Rural Development shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Rural Development those functions under the jurisdiction of the Department that are related to rural economic and community development.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Rural Development shall perform such other functions as may be required by law or prescribed by the Secretary.

(d) SUCCESSION.—Any official who is serving as Under Secretary of Agriculture for Small Community and Rural Development on the date of the enactment of this Act and who was appointed

**Sec. 232 DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1... 24**

by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

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

(f) **CONFORMING AMENDMENTS.**—**[Omitted]**

**SEC. 232. [7 U.S.C. 6942] RURAL UTILITIES SERVICE.**

(a) **ESTABLISHMENT REQUIRED.**—The Secretary shall establish and maintain within the Department the Rural Utilities Service and assign to the Service such functions as the Secretary considers appropriate.

(b) **ADMINISTRATOR.**—

(1) **APPOINTMENT.**—The Rural Utilities Service shall be headed by an Administrator who shall be appointed by the President.

(2) **COMPENSATION.**—The Administrator of the Rural Utilities Service shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code.

(c) **FUNCTIONS.**—The Secretary shall carry out through the Rural Utilities Service the following functions that are under the jurisdiction of the Department:

(1) Electric and telephone loan programs and water and waste facility activities authorized by law, including—

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

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

(2) Water and waste facility programs and activities authorized by law, including—

(A) sections 306, 306A, 306B, and 306C, the provisions of sections 309 and 309A relating to assets, terms, and conditions of water and sewer programs, section 310B(b), and the amendment made by section 342 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926, 1926a, 1926b, 1926c, 1929, 1929a, 1932(b), and 1013a); and

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

**SEC. 233. [7 U.S.C. 6943] RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE.**

(a) **ESTABLISHMENT AUTHORIZED.**—Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Housing and Community



**25 DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1... Sec. 236**

Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) **FUNCTIONS.**—If the Secretary establishes the Rural Housing and Community Development Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

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

(2) Programs and activities that relate to rural community lending programs, including programs authorized by section 369 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008d).

**SEC. 234. [7 U.S.C. 6944] RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE.**

(a) **ESTABLISHMENT AUTHORIZED.**—Notwithstanding any other provision of law, the Secretary is authorized to establish and maintain within the Department the Rural Business and Cooperative Development Service and to assign to the Service such functions as the Secretary considers appropriate.

(b) **FUNCTIONS.**—If the Secretary establishes the Rural Business and Cooperative Development Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) Section 313 and title V of the Rural Electrification Act of 1936 (7 U.S.C. 940c and 950aa et seq.).

(2) Subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.).

(3) Sections 306(a)(1) and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1) and 1932).

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

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

**SEC. 235. CONFORMING AMENDMENTS REGARDING RURAL ELECTRIFICATION ADMINISTRATION.**

**[This section amended various agriculture laws]**

**SEC. 236. [7 U.S.C. 6946] RURAL HEALTH LIAISON.**

(a) **AUTHORIZATION.**—The Secretary shall establish in the Department the position of Rural Health Liaison.

(b) **DUTIES.**—The Rural Health Liaison shall—

(1) in consultation with the Secretary of Health and Human Services, coordinate the role of the Department with respect to rural health;

(2) integrate across the Department the strategic planning and activities relating to rural health;

(3) improve communication relating to rural health within the Department and between Federal agencies;

(4) advocate on behalf of the health care and relevant infrastructure needs in rural areas;

(5) provide to stakeholders, potential grant applicants, Federal agencies, State agencies, Indian Tribes, private organizations, and academic institutions relevant data and information, including the eligibility requirements for, and availability

and outcomes of, Department programs applicable to the advancement of rural health;

(6) maintain communication with public health, medical, occupational safety, and telecommunication associations, research entities, and other stakeholders to ensure that the Department is aware of current and upcoming issues relating to rural health;

(7) consult on programs, pilot projects, research, training, and other affairs relating to rural health at the Department and other Federal agencies;

(8) provide expertise on rural health to support the activities of the Secretary as Chair of the Council on Rural Community Innovation and Economic Development; and

(9) provide technical assistance and guidance with respect to activities relating to rural health to the outreach, extension, and county offices of the Department.

## Subtitle D—Food, Nutrition, and Consumer Services

### SEC. 241. [7 U.S.C. 6951] UNDER SECRETARY OF AGRICULTURE FOR FOOD, NUTRITION, AND CONSUMER SERVICES.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Food, Nutrition, and Consumer Services authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Food, Nutrition, and Consumer Services those functions under the jurisdiction of the Department that are related to food, nutrition, and consumer services (except as provided in section 261(b)(1)).

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

(d) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Food and Consumer Services on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) EXECUTIVE SCHEDULE.—[Amendment omitted]

**SEC. 242. [7 U.S.C. 6952] MULTIAGENCY TASK FORCE.**

(a) **IN GENERAL.**—The Secretary shall establish, in the office of the Under Secretary for Food, Nutrition, and Consumer Services, a multiagency task force for the purpose of providing coordination and direction for commodity programs.

(b) **COMPOSITION.**—The Task Force shall be composed of at least 4 members, including—

(1) a representative from the Food Distribution Division of the Food and Nutrition Service, who shall—

(A) be appointed by the Under Secretary for Food, Nutrition, and Consumer Services; and

(B) serve as Chairperson of the Task Force;

(2) at least 1 representative from the Agricultural Marketing Service, who shall be appointed by the Under Secretary for Marketing and Regulatory Programs;

(3) at least 1 representative from the Farm Services Agency, who shall be appointed by the Under Secretary of Agriculture for Farm Production and Conservation; and

(4) at least 1 representative from the Food Safety and Inspection Service, who shall be appointed by the Under Secretary for Food Safety.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Task Force shall be responsible for evaluation and monitoring of the commodity programs to ensure that the commodity programs meet the mission of the Department—

(A) to support the United States farm sector; and

(B) to contribute to the health and well-being of individuals in the United States through the distribution of domestic agricultural products through commodity programs.

(2) **SPECIFIC DUTIES.**—In carrying out paragraph (1), the Task Force shall—

(A) review and make recommendations regarding the specifications used for the procurement of food commodities;

(B) review and make recommendations regarding the efficient and effective distribution of food commodities; and

(C) review and make recommendations regarding the degree to which the quantity, quality, and specifications of procured food commodities align the needs of producers and the preferences of recipient agencies.

(d) **REPORTS.**—Not later than 1 year after the date of enactment of this section, and annually thereafter, the Secretary shall submit to Congress a report that describes, for the period covered by the report—

(1) the findings and recommendations of the Task Force; and

(2) policies implemented for the improvement of commodity procurement programs.

**SEC. 243. [7 U.S.C. 6953] HEALTHY FOOD FINANCING INITIATIVE.**

(a) **PURPOSE.**—The purpose of this section is to enhance the authorities of the Secretary to support efforts to provide access to healthy food by establishing an initiative to improve access to

healthy foods in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities by providing loans and grants to eligible fresh, healthy food retailers and enterprises to overcome the higher costs and initial barriers to entry in underserved areas.

(b) DEFINITIONS.—In this section:

(1) COMMUNITY DEVELOPMENT FINANCIAL INSTITUTION.—The term “community development financial institution” has the meaning given the term in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702).

(2) INITIATIVE.—The term “Initiative” means the Healthy Food Financing Initiative established under subsection (c)(1).

(3) NATIONAL FUND MANAGER.—The term “national fund manager” means a community development financial institution that is—

(A) in existence on the date of enactment of this section; and

(B) certified by the Community Development Financial Institution Fund of the Department of Treasury to manage the Initiative for purposes of—

(i) raising private capital;

(ii) providing financial and technical assistance to partnerships; and

(iii) funding eligible projects to attract fresh, healthy food retailers and enterprises to underserved areas, in accordance with this section.

(4) PARTNERSHIP.—The term “partnership” means a regional, State, or local public-private partnership that—

(A) is organized to improve access to fresh, healthy foods;

(B) provides financial and technical assistance to eligible projects; and

(C) meets such other criteria as the Secretary may establish.

(5) PERISHABLE FOOD.—The term “perishable food” means a staple food that is fresh, refrigerated, or frozen.

(6) QUALITY JOB.—The term “quality job” means a job that provides wages and other benefits comparable to, or better than, similar positions in existing businesses of similar size in similar local economies.

(7) STAPLE FOOD.—

(A) IN GENERAL.—The term “staple food” means food that is a basic dietary item.

(B) INCLUSIONS.—The term “staple food” includes—

(i) bread or cereal;

(ii) flour;

(iii) fruits;

(iv) vegetables;

(v) meat; and

(vi) dairy products.

(c) INITIATIVE.—

(1) ESTABLISHMENT.—The Secretary shall establish an initiative to achieve the purpose described in subsection (a) in accordance with this subsection.

(2) IMPLEMENTATION.—

(A) IN GENERAL.—

(i) IN GENERAL.—In carrying out the Initiative, the Secretary shall provide funding to entities with eligible projects, as described in subparagraph (B), subject to the priorities described in subparagraph (C).

(ii) USE OF FUNDS.—Funds provided to an entity pursuant to clause (i) shall be used—

(I) to create revolving loan pools of capital or other products to provide loans to finance eligible projects or partnerships;

(II) to provide grants for eligible projects or partnerships;

(III) to provide technical assistance to funded projects and entities seeking Initiative funding; and

(IV) to cover administrative expenses of the national fund manager in an amount not to exceed 10 percent of the Federal funds provided.

(B) ELIGIBLE PROJECTS.—Subject to the approval of the Secretary, the national fund manager shall establish eligibility criteria for projects under the Initiative, which shall include the existence or planned execution of agreements—

(i) to expand or preserve the availability of staple foods in underserved areas with moderate- and low-income populations by maintaining or increasing the number of retail outlets that offer an assortment of perishable food and staple food items, as determined by the Secretary, in those areas; and

(ii) as applicable, to accept benefits under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

(C) PRIORITIES.—In carrying out the Initiative, priority shall be given to projects that—

(i) are located in severely distressed low-income communities, as defined by the Community Development Financial Institutions Fund of the Department of Treasury; and

(ii) include 1 or more of the following characteristics:

(I) The project will create or retain quality jobs for low-income residents in the community.

(II) The project supports regional food systems and locally grown foods, to the maximum extent practicable.

(III) In areas served by public transit, the project is accessible by public transit.

(IV) The project involves women- or minority-owned businesses.

(V) The project receives funding from other sources, including other Federal agencies.

(VI) The project otherwise advances the purpose of this section, as determined by the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$125,000,000, to remain available until expended.

## Subtitle E—Natural Resources and Environment

### SEC. 245. [7 U.S.C. 6961] UNDER SECRETARY OF AGRICULTURE FOR NATURAL RESOURCES AND ENVIRONMENT.

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Natural Resources and Environment.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Natural Resources and Environment authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Natural Resources and Environment those functions under the jurisdiction of the Department that are related to natural resources and environment (except to the extent those functions are delegated under section 226).

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

(d) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Natural Resources and Environment on the date of the enactment of this Act and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of the enactment of this Act (or such later date set by the Secretary if litigation delays rapid succession).

(e) EXECUTIVE SCHEDULE.—[Amendment Omitted]

### SEC. 246. [7 U.S.C. 6962] NATURAL RESOURCES CONSERVATION SERVICE.

(a) ESTABLISHMENT.—The Secretary is authorized to establish and maintain within the Department a Natural Resources Conservation Service.

(b) FUNCTIONS.—If the Secretary establishes the Natural Resources Conservation Service under subsection (a), the Secretary is authorized to assign to the Service jurisdiction over the following:

(1) The Water Bank Act (16 U.S.C. 1301 et seq.).

(2) Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), except subchapter B of chapter 1 of subtitle D of such title.

(3) Salinity control measures under section 202(c) of the Colorado River Basin Salinity Control Act (43 U.S.C. 1592(c)).

(4) The Farms for the Future Act of 1990 (7 U.S.C. 4201 note; Public Law 101-624).

(5) Such other functions as the Secretary considers appropriate, except functions under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(c) SPECIAL CONCURRENCE REQUIREMENTS FOR CERTAIN FUNCTIONS.—In carrying out the programs specified in paragraphs (1) and (3) of subsection (b), the Secretary shall—

(1) acting on the recommendations of the Natural Resources Conservation Service, with the concurrence of the Farm Service Agency, issue regulations to carry out such programs;

(2) ensure that the Natural Resources Conservation Service, in establishing policies, priorities, and guidelines for each such program, does so with the concurrence of the Farm Service Agency at national, State, and local levels;

(3) ensure that, in reaching such concurrence at the local level, the Natural Resources Conservation Service works in cooperation with Soil and Water Conservation Districts or similar organizations established under State law;

(4) ensure that officials of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) meet annually with officials of such Districts or similar organizations to consider local conservation priorities and guidelines; and

(5) take steps to ensure that the concurrence process does not interfere with the effective delivery of such programs.

(d) USE OF FEDERAL AND NON-FEDERAL EMPLOYEES.—

(1) USE AUTHORIZED.—In the implementation of functions assigned to the Natural Resources Conservation Service, the Secretary may use interchangeably in local offices of the Service both Federal employees of the Department and non-Federal employees of county and area committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

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

(e) SAVINGS PROVISION.—For purposes of subsections (c) and (d) of this section:

(1) A reference to the “Natural Resources Conservation Service” includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under this section.

(2) A reference to the “Farm Service Agency” includes any other office, agency, or administrative unit of the Department

assigned the functions authorized for the Farm Service Agency under section 226.

(f) CONFORMING AMENDMENTS.—**[Omitted]**

(g) FIELD OFFICES.—

(1) IN GENERAL.—The Secretary shall not close any field office of the Natural Resources Conservation Service unless, not later than 30 days before the date of the closure, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the closure.

(2) EMPLOYEES.—The Secretary shall not permanently relocate any field-based employees of the Natural Resources Conservation Service or the rural development mission area if doing so would result in a field office of the Natural Resources Conservation Service or the rural development mission area with 2 or fewer employees, unless, not later than 30 days before the date of the permanent relocation, the Secretary submits to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a notification of the permanent relocation.

(3) SUNSET.—The requirements under paragraphs (1) and (2) shall cease to be effective on September 30, 2023.

## **Subtitle F—Research, Education, and Economics**

### **SEC. 251. [7 U.S.C. 6971] UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION, AND ECONOMICS.**

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Research, Education, and Economics (referred to in this section as the “Under Secretary”).

(b) CONFIRMATION REQUIRED.—The Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate, from among distinguished scientists with specialized training or significant experience in agricultural research, education, and economics.

(c) CHIEF SCIENTIST.—The Under Secretary shall—

- (1) hold the title of Chief Scientist of the Department; and
- (2) be responsible for the coordination of the research, education, and extension activities of the Department.

(d) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTION.—The Secretary shall delegate to the Under Secretary those functions and duties under the jurisdiction of the Department that relate to research, education, and economics.

(2) SPECIFIC FUNCTIONS AND DUTIES.—The Under Secretary shall—

- (A) identify, address, and prioritize current and emerging agricultural research, education, and extension needs (including funding);



(B) ensure that agricultural research, education, and extension programs are effectively coordinated and integrated—

- (i) across disciplines, agencies, and institutions; and
- (ii) among applicable participants, grantees, and beneficiaries;

(C) promote the collaborative use of all agricultural research, education, and extension resources from the local, State, tribal, regional, national, and international levels to address priority needs; and

(D) foster communication among agricultural research, education, and extension beneficiaries, including the public, to ensure the delivery of agricultural research, education, and extension knowledge.

(3) ADDITIONAL FUNCTIONS.—The Under Secretary shall perform such other functions and duties as may be required by law or prescribed by the Secretary.

(e) OFFICE OF THE CHIEF SCIENTIST.—

(1) ESTABLISHMENT.—The Under Secretary shall organize within the office of the Under Secretary 6 Divisions, to be known collectively as the “Office of the Chief Scientist”, which shall coordinate the research programs and activities of the Department.

(2) DIVISION DESIGNATIONS.—The Divisions within the Office of the Chief Scientist shall be as follows:

- (A) Renewable energy, natural resources, and environment.
- (B) Food safety, nutrition, and health.
- (C) Plant health and production and plant products.
- (D) Animal health and production and animal products.
- (E) Agricultural systems and technology.
- (F) Agricultural economics and rural communities.

(3) DIVISION CHIEFS.—

(A) SELECTION.—The Under Secretary shall select a Division Chief for each Division using available personnel authority under title 5, United States Code, including—

(i) by term, temporary, or other appointment, without regard to—

(I) the provisions of title 5, United States Code, governing appointments in the competitive service;

(II) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference; and

(III) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates;

(ii) by detail, notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph, requiring reimbursement for those

details unless the appropriation Act specifically refers to this subsection and specifically includes these details;

(iii) by reassignment or transfer from any other civil service position; and

(iv) by an assignment under subchapter VI of chapter 33 of title 5, United States Code.

(B) SELECTION GUIDELINES.—To the maximum extent practicable, the Under Secretary shall select Division Chiefs under subparagraph (A) in a manner that—

(i) promotes leadership and professional development;

(ii) enables personnel to interact with other agencies of the Department; and

(iii) maximizes the ability of the Under Secretary to allow for rotations of Department personnel into the position of Division Chief.

(C) TERM OF SERVICE.—Notwithstanding title 5, United States Code, the maximum length of service for an individual selected as a Division Chief under clauses (i) and (iii) of subparagraph (A) shall be for not less than 3 years.

(D) QUALIFICATIONS.—To be eligible for selection as a Division Chief, an individual shall have—

(i) conducted exemplary research, education, or extension in the field of agriculture or forestry; and

(ii) earned an advanced degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

(E) DUTIES OF DIVISION CHIEFS.—Except as otherwise provided in this Act, each Division Chief shall—

(i) assist the Under Secretary in identifying and addressing emerging agricultural research, education, and extension needs;

(ii) assist the Under Secretary in identifying and prioritizing Department-wide agricultural research, education, and extension needs, including funding;

(iii) assess the strategic workforce needs of the research, education, and extension functions of the Department, and develop strategic workforce plans to ensure that existing and future workforce needs are met;

(iv) communicate with research, education, and extension beneficiaries, including the public, and representatives of the research, education, and extension system, including the National Agricultural Research, Extension, Education, and Economics Advisory Board, to promote the benefits of agricultural research, education, and extension;

(v) assist the Under Secretary in preparing and implementing the roadmap for agricultural research, education, and extension, as described in section 7504 of the Food, Conservation, and Energy Act of 2008; and

(vi) perform such other duties as the Under Secretary may determine.

(4) ADDITIONAL LEADERSHIP DUTIES.—In addition to selecting the Division Chiefs under paragraph (3), using available personnel authority under title 5, United States Code, the Under Secretary shall select personnel—

(A) to oversee implementation, training, and compliance with the scientific integrity policy of the Department;

(B)(i) to integrate strategic program planning and evaluation functions across the programs of the Department; and

(ii) to help prepare the annual report to Congress on the relevance and adequacy of programs under the jurisdiction of the Under Secretary;

(C) to assist the Chief Scientist in coordinating the international engagements of the Department with the Department of State and other international agencies and offices of the Federal Government; and

(D) to oversee other duties as may be required by Federal law or Department policy.

(5) GENERAL ADMINISTRATION.—

(A) FUNDING.—

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to fund the costs of Division personnel.

(ii) ADDITIONAL FUNDING.—In addition to amounts made available under clause (i), notwithstanding any Act making appropriations for the Department of Agriculture, whether enacted before, on, or after the date of enactment of this paragraph unless the appropriation Act specifically refers to this subsection and specifically includes the administration of funds under this section, the Secretary may transfer funds made available to an agency in the research, education, and economics mission area to fund the costs of Division personnel.

(B) LIMITATION.—To the maximum extent practicable—

(i) the Under Secretary shall minimize the number of full-time equivalent positions in the Divisions; and

(ii) at no time shall the aggregate number of staff for all Divisions exceed 30 full-time equivalent positions.

(C) ROTATION OF PERSONNEL.—To the maximum extent practicable, and using the authority described in paragraph (3)(A), the Under Secretary shall rotate personnel among the Divisions, and between the Divisions and agencies of the Department, in a manner that—

(i) promotes leadership and professional development;

(ii) enables personnel to interact with other agencies of the Department; and

(iii) provides strong staff continuity to the Office of the Chief Scientist.

(6) ORGANIZATION.—The Under Secretary shall integrate leadership functions of the national program staff of the research agencies into the Office of the Chief Scientist in such form as is required to ensure that administrative duplication does not occur.

(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

(1) DEFINITIONS.—In this subsection:

(A) ADVISORY BOARD.—The term “Advisory Board” means the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 1408 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123).

(B) APPLIED RESEARCH.—The term “applied research” means research that includes expansion of the findings of fundamental research to uncover practical ways in which new knowledge can be advanced to benefit individuals and society.

(C) CAPACITY AND INFRASTRUCTURE PROGRAM.—The term “capacity and infrastructure program” means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) Each program providing funding to any of the 1994 Institutions under sections 533, 534(a), and 535 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382).

(ii) The program established under section 536 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) providing research grants for 1994 Institutions.

(iii) Each program established under subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343).

(iv) Each program established under the Hatch Act of 1887 (7 U.S.C. 361a et seq.).

(v) Each program established under section 1417(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(b)).

(vi) The animal health and disease research program established under subtitle E of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3191 et seq.) except for the competitive grant program under section 1433(b).

(vii) Each extension program available to 1890 Institutions established under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221).

(viii) The program established under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222).

(ix) The program providing grants to upgrade agricultural and food sciences facilities at 1890 Institutions established under section 1447 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b).

(x) The program providing distance education grants for insular areas established under section 1490 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3362).

(xi) The program providing resident instruction grants for insular areas established under section 1491 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3363).

(xii) Each research and development and related program established under Public Law 87-788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a et seq.).

(xiii) Each program established under the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 et seq.).

(xiv) Each program providing funding to Hispanic-serving agricultural colleges and universities under section 1456 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

(xv) The program providing capacity grants to NLGCA Institutions under section 1473F of the National Agricultural Research, Extension, and Teaching Policy Act of 1977.

(xvi) Other programs that are capacity and infrastructure programs, as determined by the Secretary.

(D) COMPETITIVE PROGRAM.—The term "competitive program" means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i(b)).

(ii) The program providing competitive grants for risk management education established under section 524(a) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)).

(iii) The program providing community food project competitive grants established under section 25 of the Food and Nutrition Act of 2008 (7 U.S.C. 2034).

(iv) The beginning farmer and rancher development grant program established under subsection (d) of section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279).

(v) The program providing grants under section 1417(j) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152(j)).

(vi) The program providing grants for Hispanic-serving institutions established under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241).

(vii) The program providing competitive grants for international agricultural science and education programs under section 1459A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b).

(viii) The research and extension projects carried out under section 1621 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5811).

(ix) The organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

(x) The specialty crop research initiative under section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998.

(xi) The research, extension, and education programs authorized by section 407 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7627) relating to the competitiveness, viability and sustainability of small- and medium-sized dairy, livestock, and poultry operations.

(xii) Other programs that are competitive programs, as determined by the Secretary.

(E) DIRECTOR.—The term “Director” means the Director of the Institute.

(F) FUNDAMENTAL RESEARCH.—The term “fundamental research” means research that—

(i) increases knowledge or understanding of the fundamental aspects of phenomena and has the potential for broad application; and

(ii) has an effect on agriculture, food, nutrition, or the environment.

(G) INSTITUTE.—The term “Institute” means the National Institute of Food and Agriculture established by paragraph (2)(A).

(2) ESTABLISHMENT OF NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

(A) ESTABLISHMENT.—The Secretary shall establish within the Department an agency to be known as the “National Institute of Food and Agriculture”.

(B) TRANSFER OF AUTHORITIES.—The Secretary shall transfer to the Institute, effective not later than October 1, 2009, the authorities (including all budget authorities, available appropriations, and personnel), duties, obligations, and related legal and administrative functions prescribed by law or otherwise granted to the Secretary, the

Department, or any other agency or official of the Department under—

(i) the capacity and infrastructure programs;

(ii) the competitive programs;

(iii) the research, education, economic, cooperative State research programs, cooperative extension and education programs, international programs, and other functions and authorities delegated by the Under Secretary to the Administrator of the Cooperative State Research, Education, and Extension Service pursuant to section 2.66 of title 7, Code of Federal Regulations (or successor regulations); and

(iv) any and all other authorities administered by the Administrator of the Cooperative State Research, Education, and Extension Service.

(3) DIRECTOR.—

(A) IN GENERAL.—The Institute shall be headed by a Director, who shall be an individual who is—

(i) a distinguished scientist; and

(ii) appointed by the President.

(B) SUPERVISION.—The Director shall report directly to the Secretary, or the designee of the Secretary.

(C) FUNCTIONS OF THE DIRECTOR.—The Director shall—

(i) serve for a 6-year term, subject to reappointment for an additional 6-year term;

(ii) periodically report to the Secretary, or the designee of the Secretary, with respect to activities carried out by the Institute; and

(iii) consult regularly with the Secretary, or the designee of the Secretary, to ensure, to the maximum extent practicable, that—

(I) research of the Institute is relevant to agriculture in the United States and otherwise serves the national interest; and

(II) the research of the Institute supplements and enhances, and does not supplant, research conducted or funded by other Federal agencies.

(D) COMPENSATION.—The Director shall receive basic pay at a rate not to exceed the maximum amount of compensation payable to a member of the Senior Executive Service under subsection (b) of section 5382 of title 5, United States Code, except that the certification requirement in that subsection shall not apply to the compensation of the Director.

(E) AUTHORITY AND RESPONSIBILITIES OF DIRECTOR.—Except as otherwise specifically provided in this subsection, the Director shall—

(i) exercise all of the authority provided to the Institute by this subsection;

(ii) formulate and administer programs in accordance with policies adopted by the Institute, in coordination with the Under Secretary;

(iii) establish offices within the Institute;

(iv) establish procedures for the provision and administration of grants by the Institute; and

(v) consult regularly with the Advisory Board.

(4) REGULATIONS.—The Institute shall have such authority as is necessary to carry out this subsection, including the authority to promulgate such regulations as the Institute considers to be necessary for governance of operations, organization, and personnel.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Director shall organize offices and functions within the Institute to administer fundamental and applied research and extension and education programs.

(B) RESEARCH PRIORITIES.—The Director shall ensure the research priorities established by the Under Secretary through the Office of the Chief Scientist are carried out by the offices and functions of the Institute, where applicable.

(C) FUNDAMENTAL AND APPLIED RESEARCH.—The Director shall—

(i) determine an appropriate balance between fundamental and applied research programs and functions to ensure future research needs are met; and

(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

(D) COMPETITIVELY FUNDED AWARDS.—The Director shall—

(i) promote the use and growth of grants awarded through a competitive process; and

(ii) designate staff, as appropriate, to assist in carrying out this subparagraph.

(E) COORDINATION.—The Director shall ensure that the offices and functions established under subparagraph (A) are effectively coordinated for maximum efficiency.

(6) FUNDING.—

(A) IN GENERAL.—In addition to funds otherwise appropriated to carry out each program administered by the Institute, there are authorized to be appropriated such sums as are necessary to carry out this subsection for each fiscal year.

(B) ALLOCATION.—Funding made available under subparagraph (A) shall be allocated according to recommendations contained in the roadmap described in section 7504 of the Food, Conservation, and Energy Act of 2008.

(g) EXECUTIVE SCHEDULE.—[Amendment Omitted]

## Subtitle G—Food Safety

### SEC. 261. [7 U.S.C. 6981] UNDER SECRETARY OF AGRICULTURE FOR FOOD SAFETY.

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



among individuals with specialized training or significant experience in food safety or public health programs.

(b) FUNCTIONS OF UNDER SECRETARY.—

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

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

(c) EXECUTIVE SCHEDULE.—[Amendment Omitted]

(d) TECHNICAL AND SCIENTIFIC REVIEW GROUPS.—The Secretary, acting through the Under Secretary for Research, Education, and Economics, may, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates—

(1) establish such technical and scientific review groups as are needed to carry out the functions of the Department; and

(2) appoint and pay the members of the groups, except that officers and employees of the United States shall not receive additional compensation for service as a member of a group.

**SEC. 262. [7 U.S.C. 6982] CONDITIONS FOR IMPLEMENTATION OF ALTERATIONS IN THE LEVEL OF ADDITIVES ALLOWED IN ANIMAL DIETS.**

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

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

(2) selenium at such levels is not safe to the animals consuming the additive;

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

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

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

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

## Subtitle H—National Appeals Division

### SEC. 271. [7 U.S.C. 6991] DEFINITIONS.

For purposes of this subtitle:

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

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

(A) The Farm Service Agency (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Farm Service Agency under section 226).

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

(C) The Farmers Home Administration.

(D) The Federal Crop Insurance Corporation.

(E) The Rural Development Administration.

(F) The Natural Resources Conservation Service (or other office, agency, or administrative unit of the Department assigned the functions authorized for the Natural Resources Conservation Service under section 228(b)).

(G) A State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)).

(3) **APPELLANT.**—The term “appellant” means a participant who appeals an adverse decision in accordance with this subtitle.

(4) **CASE RECORD.**—The term “case record” means all the materials maintained by the Secretary related to an adverse decision.

(5) **DIRECTOR.**—The term “Director” means the Director of the Division.

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

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

(8) **IMPLEMENT.**—The term “implement” refers to those actions necessary to effectuate fully and promptly a final determination of the Division not later than 30 calendar days after the effective date of the final determination.

(9) **PARTICIPANT.**—The term “participant” shall have the meaning given that term by the Secretary by regulation.

**SEC. 272. [7 U.S.C. 6992] NATIONAL APPEALS DIVISION AND DIRECTOR.**

(a) **ESTABLISHMENT OF DIVISION.**—The Secretary shall establish and maintain an independent National Appeals Division within the Department to carry out this subtitle.

(b) **DIRECTOR.**—

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

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

(3) **POSITION CLASSIFICATION.**—The position of the Director may not be a position in the excepted service or filled by a non-career appointee.

(c) **DIRECTION, CONTROL, AND SUPPORT.**—

(1) **DIRECTION AND CONTROL.**—

(A) **IN GENERAL.**—Except as provided in paragraph (2), the Director shall be free from the direction and control of any person other than the Secretary or the Deputy Secretary of Agriculture.

(B) **ADMINISTRATIVE SUPPORT.**—The Division shall not receive administrative support (except on a reimbursable basis) from any agency other than the Office of the Secretary.

(C) **PROHIBITION ON DELEGATION.**—The Secretary may not delegate to any other officer or employee of the Department, other than the Deputy Secretary of Agriculture or the Director, the authority of the Secretary with respect to the Division.

(2) **EXCEPTION.**—The Assistant Secretary for Administration is authorized to investigate, enforce, and implement the provisions in law, Executive order, or regulations that relate in general to competitive and excepted service positions and employment within the Division, including the position of Director, and such authority may be further delegated to subordinate officials.

(d) **DETERMINATION OF APPEALABILITY OF AGENCY DECISIONS.**—If an officer, employee, or committee of an agency determines that a decision is not appealable and a participant appeals the decision to the Director, the Director shall determine whether the decision is adverse to the individual participant and thus appealable or is a matter of general applicability and thus not subject to appeal. The determination of the Director as to whether a decision is appealable shall be administratively final.

(e) **DIVISION PERSONNEL.**—

(1) **IN GENERAL.**—The Director shall recommend to the Secretary persons for appointment as hearing officers as are necessary for the conduct of hearings under section 277. The Director shall appoint such other employees as are necessary for the administration of the Division. A hearing officer or

other employee of the Division shall have no duties other than those that are necessary to carry out this subtitle. Each position of the Division shall be filled by an individual who is not a political appointee.

(2) **POLITICAL APPOINTEE.**—In this subsection, the term “political appointee” means an individual occupying—

(A) a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(B) a noncareer position in the Senior Executive Service, as described under section 3132(a)(7) of that title;

(C) a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or

(D) a position which has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

**SEC. 273. [7 U.S.C. 6993] TRANSFER OF FUNCTIONS.**

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

(1) the National Appeals Division established by section 426(c) of the Agricultural Act of 1949 (7 U.S.C. 1433e(c)) (as in effect on the day before the date of the enactment of this Act);

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

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

(4) appeals of decisions made by the Soil Conservation Service (as in effect on the day before the date of the enactment of this Act).

**SEC. 274. [7 U.S.C. 6994] NOTICE AND OPPORTUNITY FOR HEARING.**

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

**SEC. 275. [7 U.S.C. 6995] INFORMAL HEARINGS.**

(a) **IN GENERAL.**—If an officer, employee, or committee of an agency makes an adverse decision, the agency shall hold, at the request of the participant, an informal hearing on the decision.

(b) **FARM SERVICE AGENCY.**—With respect to programs carried out through the Farm Service Agency (or other office, agency, or administrative unit of the Department assigned to carry out the programs authorized for the Farm Service Agency under section 226), the Secretary shall maintain the informal appeals process applicable to such programs, as in effect on the date of the enactment of the subtitle.

(c) **MEDIATION.**—If a mediation program is available under title V of the Agricultural Credit Act of 1987 (7 U.S.C. 5101 et seq.) as a part of the informal hearing process, the participant shall—

- (1) be offered the right to choose such mediation; and
- (2) to the maximum extent practicable, be allowed to use both informal agency review and mediation to resolve disputes under that title.

**SEC. 276. [7 U.S.C. 6996] RIGHT OF PARTICIPANTS TO DIVISION HEARING.**

(a) **APPEAL TO DIVISION FOR HEARING.**—Subject to subsection (b), a participant shall have the right to appeal an adverse decision to the Division for an evidentiary hearing by a hearing officer consistent with section 277.

(b) **TIME FOR APPEAL.**—To be entitled to a hearing under section 277, a participant shall request the hearing not later than 30 days after the date on which the participant first received notice of the adverse decision.

**SEC. 277. [7 U.S.C. 6997] DIVISION HEARINGS.**

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

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

(2) **ADMINISTRATIVE PROCEDURES.**—The Director and hearing officer shall have the authority to require the attendance of witnesses, and the production of evidence, by subpoena and to administer oaths and affirmations. Except to the extent required for the disposition of ex parte matters as authorized by law—

(A) an interested person outside the Division shall not make or knowingly cause to be made to the Director or a hearing officer who is or may reasonably be expected to be involved in the evidentiary hearing or review of an adverse decision, an ex parte communication (as defined in section 551(14) of title 5, United States Code) relevant to the merits of the proceeding;

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

(b) **TIME FOR HEARING.**—Upon a timely request for a hearing under section 276(b), an appellant shall have the right to have a hearing by the Division on the adverse decision within 45 days after the date of the receipt of the request for the hearing.

(c) **LOCATION AND ELEMENTS OF HEARING.**—

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

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

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

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

(d) **DETERMINATION NOTICE.**—The hearing officer shall issue a notice of the determination on the appeal not later than 30 days after a hearing or after receipt of the request of the appellant to waive a hearing, except that the Director may establish an earlier or later deadline. If the determination is not appealed to the Director for review under section 278, the notice provided by the hearing officer shall be considered to be a notice of an administratively final determination.

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

**SEC. 278. [7 U.S.C. 6998] DIRECTOR REVIEW OF DETERMINATIONS OF HEARING OFFICERS.**

(a) **REQUESTS FOR DIRECTOR REVIEW.**—

(1) **TIME FOR REQUEST BY APPELLANT.**—Not later than 30 days after the date on which an appellant receives the determination of a hearing officer under section 277, the appellant shall submit a written request to the Director for review of the determination in order to be entitled to a review by the Director of the determination.

(2) **TIME FOR REQUEST BY AGENCY HEAD.**—Not later than 15 business days after the date on which an agency receives the determination of a hearing officer under section 277, the head of the agency may make a written request that the Director review the determination.

(b) **DETERMINATION OF DIRECTOR.**—The Director shall conduct a review of the determination of the hearing officer using the case record, the record from the evidentiary hearing under section 277, the request for review, and such other arguments or information as may be accepted by the Director. Based on such review, the Director shall issue a final determination notice that upholds, reverses, or modifies the determination of the hearing officer. However, if the Director determines that the hearing record is inadequate, the Director may remand all or a portion of the determination for further proceedings to complete the hearing record or, at the option of the Director, to hold a new hearing. The Director shall complete the review and either issue a final determination or remand the determination not later than—

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

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

(c) BASIS FOR DETERMINATION.—The determination of the hearing officer and the Director shall be based on information from the case record, laws applicable to the matter at issue, and applicable regulations published in the Federal Register and in effect on the date of the adverse decision or the date on which the acts that gave rise to the adverse decision occurred, whichever date is appropriate.

(d) EQUITABLE RELIEF.—Subject to regulations issued by the Secretary, the Director shall have the authority to grant equitable relief under this section in the same manner and to the same extent as such authority is provided to the Secretary under section 1613 of the Farm Security and Rural Investment Act of 2002 and other laws. Notwithstanding the administrative finality of a final determination of an appeal by the Division, the Secretary shall have the authority to grant equitable or other types of relief to the appellant after an administratively final determination is issued by the Division.

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

**SEC. 279. [7 U.S.C. 6999] JUDICIAL REVIEW.**

A final determination of the Division shall be reviewable and enforceable by any United States district court of competent jurisdiction in accordance with chapter 7 of title 5, United States Code.

**SEC. 280. [7 U.S.C. 7000] IMPLEMENTATION OF FINAL DETERMINATIONS OF DIVISION.**

(a) IN GENERAL.—On the return of a case to an agency pursuant to the final determination of the Division, the head of the agency shall implement the final determination not later than 30 days after the effective date of the notice of the final determination.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, and every 180 days thereafter, the head of each agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, and publish on the website of the Department, a report that includes—

(A) a description of all cases returned to the agency during the period covered by the report pursuant to a final determination of the Division;

(B) the status of implementation of each final determination; and

(C) if the final determination has not been implemented—

(i) the reason that the final determination has not been implemented; and

(ii) the projected date of implementation of the final determination.

(2) UPDATES.—Each month, the head of each agency shall publish on the website of the Department any updates to the reports submitted under paragraph (1).

**SEC. 281. [7 U.S.C. 7001] CONFORMING AMENDMENTS RELATING TO NATIONAL APPEALS DIVISION.**

(a) DECISIONS OF STATE, COUNTY, AND AREA COMMITTEES.—

(1) APPLICATION OF SUBSECTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), this subsection shall apply only with respect to functions of the Farm Service Agency or the Commodity Credit Corporation that are under the jurisdiction of a State, county, or area committee established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or an employee of such a committee.

(B) NONAPPLICABILITY.—This subsection does not apply to—

(i) a function performed under section 376 of the Consolidated Farm and Rural Development Act; or

(ii) a function performed under a conservation program administered by the Natural Resources Conservation Service.

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

(A) appealed under this subtitle; or

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

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

(4) SAVINGS PROVISION.—For purposes of this subsection, a reference to the “Farm Service Agency” includes any other office, agency, or administrative unit of the Department assigned the functions authorized for the Farm Service Agency under section 226.

(b) AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE.—Section 426 of the Agricultural Act of 1949 (7 U.S.C. 1433e) is repealed.

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



**SEC. 282. EXPANSION OF ISSUES COVERED BY STATE MEDIATION PROGRAMS.**

【This section made amendments to other laws, principally section 501 of the Agricultural Credit Act of 1987 (7 U.S.C. 5101)】

**SEC. 283. [7 U.S.C. 7002] AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as may be necessary to carry out the activities of the Division.

**Subtitle I—Marketing and Regulatory Programs**

**SEC. 285. [7 U.S.C. 7005] UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS.**

(a) AUTHORIZATION.—The Secretary is authorized to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs.

(b) CONFIRMATION REQUIRED.—If the Secretary establishes the position of Under Secretary of Agriculture for Marketing and Regulatory Programs authorized under subsection (a), the Under Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS OF UNDER SECRETARY.—

(1) PRINCIPAL FUNCTIONS.—Upon establishment, the Secretary shall delegate to the Under Secretary of Agriculture for Marketing and Regulatory Programs those functions and duties under the jurisdiction of the Department that are related to agricultural marketing, animal and plant health inspection, grain inspection, and packers and stockyards.

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

(d) SUCCESSION.—Any official who is serving as Assistant Secretary of Agriculture for Marketing and Regulatory Programs on the date of the enactment of this section and who was appointed by the President, by and with the advice and consent of the Senate, shall not be required to be reappointed under subsection (b) to the successor position authorized under subsection (a) if the Secretary establishes the position, and the official occupies the new position, within 180 days after the date of enactment of this section (or such later date set by the Secretary if litigation delays rapid succession).

(e) EXECUTIVE SCHEDULE.—【Omitted—Amendment】

**Subtitle J—Trade and Foreign Agricultural Affairs**

**SEC. 287. [7 U.S.C. 7007] UNDER SECRETARY OF AGRICULTURE FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS.**

(a) ESTABLISHMENT.—There is established in the Department the position of Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs.

(b) APPOINTMENT.—The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall be appointed by the President, by and with the advice and consent of the Senate.

(c) FUNCTIONS.—

(1) PRINCIPAL FUNCTIONS.—The Secretary shall delegate to the Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs those functions and duties under the jurisdiction of the Department that are related to trade and foreign agricultural affairs.

(2) ADDITIONAL FUNCTIONS.—The Under Secretary of Agriculture for Trade and Foreign Agricultural Affairs shall perform such other functions and duties as may be—

- (A) required by law; or
- (B) prescribed by the Secretary.

## Subtitle K—Miscellaneous Reorganization Provisions

### SEC. 291. [7 U.S.C. 7011] SUCCESSORSHIP PROVISIONS RELATING TO BARGAINING UNITS AND EXCLUSIVE REPRESENTATIVES.

(a) VOLUNTARY AGREEMENT.—

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

(2) CRITERIA.—In carrying out the requirements of this subsection, the affected parties shall use criteria set forth in—

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

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

(b) EFFECT OF AN AGREEMENT.—

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

(2) RESTRICTIONS.—

(A) CONDITIONS REQUIRING NONCERTIFICATION.—The Federal Labor Relations Authority may not certify the terms of an agreement under paragraph (1) if—

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

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

(B) TEMPORARY WAIVER OF PROVISION THAT WOULD BAR AN ELECTION AFTER A COLLECTIVE BARGAINING AGREEMENT IS REACHED.—Nothing in section 7111(f)(3) of title 5, United States Code, shall prevent the holding of an election under section 7111(b) of such title that covers employees within a unit certified under paragraph (1), or giving effect to the results of such an election (including a decision not to be represented by any labor organization), if the election is held before the end of the 12-month period beginning on the date such unit is so certified.

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

(3) DELEGATION.—

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

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

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

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

(2) the Department of Agriculture.

**SEC. 292. [7 U.S.C. 7012] PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.**

(a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased using funds made available pursuant to this title should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available pursuant to this title, the Secretary, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

**SEC. 293. MISCELLANEOUS CONFORMING AMENDMENTS.**

**[This section made amendments to various agriculture laws]**

**SEC. 294. REMOVAL OF OBSOLETE ADMINISTRATIVE PROVISIONS.**

**[This section amended title 5, United States Code.]**

**[Section 295 was repealed by section 12414(a)(7) of Public Law 115–334.]**

**SEC. 296. [7 U.S.C. 7014] TERMINATION OF AUTHORITY.**

(a) **IN GENERAL.**—Subject to subsection (b), the authority delegated to the Secretary by this title to reorganize the Department shall terminate on the date that is 2 years after the date of enactment of this Act.<sup>4</sup>

(b) **FUNCTIONS.**—Subsection (a) shall not affect:

(1) The authority of the Secretary to continue to carry out a function that the Secretary performs on the date that is 2 years after the date of enactment of this Act.

(2) The authority delegated to the Secretary under Reorganization Plan No. 2 of 1953 (5 U.S.C. App.; 7 U.S.C. 2201 note).

(3) The authority of an agency, office, officer, or employee of the Department to continue to perform all functions delegated or assigned to the entity or person as of that termination date.

(4) The authority of the Secretary to establish in the Department the position of Under Secretary of Agriculture for Marketing and Regulatory Programs under section 285.

(5) The authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights, and delegate duties to the Assistant Secretary, under section 218.

(6) The authority of the Secretary to establish in the Department, under section 251—

(A) the position of Under Secretary of Agriculture for Research, Education, and Economics;

(B) the Office of the Chief Scientist; and

(C) the National Institute of Food and Agriculture.

(7) The authority of the Secretary to establish in the Department the Office of Advocacy and Outreach in accordance with section 226B.

(8) The authority of the Secretary to carry out amendments made to this title by the Agricultural Act of 2014.

(9) The authority of the Secretary to carry out the amendments made to this title by section 772 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018.

(10) The authority of the Secretary to carry out the amendments made to this title by the Agriculture Improvement Act of 2018.

## **TITLE III—MISCELLANEOUS**

**SEC. 301. POULTRY LABELING.**

**[Omitted]**

**SEC. 302. [7 U.S.C. 2231b] FIRST AMENDMENT RIGHTS OF EMPLOYEES OF THE UNITED STATES DEPARTMENT OF AGRICULTURE.**

Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be peremptorily removed, on or after February 15, 1994, from the position of the employee without an opportunity for a public or nonpublic hearing, at

<sup>4</sup>Two years after the date of enactment of this Act was October 13, 1996.

the option of the employee, because of remarks made during personal time in opposition to policies, or proposed policies, of the Department, including policies or proposed policies regarding homosexuals. Any employee removed on or after February 15, 1994, without the opportunity for such a hearing shall be reinstated to the position of the employee pending such a hearing.

**SEC. 303. ADJUSTED COST OF THRIFTY FOOD PLAN.**

【This section amended section 3(o)(11) of the Food Stamp Act of 1977 (7 U.S.C. 2012(o)(11)).】

**SEC. 304. [7 U.S.C. 2204e] OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.**

(a) **OFFICE OF RISK ASSESSMENT AND COST-BENEFIT ANALYSIS.**—The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Risk Assessment and Cost-Benefit Analysis, which shall be under the direction of a Director appointed by the Secretary.

(b) **FUNCTIONS.**—The Director shall ensure that any regulatory analysis that is conducted under this section includes a risk assessment and cost-benefit analysis that is performed consistently and uses reasonably obtainable and sound scientific, technical, economic, and other data.

(1) **IN GENERAL.**—Effective six months after the date of enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register, for each proposed major regulation the primary purpose of which is to regulate issues of human health, human safety, or the environment that is promulgated by the Department after the enactment of this Act, an analysis with as much specificity as practicable, of—

(A) the risk, including the effect of the risk, to human health, human safety, or the environment, and any combination thereof, addressed by the regulation, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive;

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

(C) where appropriate and meaningful, a comparison of that risk relative to other similar risks regulated by the Department or other Federal Agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks); and

(D) the quantitative and qualitative benefits of the regulation, including the reduction or prevention of risk expected from the regulation.

Where such a regulatory analysis is not practicable because of compelling circumstances, the Director shall provide an explanation in lieu of conducting an analysis under this section.

(2) **EVALUATION.**—The regulatory analysis referred to in paragraph (1) should also contain a statement that the Secretary of Agriculture evaluated—

(A) whether the regulation will advance the purpose of protecting against the risk referred to in paragraph (1)(A); and

(B) whether the regulation will produce benefits and reduce risks to human health, human safety, or the environment, and any combination thereof, in a cost-effective manner as a result of the implementation of and compliance with the regulation, by local, State, and Federal Government and other public and private entities, as estimated in paragraph (1)(B).

(3) This section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person. The Secretary of Agriculture shall perform the analyses required in this section in such a manner that does not delay the promulgation or implementation of regulations mandated by statute or judicial order.

(c) DEFINITION.—As used in this section, the term “major regulation” means any regulation that the Secretary of Agriculture estimates is likely to have an annual impact on the economy of the United States of \$100,000,000 in 1994 dollars.

**SEC. 305. [7 U.S.C. 2279a] FAIR AND EQUITABLE TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.**

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

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

(c) REPORT ON TREATMENT OF SOCIALLY DISADVANTAGED PRODUCERS.—

(1) REPORT REQUIRED.—The Comptroller General of the United States shall prepare a report to determine—

(A) whether socially disadvantaged producers are underrepresented on State, county, area, or local committees established under section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) or local review committees established under section 363 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1363) because of racial, ethnic, or gender prejudice; and

(B) if such underrepresentation exists, whether it inhibits or interferes with the participation of socially dis-

advantaged producers in programs of the Department of Agriculture.

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

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

**SEC. 306. [7 U.S.C. 2204 note] AVIATION INSPECTIONS.**

(a) STUDY OF AIRCRAFT INSPECTIONS.—

(1) INTENT OF STUDY.—The intent of the study required by this subsection is to examine the cost efficiencies of conducting inspections of aircraft and pilots by one Federal agency without reducing aircraft, passenger, or pilot safety standards or lowering mission preparedness.

(2) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of the inspection specifications and procedures by which aircraft and pilots contracted by the Department are certified to determine the cost efficiencies of eliminating duplicative Department inspection requirements and transferring some or all inspection requirements to the Federal Aviation Administration, while ensuring that neither aircraft, passenger, nor pilot safety is reduced and that mission preparedness is maintained.

(3) SPECIAL CONSIDERATIONS.—In conducting the study, the Secretaries shall evaluate current inspection specifications and procedures mandated by the Department and the Forest Service, taking into consideration the unique requirements and risks of particular Department and Forest Service missions that may require special inspection specifications and procedures to ensure the safety of Department and Forest Service personnel and their contractees.

(4) MAINTENANCE OF STANDARDS AND PREPAREDNESS.—In making recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures, the Secretaries shall ensure that the implementation of any such recommendations does not lower aircraft or pilot standards or preparedness for Department or Forest Service missions.

(5) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act, the Secretaries shall submit to Congress the results of the study, including any recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures and a cost-benefit analysis of such recommendations.

(b) REVIEW OF RECENTLY ADOPTED AIRCRAFT POLICY.—

(1) REVIEW REQUIRED.—The Secretaries shall review the policy initiated by the Secretary of Agriculture on July 1, 1994, to accept Federal Aviation Administration inspections on air-

craft and pilots that provide “airport to airport” service for the Forest Service. The policy is currently being cooperatively developed by the Department and the Federal Aviation Administration and is intended to reduce duplicative inspections and to reduce Government costs, while maintaining aircraft, passenger, and pilot safety standards, specifications and procedures currently required by the Department and the Forest Service.

(2) EXPANSION OF POLICY.—As part of the review, the Secretaries shall examine the feasibility and desirability of applying this policy on a Government-wide basis.

(3) SUBMISSION OF RESULTS.—Not later than one year after the date of the implementation of the policy, the Secretary of Agriculture shall submit to Congress the results of the review, including any recommendations that the Secretary considers appropriate.

**SEC. 307. [7 U.S.C. 2241a] EXCHANGE OR SALE AUTHORITY.**

(a) DEFINITION OF QUALIFIED ITEM OF PERSONAL PROPERTY.—In this section, the term “qualified item of personal property” means—

- (1) an animal;
- (2) an animal product;
- (3) a plant; or
- (4) a plant product.

(b) GENERAL AUTHORITY.—Except as provided in subsection (c), notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary, acting through the Under Secretary for Research, Education, and Economics, in managing personal property for the purpose of carrying out the research functions of the Department, may exchange, sell, or otherwise dispose of any qualified item of personal property, including by way of public auction, and may retain and apply the sale or other proceeds, without further appropriation and without fiscal year limitation, in whole or in partial payment—

- (1) to acquire any qualified item of personal property; or
- (2) to offset costs related to the maintenance, care, or feeding of any qualified item of personal property.

(c) EXCEPTION.—Subsection (b) does not apply to the free dissemination of new varieties of seeds and germplasm in accordance with section 520 of the Revised Statutes (commonly known as the “Department of Agriculture Organic Act”) (7 U.S.C. 2201).

**SEC. 308. [7 U.S.C. 3125a note] ENHANCED USE LEASE AUTHORITY PROGRAM.**

(a) ESTABLISHMENT.—To enhance the use of real property administered by agencies of the Department, the Secretary may establish a program, in accordance with this section, at the Beltsville Agricultural Research Center of the Agricultural Research Service and the National Agricultural Library to lease nonexcess property of the Center or the Library to any individual or entity, including agencies or instrumentalities of State or local governments.

(b) REQUIREMENTS.—

- (1) IN GENERAL.—Notwithstanding chapter 5 of subtitle I of title 40, United States Code, the Secretary may lease real



property at the Beltsville Agricultural Research Center or the National Agricultural Library in accordance with such terms and conditions as the Secretary may prescribe, if the Secretary determines that the lease—

(A) is consistent with, and will not adversely affect, the mission of the Department agency administering the property;

(B) will enhance the use of the property;

(C) will not permit any portion of Department agency property or any facility of the Department to be used for the public retail or wholesale sale of merchandise or residential development;

(D) will not permit the construction or modification of facilities financed by non-Federal sources to be used by an agency, except for incidental use; and

(E) will not include any property or facility required for any Department agency purpose without prior consideration of the needs of the agency.

(2) TERM.—The term of a lease under this section shall not exceed 30 years.

(3) CONSIDERATION.—

(A) IN GENERAL.—Consideration provided for a lease under this section shall be—

(i) in an amount equal to fair market value, as determined by the Secretary; and

(ii) in the form of cash.

(B) USE OF FUNDS.—

(i) IN GENERAL.—Consideration provided for a lease under this section shall be—

(I) deposited in a capital asset account to be established by the Secretary; and

(II) available until expended, without further appropriation, for maintenance, capital revitalization, and improvements of the Department properties and facilities at the Beltsville Agricultural Research Center and National Agricultural Library.

(ii) BUDGETARY TREATMENT.—For purposes of the budget, the amounts described in clause (i) shall not be treated as a receipt of any Department agency or any other agency leasing property under this section.

(4) COSTS.—The lessee shall cover all costs associated with a lease under this section, including the cost of—

(A) the project to be carried out on property or at a facility covered by the lease;

(B) provision and administration of the lease;

(C) construction of any needed facilities;

(D) provision of applicable utilities; and

(E) any other facility cost normally associated with the operation of a leased facility.

(5) PROHIBITION OF USE OF APPROPRIATIONS.—The Secretary shall not use any funds made available to the Secretary in an appropriations Act for the construction or operating costs of any space covered by a lease under this section.

(6) TERMINATION OF AUTHORITY.—This section and the authority provided by this section terminate—

(A) on September 30, 2023; or

(B) with respect to any particular leased property, on the date of termination of the lease.

(c) EFFECT OF OTHER LAWS.—

(1) UTILIZATION.—Property that is leased pursuant to this section shall not be considered to be unutilized or underutilized for purposes of section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411).

(2) DISPOSAL.—Property at the Beltsville Agricultural Research Center or the National Agricultural Library that is leased pursuant to this section shall not be considered to be disposed of by sale, lease, rental, excessing, or surplusing for purposes of section 523 of Public Law 100–202 (101 Stat. 1329–417).

(d) ADMINISTRATION.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes detailed management objectives and performance measurements by which the Secretary intends to evaluate the success of the program under this section.

(2) REPORTS.—Not later than September 30, 2021, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the implementation of the program under this section, including—

(A) a copy of each lease entered into pursuant to this section; and

(B) an assessment by the Secretary of the success of the program using the management objectives and performance measurements developed by the Secretary.

**SEC. 309. [7 U.S.C. 6921] OFFICE OF TRIBAL RELATIONS.**

(a) IN GENERAL.—The Secretary shall maintain in the Office of the Secretaryan Office of Tribal Relations, which shall advise the Secretaryon policies related to Indian tribes and carry out such other functionsas the Secretary considers appropriate.

(b) TRIBAL ADVISORY COMMITTEE.—

(1) DEFINITIONS.—In this subsection:

(A) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(B) RELEVANT COMMITTEES OF CONGRESS.—The term “relevant committees of Congress” means—

(i) the Committee on Agriculture of the House of Representatives;

(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

(iii) the Committee on Indian Affairs of the Senate.

(C) TRIBAL ORGANIZATION.—The term “tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(2) ESTABLISHMENT OF COMMITTEE.—

(A) IN GENERAL.—The Secretary shall establish an advisory committee, to be known as the Tribal Advisory Committee (referred to in this subsection as the “Committee”) to provide advice and guidance to the Secretary on matters relating to Tribal and Indian affairs.

(B) FACILITATION.—The Committee shall facilitate, but not supplant, government-to-government consultation between the Department of Agriculture (referred to in this subsection as the “Department”) and Indian tribes.

(3) MEMBERSHIP.—

(A) COMPOSITION.—The Committee shall be composed of 11 members, of whom—

(i) 3 shall be appointed by the Secretary;

(ii) 1 shall be appointed by the chairperson of the Committee on Indian Affairs of the Senate;

(iii) 1 shall be appointed by the ranking member of the Committee on Indian Affairs of the Senate;

(iv) 1 shall be appointed by the chairperson of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(v) 1 shall be appointed by the ranking member of the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(vi) 2 shall be appointed by the chairperson of the Committee on Agriculture of the House of Representatives; and

(vii) 2 shall be appointed by the ranking member of the Committee on Agriculture of the House of Representatives.

(B) NOMINATIONS.—The Secretary shall accept nominations for members of the Committee from any of the following:

(i) An Indian tribe.

(ii) A tribal organization.

(iii) A national or regional organization with expertise in issues relating to the duties of the Committee described in paragraph (4).

(C) DIVERSITY.—To the maximum extent feasible, the Secretary shall ensure that the members of the Committee represent a diverse set of expertise on issues relating to geographic regions, Indian tribes, and the agricultural industry.

(D) LIMITATION.—No member of the Committee shall be an officer or employee of the Federal Government.

(E) PERIOD OF APPOINTMENT; VACANCIES.—

(i) IN GENERAL.—Each member of the Committee—

(I) subject to clause (ii), shall be appointed to a 3-year term; and

(II) may be reappointed to not more than 3 consecutive terms.

(ii) INITIAL STAGGERING.—The first 3 appointments by the Secretary under paragraph (3)(A)(i) shall be for a 2-year term.

(iii) VACANCIES.—Any vacancy in the Committee shall be filled in the same manner as the original appointment not more than 90 days after the date on which the position becomes vacant.

(F) MEETINGS.—

(i) IN GENERAL.—The Committee shall meet in person not less than twice each year.

(ii) OFFICE OF TRIBAL RELATIONS REPRESENTATIVE.—Not fewer than 1 representative from the Office of Tribal Relations of the Department shall be present at each meeting of the Committee.

(iii) DEPARTMENT OF INTERIOR REPRESENTATIVE.—The Assistant Secretary for Indian Affairs of the Department of the Interior (or a designee) shall be present at each meeting of the Committee.

(iv) NONVOTING REPRESENTATIVES.—The individuals described in clauses (ii) and (iii) shall be nonvoting representatives at meetings of the Committee.

(4) DUTIES OF COMMITTEE.—The Committee shall—

(A) identify evolving issues of relevance to Indian tribes relating to programs of the Department;

(B) communicate to the Secretary the issues identified under subparagraph (A);

(C) submit to the Secretary recommendations for, and solutions to—

(i) the issues identified under subparagraph (A);

(ii) issues raised at the Tribal, regional, or national level; and

(iii) issues relating to any Tribal consultation carried out by the Department;

(D) discuss issues and proposals for changes to the regulations, policies, and procedures of the Department that impact Indian tribes;

(E) identify priorities and provide advice on appropriate strategies for Tribal consultation on issues at the Tribal, regional, or national level regarding the Department;

(F) ensure that pertinent issues of the Department are brought to the attention of an Indian tribe in a timely manner so that timely feedback from an Indian tribe can be obtained; and

(G) identify and propose solutions to any interdepartmental barrier between the Department and other Federal agencies.

(5) REPORTS.—

(A) IN GENERAL.—Not less frequently than once each year, the Committee shall submit to the Secretary and the relevant committees of Congress a report that describes—

(i) the activities of the Committee during the previous year; and

(ii) recommendations for legislative or administrative action for the following year.

(B) RESPONSE FROM SECRETARY.—Not more than 45 days after the date on which the Secretary receives a report under subparagraph (A), the Secretary shall submit a written response to that report to—

(i) the Committee; and

(ii) the relevant committees of Congress.

(6) COMPENSATION OF MEMBERS.—Members of the Committee shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Committee.

(7) FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Committee.