

(3) Payment limitation

The total amount of payments made to a person (as defined in section 1308(5)¹ of this title) under this subsection for any year may not exceed \$50,000.

(4) Commodity Credit Corporation**(A) In general**

The Secretary shall carry out this subsection through the Commodity Credit Corporation.

(B) Funding**(i) In general**

Except as provided in clause (ii), the Commodity Credit Corporation shall make available to carry out this subsection not less than \$10,000,000 for each fiscal year.

(ii) Exception

For each of fiscal years 2003 through 2007, the Commodity Credit Corporation shall make available to carry out this subsection \$20,000,000.

(Feb. 16, 1938, ch. 30, title V, §524, as added Pub. L. 106-224, title I, §133, June 20, 2000, 114 Stat. 387; amended Pub. L. 107-171, title II, §2501, May 13, 2002, 116 Stat. 263.)

REFERENCES IN TEXT

Section 1308(5) of this title, referred to in subsec. (b)(3), was redesignated section 1308(e) by Pub. L. 107-171, title I, §1603(b)(1), May 13, 2002, 116 Stat. 214.

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-171 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) **AUTHORITY.**—The Secretary shall provide cost share assistance to producers, in a manner determined by the Secretary, in not less than 10, nor more than 15, States in which participation in the Federal crop insurance program is historically low, as determined by the Secretary.

“(2) **USES.**—A producer may use cost share assistance provided under this subsection to—

“(A) construct or improve—

“(i) watershed management structures; or

“(ii) irrigation structures;

“(B) plant trees to form windbreaks or to improve water quality;

“(C) mitigate financial risk through production diversification or resource conservation practices, including—

“(i) soil erosion control;

“(ii) integrated pest management; or

“(iii) transition to organic farming;

“(D) enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

“(E) enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(F) conduct any other activity related to the activities described in subparagraphs (A) through (E), as determined by the Secretary.”

“(2) **PAYMENT LIMITATION.**—The total amount of payments made to a person (as defined in section 1308(5) of this title) under this subsection for any year may not exceed \$50,000.

“(3) **COMMODITY CREDIT CORPORATION.**—

“(A) **IN GENERAL.**—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) **FUNDING.**—The Commodity Credit Corporation shall make available to carry out this subsection \$10,000,000 for fiscal year 2001 and each subsequent fiscal year.”

EFFECTIVE DATE

Section effective Oct. 1, 2000, see section 171(b)(1)(A) of Pub. L. 106-224, set out as an Effective Date of 2000 Amendment note under section 1501 of this title.

CHAPTER 37—SEEDS

Sec.

1551. Short title.

SUBCHAPTER I—DEFINITIONS

1561. Definition of terms.

1562. False representations as certified seed; required provisions.

SUBCHAPTER II—INTERSTATE COMMERCE

1571. Prohibitions relating to interstate commerce in certain seeds.

1572. Records.

1573. Exemptions.

(a) Carrier transporting seeds.

(b) Seeds not for seeding purposes.

(c) Emergency preventing presentation of information.

(d) Intermixture of unidentified seeds; percentages of kind or kind and variety of seeds.

(e) Name of substance used in treatment of seeds.

1574. Disclaimers, limited warranties and non-warranties.

1575. False advertising.

SUBCHAPTER III—FOREIGN COMMERCE

1581. Prohibitions relating to importations.

1582. Procedure relating to importations; disposal of refuse; exceptions.

1583, 1584. Repealed.

1585. Certain seeds not adapted for general agricultural use.

1586. Certain acts prohibited.

SUBCHAPTER IV—GENERAL PROVISIONS

1591. Delegation of duties.

1592. Rules and regulations.

1593. Standards, tests, tolerances.

1593a. Seed variety information and survey.

(a) Information.

(b) Survey.

(c) Analysis of variety survey data.

1594. Prohibition against alterations.

1595. Seizure.

1596. Penalties.

1597. Agent's acts as binding principal.

1598. Notice of intention to prosecute.

1599. Cease and desist proceedings.

(a) Hearing.

(b) Report of Secretary of Agriculture.

(c) Amendment of report.

(d) Service.

1600. Appeal to court of appeals.

1601. Enforcement of order.

1602. Separability.

1603. Procedural powers; witness fees and mileage.

1604. Publication.

1605. Authorization of appropriations.

1606. Authorization of expenditures.

1607. Cooperation with other governmental agencies.

1608. Separability.

1609. Repeals.

1610. Effective date.

SUBCHAPTER V—SALE OF UNCERTIFIED SEED OF PROTECTED VARIETY

1611. Illegal sales of uncertified seed.

¹ See References in Text note below.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 15 sections 1459, 2311.

§ 1551. Short title

This chapter may be cited as the “Federal Seed Act.”

(Aug. 9, 1939, ch. 615, §1, 53 Stat. 1275.)

EFFECTIVE DATE

See section 1610 of this title.

SHORT TITLE OF 1983 AMENDMENT

Pub. L. 97-439, §1, Jan. 8, 1983, 96 Stat. 2287, provided that: “This Act [amending sections 1561, 1571, 1581, 1582, 1585, and 1586 of this title and repealing sections 1583 and 1584 of this title] may be cited as the ‘Federal Seed Act Amendments of 1982.’”

SUBCHAPTER I—DEFINITIONS

§ 1561. Definition of terms

(a) When used in this chapter—

(1) The term “United States” means the several States, District of Columbia, and Puerto Rico.

(2) The term “person” includes a partnership, corporation, company, society, or association.

(3) The term “interstate commerce” means—

(A) commerce between any State, Territory, possession, or the District of Columbia, and any other State, Territory, possession, or the District of Columbia; or

(B) commerce between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or

(C) commerce within the District of Columbia.

(4) For the purposes of this chapter with respect to labeling for treatment, variety and origin (but not in anyway limiting the foregoing definition), seeds shall be considered to be in interstate commerce, or delivered for transportation in interstate commerce, if such seeds are part of, or delivered for transportation in, that current of commerce usual in the transportation and/or merchandising of seeds, whereby such seeds are sent from one State with the expectation that they will end their transit in another, including, in addition to cases within the above general description, all cases where seeds are transported or delivered for transportation to another State, or for processing or cleaning for seeding purposes within the State and shipment outside the State of the processed or cleaned seeds. Seeds normally in such current of commerce shall not be considered out of such current through resort being had to any means or device intended to remove transactions in respect thereto from the provisions of this chapter.

(5) The term “foreign commerce” means commerce between the United States, its possessions, or any Territory of the United States, and any foreign country.

(6)(a) The term “district court of the United States” means any court exercising the powers of a district court of the United States,

(b) Omitted

(7) The term—

(A) “Agricultural seeds” shall mean grass, forage, and field crop seeds which the Secretary of Agriculture finds are used for seeding purposes in the United States and which he lists in the rules and regulations prescribed under section 1592 of this title.

(B) “Vegetable seeds” shall include the seeds of those crops that are or may be grown in gardens or on truck farms and are or may be generally known and sold under the name of vegetable seeds.

(8) For the purpose of subchapter II of this chapter, the term “weed seeds” means the seeds or bulblets of plants recognized as weeds either by the law or rules and regulations of—

(A) The State into which the seed is offered for transportation, or transported; or

(B) Puerto Rico, Guam, or District of Columbia into which transported, or District of Columbia in which sold.

(9)(A) For the purpose of subchapter II of this chapter, the term “noxious-weed seeds” means the seeds or bulblets of plants recognized as noxious—

(i) by the law or rules and regulations of the State into which the seed is offered for transportation, or transported;

(ii) by the law or rules and regulations of Puerto Rico, Guam, or the District of Columbia, into which transported, or District of Columbia in which sold; or

(iii) by the rules and regulations of the Secretary of Agriculture under this chapter, when after investigation he shall determine that a weed is noxious in the United States or in any specifically designated area thereof.

(B) For the purpose of subchapter III of this chapter, the term “noxious-weed seeds” means the seeds of *Lepidium draba* L., *Lepidium repens* (Schrenk) Boiss., *Hymenophysa pubescens* C. A., Mey., white top; *Cirsium arvense* (L.) Scop., Canada thistle; *Cuscuta* spp., dodder; *Agropyron repens* (L.) Beauv., quackgrass; *Sorghum halepense* (L.) Pers., Johnson grass; *Convolvulus arvensis* L., bindweed; *Centaurea picris* Pall., Russian knapweed; *Sonchus arvensis* L., perennial sow-thistle; *Euphorbia esula* L., leafy spurge; and seeds or bulblets of any other kinds which after investigation the Secretary of Agriculture finds should be included.

(10) The term “origin” means the State, District of Columbia, Puerto Rico, or possession of the United States, or the foreign country, or designated portion thereof, where the seed was grown.

(11) The term “kind” means one or more related species or subspecies which singly or collectively is known by one common name, for example, soybean, flax, carrot, radish, cabbage, cauliflower, and so forth.

(12) The term “variety” means a subdivision of a kind which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind, for example, Marquis wheat, Flat Dutch cabbage, Manchu soybeans, Oxheart carrot, and so forth.