

§ 2159. Authority to apply for injunctions

(a) Request

Whenever the Secretary has reason to believe that any dealer, carrier, exhibitor, or intermediate handler is dealing in stolen animals, or is placing the health of any animal in serious danger in violation of this chapter or the regulations or standards promulgated thereunder, the Secretary shall notify the Attorney General, who may apply to the United States district court in which such dealer, carrier, exhibitor, or intermediate handler resides or conducts business for a temporary restraining order or injunction to prevent any such person from operating in violation of this chapter or the regulations and standards prescribed under this chapter.

(b) Issuance

The court shall, upon a proper showing, issue a temporary restraining order or injunction under subsection (a) of this section without bond. Such injunction or order shall remain in effect until a complaint pursuant to section 2149 of this title is issued and dismissed by the Secretary or until an order to cease and desist made thereon by the Secretary has become final and effective or is set aside on appellate review. Attorneys of the Department of Agriculture may, with the approval of the Attorney General, appear in the United States district court representing the Secretary in any action brought under this section.

(Pub. L. 89-544, §29, as added Pub. L. 101-624, title XXV, §2503(2), Nov. 28, 1990, 104 Stat. 4067.)

CHAPTER 55—DEPARTMENT OF AGRICULTURE

- Sec. 2201. Establishment of Department.
- 2202. Executive Department; Secretary.
- 2203. Seal.
- 2204. General duties of Secretary; advisory functions; research and development.
- 2204a. Rural development; utilization of non-Federal offices; location of field units; interchange of personnel and facilities.
- 2204b. Rural development policy.
 - (a) Coordination of nationwide rural development program using services of executive branch departments and agencies and State and local governments.
 - (b) Policy development; systematic review of Federal programs; access to information; development of process to receive and assess needs, goals, etc.; cooperative agreements to improve Federal programs affecting rural areas; public hearings and comments.
 - (c) Rural development strategy and annual updates; preparation and scope; purposes; time for updates; public hearings and suggestions and recommendations; transmittal to Congressional committees; analysis of budgetary considerations and factors; evaluation and recommendations regarding implementation and revisions.
 - (d) Strategy implementation; goals.
- 2204b-1. Rural development.
 - (a) Congressional commitment.
 - (b) Location of Federal facilities.

- Sec. 2204c. Water management for rural areas.
 - (a) In general.
 - (b) Activities.
 - (c) Cooperation.
 - (d) Regulations.
 - (e) "University" defined.
 - (f) Funding.
 - (g) No waivers.
- 2204d. Encouragement of private contracting.
 - (a) In general.
 - (b) Plan required.
- 2204e. Office of Risk Assessment and Cost-Benefit Analysis.
 - (a) Office of Risk Assessment and Cost-Benefit Analysis.
 - (b) Functions.
 - (c) "Major regulation" defined.
- 2204f. Fund for Rural America.
 - (a) In general.
 - (b) Funding.
 - (c) Activities.
 - (d) Limitations.
- 2204g. Authority of Secretary of Agriculture to conduct census of agriculture.
 - (a) Census of agriculture required.
 - (b) Methods.
 - (c) Year of information.
 - (d) Enforcement.
 - (e) Geographic coverage.
 - (f) Cooperation with Secretary of Commerce.
 - (g) Regulations.
- 2205. Duties of former Commissioner of Agriculture transferred to Secretary.
- 2206. Custody of property and records.
- 2206a. Conveyance of excess Federal personal property.
- 2207. Reports.
- 2207a. Reports to Congress on obligation and expenditure.
- 2208. Expenditure of appropriations; accounting.
- 2209. Additional statement of expenditures.
- 2209a. Advances to chiefs of field parties.
- 2209b. Availability of appropriations.
- 2209c. Use of funds for one-year contracts to be performed in two fiscal years.
- 2209d. Statement of percentage and dollar amount of Federal funding.
- 2209e. Prohibition on payments to parties involved with prohibited drug-producing plants.
- 2210. Deputy Secretary of Agriculture; appointment.
- 2211. Powers and duties of Deputy Secretary of Agriculture.
- 2211a to 2213. Omitted or Repealed.
- 2214. General Counsel; appointment.
- 2215. Chief clerk.
- 2216. Repealed.
- 2217. Oaths, affirmations, and affidavits taken by officers, agents, or employees of Department; use and effect.
- 2218. Fee for administering or taking oaths, affirmations, and affidavits.
- 2219. Salaries; how paid.
- 2220. Certain officials and employees of Department and others not subject to restriction on payment of compensation to Government officials and employees.
- 2221. Details of persons from or to office of Secretary.
- 2222. Details of law clerks.
- 2223. Details of employees from and to library and bureaus and offices.
- 2224. Details of employees from and to Division of Accounts and Disbursements and bureaus and offices; traveling expenses.
- 2224a. Utilization of employees of agencies for part-time and intermittent assistance to other agencies; exclusion of overtime resulting from natural disasters from staff year ceilings.

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|--|--|
| <p>Sec.
2225. Employment of temporary personnel.
2225a. Contracts for consulting services.
2225b. Personal service contracts for veterinarians.
2226. Employment of persons for forest fire fighting, pest control, and handling of animals.
2227. Traveling expenses.
2228. Emergency subsistence for employees.
2229. Travel and per diem expenses of temporary or seasonal employees.
2230. Employees in Alaska; subsistence, equipment, and supplies.
2231. Official expenses of employees stationed abroad.
2231a. Reimbursement of employees for costs of State licenses and certification fees.
2231b. First amendment rights of employees of the United States Department of Agriculture.
2232. Stenographic reporting service.
2233. Funds available for expenses of advisory committees.
2234. Purchases for bureaus from appropriations for contingent expenses.
2235. Working capital fund established; use of central services by bureaus, etc., of the Department.
2236. Working capital fund for Agricultural Research Center; establishment.
2237. Use of field work funds for employment of men with equipment, etc.
2238. Use of field work funds for purchase of arms and ammunition.
2239. Funds for printing, binding, and scientific and technical article reprint purchases.
2240. Reimbursement of appropriation for salaries and compensation of employees in mechanical shops.
2241. Sale or exchange of animals or animal products.
2242. Repealed.
2242a. User fees for reports, publications, and software.
 (a) Authority of Secretary.
 (b) Consistency of charges with provisions of section 9701 of title 31.
 (c) Use and disposition of moneys.
 (d) Investment.
2242b. Translation of publications into foreign languages.
2243. Sale of photographic prints and maps.
2244. Repealed.
2245. Sale of prints and lantern slides.
2246. Loan, rental, or sale of films.
2247. Sale of samples of pure sugars.
2248. Statistics relating to turpentine and rosin.
2249. Amount and character of cooperation.
2250. Construction and repair of buildings and public improvements.
2250a. Erection of buildings and other structures on non-Federal lands; duration of use of such lands; removal of structures after termination of use; availability of funds for expenses of acquiring long-term leases or other agreements.
2251. Reimbursement of Production and Marketing Administration appropriations for expenses of maintaining registers of indebtedness and making set-offs.
2252. Reimbursement of Production and Marketing Administration appropriations for costs of procuring agricultural commodities for nongovernmental agencies or foreign governments.
2253. Adjustment by Secretary of titles to lands acquired by Government and subject to his control.
2254. Operation, maintenance and purchase of aircraft by Agricultural Research Service; construction and repair of buildings.
2255. Membership in International Wheat Advisory Committee, International Sugar Council, etc.</p> | <p>Sec.
2255a. Financial assistance to national and international conferences.
2256. Inspections, analyses, and tests for other Government departments and agencies; reimbursement.
2257. Interchangeability of funds for miscellaneous expenses and general expenses.
2258. Purchase of newspapers.
2259. Market-inspection certificates as prima facie evidence.
2260. Inspection or quarantine services involving overtime furnished upon a reimbursable basis.
2260a. Reimbursable agreements.
 (a) In general.
 (b) Overtime, night, and holiday work.
 (c) Reimbursement.
2261. Credit of donations and proceeds from exhibitions to appropriations concerned with foreign market development programs.
2262. Employee liability insurance on motor vehicles in foreign countries.
2262a. Overseas tort claims.
 (a) In general.
 (b) Period for presentation of claim.
 (c) Finality.
2263. Transfer of funds.
2264. National Agricultural Library; acceptance of gifts, bequests, or devises; conditional gifts.
2265. Deposit of money accepted for benefit of National Agricultural Library; disbursement.
2266. Congressional reaffirmation of policy to foster and encourage family farms; annual report to Congress.
2267. Repealed.
2268. Public lands; relinquishment.
2269. Gifts of property; acceptance and administration by Secretary of Agriculture; Federal tax law consideration; separate fund in Treasury; regulations.
2270. Authority of Office of Inspector General.
2270a. Office of Inspector General; transfer of forfeiture funds for law enforcement activities.
2271. Marketing education programs for small and medium size family farm operations.
2271a. Advanced marketing training for farmers and ranchers.
2272. Volunteers for Department of Agriculture programs.
 (a) Establishment of program.
 (b) Acceptance of personnel.
 (c) Federal employee status.
2272a. Funds for incidental expenses and promotional items relating to volunteers.
2273. Local search and rescue operations.
2274. Firearm authority of employees engaged in animal quarantine enforcement.
2275. Repealed.
2276. Confidentiality of information.
 (a) Authorized disclosure.
 (b) Duty of Secretary; immunity from disclosure; necessary consent.
 (c) Violations; penalties.
 (d) Specific provisions for collection of information.
 (e) Information provided to Secretary of Commerce.
2277. Contracts by Animal and Plant Health Inspection Service for services to be performed abroad.
2278. Consistency with international obligations of United States.
 (a) In general.
 (b) Compliance with U.S. international obligations.
 (c) Construction.
2279. Outreach and assistance for socially disadvantaged farmers and ranchers.
 (a) Outreach and assistance.</p> |
|--|--|

- Sec.
- (b) Designation of Federal personnel.
 - (c) Report to Congress.
 - (d) Affirmative action, appeals, and contracting review.
 - (e) Definitions.
 - (f) Omitted.
 - (g) Reservations.
- 2279a. Fair and equitable treatment of socially disadvantaged producers.
- (a) Fair crop acreage bases and farm program payment yields.
 - (b) Fair application of Consolidated Farm and Rural Development Act.
 - (c) Report on treatment of socially disadvantaged producers.
 - (d) "Socially disadvantaged producer" defined.
- 2279b. Operation of Graduate School of Department of Agriculture as nonappropriated fund instrumentality.
- (a) Definitions.
 - (b) Operation as nonappropriated fund instrumentality.
 - (c) Activities of Graduate School.
 - (d) Fees and donations.
 - (e) General Administration Board and Director.
 - (f) Employees.
 - (g) Not a Federal agency.
 - (h) Acquisition and disposal of property.
 - (i) Contract authority.
 - (j) Use of Department facilities and resources.
- 2279c. Student internship programs.
- (a) Student intern subsistence program.
 - (b) Cooperation with associations of colleges and universities.
- 2279d. Compensatory damages in claims under Rehabilitation Act of 1973.

§ 2201. Establishment of Department

There shall be at the seat of government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, rural development, aquaculture, and human nutrition, in the most general and comprehensive sense of those terms, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

(R.S. § 520; Pub. L. 92-419, title VI, § 603(a), Aug. 30, 1972, 86 Stat. 675; Pub. L. 95-113, title XV, § 1502(a), Sept. 29, 1977, 91 Stat. 1021.)

CODIFICATION

R.S. § 520 derived from act May 15, 1862, ch. 72, § 1, 12 Stat. 387.

Section was formerly classified to section 511 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1977—Pub. L. 95-113 inserted references to aquaculture and human nutrition.

1972—Pub. L. 92-419 substituted "agriculture and rural development" and "those terms" for "agriculture" and "that word", respectively.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

SHORT TITLE OF 1997 AMENDMENT

Pub. L. 105-113, § 1, Nov. 21, 1997, 111 Stat. 2274, provided that: "This Act [enacting section 2204g of this

title, amending sections 1991 and 2276 of this title and section 9 of Title 13, Census, repealing section 142 of Title 13, and enacting provisions set out as a note under section 1991 of this title] may be cited as the 'Census of Agriculture Act of 1997'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-355, § 1, Sept. 24, 1980, 94 Stat. 1171, provided that: "This Act [enacting sections 2204b and 2211b of this title, amending sections 1926, 2204, 2204a, 2663, and 2667 of this title, section 5314 of Title 5, Government Organization and Employees, and section 3122 of Title 42, The Public Health and Welfare, and enacting provisions set out as a note under section 2204b of this title] may be cited as the 'Rural Development Policy Act of 1980'."

SHORT TITLE

Act Aug. 3, 1956, § 1, provided that: "This Act [enacting sections 428a, 1040, 2228, 2229 and 2333 of this title, and sections 579b and 590h-4 of Title 16, Conservation, and amending sections 1004, 1392, 1516, and 1766 of this title, sections 590k and 590n of Title 16, and sections 114a and 114c of Title 21, Food and Drugs] may be cited as the 'Department of Agriculture Organic Act of 1956'."

ESTABLISHMENT OF PERSONNEL CEILING FOR FISCAL YEARS 1982, 1983, AND 1984

Pub. L. 97-35, title I, § 125, Aug. 13, 1981, 95 Stat. 369, provided that: "Notwithstanding any other provision of law, the total full-time equivalent staff year personnel ceiling for the United States Department of Agriculture shall not exceed one hundred and seventeen thousand staff years (including overtime) for each of the fiscal years ending September 30, 1982, September 30, 1983, and September 30, 1984."

TRANSFER OF FUNCTIONS FROM SECRETARY OF INTERIOR TO SECRETARY OF AGRICULTURE

Pub. L. 86-509, June 11, 1960, 74 Stat. 205, which enacted provisions of Reorganization Plan Numbered 1 of 1959, provided: "That, except as otherwise provided in section 2 hereof, the following functions are hereby transferred to the Secretary of Agriculture:

"(a) The functions of the Secretary of the Interior under the Act of March 20, 1922, 42 Stat. 465, as amended (16 U.S.C. 485, 486), with respect to exchanges of non-Federal lands for national forest lands or timber.

"(b) The functions of the Secretary of the Interior under the Act of February 2, 1922 (42 Stat. 362), with respect to exchanges of lands in private ownership within or within six miles of the Deschutes National Forest for national forest lands, or for timber from any national forest, in the State of Oregon.

"(c) The functions of the Secretary of the Interior under the Act of June 7, 1924 (43 Stat. 643), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

"(d) The functions of the Secretary of the Interior under the Act of January 12, 1925 (43 Stat. 739), except section 2 thereof, with respect to exchanges of privately owned lands for national forest timber in New Mexico.

"(e) The functions of the Secretary of the Interior under the Act of April 21, 1926 (44 Stat. 303), except section 2 thereof, with respect to exchanges of privately owned lands for national forest lands or timber in New Mexico and Arizona.

"(f) The functions of the Secretary of the Interior under section 2 of the Act of May 26, 1926 (44 Stat. 655; 16 U.S.C. 38), with respect to exchanges of lands held in private or State ownership for national forest lands or timber in Montana.

"(g) The functions of the Secretary of the Interior under the Act of June 15, 1926 (44 Stat. 746), with respect to exchanges of State lands for national forest lands in New Mexico.

"(h) The functions of the Secretary of the Interior under the Act of December 7, 1942 (56 Stat. 1042), with

respect to exchange transactions in which lands under the jurisdiction of the Secretary of Agriculture are exchanged for State lands in Minnesota which are to be under the jurisdiction of the Secretary of Agriculture after their acquisition by the United States.

“(i) The function of the Secretary of the Interior (originally vested in the Commissioner of the General Land Office) under section 6 of the Act of April 28, 1930 (46 Stat. 257; 43 U.S.C. 872), with respect to execution of quitclaim deeds for lands conveyed to the United States in connection with exchange transactions involving lands under the jurisdiction of the Secretary of Agriculture.

“(j) The functions of the Secretary of the Interior under section 2(b) of the Joint Resolution of August 8, 1947 (61 Stat. 921), with respect to appraisals and sales of certain lands within the Tongass National Forest.

“(k) The functions of the Secretary of the Interior under section 10 of the Act of March 1, 1911 (36 Stat. 962; 16 U.S.C. 519), with respect to sales of small tracts of acquired national forest lands found chiefly valuable for agriculture.

“(l) The functions of the Secretary of the Interior under section 402 of Reorganization Plan Numbered 3 of 1946 (60 Stat. 1099), section 3 of the Act of September 1, 1949 (63 Stat. 683; 30 U.S.C. 192c), the Act of June 30, 1950 (64 Stat. 311; 16 U.S.C. 508b), section 3 of the Act of June 28, 1952 (66 Stat. 285), or otherwise, with respect to the use and disposal from lands under the jurisdiction of the Secretary of Agriculture of those mineral materials which the Secretary of Agriculture is authorized to dispose of from other lands under his jurisdiction under the Act of July 31, 1947 (61 Stat. 681), as amended by the Act of July 23, 1955 (69 Stat. 367; 30 U.S.C. 601 and the following).

“SEC. 2(a). In no case covered by subsections (a), (b), (e), (g), and (h) of section 1 hereof shall the exchange provide for the patenting of land by the United States without a reservation of minerals (1) unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that the land is nonmineral in character, or (2) unless the Secretary of the Interior approves of the valuation and disposition of the minerals in the lands to be patented. A sale of land covered by subsection (j) of section 1 hereof shall be made by the Secretary of Agriculture without a reservation of minerals only after consultation with, and the approval of, the Secretary of the Interior as to the valuation and disposition of the minerals. No lands of the United States shall be exchanged in any case covered by subsection (f) of section 1 hereof unless the Secretary of Agriculture has obtained the advice of the Secretary of the Interior that such lands are nonmineral in character.

“(b) Nothing in this Act shall be construed to authorize the Secretary of Agriculture to determine or adjudicate the validity or invalidity of any mining claim or part thereof.

“(c) Nothing in subsection (1) of section 1 hereof shall be construed to authorize the Secretary of Agriculture to dispose of coal, phosphate, sodium, potassium, oil, oil shale, gas, or sulfur, or to dispose of any minerals which would be subject to disposal under the mining laws if said laws were applicable to the lands in which the minerals are situated.

“(d) Upon approval by the Secretary of Agriculture pursuant to the provisions of this Act of any exchange or sale, respectively, of national forest lands under the provisions of law referred to in subsections (a), (b), (e), (f), (g), and (j) of section 1, hereof, the Secretary of the Interior, upon the recommendation of the Secretary of Agriculture, shall issue the patent therefor.

“(e) All conveyances under the Act referred to in subsection (h) of section 1 hereof of national forest lands reserved from the public domain shall, upon recommendation of the Secretary of Agriculture, be made by the Secretary of the Interior.”

REORGANIZATION PLAN NO. 2 OF 1953

Eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, as amended Oct. 15, 1982, Pub. L. 97-325, §8(d), 96 Stat. 1606; Oct. 13, 1994, Pub. L. 103-354, title II, §218(e)(1), 108 Stat. 3213

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 25, 1953, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949, as amended [see 5 U.S.C. 901 et seq.].

DEPARTMENT OF AGRICULTURE

SECTION 1. TRANSFER OF FUNCTIONS TO THE SECRETARY

(a) Subject to the exceptions specified in subsection (b) of this section, there are hereby transferred to the Secretary of Agriculture all functions not now vested in him of all other officers, and of all agencies and employees, of the Department of Agriculture.

(b) This section shall not apply to the functions vested by the Administrative Procedure Act (5 U.S.C. 1001 et seq.) [5 U.S.C. 551 et seq. and 701 et seq.] in hearing examiners employed by the Department of Agriculture nor to the functions of (1) corporations of the Department of Agriculture, (2) the boards of directors and officers of such corporations, (3) the Advisory Board of the Commodity Credit Corporation, or (4) the Farm Credit Administration or any agency, officer, or entity of, under, or subject to the supervision of the said administration.

SEC. 2. ASSISTANT SECRETARIES OF AGRICULTURE

[Repealed. Pub. L. 103-354, title II, §218(e)(1), Oct. 13, 1994, 108 Stat. 3213. Section authorized the appointment of two additional Assistant Secretaries of Agriculture. See section 6918 of this title.]

SEC. 3. ADMINISTRATIVE ASSISTANT SECRETARY

[Repealed. Pub. L. 97-325, §8(d), Oct. 15, 1982, 96 Stat. 1606. Section authorized the appointment of an Administrative Assistant Secretary of Agriculture. See section 2212c of this title.]

SEC. 4. DELEGATION OF FUNCTIONS

(a) The Secretary of Agriculture may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the Department of Agriculture of any function of the Secretary, including any function transferred to the Secretary by the provisions of this reorganization plan.

(b) To the extent that the carrying out of subsection (a) of this section involves the assignment of major functions or major groups of functions to major constituent organizational units of the Department of Agriculture, now or hereafter existing, or to the heads or other officers thereof, and to the extent deemed practicable by the Secretary, he shall give appropriate advance public notice of delegations of functions proposed to be made by him and shall afford appropriate opportunity for interested persons and groups to place before the Department of Agriculture their views with respect to such proposed delegations.

(c) In carrying out subsection (a) of this section the Secretary shall seek to simplify and make efficient the operation of the Department of Agriculture, to place the administration of farm programs close to the State and local levels, and to adapt the administration of the programs of the Department to regional, State, and local conditions.

SEC. 5. INCIDENTAL TRANSFERS

The Secretary of Agriculture may from time to time effect such transfers within the Department of Agriculture of any of the records, property, and personnel affected by this reorganization plan and such transfers of unexpended balances (available or to be made avail-

able for use in connection with any affected function or agency) of appropriations, allocations, and other funds of such Department, as he deems necessary to carry out the provisions of this reorganization plan; but such unexpended balances so transferred shall be used only for the purposes for which such appropriation was originally made.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3125a of this title; title 20 section 196.

§ 2202. Executive Department; Secretary

The Department of Agriculture shall be an executive department, under the supervision and control of a Secretary of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate. The provisions of title 4 of the Revised Statutes, including all amendments thereto, shall be applicable to said department; and all laws and parts of laws relating to the Department of Agriculture in existence February 9, 1889, as far as the same are applicable and not in conflict with this section, and only so far, are continued in full force and effect.

(Feb. 9, 1889, ch. 122, §§1, 4, 25 Stat. 659.)

REFERENCES IN TEXT

Title 4 of the Revised Statutes, referred to in text, was entitled "Provisions Applicable to All Executive Departments, and consisted of R.S. §§158 to 198. For provisions of the Code derived from such title 4, see sections 101, 301, 303, 304, 503, 2952, 3101, 3106, 3341, 3345 to 3349, 5535, 5536 of Title 5, Government Organization and Employees; section 207 of Title 18, Crimes and Criminal Procedure; sections 514, 520 of Title 28, Judiciary and Judicial Procedure; section 3321 of Title 31, Money and Finance.

CODIFICATION

Section was formerly classified to section 512 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

ORDER OF SUCCESSION

For order of succession in case of absence, sickness, resignation, or death of Secretary, see Ex. Ord. No. 11793, July 10, 1974, 39 F.R. 25631, set out as a note under section 3345 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Annual rate of basic compensation of Secretary, see section 5312 of Title 5, Government Organization and Employees.

§ 2203. Seal

The Secretary of Agriculture is authorized and directed to procure a proper seal, with such suitable inscriptions and devices as he may approve, to be known as the official seal of the Department of Agriculture, and to be kept and used to verify official documents, under such rules and regulations as he may prescribe.

(Aug. 8, 1894, ch. 238, 28 Stat. 272.)

CODIFICATION

Section was formerly classified to section 513 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2204. General duties of Secretary; advisory functions; research and development

(a) The Secretary of Agriculture shall procure and preserve all information concerning agriculture, rural development, aquaculture, and human nutrition which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists; and he shall advise the President, other members of his Cabinet, and the Congress on policies and programs designed to improve the quality of life for people living in the rural and nonmetropolitan regions of the Nation.

(b) The Secretary is authorized to initiate or expand research and development efforts related to solution of problems of rural water supply, rural sewage and solid waste management, rural housing, rural industrialization, and technology appropriate to small- and moderate-sized family farming operations, and any other problem that the Secretary may determine has an effect upon the economic development or the quality of life in rural areas.

(R.S. §526; Feb. 9, 1889, ch. 122, §§1, 4, 25 Stat. 659; Pub. L. 92-419, title VI, §603(b), Aug. 30, 1972, 86 Stat. 675; Pub. L. 94-273, §7(4), Apr. 21, 1976, 90 Stat. 378; Pub. L. 95-113, title XV, §1502(b), Sept. 29, 1977, 91 Stat. 1021; Pub. L. 96-355, §5, Sept. 24, 1980, 94 Stat. 1174.)

CODIFICATION

R.S. §526 derived from act May 15, 1862, ch. 72, §3, 12 Stat. 387.

Section was formerly classified to section 514 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-355 inserted provisions relating to technology appropriate to small- and moderate-sized family farming operations, and struck out provisions relating to the national rural development program and goals, and accompanying annual report.

1977—Subsec. (a). Pub. L. 95-113 inserted references to aquaculture and human nutrition.

1976—Subsec. (b). Pub. L. 94-273 substituted "December" for "September".

1972—Subsec. (a). Pub. L. 92-419, §603(b)(1)-(3), designated existing provisions as subsec. (a), provided for information concerning rural development, and prescribed advisory functions of the Secretary, respectively.

Subsec. (b). Pub. L. 92-419, §603(b)(4), added subsec. (b).

CHANGE OF NAME

Secretary of Agriculture substituted for Commissioner of Agriculture in text pursuant to sections 1 and

4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-355 effective Oct. 1, 1980, see section 10 of Pub. L. 96-355, set out as an Effective Date note under section 2204b of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Functions of Secretary of Agriculture administered through Bureau of Biological Survey relating to conservation of wildlife, game, and migratory birds transferred to Secretary of the Interior by 1939 Reorg. Plan No. II, §4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

Delegation of authority to Secretary with respect to nation's food program during war emergency, see Ex. Ord. No. 9280, set out as a note under section 452 of this title.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of Agriculture, see Parts 1, 2, and 3 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

AVIATION INSPECTIONS

Pub. L. 103-354, title III, §306, Oct. 13, 1994, 108 Stat. 3241, provided that:

“(a) STUDY OF AIRCRAFT INSPECTIONS.—

“(1) INTENT OF STUDY.—The intent of the study required by this subsection is to examine the cost efficiencies of conducting inspections of aircraft and pilots by one Federal agency without reducing aircraft, passenger, or pilot safety standards or lowering mission preparedness.

“(2) STUDY REQUIRED.—The Secretary of Agriculture and the Secretary of Transportation shall jointly conduct a study of the inspection specifications and procedures by which aircraft and pilots contracted by the Department are certified to determine the cost efficiencies of eliminating duplicative Department inspection requirements and transferring some or all inspection requirements to the Federal Aviation Administration, while ensuring that neither aircraft, passenger, nor pilot safety is reduced and that mission preparedness is maintained.

“(3) SPECIAL CONSIDERATIONS.—In conducting the study, the Secretaries shall evaluate current inspection specifications and procedures mandated by the Department and the Forest Service, taking into consideration the unique requirements and risks of particular Department and Forest Service missions that may require special inspection specifications and procedures to ensure the safety of Department and Forest Service personnel and their contractees.

“(4) MAINTENANCE OF STANDARDS AND PREPAREDNESS.—In making recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures, the Secretaries shall ensure that the implementation of any such recommendations does not lower aircraft or pilot standards or preparedness for Department or Forest Service missions.

“(5) SUBMISSION OF RESULTS.—Not later than 180 days after the date of the enactment of this Act [Oct. 13, 1994], the Secretaries shall submit to Congress the

results of the study, including any recommendations to transfer inspection authority or otherwise change Department inspection specifications and procedures and a cost-benefit analysis of such recommendations.

“(b) REVIEW OF RECENTLY ADOPTED AIRCRAFT POLICY.—

“(1) REVIEW REQUIRED.—The Secretaries shall review the policy initiated by the Secretary of Agriculture on July 1, 1994, to accept Federal Aviation Administration inspections on aircraft and pilots that provide ‘airport to airport’ service for the Forest Service. The policy is currently being cooperatively developed by the Department and the Federal Aviation Administration and is intended to reduce duplicative inspections and to reduce Government costs, while maintaining aircraft, passenger, and pilot safety standards, specifications and procedures currently required by the Department and the Forest Service.

“(2) EXPANSION OF POLICY.—As part of the review, the Secretaries shall examine the feasibility and desirability of applying this policy on a Government-wide basis.

“(3) SUBMISSION OF RESULTS.—Not later than one year after the date of the implementation of the policy, the Secretary of Agriculture shall submit to Congress the results of the review, including any recommendations that the Secretary considers appropriate.”

ORDER OF SUCCESSION

Order of succession upon death, absence, sickness, or resignation of Secretary of Agriculture, see Ex. Ord. No. 11793, July 10, 1974, 39 F.R. 25631, set out as a note under section 3345 of Title 5, Government Organization and Employees.

CROSS REFERENCES

Purchase of seeds and plants for distribution, see section 415 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2276 of this title; title 13 section 9.

§ 2204a. Rural development; utilization of non-Federal offices; location of field units; interchange of personnel and facilities

The Secretary of Agriculture shall utilize to the maximum extent practicable State, regional, district, county, local, or other Department of Agriculture offices to enhance rural development, and shall to the maximum extent practicable provide directly, or, in the case of agencies outside of the Department of Agriculture, through arrangements with the heads of such agencies, for—

(1) the location of all field units of the Federal Government concerned with rural development in the appropriate Department of Agriculture offices covering the geographical areas most similar to those covered by such field units, and

(2) the interchange of personnel and facilities in each such office to the extent necessary or desirable to achieve the most efficient utilization of such personnel and facilities and provide the most effective assistance in the development of rural areas in accordance with State rural development plans.

(Pub. L. 92-419, title VI, §603(c), Aug. 30, 1972, 86 Stat. 675; Pub. L. 96-355, §4(5), Sept. 24, 1980, 94 Stat. 1174.)

AMENDMENTS

1980—Pub. L. 96-355 struck out designation for former par. (1) and, in such par., redesignated former subpars.

(A) and (B) as pars. (1) and (2), respectively, and struck out former par. (2) which related to contents of report submitted under section 2204(b) of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-355 effective Oct. 1, 1980, see section 10 of Pub. L. 96-355, set out as an Effective Date note under section 2204b of this title.

TRANSFER OF FUNCTIONS

Powers, duties, and assets of agencies, offices, and other entities within Department of Agriculture relating to rural development functions transferred to Rural Development Administration by section 2302(b) of Pub. L. 101-624.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 917 of this title.

§ 2204b. Rural development policy

(a) **Coordination of nationwide rural development program using services of executive branch departments and agencies and State and local governments**

The Secretary of Agriculture shall provide leadership within the executive branch for, and shall assume responsibility for coordinating, a nationwide rural development program using the services of executive branch departments and agencies, including, but not limited to, the agencies, bureaus, offices, and services of the Department of Agriculture, in coordination with rural development programs of State and local governments.

(b) **Policy development; systematic review of Federal programs; access to information; development of process to receive and assess needs, goals, etc.; cooperative agreements to improve Federal programs affecting rural areas; public hearings and comments**

(1) The Secretary shall conduct a systematic review of Federal programs affecting rural areas to (A) determine whether such areas are benefiting from such programs in an equitable proportion to the benefits received by urban areas and (B) identify any factors that may restrict accessibility to such programs in rural areas or limit participation in such programs.

(2) Subject to the Privacy Act of 1974 [5 U.S.C. 552a], the Secretary may secure directly from any Federal department or agency information necessary to carry out the Secretary's duties under this section. Upon request of the Secretary under this paragraph, the head of any such Federal department or agency shall furnish such information to the Secretary.

(3) The Secretary shall develop a process through which multistate, State, substate, and local rural development needs, goals, objectives, plans, and recommendations can be received and assessed on a continuing basis. Such process may include the use of those rural development experts, advisors, and consultants that the Secretary deems appropriate, as well as the establishment of temporary advisory committees under the terms of the Federal Advisory Committee Act.

(4) **COOPERATIVE AGREEMENTS.—**

(A) **IN GENERAL.**—Notwithstanding chapter 63 of title 31, the Secretary may enter into cooperative agreements with other Federal agen-

cies, State and local governments, and any other organization or individual to improve the coordination and effectiveness of Federal programs, services, and actions affecting rural areas, including the establishment and financing of interagency groups, if the Secretary determines that the objectives of the agreement will serve the mutual interest of the parties in rural development activities.

(B) **COOPERATORS.**—Each cooperator, including each Federal agency, to the extent that funds are otherwise available, may participate in any cooperative agreement or working group established pursuant to this paragraph by contributing funds or other resources to the Secretary to carry out the agreement or functions of the group.

(5) The Secretary may hold public hearings and receive comments on any matter that the Secretary determines may have a significant impact on rural development or the economic development of rural communities.

(c) **Rural development strategy and annual updates; preparation and scope; purposes; time for updates; public hearings and suggestions and recommendations; transmittal to Congressional committees; analysis of budgetary considerations and factors; evaluation and recommendations regarding implementation and revisions**

(1) The Secretary shall prepare a comprehensive rural development strategy based on the needs, goals, objectives, plans, and recommendations of local communities, substate areas, States, and multistate regions, which is designed to—

(A) maximize the effectiveness, increase the responsiveness, and improve the delivery of Federal programs to rural areas;

(B) increase the coordination of Federal programs with the development needs, objectives, and resources of local communities, substate areas, States, and multistate regions; and

(C) achieve the most effective combinations of Federal, State, and local resources to meet the needs of rural areas for orderly growth and development.

(2) The rural development strategy shall take into account the need to—

(A) improve the economic well-being of all rural residents and alleviate the problems of low income, elderly, minority, and otherwise disadvantaged rural residents;

(B) improve the business and employment opportunities, occupational training and employment services, health care services, educational opportunities, energy utilization and availability, housing, transportation, community services, community facilities, water supplies, sewage and solid waste management systems, credit availability, and accessibility to and delivery of private and public financial resources in the maintenance and creation of jobs in rural areas;

(C) improve State and local government management capabilities, institutions, and programs related to rural development and expand educational and training opportunities for State and local officials, particularly in small rural communities;

(D) strengthen the family farm system; and
 (E) maintain and protect the environment and natural resources of rural areas.

(3) The rural development strategy developed under this subsection shall be for the fiscal year ending September 30, 1982, and updated for each fiscal year thereafter.

(4) The Secretary shall hold public hearings and receive such suggestions and recommendations as the Secretary deems appropriate during the preparation of the rural development strategy and the annual updates to the strategy.

(5) The rural development strategy and the annual updates to the strategy shall be transmitted to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry by January 31 of the calendar year immediately preceding the beginning of the appropriate fiscal year.

(6) The rural development strategy and each annual update of the strategy shall contain an analysis of the budget recommendations of the President for the fiscal year following the transmittal of the strategy or update of the strategy and of all the available budget projections of the President for subsequent fiscal years, and projections regarding the budget that are relevant or essential to the rural development policy and the rural development strategy developed under this subsection. Each annual update shall also contain a detailed statement of the findings and conclusions of the Secretary regarding the implementation during the preceding fiscal year of the rural development strategy, including any revisions of the strategy, any recommended legislation to improve the rural development effort of the Federal Government, and an evaluation of and recommendations regarding the rural development information system required under section 1926(a)(12) of this title.

(d) Strategy implementation; goals

The Secretary shall ensure the effective implementation of the rural development strategy and maximize coordination of Federal programs affecting rural areas through a systematic effort to—

(1) improve communication and encourage cooperation among Federal departments and agencies in the administration of rural development programs;

(2) eliminate conflicts, duplication, and gaps in program coverage, and resolve contradictions and inconsistencies in the objectives, administration, and effects of rural development programs;

(3) facilitate the sharing or common location of field offices of Federal agencies administering similar or complementary programs and unification of delivery systems, where feasible, to maximize convenience and accessibility of such agencies and programs to rural residents;

(4) facilitate and expedite joint funding of rural projects through Federal programs;

(5) correct administrative problems in Federal programs that delay or hinder the effective delivery of services, assistance, or benefits to rural areas; and

(6) simplify, standardize, and reduce the complexity of applications, reports, and other

forms required under Federal rural development programs.

(Pub. L. 92-419, title VI, §607, as added Pub. L. 96-355, §2, Sept. 24, 1980, 94 Stat. 1171; amended Pub. L. 104-127, title VII, §759A, Apr. 4, 1996, 110 Stat. 1138.)

REFERENCES IN TEXT

The Privacy Act of 1974, referred to in subsec. (b)(2), is Pub. L. 93-579, Dec. 31, 1974, 88 Stat. 1896, as amended, which enacted section 552a of Title 5, Government Organization and Employees, and provisions set out as notes under section 552a of Title 5. For complete classification of this Act to the Code, see Short Title note set out under section 552a of Title 5 and Tables.

The Federal Advisory Committee Act, referred to in subsec. (b)(3), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5.

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104-127 added par. (4) and struck out former par. (4) which read as follows: “The Secretary may undertake cooperative efforts with other Federal departments and agencies to improve the coordination and effectiveness of Federal programs, services, and actions affecting rural areas. The Secretary may request the heads of other Federal departments and agencies to participate in any working groups that the Secretary deems necessary to carry out the purposes of this section.”

EFFECTIVE DATE

Section 10 of Pub. L. 96-355 provided that: “The provisions of this Act [enacting this section and section 2211b of this title, amending sections 1926, 2204, 2204a, 2204b-1, 2663, and 2667 of this title and section 5314 of Title 5, Government Organization and Employees, and enacting provisions set out as a note under section 2201 of this title] shall become effective October 1, 1980.”

TRANSFER OF FUNCTIONS

Powers, duties, and assets of agencies, offices, and other entities within Department of Agriculture relating to rural development functions transferred to Rural Development Administration by section 2302(b) of Pub. L. 101-624.

SIMPLIFIED, UNIFORM APPLICATION FOR ASSISTANCE FROM ALL FEDERAL RURAL DEVELOPMENT PROGRAMS

Section 762 of Pub. L. 104-127 provided that: “Not later than 1 year after the date of enactment of this Act [Apr. 4, 1996], the Secretary of Agriculture shall develop a streamlined, simplified, and uniform application which shall be used in applying for assistance under all of the following:

“(1) Sections 304(b), 306, 306A, 306C, 306D, 310B, and 375 [7 U.S.C. 2008j] and subtitle E [7 U.S.C. 2009 et seq.] of the Consolidated Farm and Rural Development Act (7 U.S.C. 1924(b), 1926, 1926a, 1926c, 1926d, and 1932).

“(2) Subtitle G of title XVI and sections 2281 [42 U.S.C. 5177a], 2333, and 2381 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901-5908, 5177a, 950aaa-2, and 3125b).

“(3) Subtitle C of title IX of the Food, Agriculture, Conservation, and Trade Act Amendments of 1991 (Public Law 102-237[:]; 7 U.S.C. [former] 5930 note).

“(4) Section 1323(b) of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note).

“(5) Title V and section 603(c) of the Rural Development Act of 1972 (7 U.S.C. 2661-2669 and 2204a(c)).

“(6) Sections 5 and 311 and title IV of the Rural Electrification Act of 1936 (7 U.S.C. [former] 905, [former] 940a, and 941-950b).”

EXECUTIVE ORDER NO. 12720

Ex. Ord. No. 12720, July 16, 1990, 55 F.R. 29337, as amended by Ex. Ord. No. 12783, Dec. 17, 1991, 56 F.R.

65977, which established the President's Council on Rural America, was revoked by Ex. Ord. No. 12869, §4(c), Sept. 30, 1993, 58 F.R. 51751, formerly set out as a note under section 14 of the Federal Advisory Committee Act in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 926 of this title.

§ 2204b-1. Rural development

(a) Congressional commitment

The Congress commits itself to a sound balance between rural and urban America. The Congress considers this balance so essential to the peace, prosperity, and welfare of all our citizens that the highest priority must be given to the revitalization and development of rural areas.

(b) Location of Federal facilities

Congress hereby directs the heads of all executive departments and agencies of the Government to establish and maintain departmental policies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 1926(a)(7)¹ of this title.

(Pub. L. 91-524, title IX, §901, Nov. 30, 1970, 84 Stat. 1383; Pub. L. 92-419, title VI, §601, Aug. 30, 1972, 86 Stat. 674; Pub. L. 94-273, §7(3), Apr. 21, 1976, 90 Stat. 378; Pub. L. 96-355, §6, Sept. 24, 1980, 94 Stat. 1174.)

REFERENCES IN TEXT

Section 1926(a)(7) of this title, referred to in subsec. (b), was repealed and a new section 1926(a)(7) was added by Pub. L. 104-127, title VII, §741(a)(2), Apr. 4, 1996, 110 Stat. 1123. As added, section 1926(a)(7) of this title defines "rural areas" but no longer contains provisions relating to a private business enterprise exception.

CODIFICATION

Section was formerly classified to section 3122 of Title 42, The Public Health and Welfare.

AMENDMENTS

1980—Subsec. (b). Pub. L. 96-355 struck out provisions respecting annual report to Congress by the President covering efforts, etc., made for locating all new facilities.

Subsec. (c). Pub. L. 96-355 struck out subsec. (c) which related to planning assistance and annual report to Congress respecting such assistance.

Subsec. (d). Pub. L. 96-355 struck out subsec. (d) which related to information and technical assistance and annual report to Congress respecting such assistance.

Subsec. (e). Pub. L. 96-355 struck out subsec. (e) which related to provision of government services and annual report to Congress respecting such services.

Subsec. (f). Pub. L. 96-355 struck out subsec. (f) which required report to Congress by July 1, 1971, relating to implementation of rural financial assistance requirements.

1976—Subsec. (b). Pub. L. 94-273 substituted "December" for "September".

Subsec. (d). Pub. L. 94-273 substituted "December 1 of" for "September 1 of".

1972—Subsec. (b). Pub. L. 92-419 struck out "insofar as practicable," after "maintain" and substituted "poli-

cies and procedures giving first priority to the location of new offices and other facilities in rural areas as defined in the private business enterprise exception in section 1926(a)(7) of this title", for "policies and procedures with respect to the location of new offices and other facilities in areas or communities of lower population density in preference to areas or communities of high population densities".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-355 effective Oct. 1, 1980, see section 10 of Pub. L. 96-355, set out as an Effective Date note under section 2204b of this title.

EXECUTIVE ORDER NO. 11797

Ex. Ord. No. 11797, July 31, 1974, 39 F.R. 27893, which delegated to the Secretary of Agriculture the President's authority to prepare and submit to Congress annual reports concerning the location of new Federal facilities in rural areas, was revoked by Ex. Ord. No. 12553, Feb. 25, 1986, 51 F.R. 7237.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 1609.

§ 2204c. Water management for rural areas

(a) In general

The Secretary of Agriculture is authorized, directly or in coordination with any other Federal agency, entity, corporation, department, unit of State or local government, cooperative, confederation, individual, public or private organization, Indian tribe, or university, to—

- (1) conduct research and demonstration projects;
- (2) provide technical assistance and extension services;
- (3) make grants, loans, and loan guarantees; and
- (4) provide other forms of assistance, for the purpose of helping rural areas make better and more efficient use of water resources and to alleviate problems arising in such areas from droughts or lack of water.

(b) Activities

The Secretary is authorized to provide assistance under this section for the promotion or establishment of irrigation, watersheds, and other water management and drought management activities, including water transmission, application, and activation.

(c) Cooperation

In implementing this section, the Secretary—

- (1) should address the general, special, and unique problems of water management existing in rural areas;
- (2) may take action independently or in cooperation with Federal, State, public, or private entities and agencies; and
- (3) shall cooperate with—

(A) cooperatives, public or private organizations, confederations, authorities, or other entities (including such entities that may be organized under multiple State agreements or compacts and entities created under State law) to carry out projects authorized under this section; and

(B) water, watershed, and sewer authorities, rural electric cooperatives, Federal agencies, and other State or local governments or agencies.

¹ See References in Text note below.

(d) Regulations

(1) The Secretary shall issue regulations to carry out this section.

(2) Such regulations shall—

(A) specify the terms and conditions that the entities described in subsections (a) and (c) of this section must meet in order to participate in programs carried out under this section;

(B) establish a procedure under which entities described in subsections (a) and (c) of this section may apply for assistance under this section; and

(C) foster cooperation between such entities and other Federal, State, or local agencies for the purposes of carrying out the provisions of this section.

(e) “University” defined

As used in this section, the term “university” means—

(1) a land grant university established under the Act of July 2, 1862 (known as the “First Morrill Act”; 12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

(2) a land grant university established under the Act of August 30, 1890 (known as the “Second Morrill Act”; 26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.);

(3) the Tuskegee Institute; and

(4) any other support research organization.

(f) Funding

(1) There are authorized to be appropriated each fiscal year such sums as are necessary to carry out this section.

(2) The Secretary is authorized to accept funds from non-Federal sources to carry out the activities authorized by this section.

(g) No waivers

Nothing in this section shall authorize the waiver of a cost-share requirement under a program established under any other provision of law.

(Pub. L. 100-387, title IV, § 401, Aug. 11, 1988, 102 Stat. 956.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (e)(1), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known 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 section 301 of this title and Tables.

Act of August 30, 1890, referred to in subsec. (e)(2), 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.

§ 2204d. Encouragement of private contracting**(a) In general**

For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or

government enterprises, to provide commercial activities or products to carry out the purposes of this title.¹

(b) Plan required

The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan, or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this title.¹

(Pub. L. 101-624, title XXIII, § 2394, Nov. 28, 1990, 104 Stat. 4057.)

REFERENCES IN TEXT

This title, referred to in text, is title XXIII of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3979, known as the Rural Economic Development Act of 1990. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

§ 2204e. Office of Risk Assessment and Cost-Benefit Analysis**(a) Office of Risk Assessment and Cost-Benefit Analysis**

The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Risk Assessment and Cost-Benefit Analysis, which shall be under the direction of a Director appointed by the Secretary.

(b) Functions

The Director shall ensure that any regulatory analysis that is conducted under this section includes a risk assessment and cost-benefit analysis that is performed consistently and uses reasonably obtainable and sound scientific, technical, economic, and other data.

(1) In general

Effective six months after October 13, 1994, the Secretary of Agriculture shall publish in the Federal Register, for each proposed major regulation the primary purpose of which is to regulate issues of human health, human safety, or the environment that is promulgated by the Department after October 13, 1994, an analysis with as much specificity as practicable, of—

(A) the risk, including the effect of the risk, to human health, human safety, or the environment, and any combination thereof, addressed by the regulation, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive;

(B) the costs associated with the implementation of, and compliance with, the regulation;

(C) where appropriate and meaningful, a comparison of that risk relative to other similar risks regulated by the Department or other Federal Agency, resulting from comparable activities and exposure pathways (such comparisons should consider rel-

¹ See References in Text note below.

evant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks); and

(D) the quantitative and qualitative benefits of the regulation, including the reduction or prevention of risk expected from the regulation.

Where such a regulatory analysis is not practicable because of compelling circumstances, the Director shall provide an explanation in lieu of conducting an analysis under this section.

(2) Evaluation

The regulatory analysis referred to in paragraph (1) should also contain a statement that the Secretary of Agriculture evaluated—

(A) whether the regulation will advance the purpose of protecting against the risk referred to in paragraph (1)(A); and

(B) whether the regulation will produce benefits and reduce risks to human health, human safety, or the environment, and any combination thereof, in a cost-effective manner as a result of the implementation of and compliance with the regulation, by local, State, and Federal Government and other public and private entities, as estimated in paragraph (1)(B).

(3) Construction

This section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person. The Secretary of Agriculture shall perform the analyses required in this section in such a manner that does not delay the promulgation or implementation of regulations mandated by statute or judicial order.

(c) “Major regulation” defined

As used in this section, the term “major regulation” means any regulation that the Secretary of Agriculture estimates is likely to have an annual impact on the economy of the United States of \$100,000,000 in 1994 dollars.

(Pub. L. 103-354, title III, §304, Oct. 13, 1994, 108 Stat. 3239.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6912 of this title.

§ 2204f. Fund for Rural America

(a) In general

There is established in the Treasury of the United States an account to be known as the Fund for Rural America (referred to in this section as the “Account”) to provide funds for activities described in subsection (c) of this section.

(b) Funding

(1) In general

On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$60,000,000 to the Account.

(2) Entitlement

The Secretary of Agriculture (referred to in this section as the “Secretary”)—

(A) shall be entitled to receive the funds transferred to the Account under paragraph (1);

(B) shall accept the funds; and

(C) shall use the funds to carry out this section.

(3) Purposes

Subject to subsection (d) of this section, of the amounts transferred to the Account for a fiscal year, the Secretary shall make available—

(A) for activities described in subsection (c)(1) of this section, not less than $\frac{1}{3}$ and not more than $\frac{2}{3}$ of the funds in the Account; and

(B) for activities described in subsection (c)(2) of this section, all funds in the Account not made available by the Secretary for activities described in subsection (c)(1) of this section.

(c) Activities

(1) Rural development

(A) In general

The Secretary may use the funds in the Account for a rural development activity—

(i) authorized under the Housing Act of 1949 [42 U.S.C. 1441 et seq.] for—

(I) direct loans to low-income borrowers under section 502 (42 U.S.C. 1472);

(II) loans for financial assistance for housing for domestic farm laborers under section 514 (42 U.S.C. 1484);

(III) financial assistance for housing for domestic farm laborers under section 516 (42 U.S.C. 1486);

(IV) payments for elderly who are not now receiving rental assistance under section 521 (42 U.S.C. 1490a);

(V) grants and contracts for mutual and self-help housing under section 523(b)(1)(A) (42 U.S.C. 1490c(b)(1)(A)); or

(VI) grants for rural housing preservation under section 533 (42 U.S.C. 1490m); or

(ii) conducted under any rural development program, including a program authorized under—

(I) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);

(II) subtitle G of title XVI [7 U.S.C. 5901 et seq.] and title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990;

(III) title V of the Rural Development Act of 1971 (7 U.S.C. 2661 et seq.); or

(IV) section 1323(b) of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note).

(B) Limitation on programs funded

The Secretary may not expend funds made available to carry out activities described in subparagraph (A) for any activity that did not receive appropriations for fiscal year 1995. Funds expended under this section for any program purpose shall be spent in ac-

cordance with and subject to the applicable program limitations, restrictions, and priorities found in the underlying program authority and this Act.

(C) Limitation on housing assistance

Not more than 20 percent of the funds made available to carry out activities described in subparagraph (A) shall be made available to carry out activities described in subparagraph (A)(i).

(D) Disclosure of allocation

For any fiscal year, the Secretary shall not disclose the allocation of funds under this section for any activity described in subparagraph (A) until the date that is 1 day after the date of enactment of legislation authorizing appropriations for the Department of Agriculture for any period in the fiscal year.

(2) Research

(A) In general

The Secretary may use the funds in the Account for research, extension, and education grants to—

- (i) increase international competitiveness, efficiency, and farm profitability;
- (ii) reduce economic and health risks;
- (iii) conserve and enhance natural resources;
- (iv) develop new crops, new crop uses, and new agricultural applications of biotechnology;
- (v) enhance animal agricultural resources;
- (vi) preserve plant and animal germplasm;
- (vii) increase economic opportunities in farming and rural communities; and
- (viii) expand locally-owned value-added processing.

(B) Eligible grantee

The Secretary may make a grant under this paragraph to—

- (i) a Federal research agency;
- (ii) a national laboratory;
- (iii) a college or university or a research foundation maintained by a college or university;
- (iv) a private research organization with an established and demonstrated capacity to perform research or technology transfer; or
- (v) a State agricultural experiment station.

(C) Use of grant

(i) In general

A grant made under this paragraph may be used by a grantee for 1 or more of the following uses:

- (I) Outcome-oriented research at the discovery end of the spectrum to provide breakthrough results.
- (II) Exploratory and advanced development and technology with well-identified outcomes.
- (III) A national, regional, or multi-State program oriented primarily to-

ward extension programs and education programs demonstrating and supporting the competitiveness of United States agriculture.

(ii) Smaller institutions

Of the amounts made available for activities described in this paragraph, not less than 15 percent shall be awarded to colleges, universities, or research foundations eligible for a grant under subparagraph (B)(iii) that rank in the lowest 1/3 of such colleges, universities, and foundations on the basis of Federal research funds received under a provision of law other than this section.

(D) Administration

(i) Priority

In administering this paragraph, the Secretary shall—

- (I) establish criteria for allocating grants based on the priorities in subparagraph (A) and in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title;
- (II) seek and accept proposals for grants;
- (III) determine the relevance and merit of proposals through a system of peer review and review by the National Agricultural Research, Extension, Education, and Economics Advisory Board; and
- (IV) award grants on the basis of merit, quality, and relevance to advancing the purposes of federally supported agricultural research, extension, and education provided in section 3101 of this title.

(ii) Competitive basis

A grant under this paragraph shall be awarded on a competitive basis.

(iii) Terms

A grant under this paragraph shall have a term that does not exceed 5 years.

(iv) Matching funds

As a condition of making a grant under this paragraph, the Secretary shall require the funding of the grant with equal matching funds from a non-Federal source if the grant is—

- (I) for applied research that is commodity-specific; and
- (II) not of national scope.

(v) Delegation

The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

(vi) Availability of funds

Funds shall be available for obligation under this paragraph for a 2-year period.

(vii) Administrative costs

The Secretary may use not more than 4 percent of the funds made available for ac-

tivities described in this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

(viii) Buildings

Funds made available for activities described in this paragraph shall not be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(d) Limitations

Amounts in the Account may not be used for an activity described in subsection (c) of this section for a fiscal year if the program funding level for the fiscal year for the activity is less than 90 percent of the amount appropriated for the activity for fiscal year 1996, adjusted for inflation.

(Pub. L. 104-127, title VII, §793, Apr. 4, 1996, 110 Stat. 1152; Pub. L. 105-185, title II, §252, June 23, 1998, 112 Stat. 557; Pub. L. 105-277, div. A, §101(a) [title VII, §753(c)(1)], Oct. 21, 1998, 112 Stat. 2681, 2681-33.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (c)(1)(A)(i), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (c)(1)(A)(ii)(I), 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.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (c)(1)(A)(ii)(II), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XVI of the Act, known as the Alternative Agricultural Research and Commercialization Act of 1990, is classified generally to subchapter VI (§5901 et seq.) of chapter 88 of this title. Title XXIII of the Act [104 Stat. 3979] is known as the Rural Economic Development Act of 1990. For complete classification of the Food, Agriculture, Conservation, and Trade Act of 1990 to the Code, see Short Title of 1990 Amendments note set out under section 1421 of this title and Tables. For complete classification of the Rural Economic Development Act of 1990 to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

The Rural Development Act of 1971, referred to in subsec. (c)(1)(A)(ii)(III), probably means the Rural Development Act of 1972, which is Pub. L. 92-419, Aug. 30, 1972, 86 Stat. 657, as amended. Title V of the Act is title V of Pub. L. 92-419, as added by Pub. L. 97-98, title XIV, §1444(a), Dec. 22, 1981, 95 Stat. 1322, as amended, which is classified generally to subchapter II (§2661 et seq.) of chapter 59 of this title. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (c)(1)(B), is Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888, known as the Federal Agriculture Improvement and Reform Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-185 added par. (1) and struck out heading and text of former par. (1). Text

read as follows: “On January 1, 1997, October 1, 1998, and October 1, 1999, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$100,000,000 to the Account.”

Subsec. (c)(2)(B)(v). Pub. L. 105-277 added cl. (v).

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective June 23, 1998, see section 101(a) [title VII, §753(f)] of Pub. L. 105-277, set out as a note under section 343 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450i of this title.

§ 2204g. Authority of Secretary of Agriculture to conduct census of agriculture

(a) Census of agriculture required

In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

(b) Methods

In connection with the census, the Secretary may conduct any survey or other information collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

(c) Year of information

The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

(d) Enforcement

(1) Fraud

A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$500.

(2) Refusal or neglect to answer questions

A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$100.

(3) Social Security number

The failure or refusal of a person to disclose the person's Social Security number in response to a request made in connection with any census or other activity under this section shall not be a violation under this subsection.

(4) Religious information

Notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

(e) Geographic coverage

A census under this section shall include—

(1) each of the several States of the United States;

(2) as determined appropriate by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and

(3) with the concurrence of the Secretary and the Secretary of State, any other possession or area over which the United States exercises jurisdiction, control, or sovereignty.

(f) Cooperation with Secretary of Commerce

(1) Information provided to Secretary of Agriculture

On a written request by the Secretary of Agriculture, the Secretary of Commerce may provide to the Secretary of Agriculture any information collected under title 13 that the Secretary of Agriculture considers necessary for the taking of a census or survey under this section.

(2) Information provided to Secretary of Commerce

On a written request by the Secretary of Commerce, the Secretary of Agriculture may provide to the Secretary of Commerce any information collected in a census taken under this section that the Secretary of Commerce considers necessary for the taking of a census or survey under title 13.

(3) Confidentiality

Information obtained under this subsection may not be used for any purpose other than the statistical purposes for which the information is supplied. For purposes of sections 9 and 214 of title 13, any information provided under paragraph (2) shall be considered information furnished under the provisions of title 13.

(g) Regulations

A regulation necessary to carry out this section may be promulgated by—

- (1) the Secretary of Agriculture, to the extent that a matter under the jurisdiction of the Secretary is involved; and
- (2) the Secretary of Commerce, to the extent that a matter under the jurisdiction of the Secretary of Commerce is involved.

(Pub. L. 105–113, § 2, Nov. 21, 1997, 111 Stat. 2274.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2276 of this title.

§ 2205. Duties of former Commissioner of Agriculture transferred to Secretary

The Secretary of Agriculture is authorized and directed to perform all the duties named in all Acts of Congress in force on February 8, 1889, to be performed by the Commissioner of Agriculture.

(Mar. 2, 1889, ch. 373, 25 Stat. 840; July 14, 1890, ch. 707, 26 Stat. 288.)

CODIFICATION

Section was formerly classified to section 515 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2206. Custody of property and records

The Secretary of Agriculture shall have charge, in the building and premises appropriated to the department, of the library, furniture, fixtures, records, and other property appertaining to it, or acquired for use in its business.

(R.S. § 525; Feb. 9, 1889, ch. 122, §§ 1, 4, 25 Stat. 659.)

CODIFICATION

R.S. § 525 derived from act May 15, 1862, ch. 72, § 3, 12 Stat. 387 and Res. Dec. 15, 1868, No. 1, 15 Stat. 343.

Section was formerly classified to section 516 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89–554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2206a. Conveyance of excess Federal personal property

Notwithstanding any other provision of law, the Secretary of Agriculture may—

- (1) convey title to excess Federal personal property owned by the Department of Agriculture, with or without monetary compensation and for such purposes as are determined by the Secretary, to—

(A) any of the 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (Public Law 103–382; 7 U.S.C. 301 note));

(B) any Hispanic-serving institution (as defined in section 1059c(b)¹ of title 20); and

(C) any college or university eligible to receive funds under the Act of August 30, 1890 (7 U.S.C. 321 et seq.), including Tuskegee University; and

- (2) acquire from, exchange with, or dispose of personal property to other Federal departments and agencies without monetary compensation in furtherance of the purposes of this section.

(Pub. L. 104–127, title IX, § 923, Apr. 4, 1996, 110 Stat. 1195.)

REFERENCES IN TEXT

Section 1059c of title 20, referred to in par. (1)(B), was amended generally by Pub. L. 105–244, title III, § 303(e), Oct. 7, 1998, 112 Stat. 1639, and, as so amended, no longer relates to Hispanic-serving institutions.

Act of August 30, 1890 (7 U.S.C. 321 et seq.), referred to in par. (1)(C), 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 classifica-

¹ See References in Text note below.

tion of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

§ 2207. Reports

The Secretary of Agriculture shall annually make a general report in writing of his acts to the President, in which he may recommend the publication of papers forming parts of or accompanying his report. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

(R.S. §§528, 529; Feb. 9, 1889, ch. 122, §§1, 4, 25 Stat. 659; May 29, 1928, ch. 901, §1(101), 45 Stat. 993; Aug. 30, 1954, ch. 1076, §1(6), 68 Stat. 966.)

CODIFICATION

R.S. §§528 and 529 derived from the following acts: May 15, 1862, ch. 72, §3, 12 Stat. 387; Mar. 2, 1867, §1, 14 Stat. 440, 445.

Section was formerly classified to section 557 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1954—Act Aug. 30, 1954, struck out provision in first sentence which required that the annual report should contain an account of all moneys received and expended by the Secretary.

1928—Act May 29, 1928, struck out requirement that there be included a statement of expenditures from contingent appropriations.

CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

UNAVAILABILITY OF DEPARTMENT FUNDS TO PRODUCE PART 2 OF ANNUAL REPORT

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1048, provided in part: “That hereafter, none of the funds available to the Department of Agriculture may be used to produce part 2 of the annual report of the Secretary (known as the Yearbook of Agriculture).”

§ 2207a. Reports to Congress on obligation and expenditure

(a) Not later than 20 days after the end of each fiscal year, the Secretary of Agriculture shall submit to Congress a report on the amounts obligated and expended by the Department during that fiscal year for the procurement of advisory and assistance services.

(b) Each report submitted under subsection (a) of this section shall include a list with the following information:

(1) All contracts awarded for the procurement of advisory and assistance services during the fiscal year and the amount of each contract.

(2) The purpose of each contract.

(3) The justification for the award of each contract and the reason the work cannot be performed by civil servants.

(Pub. L. 101-161, title VI, §641, Nov. 21, 1989, 103 Stat. 986; Pub. L. 104-316, title I, §104(b), Oct. 19, 1996, 110 Stat. 3829.)

AMENDMENTS

1996—Pub. L. 104-316, in subsec. (a), struck out par. (1) designation before “Not later than”, struck out subpar. (A) designation before “submit to Congress”, struck out “, and (B) transmit a copy of such report to the Comptroller General of the United States” after “and assistance services”, redesignated par. (2) as subsec. (b) and in introductory provisions substituted “subsection (a) of this section shall” for “paragraph (1) shall”, redesignated subpars. (A) to (C) as pars. (1) to (3), respectively, and struck out former subsec. (b) which read as follows: “The Comptroller General of the United States shall review the reports submitted under subsection (a) of this section and transmit to Congress any comments and recommendations the Comptroller General considers appropriate regarding the matter contained in such reports.”

§ 2208. Expenditure of appropriations; accounting

The Secretary of Agriculture shall direct and superintend the expenditure of all money appropriated to the Department and render accounts thereof.

(R.S. §3677; Feb. 9, 1889, ch. 122, §§1, 4, 25 Stat. 659.)

CODIFICATION

R.S. §3677 derived act May 15, 1882, ch. 72, §3, 12 Stat. 388.

Section was formerly classified to section 557a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

“Secretary of Agriculture” substituted in text for “Commissioner of Agriculture” pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

COMPLIANCE WITH BUY AMERICAN ACT

Pub. L. 105-86, title VII, §716, Nov. 18, 1997, 111 Stat. 2106, provided that:

“HEREAFTER: (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act [see Tables for classification] may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c; popularly known as the ‘Buy American Act’).

“(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

“(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

“(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a no-

tice describing the statement made in paragraph (1) by the Congress.

“(C) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 104-180, title VII, §716, Aug. 6, 1996, 110 Stat. 1598.

Pub. L. 104-37, title VII, §716, Oct. 21, 1995, 109 Stat. 330.

Pub. L. 103-330, title VII, §719, Sept. 30, 1994, 108 Stat. 2468.

Pub. L. 103-111, title VII, §727, Oct. 21, 1993, 107 Stat. 1080.

§ 2209. Additional statement of expenditures

The Secretary of Agriculture shall furnish proper vouchers and accounts for the sums appropriated for the Department of Agriculture to the General Accounting Office.

(Mar. 3, 1885, ch. 338, §2, 23 Stat. 356; Aug. 11, 1916, ch. 313, 39 Stat. 492; June 10, 1921, ch. 18 §301, 42 Stat. 23; May 29, 1928, ch. 901, §1(88), 45 Stat. 992.)

CODIFICATION

Section was formerly classified to section 558 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

“General Accounting Office” substituted in text for “accounting officers of the Treasury” on authority of act June 10, 1921.

AMENDMENTS

1928—Act May 29, 1928, struck out requirement that Secretary of Agriculture present to Congress a detailed statement of the expenditure of all appropriations for the Department for the preceding fiscal year.

1916—Act Aug. 11, 1916, amended section generally.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2209a. Advances to chiefs of field parties

On and after October 28, 1991, advances of money to chiefs of field parties from any appropriation for the Department of Agriculture may be made by authority of the Secretary of Agriculture.

(Pub. L. 102-142, title VII, §706, Oct. 28, 1991, 105 Stat. 911.)

§ 2209b. Availability of appropriations

New obligational authority provided for the following appropriation items in this Act shall remain available until expended: Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, fruit

fly program, integrated systems acquisition project, boll weevil program, up to 10 percent of the screwworm program, and up to \$2,000,000 for costs associated with collocating regional offices; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; Cooperative State Research, Education, and Extension Service, funds for competitive research grants (7 U.S.C. 450i(b)) and funds for the Native American Institutions Endowment Fund; Farm Service Agency, salaries and expenses funds made available to county committees; and Foreign Agricultural Service, middle-income country training program.

(Pub. L. 106-78, title VII, §705, Oct. 22, 1999, 113 Stat. 1161.)

REFERENCES IN TEXT

This Act, referred to in text, is the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2000, Pub. L. 106-78, Oct. 22, 1999, 113 Stat. 1135. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is from 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. 105-277, div. A, §101(a) [title VII, §705], Oct. 21, 1998, 112 Stat. 2681, 2681-25.

Pub. L. 105-86, title VII, §705, Nov. 18, 1997, 111 Stat. 2104.

Pub. L. 104-180, title VII, §705, Aug. 6, 1996, 110 Stat. 1596.

Pub. L. 104-37, title VII, §705, Oct. 21, 1995, 109 Stat. 329.

Pub. L. 103-330, title VII, §705, Sept. 30, 1994, 108 Stat. 2466.

Pub. L. 103-111, title VII, §706, Oct. 21, 1993, 107 Stat. 1078.

Pub. L. 102-341, title VII, §706, Aug. 14, 1992, 106 Stat. 907.

Pub. L. 102-142, title VII, §708, Oct. 28, 1991, 105 Stat. 911.

Pub. L. 101-506, title VI, §608, Nov. 5, 1990, 104 Stat. 1346.

Pub. L. 101-161, title VI, §608, Nov. 21, 1989, 103 Stat. 982.

Pub. L. 100-460, title VI, §608, Oct. 1, 1988, 102 Stat. 2260.

Pub. L. 100-202, §101(k) [title VI, §608], Dec. 22, 1987, 101 Stat. 1329-322, 1329-354.

Pub. L. 99-500, §101(a) [title VI, §608], Oct. 18, 1986, 100 Stat. 1783, 1783-27, and Pub. L. 99-591, §101(a) [title VI, §608], Oct. 30, 1986, 100 Stat. 3341, 3341-27.

Pub. L. 99-190, §101(a) [H.R. 3037, title VI, §608], Dec. 19, 1985, 99 Stat. 1185.

Pub. L. 98-473, title I, §101(a) [H.R. 5743, title VI, §608], Oct. 12, 1984, 98 Stat. 1837.

Pub. L. 98-151, §101(d) [H.R. 3223, title VI, §608], Nov. 14, 1983, 97 Stat. 972.

Pub. L. 97-370, title VI, §608, Dec. 18, 1982, 96 Stat. 1810.

Pub. L. 97-103, title VI, §608, Dec. 23, 1981, 95 Stat. 1488.

Pub. L. 96-528, title VI, §608, Dec. 15, 1980, 94 Stat. 3116.

Pub. L. 96-108, title VI, §607, Nov. 9, 1979, 93 Stat. 841.

Pub. L. 95-448, title VI, §607, Oct. 11, 1978, 92 Stat. 1092.

Pub. L. 95-97, title VI, §608, Aug. 12, 1977, 91 Stat. 828.

Pub. L. 94-351, title VI, §608, July 12, 1976, 90 Stat. 868.

Pub. L. 94-122, title VI, §611, Oct. 21, 1975, 89 Stat. 667.

§ 2209c. Use of funds for one-year contracts to be performed in two fiscal years

On and after October 28, 1991, funds appropriated to the Department of Agriculture and the Food and Drug Administration may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated.

(Pub. L. 102-142, title VII, §725, Oct. 28, 1991, 105 Stat. 913.)

§ 2209d. Statement of percentage and dollar amount of Federal funding

On and after October 28, 1991, the Department of Agriculture, when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments, shall clearly state (1) the percentage of the total cost of the program or project which will be financed with Federal money, and (2) the dollar amount of Federal funds for the project or program.

(Pub. L. 102-142, title VII, §733, Oct. 28, 1991, 105 Stat. 914.)

§ 2209e. Prohibition on payments to parties involved with prohibited drug-producing plants

On and after October 21, 1993, none of the funds available to the Department of Agriculture may be used to make production or other payments to a person, persons, or corporations upon a final finding by court of competent jurisdiction that such party is guilty of growing, cultivating, harvesting, processing or storing marijuana, or other such prohibited drug-producing plants on any part of lands owned or controlled by such persons or corporations.

(Pub. L. 103-111, title VII, §704, Oct. 21, 1993, 107 Stat. 1078.)

PRIOR PROVISIONS

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

Pub. L. 102-341, title VII, §704, Aug. 14, 1992, 106 Stat. 907.

Pub. L. 102-142, title VII, §705, Oct. 28, 1991, 105 Stat. 911.

Pub. L. 101-506, title VI, §605, Nov. 5, 1990, 104 Stat. 1346.

Pub. L. 101-161, title VI, §605, Nov. 21, 1989, 103 Stat. 982.

Pub. L. 100-460, title VI, §605, Oct. 1, 1988, 102 Stat. 2259.

Pub. L. 100-202, §101(k) [title VI, §605], Dec. 22, 1987, 101 Stat. 1329-322, 1329-353.

§ 2210. Deputy Secretary of Agriculture; appointment

There is established in the Department of Agriculture the position of Deputy Secretary of Agriculture, to be appointed by the President, by and with the advice and consent of the Senate.

(Mar. 26, 1934, ch. 89, title I, 48 Stat. 467; Pub. L. 94-561, §1(c)(1), Oct. 19, 1976, 90 Stat. 2643.)

CODIFICATION

Provisions of this section which prescribed the basic compensation of the Under Secretary were omitted to conform to the provisions of act July 31, 1956. See section 5314 of Title 5, Government Organization and Employees.

Section was formerly classified to section 514a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1976—Pub. L. 94-561 substituted “Deputy Secretary of Agriculture” for “Under Secretary of Agriculture”.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-561 effective Oct. 19, 1976, see section 5 of Pub. L. 94-561, set out as a note under section 5313 of Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953, Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

STATUS OF INCUMBENT UNDER SECRETARY OF AGRICULTURE

Section 1(d) of Pub. L. 94-561 provided that: “The officer occupying the position of Under Secretary of Agriculture, on the date of enactment of this Act [Oct. 19, 1976], may assume the duties of the Deputy Secretary of Agriculture. The individual assuming such duties shall not be required to be reappointed by reason of the enactment of this Act.”

§ 2211. Powers and duties of Deputy Secretary of Agriculture

The Deputy Secretary of Agriculture is authorized to exercise the functions and perform the duties of the first assistant of the Secretary of Agriculture within the meaning of section 3345 of title 5 and shall perform such other duties as may be required by law or prescribed by the Secretary of Agriculture.

(June 5, 1939, ch. 181, 53 Stat. 809; Pub. L. 94-561, §1(c)(2), Oct. 19, 1976, 90 Stat. 2643.)

CODIFICATION

“Section 3345 of title 5” substituted in text for “section 177 of the Revised Statutes of the United States (U.S.C., title 5, sec. 4)” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 514b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1976—Pub. L. 94-561 substituted “Deputy Secretary of Agriculture” for Under Secretary of Agriculture.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-561 effective Oct. 19, 1976, see section 5 of Pub. L. 94-561, set out as a note under section 5313 of Title 5, Government Organization and Employees.

§ 2211a. Omitted

CODIFICATION

Section, Pub. L. 95-501, title V, § 501(a), Oct. 21, 1978, 92 Stat. 1691, which related to establishment in Department of Agriculture of position of Under Secretary of Agriculture for International Affairs and Commodity Programs, was omitted in the complete revision of Pub. L. 95-501 by Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3668. See section 5691 of this title.

REDESIGNATION OF ASSISTANT SECRETARY OF AGRICULTURE FOR INTERNATIONAL AFFAIRS AND COMMODITY PROGRAMS

Section 501(c) of Pub. L. 95-501, which prohibited the use of the designation of "Assistant Secretary of Agriculture for International Affairs and Commodity Programs" after Oct. 21, 1978, was omitted in the complete revision of Pub. L. 95-501 by Pub. L. 101-624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3668.

§§ 2211b to 2212c. Repealed. Pub. L. 103-354, title II, §§ 218(e)(2)-(6), 231(f)(1), Oct. 13, 1994, 108 Stat. 3213, 3219

Section 2211b, Pub. L. 96-355, § 3(a), Sept. 24, 1980, 94 Stat. 1173, authorized appointment of an Under Secretary of Agriculture for Small Community and Rural Development.

Section 2212, acts Feb. 9, 1889, ch. 122, § 2, 25 Stat. 659; June 30, 1906, ch. 3913, 34 Stat. 670, authorized appointment of an Assistant Secretary of Agriculture.

Section 2212a, Pub. L. 92-419, title VI, § 604(a), Aug. 30, 1972, 86 Stat. 676, authorized appointment of an additional Assistant Secretary of Agriculture.

Section 2212b, Pub. L. 94-561, § 2, Oct. 19, 1976, 90 Stat. 2643, authorized appointment of an additional Assistant Secretary of Agriculture.

Section 2212c, Pub. L. 97-325, § 8(a), Oct. 15, 1982, 96 Stat. 1605, authorized appointment of an additional Assistant Secretary of Agriculture.

§ 2213. Omitted

CODIFICATION

Section, acts June 5, 1952, ch. 369, ch. XI, § 1101, 66 Stat. 121; 1953 Reorg. Plan No. 2, § 3, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633; June 28, 1955, ch. 189, § 12(c)(16), 69 Stat. 182; Aug. 14, 1964, Pub. L. 88-426, title III, § 307, 78 Stat. 432, related to the position of Assistant Secretary of Agriculture for Administration established by section 3 of Reorg. Plan No. 2 of 1953. Section 3 of Reorg. Plan No. 2 of 1953 was repealed by Pub. L. 97-325, § 8(d), Oct. 15, 1982, 96 Stat. 1606. See section 2212c of this title.

Section was formerly classified to section 517b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2214. General Counsel; appointment

(a) The President shall appoint on and after July 31, 1956, by and with the advice and consent of the Senate, a General Counsel of the Department of Agriculture.

(b) The existing office of General Counsel of the Department of Agriculture shall be abolished effective upon the appointment and qualification of the General Counsel provided for by subsection (a) of this section or April 1, 1957, whichever is earlier.

(July 31, 1956, ch. 804, title III, § 301, 70 Stat. 742.)

CODIFICATION

Section is based on that part of section 301 of act July 31, 1956, relating to the General Counsel of the De-

partment of Agriculture. That part of such section 301 relating to the General Counsel of the Department of Health, Education, and Welfare [now Health and Human Services], is classified to section 3504 of Title 42, The Public Health and Welfare. That part of such section 301 relating to the General Counsel of the Post Office Department was enacted as section 307 of Title 39 by Pub. L. 86-682, Sept. 2, 1960, 74 Stat. 580. Such provisions were eliminated from Title 39 by the Postal Reorganization Act, Pub. L. 91-375, Aug. 12, 1970, 84 Stat. 719.

Section was formerly classified to section 518a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

CROSS REFERENCES

Compensation of General Counsel, see section 5315 of Title 5, Government Organization and Employees.

§ 2215. Chief clerk

The Secretary of Agriculture shall appoint a chief clerk.

(R.S. § 523; Feb. 9, 1889, ch. 122, § 1, 4, 25 Stat. 659; Feb. 10, 1925, ch. 200, 43 Stat. 822.)

CODIFICATION

R.S. § 523 derived from act May 15, 1862, ch. 72, § 4, 12 Stat. 388.

Section was formerly classified to section 519 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

CHANGE OF NAME

"Secretary of Agriculture" substituted in text for "Commissioner of Agriculture" pursuant to sections 1 and 4 of act Feb. 9, 1889, which are classified to section 2202 of this title. See, also, section 2205 of this title.

§ 2216. Repealed. Pub. L. 92-310, title II, § 221(a), June 6, 1972, 86 Stat. 205

Section, R.S. § 524; acts Mar. 2, 1895, ch. 177, § 5, 28 Stat. 807; May 10, 1934, ch. 277, § 512(b), 48 Stat. 759, related to the bond of the chief clerk of the Department of Agriculture.

Section was formerly classified to section 520 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2217. Oaths, affirmations, and affidavits taken by officers, agents, or employees of Department; use and effect

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer to or take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in any prosecution or proceeding under or in the enforcement of any law committed to or which may be committed to the Secretary of Agriculture or the Department of Agriculture or any bureau or subdivision thereof for administration. Any such oath, affirmation, or affidavit administered or taken by or before such officer, agent, or employee when certified under his hand and authenticated by the seal of the Department of Agriculture may be offered or used in any court of the United States and shall have like force and effect as if administered or taken before a clerk of such court without further proof of the iden-

tity or authority of such officer, agent, or employee.

(Jan. 31, 1925, ch. 124, § 1, 43 Stat. 803.)

CODIFICATION

Section was formerly classified to section 521 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

DEPARTMENT OF THE INTERIOR PERSONNEL

Provisions of this section were made applicable to such officers, agents, or employees of Department of the Interior performing functions of former Bureau of Biological Survey as are designated by Secretary of the Interior for purposes named herein by 1939 Reorg. Plan No. II, § 4(g), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees. See also sections 401 to 404 of said plan for provisions relating to transfer of functions, records, property, personnel, and funds. Bureau of Biological Survey was subsequently consolidated with Bureau of Fisheries into Fish and Wildlife Service in Department of the Interior by 1940 Reorg. Plan No. III, § 3, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1232, also set out in the Appendix to Title 5.

CROSS REFERENCES

Power to administer oaths, examine witnesses, or require production of books, etc., in performance of duties required of Bureau of Agricultural Economics, see section 420 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2218 of this title.

§ 2218. Fee for administering or taking oaths, affirmations, and affidavits

No officer, agent, or employee of the Department of Agriculture shall demand or accept any fee or compensation whatsoever for administering or taking any oath, affirmation, or affidavit under the authority conferred by section 2217 of this title.

(Jan. 31, 1925, ch. 124, § 2, 43 Stat. 803.)

CODIFICATION

Section was formerly classified to section 522 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

DEPARTMENT OF THE INTERIOR PERSONNEL

Application to Department of the Interior employees, see note under section 2217 of this title.

§ 2219. Salaries; how paid

The Secretary of Agriculture is authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1280.)

CODIFICATION

Section was formerly classified to section 528 of Title 5 prior to the general revision and enactment of Title

5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2220. Certain officials and employees of Department and others not subject to restriction on payment of compensation to Government officials and employees

The officials and the employees of the Department of Agriculture engaged in the activities described in section 450b of this title and paid in whole or in part out of funds contributed as provided therein, and the persons, corporations, or associations making contributions as therein provided, shall not be subject to the provisions of section 209 of title 18; nor shall any official or employee engaged in the cooperative activities of the Forest Service, or the persons, corporations, or associations contributing to such activities be subject to such section.

(July 24, 1919, ch. 26, 41 Stat. 270; Sept. 3, 1954, ch. 1263, § 5, 68 Stat. 1227.)

CODIFICATION

“Section 209 of title 18” substituted in text for “section 1914 of title 18” on authority of section 2 of Pub. L. 87-849, Oct. 23, 1962, 76 Stat. 1126, which repealed section 1914 and supplanted it with section 209, and which provided that exemptions from section 1914 shall be deemed exemptions from section 209. For further details, see Exemptions note set out under section 203 of Title 18, Crimes and Criminal Procedure.

Section was formerly classified to sections 67 and 564 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378. Thereafter, section was classified to section 450h of this title prior to its transfer to this section.

AMENDMENTS

1954—Act Sept. 3, 1954, substituted “section 1914 of title 18” for reference to proviso in Act of March 3, 1917 (5 U.S.C. 66).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 16 section 743.

§ 2221. Details of persons from or to office of Secretary

Details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1280.)

CODIFICATION

Section was formerly classified to section 530 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2222. Details of law clerks

Law clerks may be detailed by the Secretary of Agriculture for service in or out of Washington.

(Mar. 4, 1911, ch. 238, 36 Stat. 1236.)

CODIFICATION

Section was formerly classified to section 531 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2223. Details of employees from and to library and bureaus and offices

Employees of the library may be temporarily detailed by the Secretary of Agriculture for library service in the bureaus and offices of the department, and employees of the bureaus and offices of the department engaged in library work may also be temporarily detailed to the library.

(Mar. 4, 1911, ch. 238, 36 Stat. 1261.)

REFERENCES IN TEXT

The library, referred to in text, is the library of the Department of Agriculture, known as the National Agricultural Library.

CODIFICATION

Section was formerly classified to section 532 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2224. Details of employees from and to Division of Accounts and Disbursements and bureaus and offices; traveling expenses

Employees of the Division of Accounts and Disbursements may be detailed by the Secretary of Agriculture for accounting and disbursing work in any of the bureaus and offices of the department for duty in or out of the city of Washington, and employees of the bureaus and offices of the department may also be detailed to the Division of Accounts and Disbursements for duty in or out of the city of Washington, traveling expenses of employees so detailed to be paid from the appropriation of the bureau or office in connection with which such travel is performed.

(Aug. 10, 1912, ch. 284, 37 Stat. 294.)

REFERENCES IN TEXT

The Division of Accounts and Disbursements, referred to in text, was a division of the Department of Agriculture at the time of enactment of this section. The activities of that Division are now performed by the various departmental offices in the Department of Agriculture under the Assistant Secretary of Agriculture for Administration. In a similar consolidation of operations, but one carried out in a different department, the Division of Disbursement and certain other offices and agencies and their functions in the Treasury Department were consolidated into the Fiscal Service of the Treasury Department by 1940 Reorg. Plan No. III, § 1(a), eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was formerly classified to section 533 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2224a. Utilization of employees of agencies for part-time and intermittent assistance to other agencies; exclusion of overtime resulting from natural disasters from staff year ceilings

On and after October 28, 1991, notwithstanding any other provision of law, employees of the agencies of the Department of Agriculture, including employees of the Agricultural Stabilization and Conservation county committees, may be utilized to provide part-time and intermittent assistance to other agencies of the Department, without reimbursement, during periods when they are not otherwise fully utilized, and ceilings on full-time equivalent staff years established for or by the Department of Agriculture shall exclude overtime as well as staff years expended as a result of carrying out programs associated with natural disasters, such as forest fires, droughts, floods, and other acts of God.

(Pub. L. 102-142, title VII, § 711, Oct. 28, 1991, 105 Stat. 912.)

§ 2225. Employment of temporary personnel

The Department of Agriculture may employ persons or organizations, on a temporary basis, by contract or otherwise: *Provided*, That no expenditures for such temporary employment shall be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, § 706(a), 58 Stat. 742; Ex. Ord. No. 9577, June 29, 1945, 10 F.R. 4253.)

CODIFICATION

This section was enacted as a part of the Department of Agriculture Organic Act of 1944.

First sentence of section which related to the authority of the War Food Administrator to employ personnel was omitted on the authority of Ex. Ord. No. 9577, which terminated the War Food Administration.

The exception from "the Classification Act of 1923, as amended" was omitted as obsolete. Sections 1202 and 1204 of the Classification Act of 1949 (63 Stat. 972, 973) repealed the 1923 Act and all laws or parts of laws inconsistent with the 1949 Act. While section 1106(a) of the 1949 Act provided that references in other laws to the 1923 Act should be held and considered to mean the 1949 Act, it did not have the effect of continuing the exception contained in this section because of section 1106(b) that provided that the application of the 1949 Act to any position, officer, or employee shall not be affected by section 1106(a). The Classification Act of 1949 was repealed by Pub. L. 89-544, § 8(a), Sept. 6, 1966, 80 Stat. 632 (section 1 of which revised and enacted Title 5, Government Organization and Employees, into law). Section 5102 of Title 5 now contains the applicability provisions of the 1949 Act.

Section was formerly classified to section 574 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

CROSS REFERENCES

Employment of personnel by the Agriculture Adjustment Agency, see section 610 of this title.

Temporary or intermittent employment of experts and consultants, see section 3109 of Title 5, Government Organization and Employees.

§ 2225a. Contracts for consulting services

On and after October 28, 1991, the expenditure of any appropriation for the Department of Agriculture for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

(Pub. L. 102-142, title VII, § 701, Oct. 28, 1991, 105 Stat. 911.)

§ 2225b. Personal service contracts for veterinarians

On and after October 28, 1991, provisions of law prohibiting or restricting personal services contracts shall not apply to veterinarians employed by the Department to take animal blood samples, test and vaccinate animals, and perform branding and tagging activities on a fee-for-service basis.

(Pub. L. 102-142, title VII, § 723, Oct. 28, 1991, 105 Stat. 913.)

§ 2226. Employment of persons for forest fire fighting, pest control, and handling of animals

Notwithstanding any other provisions of law, the Department is authorized on and after August 31, 1951, to employ or otherwise contract with persons at regular rates of pay for necessary hours of work for emergency forest fire fighting and pest control and for handling of animals, including dairy cattle, without regard to Sundays, Federal holidays, and the regular workweek.

(Aug. 31, 1951, ch. 374, title IV, § 407, 65 Stat. 246.)

CODIFICATION

Section was formerly classified to section 574a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2227. Traveling expenses

The Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1281.)

CODIFICATION

Section was formerly classified to section 538 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

REPEAL

Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821 to

823, and 827 to 833 of former Title 5, which are now covered by sections 102, 105, 2105, 2106, 5701, 5705, 5707 and 5708 of Title 5, Government Organization and Employees, they were repealed by section 829 of former Title 5, which is now covered by section 5708 of Title 5.

§ 2228. Emergency subsistence for employees

The Department of Agriculture is authorized to furnish subsistence to employees without consideration as, or deduction from, the compensation of such employees where warranted by emergency condition connected with the work under such regulations as the Secretary of Agriculture may prescribe.

(Aug. 3, 1956, ch. 950, § 5, 70 Stat. 1033.)

CODIFICATION

Section was formerly classified to section 541d of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2229. Travel and per diem expenses of temporary or seasonal employees

Under such regulations as may be prescribed by the Secretary of Agriculture, funds available to the Department of Agriculture may be used for the payment of transportation expenses and per diem in lieu of subsistence expenses, in accordance with subchapter I of chapter 57 of title 5, for travel between places of recruitment and duty, and while at places of duty, of persons appointed for temporary or seasonal services in inspection, classing or grading agricultural commodities.

(Aug. 3, 1956, ch. 950, § 12, 70 Stat. 1034.)

CODIFICATION

Section was formerly classified to section 541e of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

“Subchapter I of chapter 57 of title 5” substituted in text for “the Travel Expense Act of 1949” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

§ 2230. Employees in Alaska; subsistence, equipment, and supplies

The Secretary of Agriculture is authorized to furnish subsistence to employees of the United States Department of Agriculture in the Territory of Alaska, and to purchase personal equipment and supplies for them, and to make deductions to meet the cost thereof from any money appropriated for salary payments or otherwise due such employees.

(Feb. 16, 1931, ch. 200, 46 Stat. 1162.)

CODIFICATION

Section was formerly classified to section 543a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

REPEAL

Insofar as the provisions of this section relating to subsistence may conflict with those of sections 821 to 823, and 827 to 833 of former Title 5, which are now covered by sections 102, 105, 2105, 2106, 5701, 5705, 5707 and 5708 of Title 5, Government Organization and Employ-

ees, they were repealed by section 829 of former Title 5, which is now covered by section 5708 of Title 5.

ADMISSION OF ALASKA AS STATE

Admission of Alaska into the Union was accomplished Jan. 3, 1959, on issuance of Proc. No. 3269, Jan. 3, 1959, 24 F.R. 81, 73 Stat. c16, as required by sections 1 and 8(c) of Pub. L. 85-508, July 7, 1958, 72 Stat 339, set out as notes preceding section 21 of Title 48, Territories and Insular Possessions.

§ 2231. Official expenses of employees stationed abroad

Employees of the Department of Agriculture stationed abroad may, with the approval of the Secretary of Agriculture, enter into leases for official quarters, for periods not exceeding one year, and may pay rent, telephone, subscriptions to publications, and other charges incident to the conduct of their offices and the discharge of their duties, in advance, in any foreign country where custom or practice requires payment in advance.

(Sept. 21, 1944, ch. 412, title VII, §705(c), 58 Stat. 742.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 543b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 426.
 July 12, 1943, ch. 215, 57 Stat. 393.
 July 22, 1942, ch. 516, 56 Stat. 665.
 July 1, 1941, ch. 267, 55 Stat. 409.
 June 25, 1940, ch. 421, 54 Stat. 532.
 June 30, 1939, ch. 253, title I, 53 Stat. 940.
 June 16, 1938, ch. 464, title I, 52 Stat. 711.
 June 29, 1937, ch. 404, 50 Stat. 395.

§ 2231a. Reimbursement of employees for costs of State licenses and certification fees

On and after October 28, 1991, notwithstanding any other provision of law, any appropriations or funds available to the agencies of the Department of Agriculture may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Department of Agriculture position and that are necessary to comply with State laws, regulations, and requirements.

(Pub. L. 102-142, title VII, §738, Oct. 28, 1991, 105 Stat. 915.)

§ 2231b. First amendment rights of employees of the United States Department of Agriculture

Notwithstanding any other provision of law, no employee of the United States Department of Agriculture shall be preemptorily removed, on or after February 15, 1994, from the position of the employee without an opportunity for a public or nonpublic hearing, at the option of the employee, because of remarks made during personal time in opposition to policies, or proposed policies, of the Department, including policies

or proposed policies regarding homosexuals. Any employee removed on or after February 15, 1994, without the opportunity for such a hearing shall be reinstated to the position of the employee pending such a hearing.

(Pub. L. 103-354, title III, §302, Oct. 13, 1994, 108 Stat. 3239.)

§ 2232. Stenographic reporting service

The Department of Agriculture is authorized to contract for stenographic reporting services.

(Sept. 21, 1944, ch. 412, title VII, §705(b), 58 Stat. 742.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 520a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following Department of Agriculture Appropriation Acts, and were repealed by Pub. L. 89-554, §8(a), Sept 6, 1966, 80 Stat. 632:

June 28, 1944, ch. 296, 58 Stat. 426.
 July 12, 1943, ch. 215, 57 Stat. 392.
 July 22, 1942, ch. 516, 56 Stat. 665.
 July 1, 1941, ch. 267, 55 Stat. 408.
 June 25, 1940, ch. 421, 54 Stat. 532.
 June 30, 1939, ch. 253, title I, 53 Stat. 940.
 June 16, 1938, ch. 464, title I, 52 Stat. 711.
 June 29, 1937, ch. 404, 50 Stat. 395.
 June 4, 1936, ch. 489, 49 Stat. 1421.
 May 17, 1935, ch. 131, title I, §1, 49 Stat. 248.
 Mar. 26, 1934, ch. 89, 48 Stat. 468.
 Mar. 3, 1933, ch. 203, 47 Stat. 1432.
 July 7, 1932, ch. 443, 47 Stat. 610.
 Feb. 23, 1931, ch. 278, 46 Stat. 1243.
 May 27, 1930, ch. 341, 46 Stat. 393.
 Feb. 16, 1929, ch. 227, 45 Stat. 1190.
 May 16, 1928, ch. 572, 45 Stat. 540.
 Jan. 18, 1927, ch. 39, 44 Stat. 977.
 May 11, 1926, ch. 286, 44 Stat. 500.

§ 2233. Funds available for expenses of advisory committees

Funds available for carrying out the activities of the Department of Agriculture shall be available for expenses of advisory committees, including travel expenses in accordance with the provisions of section 5703 of title 5.

(Aug. 3, 1956, ch. 950, §4, 70 Stat. 1033.)

CODIFICATION

“Section 5703 of title 5” substituted in text for “section 5 of the Administrative Expenses Act of 1946, as amended” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 541c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2234. Purchases for bureaus from appropriations for contingent expenses

The Secretary of Agriculture may purchase stationery, supplies, furniture, and miscellaneous materials from this appropriation for contingent expenses and transfer the same at actual

cost to the various bureaus, divisions, and offices of the Department of Agriculture in the city of Washington, reimbursement therefor to be made to such appropriation by said bureaus, divisions, and offices from their lump-fund appropriations by transfer settlements through the Treasury Department.

(Aug. 10, 1912, ch. 284, 37 Stat. 296.)

CODIFICATION

Section was formerly classified to section 542 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

CROSS REFERENCES

Budgetary appropriations for Department of Agriculture, see section 101 et seq. of Title 31, Money and Finance.

General Accounting Office to exercise some of functions formerly exercised by Treasury Department, see section 701 et seq. of Title 31, Money and Finance.

§ 2235. Working capital fund established; use of central services by bureaus, etc., of the Department

A working capital fund of \$400,000 is established without fiscal year limitation, for the payment of salaries and other expenses necessary to the maintenance and operation of (1) central duplicating, photographic, and tabulating services, (2) a central motor-transport service for the maintenance, repair, and operation of motor-transport vehicles and other equipment, (3) a central supply service for the purchase, storage, handling, issuance, packing, or shipping of stationery, supplies, equipment, blank forms, and miscellaneous materials, for which stocks thereof, not to exceed \$200,000 in value (except for the value of blank forms) at the close of any fiscal year, may be maintained sufficient to meet, in whole or in part, requirements of the bureaus and offices of the Department in the city of Washington and elsewhere, and (4) such other services as the Secretary, with the approval of the Director of the Office of Management and Budget, determines may be performed more advantageously as central services; said fund to be credited with advances or reimbursements from applicable funds of bureaus, offices, and agencies for which services are performed on the basis of rates which shall include estimated or actual charges for personal services, materials, equipment (including maintenance, repairs, and depreciation) and other expenses: *Provided*, That such advances shall not be available for any period beyond that provided by the Act appropriating the funds: *Provided further*, That such central services shall, to the fullest extent practicable, be used to make unnecessary the maintenance of separate like services in the bureaus, offices, and agencies of the department.

(July 12, 1943, ch. 215, 57 Stat. 393; Pub. L. 89-106, §7, Aug. 4, 1965, 79 Stat. 432; 1970 Reorg. Plan No. 2, §102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

CODIFICATION

Section was formerly classified to section 542-1 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1965—Pub. L. 89-106 substituted “credited with advances or reimbursements” for “reimbursed” and inserted “That such advances shall not be available for any period beyond that provided by the Act appropriating the funds: *Provided further*,”.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget transferred to President by section 101 of 1970 Reorg. Plan No. 2. Section 102 of 1970 Reorg. Plan No. 2, redesignated Bureau of the Budget as Office of Management and Budget and offices of Director, Deputy Director, and Assistant Directors of Bureau of the Budget as Director, Deputy Director, and Assistant Directors of Office of Management and Budget, respectively. Section 103 of 1970 Reorg. Plan No. 2, transferred records, property, personnel and funds of Bureau of the Budget to Office of Management and Budget. See Part I of Reorganization Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2236. Working capital fund for Agricultural Research Center; establishment

There is established a working capital fund of \$300,000, to be available without fiscal year limitation, for expenses necessary for furnishing facilities and services by the Agricultural Research Center to Government agencies. Said fund shall be reimbursed from applicable appropriations or other funds to cover the charges for such facilities and services, including handling and related charges, for equipment rentals (including depreciation, maintenance, and repairs), for supplies, equipment and materials, stores of which may be maintained at the Center, and for building construction, alterations, and repairs, and applicable appropriations or other funds may also be charged their proportionate share of the necessary general expenses of the Center not covered by the annual appropriation.

(Sept. 6, 1950, ch. 896, Ch. VI, title I, §101, 64 Stat. 658.)

CODIFICATION

Section was formerly classified to section 542-2 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2237. Use of field work funds for employment of men with equipment, etc.

Funds available for field work in the Department of Agriculture shall be available for employment by contract or otherwise of men with equipment, boats, work animals, animal-drawn, and motor-propelled vehicles.

(June 4, 1936, ch. 489, 49 Stat. 1422.)

CODIFICATION

Section was formerly classified to section 542a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2238. Use of field work funds for purchase of arms and ammunition

Funds available for field work in the Department of Agriculture may be used for the purchase of arms and ammunition whenever the in-

dividual purchase does not exceed \$50, and for individual purchases exceeding \$50, when such arms and ammunition cannot advantageously be supplied by the Secretary of the Army pursuant to section 4655 of title 10.

(June 4, 1936, ch. 489, 49 Stat. 1422.)

CODIFICATION

“Section 4655 of title 10” substituted in text for “the Act of March 3, 1879 (20 Stat. 412)” on authority of section 49(b) of act Aug. 10, 1956, ch. 1041, 70A Stat. 640, section 1 of which enacted Title 10, Armed Forces.

Section was formerly classified to section 542b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

The Department of War was designated the Department of the Army and the title of the Secretary of War was changed to Secretary of the Army by section 205(a) of act July 26, 1947, ch. 343, title II, 61 Stat. 501. Section 205(a) of act July 26, 1947, was repealed by section 53 of act Aug. 10, 1956, ch. 1041, 70A Stat. 641. Section 1 of act Aug. 10, 1956, enacted “Title 10, Armed Forces” which in sections 3010 to 3013 continued the military Department of the Army under the administrative supervision of a Secretary of the Army.

§ 2239. Funds for printing, binding, and scientific and technical article reprint purchases

Funds available to the Department of Agriculture may be used for printing and binding, including the purchase of reprints of scientific and technical articles.

(Sept. 6, 1950, ch. 896, Ch. VI, title IV, §406, 64 Stat. 679.)

CODIFICATION

Section was formerly classified to section 542c of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2240. Reimbursement of appropriation for salaries and compensation of employees in mechanical shops

The Secretary of Agriculture may, by transfer settlements through the General Accounting Office, reimburse any appropriation made for the salaries and compensation of employees in the mechanical shops of the department from the appropriation made for the bureau, office, or division for which any work in said shops is performed, and such reimbursement shall be at the actual cost of labor for such work.

(May 11, 1922, ch. 185, 42 Stat. 508.)

CODIFICATION

Section was formerly classified to section 543 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2241. Sale or exchange of animals or animal products

The Secretary of Agriculture is authorized to sell in the open market or to exchange for other livestock such animals or animal products as cease to be needed in the work of the department, and all moneys received from the sale of such animals or animal products or as a bonus in the exchange of the same shall be deposited in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1915, ch. 144, 38 Stat. 1114.)

CODIFICATION

Section was formerly classified to section 549 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2242. Repealed. Pub. L. 101-624, title XVI, § 1606(b)(1), (2), Nov. 28, 1990, 104 Stat. 3715

Section, acts May 23, 1908, ch. 192, 35 Stat. 264, 266; Mar. 4, 1915, ch. 144, 38 Stat. 1109, provided for sale of copies of card index of publications. See section 3125a of this title.

§ 2242a. User fees for reports, publications, and software

(a) Authority of Secretary

The Secretary of Agriculture may—

(1) furnish, on request, copies of software programs, pamphlets, reports, or other publications, regardless of their form, including electronic publications, prepared in the Department of Agriculture in carrying out any of its missions or programs; and

(2) charge such fees therefor as the Secretary determines are reasonable.

(b) Consistency of charges with provisions of section 9701 of title 31

The imposition of such charges shall be consistent with section 9701 of title 31.

(c) Use and disposition of moneys

All moneys received in payment for work or services performed, or for software programs, pamphlets, reports, or other publications provided, under this section—

(1) shall be available until expended to pay directly the costs of such work, services, software programs, pamphlets, reports, or publications; and

(2) may be credited to appropriations or funds that incur such costs.

(d) Investment

Any fees collected, late payment penalties, and interest earned shall be credited to the account referred to in this section and may be invested by the Secretary of Agriculture in insured or fully-collateralized interest-bearing accounts or, at the discretion of the Secretary of Agriculture, by the Secretary of the Treasury in United States Government debt instruments. Fees and charges, including late payment penalties and interest earned from the investment of such funds shall be credited to such account.

(Pub. L. 97-98, title XI, §1121, Dec. 22, 1981, 95 Stat. 1273; Pub. L. 99-198, title XVII, §1769, Dec. 23, 1985, 99 Stat. 1656; Pub. L. 101-624, title XXV, § 2510, Nov. 28, 1990, 104 Stat. 4073.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101-624 added subsec. (d).
1985—Pub. L. 99-198, in amending section generally, divided existing provisions into subsecs. (a), (b), and (c) and inserted references to software programs and electronic publications.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

§ 2242b. Translation of publications into foreign languages

On and after October 28, 1991, funds appropriated to the Department of Agriculture by this Act may be used for translation of publications of the Department of Agriculture into foreign languages when determined by the Secretary to be in the public interest.

(Pub. L. 102-142, title VII, § 721, Oct. 28, 1991, 105 Stat. 913.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 102-142, Oct. 28, 1991, 105 Stat. 878, known as the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1992. For complete classification of this Act to the Code, see Tables.

§ 2243. Sale of photographic prints and maps

The Secretary of Agriculture may dispose of photographic prints (including bromide enlargements), lantern slides, transparencies, blueprints, and forest maps at cost and 10 per centum additional, and condemned property or materials under his charge in the same manner as provided by law for other bureaus.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1270.)

CODIFICATION

Section was formerly classified to section 552 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2244. Repealed. Pub. L. 101-624, title XVI, § 1606(b)(3), Nov. 28, 1990, 104 Stat. 3715

Section, act Sept. 21, 1944, ch. 412, title VII, § 708, 58 Stat. 742, provided for manufacture and sale of copies of bibliographies, photographic reproductions of books, and library supplies. See section 3125a of this title.

Provisions similar to those in this section were contained in the following Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 429.

July 12, 1943, ch. 215, 57 Stat. 396.

July 22, 1942, ch. 516, 56 Stat. 665.

§ 2245. Sale of prints and lantern slides

The Secretary of Agriculture is authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States.

(Mar. 4, 1907, ch. 2907, 34 Stat. 1281.)

CODIFICATION

Section was formerly classified to section 553 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2246. Loan, rental, or sale of films

The Secretary of Agriculture is authorized, under such rules and regulations and subject to such conditions as he may prescribe, to loan, rent, or sell copies of films. In the sale or rental

of films educational institutions or associations for agricultural education not organized for profit shall have preference; all moneys received from such rentals or sales to be covered into the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1917, ch. 179, 39 Stat. 1157; May 31, 1920, ch. 217, 41 Stat. 718.)

CODIFICATION

Section was formerly classified to section 554 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2247. Sale of samples of pure sugars

The Secretary of Agriculture may furnish, upon application, samples of pure sugars, naval stores, microscopical specimens, and other products to State and municipal officers, educational institutions, and other parties and charge for the same a price to cover the cost thereof, such price to be determined and established by the Secretary, and the money received from sales to be deposited in the Treasury of the United States as miscellaneous receipts.

(Mar. 4, 1915, ch. 144, 38 Stat. 1101.)

CODIFICATION

Section was formerly classified to section 555 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2248. Statistics relating to turpentine and rosin

The Secretary of Agriculture is authorized and directed to collect and/or compile and publish annually, and at such other times, and in such form and on such date or dates as he shall prescribe, statistics and essential information relating to spirits of turpentine and rosin produced, held, and used in the domestic and foreign commerce of the United States.

(Aug. 15, 1935, ch. 548, 49 Stat. 653.)

CODIFICATION

Section was formerly classified to section 556b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2276 of this title.

§ 2249. Amount and character of cooperation

Unless otherwise provided by the Department of Agriculture Organic Act of 1944 or by other statute, the measure and character of cooperation authorized by said Act on the part of the Federal Government and on the part of the co-operator shall be such as may be prescribed by the Secretary, unless otherwise provided for in the applicable appropriation.

(Sept. 21, 1944, ch. 412, title VII, § 711, 58 Stat. 743.)

REFERENCES IN TEXT

The Department of Agriculture Organic Act of 1944, referred to in text, is act Sept. 21, 1944, ch. 412, 58 Stat. 734, as amended. For complete classification of this Act to the Code, see Tables.

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 564a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2250. Construction and repair of buildings and public improvements

The Department of Agriculture is authorized to erect, alter, and repair such buildings and other public improvements as may be necessary to carry out its authorized work: *Provided*, That no building or improvement shall be erected or altered under this authority unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, §703, 58 Stat. 742.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 565a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2254 of this title.

§ 2250a. Erection of buildings and other structures on non-Federal lands; duration of use of such lands; removal of structures after termination of use; availability of funds for expenses of acquiring long-term leases or other agreements

Notwithstanding the provisions of existing law, except the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.] and without regard to section 255 of title 40, but within the limitations of cost otherwise applicable, appropriations of the Department of Agriculture may be expended for the erection of buildings and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land: *Provided further*, That appropriations and funds available to the Department of Agriculture shall be available for expenses in connection with acquiring the right to use land for such purposes under long-term lease or other agreement.

(Pub. L. 89-106, §1, Aug. 4, 1965, 79 Stat. 431.)

REFERENCES IN TEXT

The Commodity Credit Corporation Charter Act, referred to in text, is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, and is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

CODIFICATION

Section was formerly classified to section 565b of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2251. Reimbursement of Production and Marketing Administration appropriations for expenses of maintaining registers of indebtedness and making set-offs

Beginning with the fiscal year 1942, each appropriation to enable the Secretary of Agriculture to carry into effect any program administered through the Production and Marketing Administration may, in the discretion of the Secretary, be reimbursed out of the then current appropriation for the agency affected, for a fair share of the administrative expense, as estimated periodically or in advance by the Production and Marketing Administration of maintaining registers of indebtedness and making, out of such Production and Marketing Administration appropriation, set-offs under the order entered by the Secretary on May 8, 1937, as heretofore or hereafter amended, in favor of any other agency of the Government.

(July 22, 1942, ch. 516, 56 Stat. 691; 1946 Reorg. Plan No. 3, §501(a), eff. July 16, 1946, 11 F.R. 7875, 60 Stat. 1100.)

CODIFICATION

Section was formerly classified to section 566 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Production and Marketing Administration functions transferred to other units of Department of Agriculture under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Agriculture Adjustment Administration consolidated into Production and Marketing Administration by Secretary of Agriculture's Memorandum No. 1118, Aug. 18, 1945, which consolidation was ratified by 1946 Reorg. Plan No. 3, set out in the Appendix to Title 5, Government Organization and Employees.

§ 2252. Reimbursement of Production and Marketing Administration appropriations for costs of procuring agricultural commodities for nongovernmental agencies or foreign governments

Applicable appropriations available to the Production and Marketing Administration current at the time services are rendered or payment therefore is received may be reimbursed by

nongovernmental agencies or foreign governments (by advance credits or reimbursements) for the actual or estimated costs, as determined by the Production and Marketing Administration, incident to procuring agricultural commodities for such nongovernmental agencies or foreign governments.

(Sept. 21, 1944, ch. 412, title IV, § 402, 58 Stat. 738; Ex. Ord. No. 9577, June 29, 1945, 10 F.R. 4253.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 569 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Production and Marketing Administration functions transferred to other units in Department of Agriculture under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

War Food Administration terminated by Ex. Ord. No. 9577, and all functions transferred to Secretary of Agriculture, who established Production and Marketing Administration, under authority of said Ex. Ord. No. 9577, to administer functions of many of marketing and production agencies, including those functions of former War Food Administration.

§ 2253. Adjustment by Secretary of titles to lands acquired by Government and subject to his control

If the Secretary of Agriculture shall find after the acquisition by the United States of any land or interest therein which is subject to his administration, custody, or control, other than land acquired by exchange of public domain land or resources, that the title thereto is legally insufficient for the purposes for which such land or interest was acquired and no consideration therefor has been paid by the United States, or that title or color of title to such land or interest was acquired through mistake, misunderstanding, error, or inadvertence, he is authorized to execute and deliver on behalf of and in the name of the United States to the person from whom the title was acquired or to the person whom he finds entitled thereto a quitclaim deed to such land or interest: *Provided, however*, That if the person to whom such deed is made is the same person from whom the United States acquired title, or his successor in interest, any consideration given by the United States for such land or interest shall be restored or, in lieu thereof, the value equivalent of such consideration as determined by the Secretary of Agriculture shall be paid to the United States; and any consideration or value equivalent so restored or paid shall, so far as is practicable, be restored to the jurisdiction, or deposited to the credit, of the department, agency, appropriation, or fund from which the consideration was transferred or paid at the time of the acquisition of title by the United States.

(July 8, 1943, ch. 197, 57 Stat. 388; Mar. 3, 1952, ch. 72, 66 Stat. 11; Pub. L. 87-869, § 2, Oct. 23, 1962, 76 Stat. 1157.)

CODIFICATION

Section was formerly classified to section 567 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1962—Pub. L. 87-869 struck out “within twenty years” after “shall find”.

1952—Act Mar. 3, 1952, increased period of limitation during which Secretary may adjust land titles from ten to twenty years.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

CROSS REFERENCES

Option to purchase lands, see section 428a of this title.

§ 2254. Operation, maintenance and purchase of aircraft by Agricultural Research Service; construction and repair of buildings

Appropriations for the Agricultural Research Service shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only and pursuant to section 2250 of this title for the construction, alteration, and repair of buildings and improvements.

(Pub. L. 106-78, title I, Oct. 22, 1999, 113 Stat. 1139.)

CODIFICATION

Section is from the appropriation act cited as the credit to this section.

Section was formerly classified to section 568a of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

PRIOR PROVISIONS

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

Pub. L. 105-277, div. A, § 101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-4.

Pub. L. 105-86, title I, Nov. 18, 1997, 111 Stat. 2083.

Pub. L. 104-180, title I, Aug. 6, 1996, 110 Stat. 1573.

Pub. L. 104-37, title I, Oct. 21, 1995, 109 Stat. 303.

Pub. L. 103-330, title I, Sept. 30, 1994, 108 Stat. 2439.

Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1050.

Pub. L. 102-341, title I, Aug. 14, 1992, 106 Stat. 877.

Pub. L. 102-142, title I, Oct. 28, 1991, 105 Stat. 882.

Pub. L. 101-506, title I, Nov. 5, 1990, 104 Stat. 1319.

Pub. L. 101-161, title I, Nov. 21, 1989, 103 Stat. 955, 956.

Pub. L. 100-460, title I, Oct. 1, 1988, 102 Stat. 2233.

Pub. L. 100-202, § 101(k) [title I], Dec. 22, 1987, 101 Stat. 1329-322, 1329-327.

Pub. L. 99-500, § 101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783-4, and Pub. L. 99-591, § 101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341-4.

Pub. L. 99-190, § 101(a) [H.R. 3037, title I], Dec. 19, 1985, 99 Stat. 1185.

Pub. L. 98-473, title I, § 101(a) [H.R. 5743, title I], Oct. 12, 1984, 98 Stat. 1837.

Pub. L. 98-151, § 101(d) [H.R. 3223, title I], Nov. 14, 1983, 97 Stat. 972.

Pub. L. 97-370, title I, Dec. 18, 1982, 96 Stat. 1789.

Pub. L. 97-103, title I, Dec. 23, 1981, 95 Stat. 1469.

Pub. L. 96-528, title I, Dec. 15, 1980, 94 Stat. 3097.

Pub. L. 96-108, title I, Nov. 9, 1979, 93 Stat. 822.

Pub. L. 95-448, title I, Oct. 11, 1978, 92 Stat. 1074.

Pub. L. 95-97, title I, Aug. 12, 1977, 91 Stat. 811, 812.
 Pub. L. 94-351, title I, July 12, 1976, 90 Stat. 852.
 Pub. L. 94-122, title I, Oct. 21, 1975, 89 Stat. 642, 643.
 Pub. L. 93-563, title I, Dec. 31, 1974, 88 Stat. 1823.
 Pub. L. 93-135, title I, Oct. 24, 1973, 87 Stat. 470.
 Pub. L. 92-399, title I, Aug. 22, 1972, 86 Stat. 593.
 Pub. L. 92-73, title I, Aug. 10, 1971, 85 Stat. 184.
 Pub. L. 91-566, title I, Dec. 22, 1970, 84 Stat. 1480.
 Pub. L. 91-127, title I, Nov. 26, 1969, 83 Stat. 245.
 Pub. L. 89-463, title I, Aug. 8, 1968, 82 Stat. 639.
 Pub. L. 90-113, title I, Oct. 24, 1967, 81 Stat. 320.
 Pub. L. 89-556, title I, Sept. 7, 1966, 80 Stat. 689.
 Pub. L. 89-316, title I, Nov. 2, 1965, 79 Stat. 1165.
 Pub. L. 88-573, title I, Sept. 2, 1964, 78 Stat. 862.
 Pub. L. 88-250, title I, Dec. 30, 1963, 77 Stat. 820.
 Pub. L. 87-879, title I, Oct. 24, 1962, 76 Stat. 1203.
 Pub. L. 87-112, title I, July 26, 1961, 75 Stat. 226.
 Pub. L. 86-532, title I, June 29, 1960, 74 Stat. 232.
 Pub. L. 86-80, title I, July 8, 1959, 73 Stat. 167.
 Pub. L. 85-459, title I, June 13, 1958, 72 Stat. 188.
 Pub. L. 85-118, title I, Aug. 2, 1957, 71 Stat. 329.
 June 4, 1956, ch. 355, title I, 70 Stat. 229.
 May 23, 1955, ch. 43, title I, 69 Stat. 51.
 June 29, 1954, ch. 409, title I, 68 Stat. 304.
 July 28, 1953, ch. 251, title I, 67 Stat. 206.
 July 5, 1952, ch. 574, title I, 66 Stat. 336.
 Aug. 31, 1951, ch. 374, title I, 65 Stat. 226.
 Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 658.
 June 29, 1949, ch. 280, title I, 63 Stat. 329.
 June 19, 1948, ch. 543, 62 Stat. 513.
 July 30, 1947, ch. 356, title I, 61 Stat. 528.
 June 22, 1946, ch. 445, 60 Stat. 276.
 May 5, 1945, ch. 109, 59 Stat. 142.

§ 2255. Membership in International Wheat Advisory Committee, International Sugar Council, etc.

The Secretary of Agriculture is authorized to expend funds, available for agricultural conservation, adjustment, and land use programs, for the share of the United States as a member of the International Wheat Advisory Committee, the International Sugar Council, or like events or bodies concerned with the objectives of said program, together with traveling and other necessary expenses relating thereto: *Provided*, That expenditures under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, §701(a), 58 Stat. 741.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to sections 570 and 574 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 2255a. Financial assistance to national and international conferences

On and after October 21, 1993, appropriations available to the Department of Agriculture can be used to provide financial assistance to the organizers of national and international conferences, if such conferences are in support of agency programs.

(Pub. L. 103-111, title I, Oct. 21, 1993, 107 Stat. 1050.)

§ 2256. Inspections, analyses, and tests for other Government departments and agencies; reimbursement

The head of any department or independent establishment of the Government requiring inspections, analyses, and tests of food and other products, within the scope of the functions of the Department of Agriculture and which that Department is unable to perform within the limits of its appropriations, may, with the approval of the Secretary, transfer to the Department for direct expenditure such sums as may be necessary for the performance of such work.

(Sept. 21, 1944, ch. 412, title VII, §702(a), 58 Stat. 741.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 571 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2257. Interchangeability of funds for miscellaneous expenses and general expenses

Not to exceed 7 per centum of the amounts appropriated for any fiscal year for the miscellaneous expenses of the work of any bureau, division, or office of the Department of Agriculture shall be available interchangeably for expenditures on the objects included within the general expenses of such bureau, division, or office, but no more than 7 per centum shall be added to any one item of appropriation except in cases of extraordinary emergency.

(Sept. 21, 1944, ch. 412, title VII, §702(b), 58 Stat. 741.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 572 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2258. Purchase of newspapers

The Department of Agriculture is authorized to subscribe for such newspapers as may be necessary to carry out its authorized work: *Provided*, That purchases under this authority shall not be made unless provision is made therefor in the applicable appropriation and the cost thereof is not in excess of limitations prescribed therein.

(Sept. 21, 1944, ch. 412, title VII, §704, 58 Stat. 742.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 573 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2259. Market-inspection certificates as prima facie evidence

Market-inspection certificates issued by authorized agents of the Department of Agriculture shall be received in all courts of the United States as prima facie evidence of the truth of the statements therein contained.

(Sept. 21, 1944, ch. 412, title IV, § 401(c), 58 Stat. 738.)

CODIFICATION

This section was enacted as part of the Department of Agriculture Organic Act of 1944.

Section was formerly classified to section 575 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2260. Inspection or quarantine services involving overtime furnished upon a reimbursable basis

The Secretary of Agriculture is authorized to pay employees of the United States Department of Agriculture performing inspection or quarantine services relating to imports into and exports from the United States, for all overtime, night, or holiday work performed by them at any place where such inspection and quarantine services are performed, at such rates as he may determine, and to accept from persons for whom such work is performed reimbursement for any sums paid out by him for such work.

(Aug. 28, 1950, ch. 815, 64 Stat. 561.)

CODIFICATION

Section was formerly classified to section 576 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2260a. Reimbursable agreements

(a) In general

The Secretary of Agriculture (referred to in this section as the “Secretary”) may enter into reimbursable fee agreements with persons for preclearance at locations outside the United States of plants, plant products, animals, and articles for movement into the United States.

(b) Overtime, night, and holiday work

Notwithstanding any other provision of law, the Secretary may pay an employee of the Department of Agriculture performing services relating to imports into and exports from the United States for overtime, night, and holiday work performed by the employee at a rate of pay established by the Secretary.

(c) Reimbursement

(1) In general

The Secretary may require persons for whom preclearance services are performed to reimburse the Secretary for any amounts paid by the Secretary for performance of the services.

(2) Crediting of funds

All funds collected under paragraph (1) shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(3) Late payment penalty

(A) In general

On failure of a person to reimburse the Secretary for the costs of performance of preclearance services—

(i) the Secretary may assess a late payment penalty; and

(ii) the overdue funds shall accrue interest in accordance with section 3717 of title 31.

(B) Crediting of funds

Any late payment penalty and any accrued interest collected under this paragraph shall be credited to the account that incurs the costs and shall remain available until expended without fiscal year limitation.

(Pub. L. 104-127, title IX, § 919, Apr. 4, 1996, 110 Stat. 1191.)

§ 2261. Credit of donations and proceeds from exhibitions to appropriations concerned with foreign market development programs

In the conduct of foreign market development programs, the Secretary of Agriculture is authorized to credit contributions from individuals, firms, associations, agencies, and other groups, and the proceeds received from space rentals, and sales of products and materials at exhibitions, to the appropriations charged with the cost of acquiring such space, products, and materials.

(Pub. L. 87-128, title II, § 203, Aug. 8, 1961, 75 Stat. 307.)

CODIFICATION

Section was formerly classified to section 577 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2262. Employee liability insurance on motor vehicles in foreign countries

The Secretary of Agriculture is authorized to obtain insurance to cover the liability of any employee of the Department of Agriculture for damage to or loss of property or personal injury or death caused by the act or omission of any such employee while acting within the scope of his office or employment and while operating a motor vehicle belonging to the United States in a foreign country.

(Pub. L. 89-106, § 3, Aug. 4, 1965, 79 Stat. 431.)

CODIFICATION

Section was formerly classified to section 578 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

§ 2262a. Overseas tort claims

(a) In general

The Secretary of Agriculture may pay a tort claim in the manner authorized by section 2672 of title 28, if the claim arises outside the United States in connection with activities of individuals who are performing services for the Secretary.

(b) Period for presentation of claim

A claim may not be allowed under this section unless the claim is presented in writing to the

Secretary of Agriculture within 2 years after the date on which the claim accrues.

(c) Finality

Notwithstanding any other provision of law, an award or denial of a claim by the Secretary of Agriculture under this section is final.

(Pub. L. 104-127, title IX, §920, Apr. 4, 1996, 110 Stat. 1191.)

§ 2263. Transfer of funds

Subject to limitations applicable with respect to each appropriation concerned, each appropriation available to the Department of Agriculture may be charged, at any time during a fiscal year, for the benefit of any other appropriation available to the Department, for the purpose of financing the procurement of materials and services, or financing activities or other costs, for which funds are available both in the financing appropriation so charged and in the appropriation so benefited; except that such expenses so financed shall be charged on a final basis, as of a date not later than the close of such fiscal year, to the appropriations so benefited, with appropriate credit to the financing appropriation.

(Pub. L. 89-106, §8, Aug. 4, 1965, 79 Stat. 432.)

CODIFICATION

Section was formerly classified to section 579 of Title 5 prior to the general revision and enactment of Title 5, Government Organization and Employees, by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

§ 2264. National Agricultural Library; acceptance of gifts, bequests, or devises; conditional gifts

The Secretary of Agriculture is hereby authorized to accept, receive, hold, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made unconditionally for the benefit of the National Agricultural Library or for the carrying out of any of its functions. Conditional gifts may be accepted and used in accordance with their provisions provided that no gift may be accepted which is conditioned on any expenditure not to be met therefrom or from the income thereof unless such expenditure has been approved by Act of Congress.

(Pub. L. 91-591, §2, Dec. 28, 1970, 84 Stat. 1588.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2265 of this title.

§ 2265. Deposit of money accepted for benefit of National Agricultural Library; disbursement

Any gift of money accepted pursuant to the authority granted in section 2264 of this title, or the net proceeds from the liquidation of any other property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate account and shall be disbursed upon order of the Secretary of Agriculture.

(Pub. L. 91-591, §3, Dec. 28, 1970, 84 Stat. 1588.)

§ 2266. Congressional reaffirmation of policy to foster and encourage family farms; annual report to Congress

(a) Congress reaffirms the historical policy of the United States to foster and encourage the family farm system of agriculture in this country. Congress believes that the maintenance of the family farm system of agriculture is essential to the social well-being of the Nation and the competitive production of adequate supplies of food and fiber. Congress further believes that any significant expansion of nonfamily owned large-scale corporate farming enterprises will be detrimental to the national welfare. It is neither the policy nor the intent of Congress that agricultural and agriculture-related programs be administered exclusively for family farm operations, but it is the policy and the express intent of Congress that no such program be administered in a manner that will place the family farm operation at an unfair economic disadvantage.

(b)(1) In order that Congress may be better informed regarding the status of the family farm system of agriculture in the United States, the Secretary of Agriculture shall submit to Congress, by July 1 of each year, a written report containing current information on trends in family farm operations and comprehensive national and State-by-State data on nonfamily farm operations in the United States.

(2) The Secretary shall also include in each such report—

(A) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States;

(B) an assessment of how tax, credit, and other current Federal income, excise, estate, and other tax laws, and proposed changes in such laws, may affect the structure and organization of, returns to, and investment opportunities by family and nonfamily farm owners and operators, both foreign and domestic;

(C) identification and analysis of new food and agricultural production and processing technological developments, especially in the area of biotechnology, and evaluation of the potential effect of such developments on—

(i) the economic structure of the family farm system;

(ii) the competitive status of domestically-produced agricultural commodities and foods in foreign markets; and

(iii) the achievement of Federal agricultural program objectives;

(D) an assessment of the credit needs of family farms and the extent to which those needs are being met, and an analysis of the effects of the farm credit situation on the economic structure of the family farm system;

(E) an assessment of how economic policies and trade policies of the United States affect the financial operation of, and prospects for, family farm operations;

(F) an assessment of the effect of Federal farm programs and policies on family farms and non-family farms that—

(i) derive the majority of their income from non-farm sources; and

(ii) derive the majority of their income from farming operations; and

(G) such other information as the Secretary considers appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States.

(Pub. L. 95-113, title I, §102, Sept. 29, 1977, 91 Stat. 918; Pub. L. 97-98, title XVI, §1608, Dec. 22, 1981, 95 Stat. 1347; Pub. L. 99-198, title XIV, §1441, Dec. 23, 1985, 99 Stat. 1560.)

AMENDMENTS

1985—Subsec. (b). Pub. L. 99-198 designated first and second sentences as pars. (1) and (2), respectively, and amended par. (2), as so designated, generally. Prior to redesignation and amendment, second sentence read as follows: "The Secretary shall also include in each such report (1) information on how existing agricultural and agriculture-related programs are being administered to enhance and strengthen the family farm system of agriculture in the United States, (2) an assessment of how tax, credit, and other Federal laws may encourage the growth of nonfamily farm operations and investment in agriculture by nonfamily farm interests, both foreign and domestic, and (3) such other information as the Secretary deems appropriate or determines would aid Congress in protecting, preserving, and strengthening the family farm system of agriculture in the United States."

1981—Pub. L. 97-98 substantially reenacted existing provisions, and inserted reference to tax and credit laws, and investment in agriculture by nonfamily farm interests, foreign and domestic.

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

Section 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.

STUDY OF IMPACT OF PROHIBITIONS ON PAYMENTS TO CERTAIN CORPORATIONS UNDER WHEAT, FEED GRAINS, COTTON, AND RICE PROGRAMS; REPORT BY JANUARY 1, 1979

Section 103 of Pub. L. 95-113 provided that in furtherance of the policy stated in section 102 of this Act [this section], the Secretary of Agriculture was to conduct a study and report to Congress no later than January 1, 1979, on the impact on participation in the wheat, feed grain, cotton, and rice programs and the production of such commodities in carrying out a statutory provision such as that included in the Food and Agriculture Act of 1977, as passed by the Senate on May 24, 1977 [see Short Title of 1977 Amendment note set out under section 1281 of this title], prohibiting the making of payments to certain corporations and other entities under such programs, which study was to assess the impact of extending the prohibition against making commodity program payments to tenants on land owned by such corporations and other entities which would be excluded from payments under such a provision, and was to utilize the information on commodity program payments compiled by the Agricultural Stabilization and Conservation Service in determining payment eligibility under section 101 of the Agricultural Act of 1970, as amended [section 1307 of this title], and section 101 of this Act [section 1308 of this title]. The Secretary was authorized to collect such other information as necessary to determine the impact of such a statutory provision and to identify the number and characteristics of producers that would be affected by such a provision.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1961 of this title.

§ 2267. Repealed. Pub. L. 100-387, title I, § 101(b)(1), Aug. 11, 1988, 102 Stat. 931

Section, Pub. L. 95-113, title XI, §1105, Sept. 29, 1977, 91 Stat. 955; Pub. L. 97-98, title XI, §1111(b), Dec. 22, 1981, 95 Stat. 1267; Pub. L. 99-198, title XVII, §1763(a), Dec. 23, 1985, 99 Stat. 1651, related to an emergency feed program. See section 1471 et seq. of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100-387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

§ 2268. Public lands; relinquishment

Notwithstanding any other provision of law, the Secretary of Agriculture may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide.

(Pub. L. 95-441, Oct. 10, 1978, 92 Stat. 1064.)

§ 2269. Gifts of property; acceptance and administration by Secretary of Agriculture; Federal tax law consideration; separate fund in Treasury; regulations

Notwithstanding any other provision of law, the Secretary of Agriculture is authorized to accept, receive, hold, utilize, and administer on behalf of the United States gifts, bequests, or devises of real and personal property made for the benefit of the United States Department of Agriculture or for the carrying out of any of its functions. For the purposes of the Federal income, estate, and gift tax laws, property accepted under the authority of this section shall be considered as a gift, bequest, or devise to the United States. Any gift of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, or the proceeds of any insurance on any gift property not used for its restoration shall be deposited in the Treasury of the United States for credit to a separate fund and shall be disbursed upon order of the Secretary of Agriculture. The Secretary of Agriculture may promulgate regulations to carry out the provisions of this section.

(Pub. L. 95-442, Oct. 10, 1978, 92 Stat. 1065.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3152 of this title; title 16 section 46011-26.

§ 2270. Authority of Office of Inspector General

Any person who is employed in the Office of the Inspector General, Department of Agriculture, who conducts investigations of alleged or suspected felony criminal violations of statutes, including but not limited to the Food Stamp Act of 1977 [7 U.S.C. 2011 et seq.], admin-

istered by the Secretary of Agriculture or any agency of the Department of Agriculture and who is designated by the Inspector General of the Department of Agriculture may—

(1) make an arrest without a warrant for any such criminal felony violation if such violation is committed, or if such employee has probable cause to believe that such violation is being committed, in the presence of such employee;

(2) execute a warrant for an arrest, for the search of premises, or the seizure of evidence if such warrant is issued under authority of the United States upon probable cause to believe that such violation has been committed; and

(3) carry a firearm;

in accordance with rules issued by the Secretary of Agriculture, while such employee is engaged in the performance of official duties under the authority provided in section 6, or described in section 9, of the Inspector General Act of 1978 (5 U.S.C. App. 6, 9). The Attorney General of the United States may disapprove any designation made by the Inspector General under this section.

(Pub. L. 97-98, title XIII, §1337, Dec. 22, 1981, 95 Stat. 1294.)

REFERENCES IN TEXT

The Food Stamp Act of 1977, referred to in text, is Pub. L. 88-525, Aug. 31, 1964, 78 Stat. 703, as amended, which is classified generally to chapter 51 (§2011 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under 2011 of this title and Tables.

Sections 6 and 9 of the Inspector General Act of 1978, referred to in text, are sections 6 and 9 of Pub. L. 95-452, which are set out in the Appendix to Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section effective on such date as the Secretary of Agriculture may prescribe, taking into account the need for orderly implementation, see section 1338 of Pub. L. 97-98, set out as an Effective Date of 1981 Amendment note under section 2012 of this title.

§ 2270a. Office of Inspector General; transfer of forfeiture funds for law enforcement activities

For fiscal year 1999 and thereafter, funds transferred to the Office of the Inspector General through forfeiture proceedings or from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as a participating agency, as an equitable share from the forfeiture of property in investigations in which the Office of the Inspector General participates, or through the granting of a Petition for Remission or Mitigation, shall be deposited to the credit of this account for law enforcement activities authorized under the Inspector General Act of 1978, to remain available until expended.

(Pub. L. 105-277, div. A, §101(a) [title I], Oct. 21, 1998, 112 Stat. 2681, 2681-3.)

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in text, is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended,

which is set out in the Appendix to Title 5, Government Organization and Employees.

PRIOR PROVISIONS

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

Pub. L. 105-86, title I, Nov. 18, 1997, 111 Stat. 2082.

Pub. L. 104-180, title I, Aug. 6, 1996, 110 Stat. 1572.

Pub. L. 104-37, title I, Oct. 21, 1995, 109 Stat. 302.

§ 2271. Marketing education programs for small and medium size family farm operations

In carrying out marketing research and education programs, the Secretary of Agriculture shall take such steps as may be necessary to increase the efforts of the Department of Agriculture in providing marketing education programs for persons engaged in small and medium size family farm operations.

(Pub. L. 97-98, title XIV, §1445, Dec. 22, 1981, 95 Stat. 1327.)

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

§ 2271a. Advanced marketing training for farmers and ranchers

The Secretary of Agriculture may establish a program to train farmers and ranchers in advanced techniques for the marketing of agricultural commodities, livestock, and aquacultural products produced by such farmers and ranchers, including (where appropriate as determined by the Secretary) training in the use of futures and options markets.

(Pub. L. 99-641, title II, §206(b), Nov. 10, 1986, 100 Stat. 3564.)

STUDY AND REPORT OF MARKETING PRACTICES OF APPLICANTS AND BORROWERS OF FARM LOANS

Section 206(a) of Pub. L. 99-641 provided that:

“(1) STUDY.—The Comptroller General of the United States shall conduct a study of marketing practices used by applicants for and borrowers of farm loans made, insured, or guaranteed under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.). The study shall include an examination of the methods used by the applicants and borrowers in marketing agricultural commodities, livestock, and aquacultural products and the extent to which the applicants and borrowers use advanced marketing techniques for such sales.

“(2) REPORT.—Not later than 1 year after the date of enactment of this Act [Nov. 10, 1986], the Comptroller General shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the study conducted under paragraph (1), together with any appropriate recommendations.”

§ 2272. Volunteers for Department of Agriculture programs

(a) Establishment of program

The Secretary of Agriculture (hereafter referred to in this section as the “Secretary”) may establish a program to use volunteers in carrying out the programs of the Department of Agriculture.

(b) Acceptance of personnel

The Secretary may accept, subject to regulations issued by the Office of Personnel Manage-

ment, voluntary service for the Department of Agriculture for such purpose if the service:

- (1) is to be without compensation; and
- (2) will not be used to displace any employee of the Department of Agriculture including the local, county, and State committees established under section 590h(b) of title 16.

(c) Federal employee status

Any individual who provides voluntary service under this section shall not be considered a Federal employee, except for purposes of chapter 81 of title 5 (relating to compensation for injury), and sections 2671 through 2680 of title 28 (relating to tort claims).

(Pub. L. 97-98, title XV, §1526, Dec. 22, 1981, 95 Stat. 1337.)

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

AUTHORIZATION OF APPROPRIATIONS

Section 1527 of Pub. L. 97-98 provided that: "There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subtitle [enacting this section], such sums to remain available until expended."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2272a of this title.

§ 2272a. Funds for incidental expenses and promotional items relating to volunteers

On and after August 6, 1996, funds appropriated to the Department of Agriculture may be used for incidental expenses such as transportation, uniforms, lodging, and subsistence for volunteers serving under the authority of section 2272 of this title, when such volunteers are engaged in the work of the United States Department of Agriculture; and for promotional items of nominal value relating to the United States Department of Agriculture Volunteer Programs.

(Pub. L. 104-180, title VII, §729, Aug. 6, 1996, 110 Stat. 1600.)

PRIOR PROVISIONS

A prior section 2272a, Pub. L. 102-142, title VII, §739, Oct. 28, 1991, 105 Stat. 915, authorized use of funds for incidental expenses and promotional items relating to volunteers on and after Oct. 28, 1991, prior to repeal by Pub. L. 104-127, title III, §336(f)(2), Apr. 4, 1996, 110 Stat. 1007.

§ 2273. Local search and rescue operations

The Secretary of Agriculture may assist, through the use of Soil Conservation Service personnel, vehicles, communication equipment, and other equipment or materials available to the Secretary, in local search and rescue operations when requested by responsible local public authorities. Such assistance may be provided in emergencies caused by tornadoes, fires, floods, snowstorms, earthquakes, and similar disasters.

(Pub. L. 97-98, title XV, §1550, Dec. 22, 1981, 95 Stat. 1344.)

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of this title.

§ 2274. Firearm authority of employees engaged in animal quarantine enforcement

Any employee of the United States Department of Agriculture designated by the Secretary of Agriculture and the Attorney General of the United States may carry a firearm and use a firearm when necessary for self-protection, in accordance with rules and regulations issued by the Secretary of Agriculture and the Attorney General of the United States, while such employee is engaged in the performance of the employee's official duties to (1) carry out any law or regulation related to the control, eradication, or prevention of the introduction or dissemination of communicable disease of livestock or poultry into the United States or (2) perform any duty related to such disease control, eradication, or prevention, subject to the direction of the Secretary.

(Pub. L. 97-312, §1, Oct. 14, 1982, 96 Stat. 1461.)

§ 2275. Repealed. Pub. L. 101-624, title XV, § 1572(3), Nov. 28, 1990, 104 Stat. 3702

Section, Pub. L. 99-198, title XI, §1151, Dec. 23, 1985, 99 Stat. 1497, provided for trade consultation between the Foreign Agricultural Service and other Federal agencies. See section 5674 of this title.

§ 2276. Confidentiality of information

(a) Authorized disclosure

In the case of information furnished under a provision of law referred to in subsection (d) of this section, neither the Secretary of Agriculture, any other officer or employee of the Department of Agriculture or agency thereof, nor any other person may—

- (1) use such information for a purpose other than the development or reporting of aggregate data in a manner such that the identity of the person who supplied such information is not discernible and is not material to the intended uses of such information; or
- (2) disclose such information to the public, unless such information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

(b) Duty of Secretary; immunity from disclosure; necessary consent

(1) In carrying out a provision of law referred to in subsection (d) of this section, no department, agency, officer, or employee of the Federal Government, other than the Secretary of Agriculture, shall require a person to furnish a copy of statistical information provided to the Department of Agriculture.

(2) A copy of such information—

- (A) shall be immune from mandatory disclosure of any type, including legal process; and
- (B) shall not, without the consent of such person, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding.

(c) Violations; penalties

Any person who shall publish, cause to be published, or otherwise publicly release information

collected pursuant to a provision of law referred to in subsection (d) of this section, in any manner or for any purpose prohibited in section¹ (a) of this section, shall be fined not more than \$10,000 or imprisoned for not more than 1 year, or both.

(d) Specific provisions for collection of information

For purposes of this section, a provision of law referred to in this subsection means—

(1) the first section of the Act entitled “An Act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton”, approved March 3, 1927 (7 U.S.C. 471) (commonly referred to as the “Cotton Statistics and Estimates Act”);

(2) the first section of the Act entitled “An Act to provide for the collection and publication of statistics of tobacco by the Department of Agriculture”, approved January 14, 1929 (7 U.S.C. 501);

(3) the first section of the Act entitled “An Act to provide for the collection and publication of statistics of peanuts by the Department of Agriculture”, approved June 24, 1936 (7 U.S.C. 951);

(4) section 203(g) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(g));

(5) section 526(a) of the Revised Statutes (7 U.S.C. 2204(a));

(6) the Act entitled “An Act providing for the publication of statistics relating to spirits of turpentine and resin”, approved August 15, 1935 (7 U.S.C. 2248);

(7) section 42 of title 13;

(8) section 4 of the Act entitled “An Act to establish the Department of Commerce and Labor”, approved February 14, 1903 (15 U.S.C. 1516);

(9) section 2 of the joint resolution entitled “Joint resolution relating to the publication of economic and social statistics for Americans of Spanish origin or descent”, approved June 16, 1976 (15 U.S.C. 1516a); or²

(10) section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e));²

(11) section 2204g of this title.

(e) Information provided to Secretary of Commerce

This section shall not prohibit the release of information under section 2204g(f)(2) of this title.

(Pub. L. 99–198, title XVII, §1770, Dec. 23, 1985, 99 Stat. 1657; Pub. L. 105–113, §4(a)(2), (b), Nov. 21, 1997, 111 Stat. 2276; Pub. L. 106–113, div. B, §1000(a)(3) [title III, §348], Nov. 29, 1999, 113 Stat. 1535, 1501A–207.)

AMENDMENTS

1999—Subsec. (d)(10), (11). Pub. L. 106–113 added par. (10) and redesignated former par. (10) as (11).

1997—Subsec. (d)(10). Pub. L. 105–113, §4(a)(2), added par. (10).

Subsec. (e). Pub. L. 105–113, §4(b), added subsec. (e).

¹ So in original. Probably should be “subsection”.

² So in original. The word “or” probably should appear at end of par. (10).

§ 2277. Contracts by Animal and Plant Health Inspection Service for services to be performed abroad

Funds available to the Animal and Plant Health Inspection Service (APHIS) under this and subsequent appropriations shall be available for contracting with individuals for services to be performed outside of the United States, as determined by APHIS to be necessary or appropriate for carrying out programs and activities abroad. Such individuals shall not be regarded as officers or employees of the United States under any law administered by the Office of Personnel Management.

(Pub. L. 102–142, title VII, §737, Oct. 28, 1991, 105 Stat. 915.)

PRIOR PROVISIONS

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

Pub. L. 101–506, title VI, §641, Nov. 5, 1990, 104 Stat. 1350.

§ 2278. Consistency with international obligations of United States

(a) In general

Prior to the promulgation of, or amendment to, any order or plan under a research and promotion program relating to research and promotion of any agricultural commodity or product, after November 28, 1990, where such order or plan would provide for an assessment on imports, the Secretary of Agriculture shall consult with the United States Trade Representative regarding the consistency of the provisions of the order or plan with the international obligations of the United States.

(b) Compliance with U.S. international obligations

The Secretary of Agriculture shall take all steps necessary and appropriate to ensure that any order or plan or amendment to such order or plan, and the implementation and enforcement of any order or plan or amendment to such order or plan, or program as it relates to imports is nondiscriminatory and in compliance with the international obligations of the United States, as interpreted by the United States Trade Representative.

(c) Construction

Nothing in this section shall be construed as providing for a cause of action under this section.

(Pub. L. 101–624, title XIX, §1999T, Nov. 28, 1990, 104 Stat. 3928.)

§ 2279. Outreach and assistance for socially disadvantaged farmers and ranchers

(a) Outreach and assistance

(1) In general

The Secretary of Agriculture (hereafter referred to in this section as the “Secretary”) shall provide outreach and technical assistance to encourage and assist socially disadvantaged farmers and ranchers to own and operate farms and ranches and to participate in agricultural programs. This assistance

should include information on application and bidding procedures, farm management, and other essential information to participate in agricultural programs.

(2) Grants and contracts

The Secretary may make grants and enter into contracts and other agreements in the furtherance of this section with the following entities—

(A) any community based organization that—

(i) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers;

(ii) provides documentary evidence of its past experience of working with socially disadvantaged farmers and ranchers during the two years preceding its application for assistance under this section; and

(iii) does not engage in activities prohibited under section 501(c)(3) of title 26; and

(B) 1890 Land-Grant Colleges including Tuskegee Institute, Indian tribal community colleges and Alaska native cooperative colleges, Hispanic serving post-secondary educational institutions, and other post-secondary educational institutions with demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged family farmers and ranchers in their region.

(3) Funding

There are authorized to be appropriated \$10,000,000 for each fiscal year to carry out this subsection.

(b) Designation of Federal personnel

(1) In general

The Secretary shall designate from existing Federal personnel resources in the county or region a qualified person who shall, in cooperation with the State cooperative extension services, implement the policies and programs established or modified in accordance with this section.

(2) Additional personnel

In counties or regions in which the number of socially disadvantaged farmers and ranchers exceeds 25 percent of the total number of farmers and ranchers in the county or region, the Secretary shall designate additional personnel to implement the policies and programs established or modified in accordance with this section.

(c) Report to Congress

(1) In general

Not later than September 30, 1992, and every two years thereafter, the Secretary shall report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, regarding—

(A) the efforts of the Secretary to enhance participation by members of socially disadvantaged groups in agricultural programs;

(B) the specific participation goals established for each agricultural program;

(C) the results achieved for each agricultural program; and

(D) the progress of the Department towards meeting each of the purposes described in paragraph (2)(C).

(2) Contents

In addition to the information specified in paragraph (1), the report required by paragraph (1) shall include—

(A) a comparison of the participation goals and the actual participation rates of members of socially disadvantaged groups in each agricultural program;

(B) an analysis and explanation of the reasons for the success or failure of the Secretary to achieve the goals, and the overall purposes of this section;

(C) a listing, on a State-by-State and county-by-county basis, of—

(i) the amount of funds loaned to members of socially disadvantaged groups; and

(ii) the amount of funds used to guarantee loans to members of socially disadvantaged groups compared to the total amount of such guarantees;

(D) a breakdown in allocation of crop base in each program crop compared to the target participation rates established pursuant to sections 355(a)(1) and 355(c) of the Consolidated Farm and Rural Development Act [7 U.S.C. 2003(a)(1), 2003(c)], on a State-by-State and county-by-county basis; and

(E) a review and analysis of participation by members of socially disadvantaged groups, compared to participation by all others, in agricultural programs, on a State-by-State and county-by-county basis, including a survey representative of all farmers and ranchers, including socially disadvantaged farmers and ranchers, to identify reasons for participation and nonparticipation in agricultural programs.

(d) Affirmative action, appeals, and contracting review

(1) Purpose

It is the purpose of this subsection to direct the Secretary to analyze within the Department of Agriculture the design and implementation of affirmative action programs and policies, the appeals process for complaints of discrimination, and contracting and purchasing practices employed by the Department.

(2) Scope

The study shall include—

(A) an assessment of the successes and failures of these affirmative action programs and policies;

(B) a review of the reasons for the successes and failures described in subparagraph (A);

(C) a review of procurement, contracting, and purchasing policies of the Department, the level of participation of socially disadvantaged businesses in such activities, and the impact of those policies on the participation of members of socially disadvantaged groups in such contracting with the Department;

(D) a review of the reasons for participation or lack of participation of businesses owned by members of socially disadvantaged groups in the activities described in subparagraph (C); and

(E) a review of the appeals process for all complaints or allegations regarding acts, practices, or patterns of discrimination filed with the Department by individuals or any other entities that shall include—

(i) the number of complaints or allegations regarding acts, practices, or patterns of discrimination;

(ii) the manner in which the complaints were investigated and resolved by the Department; and

(iii) the longest, shortest, and average periods of time taken to investigate and resolve the complaints or allegations regarding acts, practices, or patterns of discrimination.

(3) Report

Not later than November 28, 1991, the Secretary shall prepare and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the information described in paragraph (2).

(e) Definitions

(1) Socially disadvantaged group

As used in this section, the term “socially disadvantaged group” means a group whose members have been subjected to racial or ethnic prejudice because of their identity as members of a group without regard to their individual qualities.

(2) Socially disadvantaged farmer or rancher

As used in this section, the term “socially disadvantaged farmer or rancher” means a farmer or rancher who is a member of a socially disadvantaged group.

(3) Agriculture programs

As used in this section, the term “agriculture programs” are those established or authorized by—

(A) the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.];

(B) the Consolidated Farm and Rural Development Act [7 U.S.C. 1921 et seq.];

(C) the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.];

(D) the Soil Conservation Act;

(E) the Domestic Allotment Assistance Act;

(F) the Food Security Act of 1985; and

(G) other such Acts as the Secretary deems appropriate.

(f) Omitted

(g) Reservations

(1) Consolidated suboffice

The Secretary shall require the Agricultural Stabilization and Conservation Service, Soil Conservation Service, and Farmers Home Administration offices, and such other offices and functions the Secretary may choose to in-

clude, in each county that has a reservation within its borders, to establish a consolidated suboffice at the tribal headquarters of said reservation and to staff said suboffice as needed, using existing staff, but no less than one day a week or under such other arrangement agreed to by the tribe and the Department of Agriculture offices. The tribe shall be required to provide the necessary office space if it wishes to participate in this program.

(2) Cooperative agreements

For those reservations that are located in more than one county, the Secretary, the relevant county offices and the tribe shall enter into a cooperative agreement to provide the services required by paragraph (1) that avoids duplication of effort.

(Pub. L. 101-624, title XXV, §2501, Nov. 28, 1990, 104 Stat. 4062; Pub. L. 102-237, title X, §1003, Dec. 13, 1991, 105 Stat. 1894.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (e)(3)(A), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§1421 et seq.) 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. (e)(3)(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.

The Agricultural Adjustment Act of 1938, referred to in subsec. (e)(3)(C), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Soil Conservation Act and the Domestic Allotment Assistance Act, referred to in subsec. (e)(3)(D) and (E), respectively, probably mean the Soil Conservation and Domestic Allotment Act, act Apr. 27, 1935, ch. 85, 49 Stat. 163, as amended, which is classified generally to chapter 3B (§590a et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 590q of Title 16 and Tables.

The Food Security Act of 1985, referred to in subsec. (e)(3)(F), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, as amended. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Section is comprised of section 2501 of Pub. L. 101-624. Subsec. (f) of section 2501 of Pub. L. 101-624 amended section 2003 of this title.

AMENDMENTS

1991—Subsec. (a)(3). Pub. L. 102-237, §1003(1), substituted “subsection” for “section”.

Subsec. (c)(1)(C). Pub. L. 102-237, §1003(2), inserted “program” after “agricultural”.

Subsec. (d)(3). Pub. L. 102-237, §1003(3), substituted “November 28, 1991” for “1 year after the date of enactment of this Act”.

WAIVER OF STATUTE OF LIMITATIONS

Pub. L. 105-277, div. A, §101(a) [title VII, §741], Oct. 21, 1998, 112 Stat. 2681, 2681-30, provided that:

“(a) To the extent permitted by the Constitution, any civil action to obtain relief with respect to the discrimination alleged in an eligible complaint, if com-

menced not later than 2 years after the date of the enactment of this Act [Oct. 21, 1998], shall not be barred by any statute of limitations.

“(b) The complainant may, in lieu of filing a civil action, seek a determination on the merits of the eligible complaint by the Department of Agriculture if such complaint was filed not later than 2 years after the date of enactment of this Act [Oct. 21, 1998]. The Department of Agriculture shall—

“(1) provide the complainant an opportunity for a hearing on the record before making that determination;

“(2) award the complainant such relief as would be afforded under the applicable statute from which the eligible complaint arose notwithstanding any statute of limitations; and

“(3) to the maximum extent practicable within 180 days after the date a determination of an eligible complaint is sought under this subsection conduct an investigation, issue a written determination and propose a resolution in accordance with this subsection.

“(c) Notwithstanding subsections (a) and (b), if an eligible claim is denied administratively, the claimant shall have at least 180 days to commence a cause of action in a Federal court of competent jurisdiction seeking a review of such denial.

“(d) The United States Court of Federal Claims and the United States District Court shall have exclusive original jurisdiction over—

“(1) any cause of action arising out of a complaint with respect to which this section waives the statute of limitations; and

“(2) any civil action for judicial review of a determination in an administrative proceeding in the Department of Agriculture under this section.

“(e) As used in this section, the term ‘eligible complaint’ means a nonemployment related complaint that was filed with the Department of Agriculture before July 1, 1997 and alleges discrimination at any time during the period beginning on January 1, 1981 and ending December 31, 1996—

“(1) in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) in administering—

“(A) a farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

“(B) a housing program established under title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.]; or

“(2) in the administration of a commodity program or a disaster assistance program.

“(f) This section shall apply in fiscal year 1999 and thereafter.

“(g) The standard of review for judicial review of an agency action with respect to an eligible complaint is de novo review. Chapter 5 of title 5 of the United States Code shall apply with respect to an agency action under this section with respect to an eligible complaint, without regard to section 554(a)(1) of that title.”

§ 2279a. Fair and equitable treatment of socially disadvantaged producers

(a) Fair crop acreage bases and farm program payment yields

If the Secretary of Agriculture determines that crop acreage bases or farm program payment yields established for farms owned or operated by socially disadvantaged producers are not established in accordance with title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.), the Secretary shall adjust the bases and yields to conform to the requirements of such title and make available any appropriate commodity program benefits.

(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, which was classified generally to subchapter IV (§1461 et seq.) of chapter 35A of this title, was omitted from the Code. 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.

§ 2279b. Operation of Graduate School of Department of Agriculture as nonappropriated fund instrumentality

(a) Definitions

In this section:

(1) Graduate School

The term “Graduate School” means the Graduate School of the Department of Agriculture.

(2) Board

The term “Board” means the General Administration Board of the Graduate School.

(3) Director

The term “Director” means the Director of the Graduate School.

(4) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Operation as nonappropriated fund instrumentality

On and after April 4, 1996, the Graduate School of the Department of Agriculture shall continue to operate as a nonappropriated fund instrumentality of the United States under the jurisdiction of the Department of Agriculture.

(c) Activities of Graduate School

Under the general supervision of the Secretary, the Graduate School shall develop, administer, and provide educational, training, and professional development activities, including educational activities for Federal agencies, Federal employees, nonprofit organizations, other entities, and members of the general public.

(d) Fees and donations**(1) Collection of fees**

The Graduate School may charge and retain fair and reasonable fees for the activities provided by the Graduate School. The amount of the fees shall be based on the cost of the activities to the Graduate School.

(2) Acceptance of donations**(A) Acceptance and use authorized**

The Graduate School may accept, use, hold, dispose, and administer gifts, bequests, and devises of money, securities, and other real or personal property made for the benefit of, or in connection with, the Graduate School.

(B) Exception

The Graduate School shall not accept a donation from a person that is actively engaged in a procurement activity with the Graduate School or has an interest that may be substantially affected by the performance or nonperformance of an official duty of a member of the Board or an employee of the Graduate School.

(3) Not Federal funds

Fees collected under paragraph (1) and amounts received under paragraph (2) shall not be considered to be Federal funds and shall not be required to be deposited in the Treasury of the United States.

(e) General Administration Board and Director**(1) Appointment as governing board**

The Secretary shall appoint a General Administration Board to serve as a governing board for the Graduate School and to supervise and direct the activities of the Graduate School. The Board shall be subject to regulation by the Secretary.

(2) Duties of Board

The Board shall—

(A) formulate broad policies in accordance with which the Graduate School shall be administered;

(B) take all steps necessary to ensure that the highest possible educational standards are maintained by the Graduate School;

(C) exercise general supervision over the administration of the Graduate School; and

(D) establish such bylaws, rules, and procedures as may be necessary for the fulfillment of the duties described in subparagraphs (A), (B), and (C).

(3) Appointment of Director and other officers

The Board shall select a Director and such other officers as the Board considers necessary to administer the Graduate School. The Director and other officers shall serve on such terms and perform such duties as the Board may prescribe.

(4) Duties of Director

The Director shall be responsible, subject to the supervision and direction of the Board, for carrying out the functions of the Graduate School.

(5) Borrowing and investment authority

The Board may authorize the Director—

(A) to borrow money on the credit of the Graduate School; and

(B) to invest funds held in excess of the current operating requirements of the Graduate School for purposes of maintaining a reasonable reserve.

(6) Liability

The Director and the members of the Board shall not be held personally liable for any loss or damage that may accrue to the funds of the Graduate School as the result of any act or exercise of discretion performed in carrying out their duties under this section.

(f) Employees

Employees of the Graduate School are employees of a nonappropriated fund instrumentality and shall not be considered to be Federal employees.

(g) Not a Federal agency

The Graduate School shall not be considered to be a Federal agency for purposes of—

(1) the Federal Advisory Committee Act (5 U.S.C. App.);

(2) section 552 or 552a of title 5; or

(3) chapter 171 of title 28.

(h) Acquisition and disposal of property

In order to carry out the activities of the Graduate School, the Graduate School may—

(1) acquire real property in the District of Columbia and in other places by lease, purchase, or otherwise;

(2) maintain, enlarge, or remodel any such property;

(3) have sole control of any such property; and

(4) dispose of real and personal property without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(i) Contract authority

The Graduate School may enter into contracts without regard to the Federal Property and Ad-

ministrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any other law that prescribes procedures for the procurement of property or services by an executive agency.

(j) Use of Department facilities and resources

The Graduate School may use the facilities and resources of the Department of Agriculture, on the condition that any costs incurred by the Department that are attributable solely to Graduate School operations and all costs incurred by the Graduate School arising out of such operations shall be paid using funds of the Graduate School. Federal funds may not be used to pay the costs.

(Pub. L. 104-127, title IX, §921, Apr. 4, 1996, 110 Stat. 1191.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (g)(1), 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.

The Federal Property and Administrative Services Act of 1949, referred to in subsecs. (h)(4) and (i), is act June 30, 1949, ch. 288, 63 Stat. 377, as amended. Provisions of the Act relating to management and disposal of property and to procurement procedures are classified generally to chapter 10 (§471 et seq.) of Title 40, Public Buildings, Property, and Works, and subchapter IV (§251 et seq.) of chapter 4 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 471 of Title 40 and Tables.

CROSS REFERENCES

Graduate School of Department of Agriculture, providing training, obtaining goods and services, and auditing of records, see section 5922 of this title.

§ 2279c. Student internship programs

(a) Student intern subsistence program

(1) “Student intern” defined

In this subsection, the term “student intern” means a person who—

(A) is employed by the Department of Agriculture (referred to in this section as the “Department”) to assist scientific, professional, administrative, or technical employees of the Department; and

(B) is a student in good standing at an institution of higher education (as defined in section 1001 of title 20) pursuing a course of study related to the field in which the person is employed by the Department.

(2) Payment of certain expenses by the Secretary

The Secretary of Agriculture (referred to in this section as the “Secretary”) may, out of user fee funds or funds appropriated to any agency of the Department, pay for lodging expenses, subsistence expenses, and transportation expenses of a student intern at the agency (including expenses of transportation to and from the student intern’s residence at or near the institution of higher education attended by the student intern and the official duty station at which the student intern is employed).

(b) Cooperation with associations of colleges and universities

(1) Authority to cooperate

Notwithstanding chapter 63 of title 31, the Secretary may enter into cooperative agreements on an annual basis with 1 or more associations of institutions of higher education (as defined in section 1001 of title 20) for the purpose of providing for Department participation in internship programs for graduate and undergraduate students who are selected by the associations from students attending member institutions of the associations and other institutions of higher education.

(2) Internship program

An internship program supported under this subsection (referred to in this subsection as an “internship program”) shall provide work assignments for students within the Department and such other activities as the association that enters into the cooperative agreement under paragraph (1) with respect to the internship program (referred to in this subsection as the “cooperating association”) and the Secretary shall determine. The nature of Department participation in an internship program shall be developed jointly by the Secretary and the cooperating association.

(3) Program coordination

The cooperating association shall coordinate an internship program, including—

(A) the recruitment of students;

(B) arrangements for travel of the students to Washington, District of Columbia, and to agency field locations;

(C) the provision of housing for students, if required; and

(D) all activities for the students that take place outside the Department work assignments of the students.

(4) Number and selection of students

(A) Number

A cooperative agreement entered into under paragraph (1) shall specify the number of students that the Department will host each year and a list of work assignments to be provided for the students.

(B) Selection

The cooperating association shall provide the Department with a pool of student candidates meeting the requirements for each work assignment identified by the Secretary. Final selection of the students for Department internship positions shall be made by the Secretary.

(5) Cost reimbursement

From such amounts as the Secretary determines are available each fiscal year for internship programs, and subject to such regulations as the Secretary may issue, the Secretary may reimburse a cooperating association for the Department share of all direct and indirect costs of an internship program, including student stipends, transportation costs to the internship site, and other costs of an internship program.

(6) Lead agency

The Secretary may designate a lead agency within the Department to carry out this subsection.

(7) Interagency agreements

Agencies and offices within the Department other than the lead agency—

(A) may enter into interagency agreements with the lead agency to provide work assignments for students participating in an internship program; and

(B) shall reimburse the lead agency for the direct and indirect costs of each student assigned to the agency under an internship program.

(8) Federal employee status

A student who participates in an internship program shall not be considered a Federal employee, except for purposes of chapter 81 of title 5, and chapter 171 of title 28.

(Pub. L. 104-127, title IX, §922, Apr. 4, 1996, 110 Stat. 1193; Pub. L. 105-244, title I, §102(a)(1)(A), Oct. 7, 1998, 112 Stat. 1617.)

AMENDMENTS

1998—Subsecs. (a)(1)(B), (b)(1). Pub. L. 105-244 substituted “section 1001 of title 20” for “section 1141 of title 20”.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105-244, see section 3 of Pub. L. 105-244, set out as a note under section 1001 of Title 20, Education.

§ 2279d. Compensatory damages in claims under Rehabilitation Act of 1973

In any claim brought under the Rehabilitation Act of 1973 [29 U.S.C. 701 et seq.] and filed with the Secretary of Agriculture after January 1994 resulting in a finding that a farmer was subjected to discrimination under any farm loan program or activity conducted by the United States Department of Agriculture in violation of section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Secretary of Agriculture shall be liable for compensatory damages. Such liability shall apply to any administrative action brought before October 21, 1998, but only if the action is brought within the applicable statute of limitations and the complainant sought or seeks compensatory damages while the action is pending.

(Pub. L. 105-277, div. A, §101(a) [title VII, §742], Oct. 21, 1998, 112 Stat. 2681, 2681-31.)

REFERENCES IN TEXT

The Rehabilitation Act of 1973, referred to in text, is Pub. L. 93-112, Sept. 26, 1973, 87 Stat. 355, as amended, which is classified generally to chapter 16 (§701 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 29 and Tables.

CHAPTER 55A—DEPARTMENT OF AGRICULTURE ADVISORY COMMITTEES

Sec.	
2281.	Congressional declaration of purpose.
2282.	Definitions.

Sec.	
2283.	Membership on advisory committees.
	(a) Simultaneous service.
	(b) Service by more than one officer or employee of corporation or non-Federal entity.
	(c) Maximum length.
2284.	Repealed.
2285.	Budget prohibitions.
2286.	Termination of committees.
2287 to 2289.	Omitted.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 390b, 390c, 4501, 3124a, 3129a, 3152, 3196 of this title; title 19 section 2155; title 21 section 679a.

§ 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 offi-