concerned and give evidence concerning the matter in question or to produce documentary evidence. Any failure to obey the court's order may be punished by the court as a contempt of the court.

(d) Compensation

Witnesses summoned by the Secretary concerned shall be paid the same fees and mileage that are paid to witnesses in courts of the United States, and witnesses whose depositions are taken, and the persons taking the depositions shall be entitled to the same fees that are paid for similar services in the courts of the United States.

(e) Procedures

The Secretary concerned shall publish procedures for the issuance of subpoenas under this section. Such procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary concerned. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.

(f) Scope of subpoena

Subpoenas for witnesses to attend court in any judicial district or testify or produce evidence at an administrative hearing in any judicial district in any action or proceeding arising under section 2279e of this title may run to any other judicial district.

(Pub. L. 106–224, title V, § 502, June 20, 2000, 114 Stat. 455; Pub. L. 107–296, title IV, § 421(h)(2), Nov. 25, 2002, 116 Stat. 2184.)

AMENDMENTS

2002—Subsecs. (a), (c) to (e). Pub. L. 107–296 substituted ''Secretary concerned'' for ''Secretary'' wherever appearing.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

§ 2279g. Marketing services; cooperative agreements

Notwithstanding chapter 63 of title 31, marketing services of the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; and the food safety activities of the Food Safety and Inspection Service, on and after February 20, 2003, may use cooperative agreements to reflect a relationship between the Agricultural Marketing Service; the Grain Inspection, Packers and Stockyards Administration; the Animal and Plant Health Inspection Service; or the Food Safety and Inspection Service and a State or cooperator to carry out agricultural marketing programs, to carry out programs to protect the nation's animal and plant resources, or to carry out educational programs or special studies to improve the safety of the nation's food supply.

(Pub. L. 108–7, div. A, title VII, § 713, Feb. 20, 2003, 117 Stat. 39.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 107–76, title VII, § 713, Nov. 28, 2001, 115 Stat. 733.

Pub. L. 106–387, § 1(a) [title VII, § 713], Oct. 28, 2000, 114 Stat. 1549, 1549A–29.

Pub. L. 106–78, title VII, § 716, Oct. 22, 1999, 113 Stat. 1162.

Pub. L. 105–277, div. A, § 101(a) [title VII, § 715], Oct. 21, 1998, 112 Stat. 2681, 2681–26.

Pub. L. 105–86, title VII, § 717, Nov. 18, 1997, 111 Stat. 2106.

Pub. L. 104–180, title VII, § 717, Aug. 6, 1996, 110 Stat. 1598.

Pub. L. 104–37, title VII, § 717, Oct. 21, 1995, 109 Stat. 331.

Pub. L. 103–330, title VII, § 720, Sept. 30, 1994, 108 Stat. 2469.

§ 2279h. Cross-servicing activities of National Finance Center

On and after November 10, 2005, the Chief Financial Officer shall actively market and expand cross-servicing activities of the National Finance Center.

(Pub. L. 109–97, title I, Nov. 10, 2005, 119 Stat. 2121.)

CODIFICATION

Section was enacted as part of the appropriation act cited as the credit to this section.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108–447, div. A, title I, Dec. 8, 2004, 118 Stat. 2812.

Pub. L. 108–199, div. A, title I, Jan. 23, 2004, 118 Stat. 6.

Pub. L. 108–7, div. A, title I, Feb. 20, 2003, 117 Stat. 14.

Pub. L. 107–76, title I, Nov. 28, 2001, 115 Stat. 705.

Pub. L. 106–387, § 1(a) [title I], Oct. 28, 2000, 114 Stat. 1549, 1549A–2.

Pub. L. 105–277, div. A, § 101(a) [title I], Oct. 21, 1998, 112 Stat. 2681–1.

Pub. L. 105–86, title I, Nov. 18, 1997, 111 Stat. 2080.

Pub. L. 104–180, title I, Aug. 6, 1996, 110 Stat. 1570.

Pub. L. 104–37, title I, Oct. 21, 1995, 109 Stat. 300.

CHAPTER 55A—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

Sec.
2281. Congressional declaration of purpose.
2282. Definitions.
2283. Membership on advisory committees.
2284. Repealed.
2285. Budget prohibitions.
2286. Termination of committees.
2287 to 2289. Omitted.

§ 2281. Congressional declaration of purpose

The purposes of this chapter are to—

(1) require strict financial and program accounting by advisory committees of the Department of Agriculture;

(2) assure balance and objectivity in the membership of such advisory committees; and

(3) prevent the formation or continuation of unnecessary advisory committees by the Department of Agriculture.

(Pub. L. 95–113, title XVIII, § 1801, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

AMENDMENTS

1981—Pub. L. 97–98 reenacted section without change.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Chapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

SOYBEAN RESEARCH ADVISORY INSTITUTE; ESTABLISHMENT, COMPOSITION, ETC.

Section 1446 of Pub. L. 97–98 provided for the establishment of a Soybean Research Advisory Institute for the purpose of preparing and submitting to Senate Committee on Agriculture, Nutrition, and Forestry and House Committee on Agriculture, not later than Mar. 1, 1983, a comprehensive report, with appropriate recommendations, on the findings of the Institute regarding research on soybean production and utilization, prior to repeal by Pub. L. 99–198, title XIV, § 1434, Dec. 23, 1985, 99 Stat. 1557.

§ 2282. Definitions

When used in this chapter—

(1) the term ''Secretary'' means the Secretary of Agriculture of the United States;

(2) the term ''Department of Agriculture'' means the United States Department of Agriculture; and

(3) the term ''advisory committee'' means any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof that is established or utilized by the Department of Agriculture in the interest of obtaining advice or recommendations for the President or the Department of Agriculture, except that such term excludes any committee which (A) is composed wholly of full-time officers or employees of the Federal Government, (B) is established by statute or reorganization plan, or (C) is established by the President.

(Pub. L. 95–113, title XVIII, § 1802, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

AMENDMENTS

1981—Pub. L. 97–98 reenacted section without change.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§ 2283. Membership on advisory committees

(a) Simultaneous service

No person other than an officer or employee of the Department of Agriculture may serve simultaneously on more than one advisory committee, unless authorized by the Secretary.

(b) Service by more than one officer or employee of corporation or non-Federal entity

Not more than one officer or employee of any corporation or other non-Federal entity, including all subsidiaries and affiliates thereof, may serve on the same advisory committee at any one time, unless authorized by the Secretary.

(c) Maximum length

No person other than an officer or employee of the Department of Agriculture may serve for more than six consecutive years on an advisory committee, unless authorized by the Secretary.

(Pub. L. 95–113, title XVIII, § 1803, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.)

AMENDMENTS

1981—Pub. L. 97–98 substituted provision relating to membership on advisory committees for provision relating to establishment of advisory committees.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§ 2284. Repealed. Pub. L. 105–362, title I, § 101(c), Nov. 10, 1998, 112 Stat. 3281

Section, Pub. L. 95–113, title XVIII, § 1804, Sept. 29, 1977, 91 Stat. 1041; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270, required annual reports to Congress.

§ 2285. Budget prohibitions

No advisory committee may expend funds in excess of its estimated annual operating costs by more than 10 per centum or $500, whichever is greater, until it provides the Secretary with an explanation of the need for the additional expenditure and the Secretary approves such additional expenditure.

(Pub. L. 95–113, title XVIII, § 1805, Sept. 29, 1977, 91 Stat. 1042; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1271.)

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

AMENDMENTS

1981—Pub. L. 97–98 substituted provision relating to budget prohibitions for provision relating to membership on advisory committees. See section 2283 of this title.

§ 2286. Termination of committees

The Secretary shall terminate any advisory committee upon a finding that any such advisory committee—

(1) has expended funds in excess of its estimated annual operating costs by more than 10 per centum or $500, whichever is greater, without the prior approval of the Secretary pursuant to the provisions of section 2285 of this title;

(2) has failed to file all reports required under the provisions of the Federal Advisory Committee Act or this chapter;

(3) has failed to meet for two consecutive years;

(4) is responsible for functions that otherwise would be or should be performed by Federal employees; or

(5) does not serve or has ceased to serve an essential public function.

(Pub. L. 95–113, title XVIII, § 1806, Sept. 29, 1977, 91 Stat. 1042; Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1271.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in par. (2), is Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1981—Pub. L. 97–98 substituted provision relating to termination of advisory committees for provision relating to advisory committee charter requirements.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§§ 2287 to 2289. Omitted

Sections 2287 to 2289 of this title were omitted in the general amendment of this chapter by Pub. L. 97–98, title XI, § 1116(a), Dec. 22, 1981, 95 Stat. 1270.

Section 2287, Pub. L. 95–113, title XVIII, § 1807, Sept. 29, 1977, 91 Stat. 1043, related to transmission of an annual report. See section 2284 of this title.

Section 2288, Pub. L. 95–113, title XVIII, § 1808, Sept. 29, 1977, 91 Stat. 1044, related to budget prohibitions. See section 2285 of this title.

Section 2289, Pub. L. 95–113, title XVIII, § 1809, Sept. 29, 1977, 91 Stat. 1044, related to termination of advisory committees. See section 2286 of this title.

CHAPTER 56—UNFAIR TRADE PRACTICES AFFECTING PRODUCERS OF AGRICULTURAL PRODUCTS

Sec.
2301. Congressional findings and declaration of policy.
2302. Definitions.
2303. Prohibited practices.
2304. Disclaimer of intention to prohibit normal dealing.
2305. Enforcement provisions.
2306. Separability.

§ 2301. Congressional findings and declaration of policy

Agricultural products are produced in the United States by many individual farmers and ranchers scattered throughout the various States of the Nation. Such products in fresh or processed form move in large part in the channels of interstate and foreign commerce, and such products which do not move in these channels directly burden or affect interstate commerce. The efficient production and marketing of agricultural products by farmers and ranchers is of vital concern to their welfare and to the general economy of the Nation. Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce.

It is, therefore, declared to be the policy of Congress and the purpose of this chapter to establish standards of fair practices required of handlers in their dealings in agricultural products.

(Pub. L. 90–288, § 2, Apr. 16, 1968, 82 Stat. 93.)

SHORT TITLE

Section 1 of Pub. L. 90–288 provided that: ''This Act [enacting this chapter] shall be known as the 'Agricultural Fair Practices Act of 1967'.''

§ 2302. Definitions

In this chapter:

(1) Agricultural products

The term ''agricultural products'' shall not include cotton or tobacco or their products.

(2)(2)[1] Association of producers

(A) In general

The term ''association of producers'' means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 1141j(a) of title 12, or in section 291 of this title.

(B) Inclusion

The term ''association of producers'' includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products.

(3)(3)[1] Handler

(A) In general

The term ''handler'' means any person engaged in the business or practice of (i) acquiring agricultural products from producers or associations of producers for processing or sale; or (ii) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; or (iii) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (iv) acting as an agent or broker for a handler in the performance of any function or act specified in clause (i), (ii), or (iii).

(B) Exclusion

The term ''handler'' does not include a person, other than a packer (as defined in section 191 of this title), that provides custom feeding services for a producer.

(4) Producer

The term ''producer'' means a person engaged in the production of agricultural products as a farmer, planter, rancher, dairyman, fruit, vegetable, or nut grower.

(Pub. L. 90–288, § 3, Apr. 16, 1968, 82 Stat. 94; Pub. L. 110–234, title XI, § 11003, May 22, 2008, 122 Stat. 1354; Pub. L. 110–246, § 4(a), title XI, § 11003, June 18, 2008, 122 Stat. 1664, 2116.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pub. L. 110–246, § 11003, in introductory provisions, substituted ''In this chapter:'' for ''When used in

[1] So in original.