

# Rules and Regulations

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## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

#### 7 CFR Parts 1, 2, 15, and 15f

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 371

#### Revision of Delegations of Authority

**AGENCY:** Office of the Secretary; Animal and Plant Health Inspection Service; USDA.

**ACTION:** Final rule.

**SUMMARY:** This document revises the delegations of authority from the Secretary of Agriculture and general officers of the Department of Agriculture (USDA) principally to reflect changes and additions to the delegations required by the Farm Security and Rural Investment Act of 2002, (FSRIA); the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, the reorganization of offices under the Assistant Secretary for Administration and the establishment of the Homeland Security Staff; the authority delegated to the Judicial Officer to act in certain proceeding under the Plant Variety Protection Act, as amended, and the Agricultural Adjustment Act of 1938, as amended; the Livestock Mandatory Reporting Act of 1999; the Hass Avocado Promotion, Research, and Consumer Information Act of 2000; section 14 of the Watershed Protection and Flood Prevention Act; and the responsibilities of the United States related to activities of the Office International des Epizooties.

**EFFECTIVE DATE:** Effective May 20, 2003.

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#### SUPPLEMENTARY INFORMATION:

#### Farm Security and Rural Investment Act of 2002

The Secretary of Agriculture previously delegated authorities under the Farm Security and Rural Investment Act of 2002, Public Law 107–171 (FSRIA) in Secretary's Memorandum (SM) 1030–50 (July 10, 2002). This rule codifies those delegations as follows.

Title I of FSRIA authorizes the use of the Commodity Credit Corporation (CCC) to implement a number of programs for producers of agricultural commodities such as wheat, feed grains, cotton, rice, and oilseeds. Title X authorizes CCC to implement a livestock assistance program for producers who have incurred losses as the result of a natural disaster. Since Congress has routinely authorized, on an annual basis, the conduct by CCC of other similar commodity and disaster programs that consistently have been delegated to the Under Secretary for Farm and Foreign Agricultural Services, the delegations in 7 CFR 2.16 and 2.42 are amended to reflect the delegation of authority to the Under Secretary for Farm and Foreign Services and the Administrator of the Farm Service Agency, respectively, to implement all CCC-funded commodity programs that provide assistance to producers of agricultural commodities.

Additional, section 1504 of FSRIA expands the Dairy Products Mandatory Reporting program, which requires the collection and compilation of information with respect to prices, quantities sold, and inventories of dairy products in order to encourage competition, to include substantially identical products. The delegations at 7 CFR 2.21 and 2.68 are amended to reflect the delegation of this authority to the Under Secretary for Research, Education, and Economics and the Administrator of the National Agricultural Statistics Service, respectively.

Title II of FSRIA authorizes the use of the Commodity Credit Corporation (CCC) to implement a number of natural resources conservation programs. Since Congress has routinely authorized, on an annual basis, the conduct of CCC of the same or similar conservation programs that consistently have been

delegated to the Under Secretary for Natural Resources and Environment, the delegations in 7 CFR 2.20 and 2.61 are amended to reflect the delegation of authority to the Under Secretary for Natural Resources and Environment and the Chief of the Natural Resources Conservation Service, respectively, to implement CCC-funded programs that provide assistance for natural resources conservation, except as elsewhere delegated.

Section 3107 of FSRIA authorized the President to establish the McGovern-Dole International Food for Education and Child Nutrition Program. By Presidential Memorandum dated March 11, 2003 (68 FR 12,569 (March 17, 2003)), the President delegated the authority to implement this program to the Secretary of Agriculture. The delegations in 7 CFR 2.16, 2.42, and 2.43, are amended to delegate to the Under Secretary for Farm and Foreign Agricultural Services and the Administrators of the Farm Service Agency and the Foreign Agricultural Service, respectively, the Secretary's authority to implement the program.

Section 4125 of FSRIA amended the Food Stamp Act to authorize a contract or grant to a nongovernmental organization meeting specified eligibility requirements to gather information on, and recommend, innovative programs for addressing common community problems. The delegations at 7 CFR 2.21 and 2.66 are amended to reflect the delegation of this authority by an SM signed September 27, 2002, to the Under Secretary for Research, Education, and Economics and the Administrator of the Cooperative State, Research, Education, and Extensions Service, respectively.

Section 4401 of FSRIA amended title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) to restore Food Stamp Program eligibility to certain disabled aliens, qualified alien children, and qualified aliens who have resided in the United States for a period of 5 years from their date of entry. The delegations at 7 CFR 2.19 and 2.57 are amended to delegate authority to administer those functions under PRWORA relating to the eligibility of aliens for benefits under the domestic food assistance programs to the Under Secretary for Food, Nutrition, and Consumer Services