

1980, and each year thereafter through 1987, a report on the status of the research, development, and other work underway under this subchapter. Such report shall (1) recommend specific directions for further research, development and other work, and (2) recommend funding levels for various elements of the overall project.

(Pub. L. 95-592, §15, Nov. 4, 1978, 92 Stat. 2533; Pub. L. 98-284, §14, May 16, 1984, 98 Stat. 184.)

#### AMENDMENTS

1984—Pub. L. 98-284 substituted “The Secretaries” for “The Secretary of Agriculture and the Secretary of Commerce” and “1987” for “1982”.

### § 178n. Administration and funding

#### (a) Authorization of appropriations to Secretary of Agriculture

There are authorized to be appropriated to the Secretary of Agriculture such sums as are necessary to carry out this subchapter in each of the fiscal years 1991 through 1997.

#### (b) Administration and management

No more than 3 per centum of funds authorized under subsection (a) of this section shall be available for administration and management of the program.

#### (c) Contract authority as limited by amounts provided in appropriations acts

Notwithstanding any other provision of this subchapter the authority to enter into contracts shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriations Acts.

#### (d) Activities limited to critical materials other than native latex after fiscal 1988

Notwithstanding any other provision of this subchapter, the Secretaries and the Joint Commission shall limit their activities under this subchapter to critical agricultural materials other than native latex after the close of the fiscal year ending September 30, 1988.

(Pub. L. 95-592, §15, Nov. 4, 1978, 92 Stat. 2534; Pub. L. 98-284, §15, May 16, 1984, 98 Stat. 184; Pub. L. 101-624, title XVI, §1601(e), Nov. 28, 1990, 104 Stat. 3704; Pub. L. 104-127, title VIII, §881(b), Apr. 4, 1996, 110 Stat. 1175.)

#### AMENDMENTS

1996—Subsec. (a). Pub. L. 104-127 substituted “1997” for “1995”.

1990—Subsec. (a). Pub. L. 101-624, §1601(e)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “There is authorized to be appropriated to the Secretary of Agriculture \$2,500,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, \$5,000,000 for each of the fiscal years ending September 30, 1982, and September 30, 1983, \$5,000,000 for the fiscal year ending September 30, 1984, \$5,500,000 for the fiscal year ending September 30, 1985, \$6,500,000 for the fiscal year ending September 30, 1986, \$7,500,000 for the fiscal year ending September 30, 1987, and \$8,000,000 for the fiscal year ending September 30, 1988, to carry out the purposes of this subchapter. Funds appropriated under this paragraph shall be available for obligation until the last day of the fiscal year after the year for which such funds are authorized.”

Subsec. (b). Pub. L. 101-624, §1601(e)(2)-(4), redesignated subsec. (c) as (b) and substituted “subsection (a)” for “subsections (a) and (b)”, and struck out former

subsec. (b) which read as follows: “There is authorized to be appropriated to the Secretary of Commerce \$2,500,000 for each of the fiscal years ending September 30, 1980, and September 30, 1981, \$5,000,000 for each of the fiscal years ending September 30, 1982, and September 30, 1983, \$2,500,000 for the fiscal year ending September 30, 1984, \$3,000,000 for the fiscal year ending September 30, 1985, \$3,500,000 for the fiscal year ending September 30, 1986, \$4,000,000 for the fiscal year ending September 30, 1987, and \$4,500,000 for the fiscal year ending September 30, 1988, to carry out the purposes of this subchapter. Funds appropriated under this paragraph shall be available for obligation until the last day of the fiscal year after the year for which such funds are authorized.”

Subsecs. (c) to (e). Pub. L. 101-624, §1601(e)(4), redesignated subsecs. (c) to (e) as (b) to (d), respectively.

1984—Subsec. (a). Pub. L. 98-284, §15(a), inserted “\$5,000,000 for the fiscal year ending September 30, 1984, \$5,500,000 for the fiscal year ending September 30, 1985, \$6,500,000 for the fiscal year ending September 30, 1986, \$7,500,000 for the fiscal year ending September 30, 1987, and \$8,000,000 for the fiscal year ending September 30, 1988,” and struck out “and” after “1981.”

Subsec. (b). Pub. L. 98-284, §15(b), inserted “\$2,500,000 for the fiscal year ending September 30, 1984, \$3,000,000 for the fiscal year ending September 30, 1985, \$3,500,000 for the fiscal year ending September 30, 1986, \$4,000,000 for the fiscal year ending September 30, 1987, and \$4,500,000 for the fiscal year ending September 30, 1988,” and struck out “and” after “1981.”

Subsec. (e). Pub. L. 98-284, §15(c), added subsec. (e).

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 178c of this title.

### CHAPTER 9—PACKERS AND STOCKYARDS

#### SUBCHAPTER I—GENERAL DEFINITIONS

Sec.	
181.	Short title.
182.	Definitions.
183.	When transaction deemed in commerce; “State” defined.

#### SUBCHAPTER II—PACKERS GENERALLY

191.	“Packer” defined.
192.	Unlawful practices enumerated.
193.	Procedure before Secretary for violations. <ol style="list-style-type: none"> <li>Complaint; hearing; intervention.</li> <li>Report and order; penalty.</li> <li>Amendment of report or order.</li> <li>Service of process.</li> </ol>
194.	Conclusiveness of order; appeal and review. <ol style="list-style-type: none"> <li>Filing of petition; bond.</li> <li>Filing of record by Secretary.</li> <li>Temporary injunction.</li> <li>Evidence.</li> <li>Action by court.</li> <li>Additional evidence.</li> <li>Injunction.</li> <li>Finality.</li> </ol>
195.	Punishment for violation of order.
196.	Statutory trust established; livestock. <ol style="list-style-type: none"> <li>Protection of public interest from inadequate financing arrangements.</li> <li>Livestock, inventories, receivables and proceeds held by packer in trust for benefit of unpaid cash sellers; time limitations; exempt packers; effect of dishonored instruments; preservation of trust benefits by seller.</li> <li>Definition of cash sale.</li> </ol>
197.	Statutory trust established; poultry. <ol style="list-style-type: none"> <li>Protection of public interest from inadequate financing arrangements.</li> <li>Poultry, inventories, receivables and proceeds held by dealer in trust for benefit of unpaid cash sellers or poultry growers.</li> </ol>

- Sec. (c) Effect of dishonored instruments.  
 (d) Preservation of trust benefit by seller or poultry grower.  
 (e) Definition of cash sale.

SUBCHAPTER III—STOCKYARDS AND STOCKYARD DEALERS

201. “Stockyard owner”; “stockyard services”; “market agency”; “dealer”; defined.  
 202. “Stockyard” defined; determination by Secretary as to particular yard.  
 203. Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register.  
 204. Bond and suspension of registrants.  
 205. General duty as to services; revocation of registration.  
 206. Rates and charges generally; discrimination.  
 207. Schedule of rates.  
 (a) Filing; public inspection.  
 (b) Detail required; form.  
 (c) Changes.  
 (d) Rejection by Secretary.  
 (e) Determination of lawfulness; hearing; suspension.  
 (f) Suspension of operations; compliance.  
 (g) Penalty.  
 (h) Intentional violations; penalty.  
 208. Unreasonable or discriminatory practices generally; rights of stockyard owner of management and regulation.  
 209. Liability to individuals for violations; enforcement generally.  
 210. Proceedings before Secretary for violations.  
 (a) Complaint; response; satisfaction or investigation.  
 (b) Complaints forwarded by agencies of a State or Territory.  
 (c) Inquiries instituted by Secretary.  
 (d) Damage to complainant not required.  
 (e) Award and payment of damages.  
 (f) Enforcement of orders.  
 211. Order of Secretary as to charges or practices; prescribing rates and practices generally.  
 212. Prescribing rates and practices to prevent discrimination between intrastate and interstate commerce.  
 213. Prevention of unfair, discriminatory, or deceptive practices.  
 214. Effective date of orders.  
 215. Failure to obey orders; punishment.  
 216. Proceedings to enforce orders; injunction.  
 217. Proceedings for suspension of orders.  
 217a. Fees for inspection of brands or marks.  
 (a) Authorization by Secretary; registration as market agency.  
 (b) Applicability of section.  
 (c) Collection and payment of charges.  
 (d) Revocation of authorization or registration.

SUBCHAPTER IV—LIVE POULTRY DEALERS AND HANDLERS

218 to 218d. Repealed.

SUBCHAPTER V—GENERAL PROVISIONS

221. Accounts and records of business; punishment for failure to keep.  
 222. Federal Trade Commission powers adopted for enforcement of chapter.  
 223. Responsibility of principal for act or omission of agent.  
 224. Attorney General to institute court proceedings for enforcement.  
 225. Laws unaffected.  
 226. Powers of Interstate Commerce Commission unaffected.  
 227. Powers of Federal Trade Commission and Secretary of Agriculture.

- Sec. (a) Omitted.  
 (b) Jurisdiction of Federal Trade Commission.  
 (c) Limitation of Federal Trade Commission jurisdiction.  
 (d) Jurisdiction of Secretary of Agriculture except for poultry products.  
 (e) Jurisdiction of Secretary of Agriculture regarding poultry products.  
 (f) Information to be included in annual reports.  
 228. Authority of Secretary.  
 (a) Rules, regulations, and expenditures; appropriations.  
 (b) Deductions from proceeds for financing promotional, educational, and research activities.  
 (c) Budget estimate; testimony of Secretary before Congressional committees.  
 (d) Development and promulgation of rules governing hearings.  
 (e) Definitions.  
 228a. Authority of Secretary to request temporary injunction or restraining order.  
 228b. Prompt payment for purchase of livestock.  
 (a) Full amount of purchase price required; methods of payment.  
 (b) Waiver of prompt payment by written agreement; disclosure requirements.  
 (c) Delay in payment or attempt to delay deemed unfair practice.  
 228b-1. Final date for making payment to cash seller or poultry grower.  
 (a) Delivery of full amount due.  
 (b) Delay or attempt to delay collection of funds as “unfair practice”.  
 (c) Definition of cash sale.  
 228b-2. Violations by live poultry dealers.  
 (a) Written complaint by Secretary; hearing; intervention; amended complaint.  
 (b) Report on findings of fact by Secretary; cease and desist order; assessment of civil penalty; action by Attorney General upon live poultry dealer’s failure to pay penalty.  
 (c) Amendment or setting aside of report or order.  
 (d) Service of complaints, orders, and other processes.  
 228b-3. Judicial review of order regarding live poultry dealer.  
 (a) Finality of order unless appeal to court of appeals; time limit; bond.  
 (b) Notification of appeal to Secretary; filing of record with court.  
 (c) Issuance of temporary injunction.  
 (d) Evidence in record as evidence in case; expedited proceedings.  
 (e) Action by court.  
 (f) Taking of additional evidence; modified or additional findings by Secretary.  
 (g) Affirmance or modification of order as injunction.  
 (h) Exclusive jurisdiction of court of appeals; finality of decree; appeal to Supreme Court; stay of decree.  
 228b-4. Violation of final order by live poultry dealer; penalty.  
 228c. Federal preemption of State and local requirements.  
 229. Separability.

SUBCHAPTER VI—CHARGE FOR INSPECTION

231. Omitted.

TRANSFER OF FUNCTIONS

Functions of Bureau of Animal Industry transferred to Secretary of Agriculture by 1947 Reorg. Plan No. 1,