

(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 590h(b)(5) of title 16 or local review committees established under section 1363 of this title because of racial, ethnic, or gender prejudice; and

(B) if such underrepresentation exists, whether it inhibits or interferes with the participation of socially disadvantaged 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) “Socially disadvantaged producer” defined

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.

(Pub. L. 103–354, title III, §305, Oct. 13, 1994, 108 Stat. 3240.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended. Title V of the Act is classified generally to subchapter IV (§1461 et seq.) of chapter 35A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (b), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of this title and Tables.

CHAPTER 55A—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 450i, 3152 of this title; title 19 section 2155.

§ 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. Annual reports

The Secretary shall annually transmit to the appropriate committees of Congress having legislative jurisdiction or oversight with respect to the agency within the Department of Agriculture that provides support services to an advisory committee, and to the Library of Congress—

(1) a copy of the report concerning that advisory committee prepared in compliance with section 6(c) of the Federal Advisory Committee Act (5 U.S.C. App.);

(2) a list of the members of that advisory committee which shall specify the principal place of residence, persons or companies by whom they are employed, and other major sources of income, as defined by the Secretary, of each member; and

(3) a statement of the amount of expenses incurred in connection with advisory committee meetings by any member of an advisory committee for which reimbursement was received from any source other than the United States or the member's employer.

(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.)

REFERENCES IN TEXT

Section 6(c) of the Federal Advisory Committee Act, referred to in par. (1), is section 6(c) of Pub. L. 92-463, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

1981—Pub. L. 97-98 substituted provision relating to transmission of an annual report for provision relating to additional duties of the Secretary of Agriculture.

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.

§ 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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2286 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

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§ 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

When used in this chapter—

(a) The term "handler" means any person engaged in the business or practice of (1) acquiring agricultural products from producers or associations of producers for processing or sale; or (2) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; or (3) 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 (4) acting as an agent or broker for a handler in the performance of any function or act specified in clause (1), (2), or (3) of this paragraph.

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

(c) 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.

(d) The term "person" includes individuals, partnerships, corporations, and associations.

(e) The term "agricultural products" shall not include cotton or tobacco or their products.

(Pub. L. 90-288, §3, Apr. 16, 1968, 82 Stat. 94.)

§ 2303. Prohibited practices

It shall be unlawful for any handler knowingly to engage or permit any employee or agent to engage in the following practices:

(a) To coerce any producer in the exercise of his right to join and belong to or to refrain from joining or belonging to an association of producers, or to refuse to deal with any producer because of the exercise of his right to join and belong to such an association; or

(b) To discriminate against any producer with respect to price, quantity, quality, or other terms of purchase, acquisition, or other handling of agricultural products because of his membership in or contract with an association of producers; or

(c) To coerce or intimidate any producer to enter into, maintain, breach, cancel, or terminate a membership agreement or marketing contract with an association of producers or a contract with a handler; or

(d) To pay or loan money, give any thing of value, or offer any other inducement or reward to a producer for refusing to or ceasing to belong to an association of producers; or

(e) To make false reports about the finances, management, or activities of associations of producers or handlers; or