section 571 of the Foreign Operations, Export Financing, and Related Programs, Appropriations Act, 1988 [section 101(e) [title V, § 571] of Pub. L. 100–202, formerly set out below], shall cease to apply if the President certifies to Congress pursuant to section 561(a) of this Act [section 561(a) of Pub. L. 101–167, which is set out as a note under section 2151 of Title 22, Foreign Relations and Intercourse].''

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100–461, title V, § 565, Oct. 1, 1988, 102 Stat. 2268–42.

Pub. L. 100–202, § 101(e) [title V, § 571], Dec. 22, 1987, 101 Stat. 1329–131, 1329–175.

EX. ORD. NO. 12224. IMPLEMENTATION OF THE INTERNATIONAL SUGAR AGREEMENT

Ex. Ord. No. 12224, July 1, 1980, 45 F.R. 45243, provided:

By the authority vested in me as President of the United States of America by an Act providing for the Implementation of the International Sugar Agreement, 1977, and for Other Purposes (P.L. 96–236; 94 Stat. 336) [this chapter] and Section 301 of Title 3 of the United States Code, it is hereby ordered as follows:

1–101. The functions vested in the President by Public Law 96–236 (94 Stat. 336) are delegated to the United States Trade Representative.

1–102. In carrying out the functions delegated to him, the United States Trade Representative shall consult with the Secretary of Agriculture and the Secretary of State. The United States Trade Representative may, with the consent of the head of another Executive agency, redelegate some or all of those functions to the head of such agency.

1–103. This Order is effective July 1, 1980.

JIMMY CARTER.

§ 3603. Delegation of powers and duties

The President may exercise any power or duty conferred on him by this chapter through such agencies or offices of the United States as he shall designate. Such agencies or offices shall issue such regulations as they determine are necessary to implement this chapter.

(Pub. L. 96–236, § 3, Apr. 22, 1980, 94 Stat. 336.)

§ 3604. Criminal offenses

Any person who—

(1) knowingly fails to keep any information, or to submit any report, required under section 3602 of this title;

(2) submits any report under section 3602 of this title knowing that the report or any part thereof is false; or

(3) knowingly violates any rule or regulation issued to carry out this chapter;

is guilty of an offense and upon conviction thereof is punishable by a fine of not more than $1,000.

(Pub. L. 96–236, § 4, Apr. 22, 1980, 94 Stat. 337.)

§ 3605. Repealed. Pub. L. 105–277, div. G, subdiv. B, title XXII, § 2219(a)(5), Oct. 21, 1998, 112 Stat. 2681–817

Section, Pub. L. 96–236, § 5, Apr. 22, 1980, 94 Stat. 337, provided for reports to Congress.

§ 3606. Repealed. Pub. L. 105–362, title I, § 101(g), Nov. 10, 1998, 112 Stat. 3281

Section, Pub. L. 96–236, § 6, Apr. 22, 1980, 94 Stat. 337, related to protection of interests of United States consumers.

CHAPTER 68—AGRICULTURAL SUBTERMINAL FACILITIES

Sec.
3701. Congressional findings and declarations.
3702. Definitions.
3703. State and regional plans.

§ 3701. Congressional findings and declarations

Congress finds and declares that—

(1) an adequate system for the efficient transient storage and movement of bulk agricultural commodities is essential to the overall success of the agricultural industry of the Nation, the development of rural areas of the Nation, and the economic stability of the Nation;

(2) the movement and storage of bulk agricultural commodities has been seriously and repeatedly impeded by shortages of transient storage facilities, adequate rail rolling stock, and the deterioration of many railroad track beds and rural highways throughout the United States;

(3) the efficient movement and storage of bulk agricultural commodities may be achieved and facilitated by the joint location at strategic points throughout the United States of transient storage facilities and multimodal terminal facilities constructed especially for the efficient shipment and receipt of agricultural commodities; and

(4) the location of such facilities must be carefully planned to assure maximum benefits to producers of agricultural commodities and unprocessed agricultural products and utilization of the most efficient means of transporting bulk agricultural commodities for domestic and export markets.

(Pub. L. 96–358, § 2, Sept. 25, 1980, 94 Stat. 1184.)

EFFECTIVE DATE

Section 6 of Pub. L. 96–358 provided that: ''The provisions of this Act [enacting this chapter and amending section 1932 of this title] shall become effective October 1, 1980.''

SHORT TITLE

Section 1 of Pub. L. 96–358 provided: ''That this Act [enacting this chapter and amending section 1932 of this title] may be cited as the 'Agricultural Subterminal Facilities Act of 1980'.''

§ 3702. Definitions

As used in this chapter, the term—

(1) ''bulk agricultural commodity'' means any agricultural commodity that can be transported in bulk and can be temporarily stored in bulk quantities without undergoing processing or packaging. Such term also includes any commodity or product that is used by producers in the production of agricultural commodities and that can be stored or shipped in bulk, such as fertilizer and fuel;

(2) ''unprocessed agricultural products'' means food, fiber, and other agricultural products that have not been packaged or otherwise prepared for retail sale, including animal products and unfinished cotton, wool, leather, or any other unfinished natural material;

(3) ''Secretary'' means Secretary of Agriculture;

(4) ''subterminal facility'' means any facility that is located in the area of production or

consumption of agricultural commodities or any major storage or major export point for such commodities and is located at a place that conveniently serves the needs of producers, purchasers, and consumers of bulk agricultural commodities, and is—

(A) used for the transient storage of bulk agricultural commodities and may include equipment or structures necessary for the transportation, upgrading, receiving, drying, or loading out of such commodities; or

(B) any rail siding, loading, or unloading facility that can accommodate unit railroad trains or multiple car trains and other appropriate transportation modes designed for the transport of bulk agricultural commodities and production materials; and

(5) ''region'' means two or more States acting together to develop a coordinated regional subterminal facilities plan.

(Pub. L. 96–358, § 3, Sept. 25, 1980, 94 Stat. 1184.)

REFERENCES IN TEXT

This chapter, referred to in the introductory phrase, was in the original ''this Act,'' meaning Pub. L. 96–358, Sept. 25, 1980, 94 Stat. 1184, known as the Agricultural Subterminal Facilities Act of 1980, which enacted this chapter and amended section 1932 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 3701 of this title and Tables.

§ 3703. State and regional plans

(a) Grants; requisite provisions of plans

(1) The Secretary shall, beginning not more than one hundred and eighty days after October 1, 1980, make financial assistance available to any State that makes application therefor, and that otherwise meets the requirements of this section, for the purpose of assisting such State in the development of a subterminal facilities plan (hereinafter in this chapter referred to as the ''State plan'') for such State. Assistance under this section shall be made available in the form of a grant. No grant may be made to any State unless the Governor of such State or the appropriate agency of such State makes an application therefor as provided in this section. To the maximum extent practicable, the personnel and resources of the colleges or universities in the State which are eligible to receive funds under the Act of July 2, 1862 (7 U.S.C. 301–305, 307, and 308), or the Act of August 30, 1890 (7 U.S.C. 321–326 and 328), including Tuskegee Institute, shall be utilized in developing the subterminal facilities plan for that State pursuant to this section.

(2) The Secretary may also make grants under this section available to two or more States acting together to develop a coordinated regional subterminal facilities plan (hereinafter in this chapter referred to as the ''regional plan'') for such region.

(3) Grants made under this section to any State or region may not exceed 80 per centum of the cost of preparing the State or regional plan.

(4) The State or regional plan shall prescribe in detail the actions such State or region proposes to take in order to (A) facilitate the efficient and competitive movement of bulk agricultural commodities from the points of production within such State or region to major market or export points, (B) provide adequate storage facilities for such commodities between points of production and market, (C) provide adequate receiving, storage, and loading facilities for any bulk agricultural commodity, and (D) assure that such facilities will be located at sites that will result in maximum benefits to local producers.

(5) Each State or regional plan shall include the following:

(A) an analysis of the marketing, shipping, storage, and production of bulk agricultural commodities produced in that State or region and the short- and long-range projections with respect to the marketing, shipping, storage, and production of such commodities in that State or region;

(B) a determination, on the basis of the analysis and projections required under clause (A) of this paragraph, of the needs of the State or region for subterminal facilities;

(C) an assessment of the use of existing on-farm storage facilities located within the State or region and an assessment of the ways in which subterminal facilities can benefit the continued use of on-farm storage facilities;

(D) an evaluation of the effect of the development of new subterminal facilities on small capacity rural shipping and storage facilities within the State or region;

(E) an evaluation of ways to ensure adequate rail service for subterminal facilities described in clause (D) of this paragraph, including an evaluation of the use and feasibility of contract rates;

(F) an assessment of the ways that subterminal facilities can enhance the operation of small capacity shipping and storage facilities within the State or region;

(G) an assessment of other actions being taken or considered in such State or region for the improvement of agricultural transportation, including an evaluation of the use being made of shuttle or collector trains and combinations of rail and barge service;

(H) an evaluation of the potential benefits of subterminal ownership and leasing arrangements for rail rolling stock (including locomotive power), motor trucks, barge equipment, and other bulk agricultural commodity transport equipment that may help achieve maximum benefits from the operation of subterminal facilities within the State or region;

(I) an assessment of the overall transportation system in the State or region and future plans for that overall system, including the adequacy of highways and bridges; and

(J) consideration of the feasibility and advisability of the ownership and operation of rail branch lines by farmer-owned cooperatives, and the role that such cooperatives might play in any overall planning for the restructuring and rehabilitation of rail service and marketing facilities within the State or region.

(b) Plan review commissions

Funds made available to a State or region under this chapter for the purposes of assisting such State or region to develop a plan shall be

subject to the condition that the State or region establish a plan review commission composed of local producers, local elevator operators, representatives of affected motor and rail carriers, other interested individuals, and, when appropriate in the judgment of the Secretary, consumers of bulk agricultural commodities used in the production of unprocessed agricultural products. A majority of the members of any plan review commission must be local producers or, when appropriate in the judgment of the Secretary, consumers of bulk agricultural commodities used in the production of unprocessed agricultural products. The plan review commission shall consider the information and analyses developed by the State or region in the development of a State or regional plan and make appropriate recommendations regarding the State or regional plan. The plan review commission shall also make recommendations, based on information developed in the plan, for the most beneficial location of subterminal facilities.

(c) Recommendations of need

No application for planning assistance authorized pursuant to this section may be submitted by a State or region until the appropriate plan review commission established in accordance with this chapter has had the opportunity to make recommendations to the Governor or Governors that a need exists for the development of a State or regional plan, and a majority of the members of such plan review commission concur that such application should be submitted.

(d) Prerequisites for receipt of grant

No State or region may receive a grant under this section unless—

(1) an application therefor has been submitted that complies with the provisions of this chapter;

(2) the average annual production of bulk agricultural commodities produced within such State or region, or shipments of such commodities transported into such State or region, meets minimum levels established by the Secretary for a period the Secretary considers appropriate preceding the year in which application for such grant is made;

(3) the Governor of such State or the Governors of the States in such region certify to the Secretary that producers of agricultural commodities have experienced serious storage and transportation problems within such State or region during the three years preceding the year in which application for such grant is made; and

(4) such State or each State within such region has established an adequate plan, as described in section 22102 of title 49, for rail service in such State or States, or such State or each State in such region is actively developing such a plan.

(e) Approved State plans; approved regional plans

Whenever any State or region has submitted a State or regional plan under this section, the Secretary shall approve such plan only if it has been approved by a majority of the members of the appropriate plan review commission established pursuant to this chapter, and it meets the other conditions specified in this chapter and those prescribed in regulations issued by the Secretary to carry out this chapter. When a plan is approved by the Secretary, such plan shall be known as an ''approved State plan'' or an ''approved regional plan'', as appropriate.

(f) Authorization of appropriations

To carry out the purposes of this section, there are authorized to be appropriated not to exceed $3,300,000 for each of the fiscal years ending September 30, 1981, September 30, 1982, and September 30, 1983.

(Pub. L. 96–358, § 4, Sept. 25, 1980, 94 Stat. 1185.)

REFERENCES IN TEXT

Act of July 2, 1862 (7 U.S.C. 301–305, 307, and 308), referred to in subsec. (a)(1), is act July 2, 1862, ch. 130, 12 Stat. 503, popularly known as the ''Morrill Act'' and also as the ''First Morrill Act'', which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under 301 of this title and Tables.

Act of August 30, 1890 (7 U.S.C. 321–326 and 328), referred to in subsec. (a)(1), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

CODIFICATION

In subsec. (d)(4), ''section 22102 of title 49'' substituted for ''section 5(j) of the Department of Transportation Act (49 U.S.C. 1654(j))'' on authority of Pub. L. 103–272, § 6(b), July 5, 1994, 108 Stat. 1378, the first section of which enacted subtitles II, III, and V to X of Title 49, Transportation. Previously, section 5 of the Department of Transportation Act was amended generally by Pub. L. 101–213, § 2(c), Dec. 11, 1989, 103 Stat. 1843, and, as so amended, provisions of subsec. (j), relating to an adequate State plan, were set out in subsec. (a).

CHAPTER 69—SWINE HEALTH PROTECTION

Sec.
3801. Congressional findings and declaration of purpose.
3802. Definitions.
3803. Prohibition of certain garbage feeding; exemption.
3804. Permits to operate garbage treatment facility.
3805. Civil penalties.
3806. Criminal penalties.
3807. General enforcement provisions.
3808. Cooperation with States.
3809. Primary enforcement responsibility.
3810. Repealed.
3811. Issuance of regulations; maintenance of records.
3812. Authority in addition to other laws; effect on State laws.
3813. Authorization of appropriations.

§ 3801. Congressional findings and declaration of purpose

The Congress hereby finds and declares that—

(1) raw garbage is one of the primary media through which numerous infectious or communicable diseases of swine are transmitted;

(2) if certain exotic animal diseases, such as foot-and-mouth disease, African swine fever, hog cholera, and swine vesicular diseases, gain