

§ 301, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 952. See note set out under section 391 of this title.

CHAPTER 17—MISCELLANEOUS MATTERS

Sec.	Description	Sec.	Description
411.	Omitted.	434.	Transfer of functions, appropriations, records and property to Secretary of Agriculture.
411a.	Repealed.	435.	Omitted.
411b.	Estimates of apple production.	436.	Transfer of Army Remount Service to Department of Agriculture; effective date.
412 to 414.	Transferred or Repealed.	437.	Administration of transferred property; improvement in horse breeding; acquisition of breeding stock and facilities; fees; cooperation with other organizations.
414a.	Transfer of nonadministrative funds of Commodity Credit Corporation for classing and grading purposes.	438.	Repealed.
415.	Purchase of seeds and plants for distribution.	439.	Operation of Government-owned alcohol plants; location; transfer of plants.
415-1.	Seed distribution.	439a.	Powers and duties of Secretary of Agriculture.
415a.	Omitted.	439b.	Recommendations to Congress for discontinuance of plants.
415b.	Wool standards; appropriation of certain funds.	439c.	Construction of additional facilities; acquisition of property; incurment of expenses; rules and regulations.
415c.	Use of funds for dissemination of information relating to standardization, grading, etc., of wool; charge for grading wool.	439d.	Assumption of obligations of Reconstruction Finance Corporation covering Muscatine, Iowa, plant.
415d.	Rules and regulations for wool standards; deposit of receipts in the Treasury.	439e.	Authorization of appropriations; availability of other appropriations.
415e.	Farm or food products; sale of samples, practical forms, etc.	440.	Reimbursement of appropriations available for classing or grading agriculture commodities without charge.
416.	Letting contract for packeting, etc., of seeds, etc., for distribution.	441.	Repealed.
417.	Distribution of farmers' bulletins.	442.	Availability of grain to prevent waterfowl depredations; payment of packaging, transporting, handling, and other charges.
418.	Annual report on work of agricultural experiment stations and of college extension work; publication and distribution.	443.	Requisition of grain to prevent crop depredation by migratory waterfowl.
419.	Repealed.	444.	Reimbursement of packaging and transporting expenses.
420.	Power to administer oaths, examine witnesses, or require production of books, etc.	445.	Authorization of appropriations for mitigating losses caused by waterfowl depredation.
421.	Dairying and livestock experiment station, Mandan, North Dakota.	446.	Repealed.
421a.	Omitted.	447.	Requisition of surplus grain; prevention of starvation of resident game birds and other resident wildlife; utilization by State agencies; reimbursement for packaging and transporting.
422.	Dairying and livestock experiment station, Lewisburg, Tennessee.	448.	Requisition and use of grain for prevention of starvation of migratory birds; reimbursement for packaging and transporting.
422a.	Omitted.	449.	Authorization of appropriations for reimbursement of Commodity Credit Corporation.
423.	Cotton; investigation of new uses; cooperation with State and other agencies.	450.	Cooperation with State agencies in administration and enforcement of laws relating to marketing of agricultural products and control or eradication of plant and animal diseases and pests; coordination of administration of Federal and State laws.
424.	Cotton ginning investigations; publication of results; cooperation with Federal and State departments and agencies.	450a.	Cooperative research projects; agreements with and receipt of funds from State and other agencies.
425.	Authorization of appropriations for cotton ginning studies.	450b.	Cooperation with State and other agencies; expenditures.
426.	Predatory and other wild animals.	450c.	Delegation of regulatory functions of Secretary of Agriculture; definitions.
426a.	Omitted.	450d.	Delegation of regulatory functions to designated employees; status of employees; number; revocation of delegation.
426b.	Authorization of expenditures for the eradication and control of predatory and other wild animals.	450e.	Authority of designated employees; retroactive revocation of delegation.
426c.	Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception.	450f.	Delegation of functions under other laws as unaffected.
426d.	Expenditures for cooperative agreements to lease aircraft.	450g.	Authorization of appropriations for cooperative research projects.
427.	Agriculture research; declaration of policy; duties of Secretary of Agriculture; use of existing facilities.	450h.	Transferred.
427a to 427h.	Repealed.	450i.	Competitive, special, and facilities research grants.
427i.	Agricultural research; authorization of additional appropriations; administrative expenses; availability of special research fund.	450j.	Indemnity payments to dairy farmers and manufacturers of dairy products; milk removed for its residue of chemical or toxic substances; nuclear radiation or fallout contaminants; other legal recourse.
427j, 428.	Repealed or Omitted.		
428a.	Acquisition of land; options.		
428b.	Wheat and feed grains research; regional and national research programs; utilization of services of Federal, State and private agencies; authorization of appropriations.		
428c.	Rice research.		
429.	Repealed.		
430.	Purchase and testing of serums or analogous products; dissemination of test results.		
431.	Purchase of tags, labels, stamps, and certificates.		
432.	Purchase of cultures for soil and fertilizer investigations.		
433.	Domestic raising of fur-bearing animals; classification.		

- Sec.
450k. Authorization of appropriations for dairy farmer indemnities.
450l. Expiration of dairy farmer indemnity program.

§ 411. Omitted

CODIFICATION

Section, act May 11, 1922, ch. 185, 42 Stat. 532, which provided that powers conferred prior to May 11, 1922, and the duties imposed by law on the Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farms Economics of the Department of Agriculture shall be exercised and performed by the Bureau of Agricultural Economics, was omitted from the Code as executed and obsolete.

All functions of all officers, agencies and employees of the Department of Agriculture were transferred, with certain exceptions, to the 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 the Bureau of Agricultural Economics were transferred to other units of the Department of Agriculture by Secretary's memorandum of November 2, 1953.

Agricultural Statistics Division of the Agricultural Marketing Service and its functions, personnel, property, etc., transferred to Bureau of Agricultural Economics for duration of World War II, see Ex. Ord. No. 9069.

The functions, personnel and property of the Division of Farm Management and Costs of the Bureau of Agricultural Economics concerned primarily with the planning of current agricultural production were consolidated with other agencies into the Food Production Administration, which was consolidated into the War Food Administration, which was terminated and its functions transferred to the Secretary of Agriculture by Ex. Ord. No. 9577.

§ 411a. Repealed. Pub. L. 101-624, title XXV, § 2514(d), Nov. 28, 1990, 104 Stat. 4075

Section, acts Mar. 4, 1909, ch. 301, 35 Stat. 1053; Mar. 4, 1917, ch. 179, 39 Stat. 1157, related to contents, issuance, and approval by Secretary of Agriculture of monthly crop report.

§ 411b. Estimates of apple production

On and after October 18, 1986, no funds available to the Department of Agriculture shall be available to publish estimates of apple production for other than the commercial crop.

(Pub. L. 99-500, §101(a) [title I], Oct. 18, 1986, 100 Stat. 1783, 1783-3, and Pub. L. 99-591, §101(a) [title I], Oct. 30, 1986, 100 Stat. 3341, 3341-3.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

PRIOR PROVISIONS

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

- Pub. L. 99-190, §101(a) [H.R. 3037, title I], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, §106, Dec. 22, 1987, 101 Stat. 1329-433.
Pub. L. 97-370, title I, Dec. 18, 1982, 96 Stat. 1794.
Pub. L. 97-103, title I, Dec. 23, 1981, 95 Stat. 1473.
Pub. L. 96-528, title I, Dec. 15, 1980, 95 Stat. 3101.
Pub. L. 96-108, title I, Nov. 9, 1979, 93 Stat. 827.
Pub. L. 95-448, title I, Oct. 11, 1978, 92 Stat. 1079.
Pub. L. 95-97, title I, Aug. 12, 1977, 91 Stat. 815.
Pub. L. 94-351, title I, July 12, 1976, 90 Stat. 855.
Pub. L. 94-122, title I, Oct. 21, 1975, 89 Stat. 648.
Pub. L. 93-563, title I, Dec. 31, 1974, 88 Stat. 1826.

- Pub. L. 93-135, title I, Oct. 24, 1973, 87 Stat. 474.
Pub. L. 92-399, title I, Aug. 22, 1972, 86 Stat. 596.
Pub. L. 92-73, title I, Aug. 10, 1971, 85 Stat. 187.
Pub. L. 91-566, title I, Dec. 22, 1970, 84 Stat. 1487.
Pub. L. 91-127, title I, Nov. 26, 1969, 83 Stat. 250.
Pub. L. 90-463, title I, Aug. 8, 1968, 82 Stat. 644.
Pub. L. 90-113, title I, Oct. 24, 1967, 81 Stat. 325.
Pub. L. 89-556, title I, Sept. 7, 1966, 80 Stat. 694.
Pub. L. 89-316, title I, Nov. 2, 1965, 79 Stat. 1170.
Pub. L. 88-573, title I, Sept. 2, 1964, 78 Stat. 867.
Pub. L. 88-250, title I, Dec. 30, 1963, 77 Stat. 825.
Pub. L. 87-879, title I, Oct. 24, 1962, 76 Stat. 1208.
Pub. L. 87-112, title I, July 26, 1961, 75 Stat. 231.
Pub. L. 86-532, title I, June 29, 1960, 74 Stat. 237.
Pub. L. 86-80, title I, July 8, 1959, 73 Stat. 172.
Pub. L. 85-459, title I, June 13, 1958, 72 Stat. 193.
Pub. L. 85-118, title I, Aug. 2, 1957, 71 Stat. 331.
June 4, 1956, ch. 355, title I, 70 Stat. 234.
May 23, 1955, ch. 43, title I, 69 Stat. 57.
June 29, 1954, ch. 409, title I, 68 Stat. 313.
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. 328.
June 19, 1948, ch. 543, title I, 62 Stat. 512.
July 30, 1947, ch. 356, title I, 61 Stat. 527.
June 22, 1946, ch. 445, 60 Stat. 274.
May 5, 1945, ch. 109, 59 Stat. 140.
June 28, 1944, ch. 296, 58 Stat. 430.
July 12, 1943, ch. 215, 57 Stat. 398.
July 22, 1942, ch. 516, 56 Stat. 687.
July 1, 1941, ch. 267, 55 Stat. 430.
June 25, 1940, ch. 421, 54 Stat. 555.
June 30, 1939, ch. 253, title I, 53 Stat. 968.

§§ 412, 413. Transferred

CODIFICATION

Section 412, act May 27, 1912, ch. 135, §1, 37 Stat. 118, which related to acreage cotton crop report, was transferred to section 476 of this title.

Section 413, act May 3, 1924, ch. 149, §1, 43 Stat. 115, which related to cotton crop reports, was transferred to section 475 of this title and subsequently repealed by Pub. L. 104-127, title VIII, §870, Apr. 4, 1996, 110 Stat. 1175.

§ 414. Repealed. Aug. 9, 1955, ch. 632, § 2, 69 Stat. 553

Section, act July 28, 1953, ch. 251, title I, 67 Stat. 217, related to investigation and certification of any agricultural commodity or food product offered for interstate shipment. See section 1622(h) of this title. Similar provisions were contained in the following prior appropriation acts:

- July 5, 1952, ch. 574, title I, 66 Stat. 348.
Aug. 31, 1951, ch. 374, title I, 65 Stat. 238.
Sept. 6, 1950, ch. 896, Ch. VI, 64 Stat. 672.
June 29, 1949, ch. 280, title I, 63 Stat. 343.
June 19, 1948, ch. 543, title I, 62 Stat. 527.
July 30, 1947, ch. 356, title I, 61 Stat. 543.
June 22, 1946, ch. 445, 60 Stat. 290.
May 5, 1945, ch. 109, 59 Stat. 158.
June 28, 1944, ch. 296, 58 Stat. 453.
July 12, 1943, ch. 215, 57 Stat. 421.
July 22, 1942, ch. 516, 56 Stat. 687.
July 1, 1941, ch. 267, 55 Stat. 431.
June 25, 1940, ch. 421, 54 Stat. 555.
June 30, 1939, ch. 253, title I, 53 Stat. 968.
June 16, 1938, ch. 464, title I, 52 Stat. 740.
June 29, 1937, ch. 404, title I, 50 Stat. 425.
June 4, 1936, ch. 489, title I, 49 Stat. 1450.
May 17, 1935, ch. 131, title I, 49 Stat. 275.
Mar. 26, 1934, ch. 89, 48 Stat. 493.
Mar. 3, 1933, ch. 203, 47 Stat. 1459.
July 7, 1932, ch. 443, 47 Stat. 637.
Feb. 23, 1931, ch. 278, 46 Stat. 1268.
May 27, 1930, ch. 341, 46 Stat. 418.

Feb. 16, 1929, ch. 227, 45 Stat. 1212.
 May 16, 1928, ch. 572, 45 Stat. 561.
 Jan. 18, 1927, ch. 39, 44 Stat. 998.
 May 11, 1926, ch. 286, 44 Stat. 523.
 Feb. 10, 1925, ch. 200, 43 Stat. 844.

§ 414a. Transfer of nonadministrative funds of Commodity Credit Corporation for classing and grading purposes

On and after August 31, 1951, there may be transferred to appropriations available for classing or grading any agricultural commodity without charge to the producers thereof such sums from nonadministrative funds of the Commodity Credit Corporation as may be necessary in addition to other funds available for these purposes, such transfers to be reimbursed from subsequent appropriations therefor.

(Aug. 31, 1951, ch. 374, title I, 65 Stat. 239.)

§ 415. Purchase of seeds and plants for distribution

Purchase and distribution of vegetable, field, and flower seeds, plants, shrubs, vines, bulbs, and cuttings shall be of the freshest and best obtainable varieties and adapted to general cultivation.

(R.S. § 527; Apr. 25, 1896, ch. 140, 29 Stat. 106.)

AMENDMENTS

1896—Act Apr. 25, 1896, struck out “by the Department of Agriculture” and “trees”, and inserted “vegetable, field, and flower seeds” and “bulbs”.

§ 415-1. Seed distribution

(a) In general

The Secretary shall make competitive grants to eligible entities to carry out a seed distribution program to administer and maintain the distribution of vegetable seeds donated by commercial seed companies.

(b) Purposes

The purposes of this program include—

(1) the distribution of seeds donated by commercial seed companies free-of-charge to appropriate—

- (A) individuals;
- (B) groups;
- (C) institutions;
- (D) governmental and nongovernmental organizations; and
- (E) such other entities as the Secretary may designate;

(2) distribution of seeds to underserved communities, such as communities that experience—

- (A) limited access to affordable fresh vegetables;
- (B) a high rate of hunger or food insecurity; or
- (C) severe or persistent poverty.

(c) Administration

Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of section 4501 of this title shall apply with respect to the making of grants under this section.

(d) Selection

An eligible entity selected to receive a grant under subsection (a) shall have—

(1) expertise regarding the distribution of vegetable seeds donated by commercial seed companies; and

(2) the ability to achieve the purpose of the seed distribution program.

(e) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, § 7523, May 22, 2008, 122 Stat. 1272; Pub. L. 110-246, § 4(a), title VII, § 7523, June 18, 2008, 122 Stat. 1664, 2034.)

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

§ 415a. Omitted

CODIFICATION

Section was from act June 16, 1938, ch. 464, title I, 52 Stat. 739, the Department of Agriculture Appropriation Act, 1939, and related to sale of practical forms of grades of wool and mohair. See section 415e of this title. Similar provisions were contained in the following prior appropriation acts:

June 29, 1937, ch. 404, title I, 50 Stat. 424.
 June 4, 1936, ch. 489, title I, 49 Stat. 1450.
 May 17, 1935, ch. 131, title I, 49 Stat. 275.
 Mar. 26, 1934, ch. 89, 48 Stat. 493.
 Mar. 3, 1933, ch. 203, 47 Stat. 1458.
 July 7, 1932, ch. 443, 47 Stat. 636.
 Feb. 23, 1931, ch. 278, 46 Stat. 1268.
 May 27, 1930, ch. 341, 46 Stat. 418.
 Feb. 16, 1929, ch. 227, 45 Stat. 1212.
 May 16, 1928, ch. 572, 45 Stat. 561.
 Jan. 18, 1927, ch. 39, 44 Stat. 997.

§ 415b. Wool standards; appropriation of certain funds

There is hereby authorized to be appropriated for expenditure by the Secretary of Agriculture, for the purposes stated in section 415c of this title, all funds prior to or on and after May 17, 1928, collected by suit, or otherwise, pursuant to appropriations for the completion of the work of the domestic wool section of the War Industries Board, and for enforcing Government regulations for handling the wool clip of 1918 as established by the wool division of said board, pursuant to the Executive order dated December 31, 1918, transferring such work to the Bureau of Markets, now a part of the Bureau of Agricul-

tural Economics of the Department of Agriculture, and for continuing as far as practicable the distribution among the growers of the wool clip of 1918 of all sums prior to or on and after May 17, 1928, collected or recovered with or without suit by the Government from all persons, firms, or corporations which handled any part of the wool clip of 1918, which he finds it impracticable to distribute among said growers, provided that not to exceed \$50,000 may be expended in any fiscal year.

(May 17, 1928, ch. 602, § 1, 45 Stat. 593.)

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 Bureau of Agricultural Economics transferred to other units of Department of Agriculture by Secretary's memorandum of Nov. 2, 1953.

§ 415c. Use of funds for dissemination of information relating to standardization, grading, etc., of wool; charge for grading wool

The funds referred to in section 415b of this title may be used for the purpose of acquiring and diffusing among the people of the United States useful information relative to the standardization, grading, preparation for market, marketing, utilization, transportation, handling, and distribution of wool, and of approved methods and practices relative thereto, including the demonstration and promotion of the use of grades for wool in accordance with standards therefor which the Secretary of Agriculture is hereby authorized to establish. Said funds may be used for the grading of wool, and for such grading or other service rendered under sections 415b to 415d of this title reasonable fees may be charged, and provided further that on and after May 17, 1928, reasonable charges may be made for practical forms of grades for wool.

(May 17, 1928, ch. 602, § 2, 45 Stat. 593.)

§ 415d. Rules and regulations for wool standards; deposit of receipts in the Treasury

The Secretary of Agriculture may make such rules and regulations as he deems advisable for carrying out any of the provisions of sections 415b to 415d of this title. All receipts under sections 415b to 415d of this title shall be deposited in the Treasury to the credit of miscellaneous receipts.

(May 17, 1928, ch. 602, § 3, 45 Stat. 594.)

§ 415e. Farm or food products; sale of samples, practical forms, etc.

The Secretary of Agriculture is authorized to sell samples, illustrations, practical forms, or sets of the grades recommended or promulgated by him for farm or food products, under such rules and regulations as he may prescribe, and the receipts therefrom shall be deposited in the Treasury to the credit of miscellaneous receipts.

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

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. 454.

July 12, 1943, ch. 215, 57 Stat. 421.

July 22, 1942, ch. 516, 56 Stat. 688.

July 1, 1941, ch. 267, 55 Stat. 431.

June 25, 1940, ch. 421, 54 Stat. 555.

June 30, 1939, ch. 253, title I, 53 Stat. 968.

§ 416. Letting contract for packeting, etc., of seeds, etc., for distribution

The Secretary of Agriculture, after due advertisement and on competitive bids, is authorized to award the contract for the supplying of printed packets and envelopes and the packeting, assembling, and mailing of the seeds, bulbs, shrubs, vines, cuttings, and plants, or any part thereof, for a period of not more than five years nor less than one year, if by such action he can best protect the interests of the United States.

(May 11, 1922, ch. 185, 42 Stat. 517.)

CODIFICATION

Section is from the Agriculture Department Appropriation Act, 1923.

§ 417. Distribution of farmers' bulletins

In the distribution of farmers' bulletins, which shall be adapted to the interests of the people of the different sections of the country, an equal proportion of four-fifths shall be delivered to or sent out under the addressed franks furnished by Senators, Representatives, and Delegates in Congress, as such Senators, Representatives, or Delegates shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators, Representatives, and Delegates in Congress of the title and character of each such bulletin, with the total number to which each Senator, Representative, and Delegate may be entitled for such distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein.

(June 30, 1906, ch. 3913, 34 Stat. 690.)

CODIFICATION

Section is derived from an Appropriation Act for the Department of Agriculture, 1907. The last proviso of section relating to farmers' bulletins not called for in quotas of Senators and Representatives was omitted from the Code as obsolete in view of Attorney General's opinion, 27 Op. Atty. Gen. 288.

§ 418. Annual report on work of agricultural experiment stations and of college extension work; publication and distribution

There shall be prepared by the Department of Agriculture an annual report on the work and expenditures of the agricultural experiment stations established under the Act of Congress of March second, eighteen hundred and eighty-seven [7 U.S.C. 361a et seq.], on the work and expenditures of the Department of Agriculture in connection therewith, and on the cooperative agricultural extension work and expenditures of the Department of Agriculture and of agricultural colleges under the Act of May eighth, nineteen hundred and fourteen [7 U.S.C. 341 et seq.], and there shall be printed annually eight

thousand copies of said report, of which one thousand copies shall be for the use of the Senate, two thousand copies for the use of the House of Representatives, and five thousand copies for the use of the Department of Agriculture.

(Mar. 4, 1915, ch. 144, 38 Stat. 1110.)

REFERENCES IN TEXT

The Act of Congress of March second, eighteen hundred and eighty-seven, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as amended, known as the Hatch Act, which is classified generally to sections 361a to 361i of this title. For complete classification of this Act to the Code, see Short Title note set out under section 361a of this title and Tables.

The Act of May eighth, nineteen hundred and fourteen, referred to in text, is act May 8, 1914, ch. 79, 38 Stat. 372, as amended, known as the "Smith-Lever Act", and also known as the "Agricultural Work Extension Act", which is classified generally to subchapter IV (§341 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 341 of this title and Tables.

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.

§ 419. Repealed. Oct. 31, 1951, ch. 654, §1(12), 65 Stat. 701

Section, act May 5, 1945, ch. 109, 59 Stat. 143, related to sale by Secretary of Agriculture of products of agricultural experiment station in Puerto Rico, and disposition of moneys derived therefrom. Similar provisions had been carried in prior Department of Agriculture appropriation acts back to and including that for the fiscal year ending June 30, 1919 (40 Stat. 1000). Similar provisions were contained in the following prior appropriation acts:

June 28, 1944, ch. 296, 58 Stat. 432.
 July 12, 1943, ch. 215, 57 Stat. 400.
 July 22, 1942, ch. 516, 56 Stat. 670.
 July 1, 1941, ch. 267, 55 Stat. 413.
 June 25, 1940, ch. 421, 54 Stat. 536.
 June 30, 1939, ch. 253, title I, 53 Stat. 944.
 June 16, 1938, ch. 464, title I, 52 Stat. 715.
 June 29, 1937, ch. 404, 50 Stat. 399.
 June 4, 1936, ch. 489, 49 Stat. 1425.
 May 17, 1935, ch. 131, title I, 49 Stat. 251.
 Mar. 26, 1934, ch. 89, 48 Stat. 471.
 Mar. 3, 1933, ch. 203, 47 Stat. 1436.
 July 7, 1932, ch. 443, 47 Stat. 614.
 May 17, 1932, ch. 190, 47 Stat. 158.
 Feb. 23, 1931, ch. 278, 46 Stat. 1246.
 May 27, 1930, ch. 341, 46 Stat. 396.
 Feb. 16, 1929, ch. 227, 45 Stat. 1192.
 May 16, 1928, ch. 572, 45 Stat. 542.
 Jan. 18, 1927, ch. 39, 44 Stat. 979.
 May 11, 1926, ch. 286, 44 Stat. 502.
 Feb. 10, 1925, ch. 200, 43 Stat. 824.

§ 420. Power to administer oaths, examine witnesses, or require production of books, etc.

On and after July 24, 1919, in the performance of the duties required of the Bureau of Agricultural Economics in the administration or enforcement of provisions of Acts (United States Cotton Futures Act, Thirty-ninth Statutes at Large, page 476; United States Grain Standards Act, Thirty-ninth Statutes at Large, page 482 [7

U.S.C. 71 et seq.]; United States Warehouse Act, Thirty-ninth Statutes at Large, page 486 [7 U.S.C. 241 et seq.]; Standard Container Act, Thirty-ninth Statutes at Large, page 673; and the Acts making annual appropriations for the Department of Agriculture) relating to the Department of Agriculture, the Secretary of Agriculture, or any representative specifically authorized in writing by him for the purpose, shall have power to administer oaths, examine witnesses, and call for the production of books and papers.

(July 24, 1919, ch. 26, 41 Stat. 267; May 11, 1922, ch. 185, 42 Stat. 532.)

REFERENCES IN TEXT

The United States Cotton Futures Act, referred to in text, is part A of act Aug. 11, 1916, ch. 313, 39 Stat. 476, as amended, which was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1. For complete classification of this Act to the Code prior to its repeal, see Tables.

The United States Grain Standards Act, referred to in text, is part B of act Aug. 11, 1916, ch. 313, 39 Stat. 482, as amended, which is classified generally to chapter 3 (§71 et seq.) of this title. For complete classification of this Act to the Code, see section 71 of this title and Tables.

The United States Warehouse Act, referred to in text, is part C of act Aug. 11, 1916, ch. 313, 39 Stat. 486, as amended, which is classified generally to chapter 10 (§241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 241 of this title and Tables.

The Standard Container Act, referred to in text, is act Aug. 31, 1916, ch. 426, 39 Stat. 673, as amended, which was classified generally to subchapter VII (§251 et seq.) of chapter 6 of Title 15, Commerce and Trade, and was repealed by Pub. L. 90-628, §1(a), Oct. 22, 1968, 82 Stat. 1320. For complete classification of this Act to the Code prior to its repeal, see Tables.

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 Bureau of Agricultural Economics transferred to other units of Department of Agriculture by Secretary's memorandum of Nov. 2, 1953.

Act May 11, 1922, transferred powers of former "Bureau of Markets, Bureau of Markets and Crop Estimates, and the Office of Farm Management and Farm Economics" to "Bureau of Agricultural Economics".

§ 421. Dairying and livestock experiment station, Mandan, North Dakota

The Secretary of Agriculture is authorized and directed to establish at Mandan, North Dakota, a dairying and livestock experiment station, in connection with the Great Plains Experiment Station, for investigations and experiments in the dairy and livestock industries and the problems pertaining to the establishment and development of such industries, and for demonstrations, assistance, and service in livestock breeding, growing, and feeding.

(July 3, 1926, ch. 769, §1, 44 Stat. 840.)

§ 421a. Omitted

CODIFICATION

Section, act July 3, 1926, ch. 769, §2, 44 Stat. 840, appropriated \$25,000 to effectuate the purposes of section 421 of this title.

§ 422. Dairying and livestock experiment station, Lewisburg, Tennessee

The Secretary of Agriculture is authorized and directed to establish at or near Lewisburg, Tennessee, a dairying station for investigations, experiments, and demonstrations in the dairy industry, and the problems pertaining to the development of such industry in the South, and for investigations, demonstrations, assistance, and service in dairy livestock breeding, growing, and feeding, and dairy products manufacture.

(May 29, 1928, ch. 892, § 1, 45 Stat. 981.)

§ 422a. Omitted

CODIFICATION

Section, act May 29, 1928, ch. 892, § 2, 45 Stat. 981, appropriated \$50,000 for the purposes of section 422 of this title.

§ 423. Cotton; investigation of new uses; cooperation with State and other agencies

The Secretary of Agriculture and the Secretary of Commerce are authorized to engage in technical and scientific research in American-grown cotton and its byproducts and their present and potential uses, including new and additional commercial and scientific uses for cotton and its byproducts, and to diffuse such information among the people of the United States; and the Secretary of Agriculture and the Secretary of Commerce or their duly authorized representatives may cooperate with any department or agency of the Government, any State, Territory, District, or possession or department, agency, or political subdivision thereof, or any person in carrying out the purposes of this section in the District of Columbia and elsewhere.

(Apr. 12, 1928, ch. 362, 45 Stat. 426.)

§ 424. Cotton ginning investigations; publication of results; cooperation with Federal and State departments and agencies

The Secretary of Agriculture is authorized to investigate the ginning of cotton; to establish and maintain experimental ginning plants and laboratories; and to make such tests, demonstrations, and experiments, and such technical and scientific studies in relation to cotton ginning as he shall deem necessary and to publish the results thereof, with a view to developing improved ginning equipment and encouraging the use of improved methods, and he may cooperate with any department or agency of the Government, any State, Territory, District, or possession, or department, agency, or political subdivision thereof, or any person, as he shall find to be necessary.

(Apr. 19, 1930, ch. 203, § 1, 46 Stat. 248.)

§ 425. Authorization of appropriations for cotton ginning studies

For the purposes of section 424 of this title there is authorized to be appropriated, after June 30, 1931, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary.

(Apr. 19, 1930, ch. 203, § 2, 46 Stat. 248.)

§ 426. Predatory and other wild animals

The Secretary of Agriculture may conduct a program of wildlife services with respect to injurious animal species and take any action the Secretary considers necessary in conducting the program. The Secretary shall administer the program in a manner consistent with all of the wildlife services authorities in effect on the day before October 28, 2000.

(Mar. 2, 1931, ch. 370, § 1, 46 Stat. 1468; Pub. L. 102-237, title X, § 1013(d), Dec. 13, 1991, 105 Stat. 1901; Pub. L. 106-387, § 1(a) [title VII, § 767], Oct. 28, 2000, 114 Stat. 1549, 1549A-44.)

AMENDMENTS

2000—Pub. L. 106-387 inserted section catchline and amended text generally. Prior to amendment, text read as follows: "The Secretary of Agriculture is authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary in order to determine, demonstrate, and promulgate the best methods of eradication, suppression, or bringing under control on national forests and other areas of the public domain as well as on State, Territory, or privately owned lands of mountain lions, wolves, coyotes, bobcats, prairie dogs, gophers, ground squirrels, jack rabbits, brown tree snakes, and other animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game animals, fur-bearing animals, and birds, and for the protection of stock and other domestic animals through the suppression of rabies and tularemia in predatory or other wild animals; and to conduct campaigns for the destruction or control of such animals: *Provided*, That in carrying out the provisions of this section the Secretary of Agriculture may cooperate with States, individuals, and public and private agencies, organizations, and institutions."

1991—Pub. L. 102-237 inserted "brown tree snakes," after "rabbits."

TRANSFER OF FUNCTIONS

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, 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.

Pub. L. 99-190, § 101(a) [H.R. 3037, title I, § 101], Dec. 19, 1985, 99 Stat. 1185; Pub. L. 100-202, § 106, Dec. 22, 1987, 101 Stat. 1329-433, provided in part: "That effective upon the date of enactment of this Act [Dec. 19, 1985] and notwithstanding any other provision of law, the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426-426b), (transferred to the Secretary of the Interior pursuant to section 4(f) of 1939 Reorganization Plan No. II) and all personnel, property, records, unexpended balances of appropriations, allocations and other funds of the Fish and Wildlife Service, United States Department of the Interior used, held, available or to be made available in connection with the administration of such Act, are hereby transferred from the Secretary of the Interior to the Secretary of Agriculture, and this appropriation shall be available to carry out such authorities."

WOLF LIVESTOCK LOSS DEMONSTRATION PROJECT

Pub. L. 111-11, title VI, subtitle C, Mar. 30, 2009, 123 Stat. 1170, provided that:

"SEC. 6201. DEFINITIONS.

"In this subtitle:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(2) LIVESTOCK.—The term ‘livestock’ means cattle, swine, horses, mules, sheep, goats, livestock guard animals, and other domestic animals, as determined by the Secretary.

“(3) PROGRAM.—The term ‘program’ means the demonstration program established under section 6202(a).

“(4) SECRETARIES.—The term ‘Secretaries’ means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

“SEC. 6202. WOLF COMPENSATION AND PREVENTION PROGRAM.

“(a) IN GENERAL.—The Secretaries shall establish a 5-year demonstration program to provide grants to States and Indian tribes—

“(1) to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves; and

“(2) to compensate livestock producers for livestock losses due to such predation.

“(b) CRITERIA AND REQUIREMENTS.—The Secretaries shall—

“(1) establish criteria and requirements to implement the program; and

“(2) when promulgating regulations to implement the program under paragraph (1), consult with States that have implemented State programs that provide assistance to—

“(A) livestock producers to undertake proactive activities to reduce the risk of livestock loss due to predation by wolves; or

“(B) provide compensation to livestock producers for livestock losses due to such predation.

“(c) ELIGIBILITY.—To be eligible to receive a grant under subsection (a), a State or Indian tribe shall—

“(1) designate an appropriate agency of the State or Indian tribe to administer the 1 or more programs funded by the grant;

“(2) establish 1 or more accounts to receive grant funds;

“(3) maintain files of all claims received under programs funded by the grant, including supporting documentation;

“(4) submit to the Secretary—

“(A) annual reports that include—

“(i) a summary of claims and expenditures under the program during the year; and

“(ii) a description of any action taken on the claims; and

“(B) such other reports as the Secretary may require to assist the Secretary in determining the effectiveness of activities provided assistance under this section; and

“(5) promulgate rules for reimbursing livestock producers under the program.

“(d) ALLOCATION OF FUNDING.—The Secretaries shall allocate funding made available to carry out this subtitle—

“(1) equally between the uses identified in paragraphs (1) and (2) of subsection (a); and

“(2) among States and Indian tribes based on—

“(A) the level of livestock predation in the State or on the land owned by, or held in trust for the benefit of, the Indian tribe;

“(B) whether the State or Indian tribe is located in a geographical area that is at high risk for livestock predation; or

“(C) any other factors that the Secretaries determine are appropriate.

“(e) ELIGIBLE LAND.—Activities and losses described in subsection (a) may occur on Federal, State, or private land, or land owned by, or held in trust for the benefit of, an Indian tribe.

“(f) FEDERAL COST SHARE.—The Federal share of the cost of any activity provided assistance made available under this subtitle shall not exceed 50 percent of the total cost of the activity.

“SEC. 6203. AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this subtitle \$1,000,000 for fiscal year 2009 and each fiscal year thereafter.”

§ 426a. Omitted

CODIFICATION

Section, act Mar. 2, 1931, ch. 370, § 2, 46 Stat. 1469, authorized \$1,000,000 per year for fiscal years 1932 to 1941, inclusive.

§ 426b. Authorization of expenditures for the eradication and control of predatory and other wild animals

The Secretary of Agriculture is authorized to make such expenditures for equipment, supplies, and materials, including the employment of persons and means in the District of Columbia and elsewhere, and to employ such means as may be necessary to execute the functions imposed upon him by section 426 of this title.

(Mar. 2, 1931, ch. 370, § 3, 46 Stat. 1469.)

TRANSFER OF FUNCTIONS

See note under section 426 of this title.

§ 426c. Control of nuisance mammals and birds and those constituting reservoirs of zoonotic diseases; exception

On and after December 22, 1987, the Secretary of Agriculture is authorized, except for urban rodent control, to conduct activities and to enter into agreements with States, local jurisdictions, individuals, and public and private agencies, organizations, and institutions in the control of nuisance mammals and birds and those mammal and bird species that are reservoirs for zoonotic diseases, and to deposit any money collected under any such agreement into the appropriation accounts that incur the costs to be available immediately and to remain available until expended for Animal Damage Control activities.

(Pub. L. 100–202, § 101(k) [title I], Dec. 22, 1987, 101 Stat. 1329–322, 1329–331.)

§ 426d. Expenditures for cooperative agreements to lease aircraft

On and after November 10, 2005, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under sections 426–426c of this title, under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agency thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

(Pub. L. 109–97, title VII, § 749, Nov. 10, 2005, 119 Stat. 2156.)

PRIOR PROVISIONS

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

Pub. L. 108-447, div. A, title VII, §758, Dec. 8, 2004, 118 Stat. 2846.

Pub. L. 108-199, div. A, title VII, §776, Jan. 23, 2004, 118 Stat. 41.

§ 427. Agriculture research; declaration of policy; duties of Secretary of Agriculture; use of existing facilities

It is declared to be the policy of the Congress to promote the efficient production and utilization of products of the soil as essential to the health and welfare of our people and to promote a sound and prosperous agriculture and rural life as indispensable to the maintenance of maximum employment and national prosperity. It is also the intent of Congress to assure agriculture a position in research equal to that of industry which will aid in maintaining an equitable balance between agriculture and other sections of our economy. For the attainment of these objectives, the Secretary of Agriculture is authorized and directed to conduct and to stimulate research into the laws and principles underlying the basic problems of agriculture in its broadest aspects, including but not limited to: Research relating to the improvement of the quality of, and the development of new and improved methods of the production, marketing, distribution, processing, and utilization of plant and animal commodities at all stages from the original producer through to the ultimate consumer; research into the problems of human nutrition and the nutritive value of agricultural commodities, with particular reference to their content of vitamins, minerals, amino and fatty acids, and all other constituents that may be found necessary for the health of the consumer and to the gains or losses in nutritive value that may take place at any stage in their production, distribution, processing, and preparation for use by the consumer; research relating to the development of present, new, and extended uses and markets for agricultural commodities and byproducts as food or in commerce, manufacture, or trade, both at home and abroad, with particular reference to those foods and fibers for which our capacity to produce exceeds or may exceed existing economic demand; research to encourage the discovery, introduction, and breeding of new and useful agricultural crops, plants, and animals, both foreign and native, particularly for those crops and plants which may be adapted to utilization in chemical and manufacturing industries; research relating to new and more profitable uses for our resources of agricultural manpower, soils, plants, animals, and equipment than those to which they are now, or may hereafter be, devoted; research relating to the conservation, development, and use of land, forest, and water resources for agricultural purposes; research relating to the design, development, and the more efficient and satisfactory use of farm buildings, farm homes, farm machinery, including the application of electricity and other forms of power; research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including equipment used to dry and cure crops and provide irrigation); applied research to develop agricultural, forestry, and rural energy conservation and biomass energy production and

use; research relating to the diversification of farm enterprises, both as to the type of commodities produced, and as to the types of operations performed, on the individual farm; research relating to any other laws and principles that may contribute to the establishment and maintenance of a permanent and effective agricultural industry including such investigations as have for their purpose the development and improvement of the rural home and rural life, and the maximum contribution by agriculture to the welfare of the consumer and the maintenance of maximum employment and national prosperity; and such other researches or experiments bearing on the agricultural industry or on rural homes of the United States as may in each case be deemed¹ advisable, having due regard to the varying conditions and needs of Puerto Rico, the respective States, and Territories. In effectuating the purposes of this section, maximum use shall be made of existing research facilities owned or controlled by the Federal Government or by State agricultural experiment stations and of the facilities of the Federal and State extension services. Research authorized under this section shall be in addition to research provided for under existing law (but both activities shall be coordinated so far as practicable). For purposes of sections 427 to 427j of this title, the term "solar energy" means energy derived from sources (other than fossil fuels) and technologies included in the Federal Non-Nuclear² Energy Research and Development Act of 1974, as amended [42 U.S.C. 5901 et seq.].

(June 29, 1935, ch. 338, title I, §1, 49 Stat. 436; Aug. 14, 1946, ch. 966, title I, §101(1), 60 Stat. 1082; Pub. L. 95-113, title XIV, §1446, Sept. 29, 1977, 91 Stat. 1011; Pub. L. 96-294, title II, §253, June 30, 1980, 94 Stat. 707.)

REFERENCES IN TEXT

Sections 427a to 427h and 427j of this title, referred to in text, were repealed by act Aug. 11, 1955, ch. 790, §2, 69 Stat. 674. See sections 361a to 361i of this title.

The Federal Nonnuclear Energy Research and Development Act of 1974, as amended, referred to in text, is Pub. L. 93-577, Dec. 31, 1974, 88 Stat. 1878, as amended, which is classified generally to chapter 74 (§5901 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 5901 of Title 42 and Tables.

CODIFICATION

Another section 1446 of Pub. L. 95-113 is classified to section 3222a of this title.

AMENDMENTS

1980—Pub. L. 96-294 inserted provisions relating to applied research to develop agricultural, forestry, and rural energy conservation and biomass energy production and use.

1977—Pub. L. 95-113 inserted reference to research and development relating to uses of solar energy with respect to farm buildings, farm homes, and farm machinery (including equipment used to dry and cure crops and provide irrigation) and inserted definition of "solar energy".

1946—Act Aug. 14, 1946, amended section generally to provide for a greatly augmented research program in

¹ So in original. Probably should be "deemed".

² So in original. Probably should be "Nonnuclear".

order to enable agriculture to attain a position in research comparable to that of other industries.

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

Act June 29, 1935, as amended, which enacted sections 343c, 343d (now 329), 343d-1, and 427-427j of this title, is popularly known as the "Agricultural Research Act" and also as the "Bankhead-Jones Act".

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.

EX. ORD. NO. 9310. TRANSFERRING NUTRITION FUNCTIONS OF OFFICE OF DEFENSE HEALTH AND WELFARE SERVICES TO DEPARTMENT OF AGRICULTURE

Ex. Ord. No. 9310, Mar. 6, 1943, 8 F.R. 2913, provided: By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 [former sections 601 to 605 of Appendix to Title 50, War and National Defense], as President of the United States, and in order to enable the Secretary of Agriculture more effectively to carry out his responsibilities with respect to the Nation's food program, it is hereby ordered:

1. The functions, powers, and duties, with respect to nutrition, (a) of the Office of Defense Health and Welfare Services in the Office for Emergency Management of the Executive Office of the President (including all functions, powers, and duties of the Nutrition Division of the Office of Defense Health and Welfare Services), and (b) of the Director of the Office of Defense Health and Welfare Services, are transferred to the Department of Agriculture and shall be administered under the supervision and direction of the Secretary of Agriculture through such agency or agencies in the Department as the Secretary shall designate.

2. The personnel, property, and records used primarily in the administration of the functions, powers, and duties transferred by this Order are transferred to the Department of Agriculture. So much of the unexpended balances of appropriations, allocations, and other funds available for the use of the Office of Defense Health and Welfare Services in discharging the functions, powers, and duties transferred by this Order, as the Director of the Bureau of the Budget shall determine, shall be transferred to the Department of Agriculture for use in connection with the exercise of the functions, powers, and duties so transferred. In determining the amounts to be transferred hereunder, allowance shall be made for the liquidation of obligations previously incurred against such appropriations, allocations, or other funds.

FRANKLIN D. ROOSEVELT.

§§ 427a to 427h. Repealed. Aug. 11, 1955, ch. 790, § 2, 69 Stat. 674

Sections 427a to 427c, act June 29, 1935, ch. 338, title I, §§ 2-4, 49 Stat. 437, authorized research by experiment stations, appropriations, and allocation of appropriations. See sections 361a to 361c of this title.

Section 427d, acts June 29, 1935, ch. 338, title I, § 5, 49 Stat. 437; Sept. 21, 1944, ch. 412, title I, § 105, 58 Stat. 735, related to allocation of appropriations. See section 361c of this title.

Sections 427e to 427g, act June 29, 1935, ch. 338, title I, §§ 6-8, 49 Stat. 438, defined "Territory", authorized Secretary of Agriculture to prescribe rules and regulations, and reserved the right to Congress to amend, suspend, or repeal act June 29, 1935. See sections 361a, 361g, and 361i, respectively, of this title.

Section 427h, act June 29, 1935, ch. 338, title I, § 9, as added Aug. 14, 1946, ch. 966, title I, § 101(2), 60 Stat. 1083, authorized appropriations for agricultural experiment stations, provided for availability of funds and unexpended balances, and prescribed allotments for the experiment stations. See sections 361c, 361d, and 361g of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under sections 427a to 427h as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under former section 361 of this title.

§ 427i. Agricultural research; authorization of additional appropriations; administrative expenses; availability of special research fund

(a) In order to carry out further research on utilization and associated problems in connection with the development and application of present, new, and extended uses of agricultural commodities and products thereof authorized by section 427 of this title, and to disseminate information relative thereto, and in addition to all other appropriations authorized by sections 427 to 427j of this title, there is authorized to be appropriated the following sums:

(1) \$3,000,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$3,000,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$3,000,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$3,000,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) An additional \$3,000,000 for the fiscal year ending June 30, 1951, and each subsequent fiscal year.

(6) In addition to the foregoing, such additional funds beginning with the fiscal year ending June 30, 1952, and thereafter, as the Congress may deem necessary.

The Secretary of Agriculture, in accordance with such regulations as he deems necessary, and when in his judgment the work to be performed will be carried out more effectively, more rapidly, or at less cost than if performed by the Department of Agriculture, may enter into contracts with such public or private organizations or individuals as he may find qualified to carry on work under this section without regard to the provisions of section 6101 of title 41, and with respect to such contracts he may make advance progress or other payments without regard to the provisions of section 3324(a) and (b) of title 31. Contracts under this section may be made for work to continue not more than four years from the date of any such contract. Notwithstanding the provisions of section 5 of the Act of June 20, 1874, as amended (31 U.S.C. 713), any unexpended balances of appropriations properly obligated by contracting with an organization as provided in this subsection may remain upon the books of the Treasury for not more than five fiscal years before being carried to the surplus fund and covered into the Treasury. Research authorized under this subsection shall be conducted so far as practicable at laboratories

of the Department of Agriculture. Projects conducted under contract with public and private agencies shall be supplemental to and coordinated with research of these laboratories. Any contracts made pursuant to this authority shall contain requirements making the results of research and investigations available to the public through dedication, assignment to the Government, or such other means as the Secretary shall determine.

(b) In order to carry out further the purposes of section 427 of this title, other than research on utilization of agricultural commodities and the products thereof, and in addition to all other appropriations authorized by sections 427 to 427j of this title, there is authorized to be appropriated for cooperative research with the State agricultural experiment stations and such other appropriate agencies as may be mutually agreeable to the Department of Agriculture and the experiment stations concerned, the following sums:

(1) \$1,500,000 for the fiscal year ending June 30, 1947, and each subsequent fiscal year.

(2) An additional \$1,500,000 for the fiscal year ending June 30, 1948, and each subsequent fiscal year.

(3) An additional \$1,500,000 for the fiscal year ending June 30, 1949, and each subsequent fiscal year.

(4) An additional \$1,500,000 for the fiscal year ending June 30, 1950, and each subsequent fiscal year.

(5) In addition to the foregoing such additional funds beginning with the fiscal year ending June 30, 1951, and thereafter, as the Congress may deem necessary.

(c) The Secretary may incur necessary administrative expenses not to exceed 3 per centum of the amount appropriated in any fiscal year in carrying out this section, including the specific objects of expense enumerated in section 427b of this title.

(d) The "Special research fund, Department of Agriculture," provided by section 427c of this title, shall continue to be available solely for research into laws and principles underlying basic problems of agriculture in its broadest aspects; research relating to the improvement of the quality of, and the development of, new and improved methods of production of, distribution of, and new and extended uses and markets for, agricultural commodities and byproducts and manufactures thereof; and research relating to the conservation, development, and use of land and water resources for agricultural purposes. Such research shall be in addition to research provided for under other law (but both activities shall be coordinated so far as practicable) and shall be conducted by such agencies of the Department of Agriculture as the Secretary of Agriculture may designate or establish.

(e) Appropriations for research work in the Department of Agriculture shall be available for accomplishing such purposes by contract through the means provided in subsection (a) of this section.

(June 29, 1935, ch. 338, title I, §10, as added Aug. 14, 1946, ch. 966, title I, §101(2), 60 Stat. 1085; amended July 28, 1954, ch. 591, 68 Stat. 574.)

REFERENCES IN TEXT

Section 5 of the Act of June 20, 1874, as amended (31 U.S.C. 713), referred to in subsec. (a), was repealed by act July 6, 1949, ch. 299, §3, 63 Stat. 407.

Sections 427a to 427h and 427j of this title, referred to in text, were repealed by act Aug. 11, 1955, ch. 790, §2, 69 Stat. 674. See sections 361a to 361i of this title.

CODIFICATION

In subsec. (a), "section 6101 of title 41" substituted for "section 3709, Revised Statutes" on authority of Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

In subsec. (a), "section 3324(a) and (b) of title 31" substituted for "section 3648, Revised Statutes [31 U.S.C. 529]" on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

AMENDMENTS

1954—Subsec. (e). Act July 23, 1954, added subsec. (e).

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.

§ 427j. Repealed. Aug. 11, 1955, ch. 790, §2, 69 Stat. 674

Section, act June 29, 1935, ch. 338, title I, §11, as added Aug. 14, 1946, ch. 966, title I, §101(2), 60 Stat. 1086; amended July 31, 1947, ch. 412, 61 Stat. 694; Aug. 30, 1954, ch. 1076, §1(7), 68 Stat. 966, authorized use of funds appropriated for agricultural research program for market research projects and required an annual report to Congress. See sections 361a to 361h of this title.

EXISTING RIGHTS AND LIABILITIES

Any rights or liabilities existing under this section as unaffected by repeal, see section 2 of act Aug. 11, 1955, set out as a note under section 361 of this title.

§ 428. Omitted

CODIFICATION

Section, act June 4, 1956, ch. 355, title V, §503, 70 Stat. 240, related to options to purchase lands and was superseded by section 428a of this title. Similar provisions were contained in the following prior appropriation acts:

May 23, 1955, ch. 43, title V, §503, 69 Stat. 63.
 June 29, 1954, ch. 409, title V, §503, 68 Stat. 318.
 July 28, 1953, ch. 251, title IV, §403, 67 Stat. 224.
 July 5, 1952, ch. 574, title IV, §403, 66 Stat. 355.
 Aug. 31, 1951, ch. 374, title IV, §403, 65 Stat. 246.
 Sept. 6, 1950, ch. 896, Ch. VI, title IV, §407, 64 Stat. 657.
 June 29, 1949, ch. 280, title I, 63 Stat. 325.
 June 19, 1948, ch. 543, title I, 62 Stat. 508.
 July 30, 1947, ch. 356, title I, 61 Stat. 523.
 June 22, 1946, ch. 445, 60 Stat. 271.
 May 5, 1945, ch. 109, 59 Stat. 136.
 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. 408.
 June 25, 1940, ch. 421, 54 Stat. 532.

§ 428a. Acquisition of land; options

(a) The Department of Agriculture is authorized to acquire land, or interest therein, by purchase, exchange or otherwise, as may be necessary to carry out its authorized work: *Provided*, That no acquisition shall be made under this authority unless provision is made therefor in the applicable appropriation or other law.

(b) Appropriations for the Department of Agriculture which are available for the purchase of land may be expended for options to purchase land: *Provided*, That not to exceed \$1 may be expended for each option to purchase any particular tract or tracts of land unless otherwise provided in appropriation or other law.

(Aug. 3, 1956, ch. 950, §11, 70 Stat. 1034.)

§ 428b. Wheat and feed grains research; regional and national research programs; utilization of services of Federal, State and private agencies; authorization of appropriations

In order to reduce fertilizer and herbicide usage in excess of production needs, to develop wheat and feed grain varieties more susceptible to complete fertilizer utilization, and to improve the resistance of wheat and feed grain plants to disease and to enhance their conservation and environmental qualities, the Secretary of Agriculture is authorized and directed to carry out regional and national research programs.

In carrying out such research, the Secretary shall utilize the technical and related services of the appropriate Federal, State, and private agencies.

There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, but not more than \$1,000,000 in any fiscal year.

(Pub. L. 91-524, title VIII, §810, as added Pub. L. 93-86, §1(27)(B), Aug. 10, 1973, 87 Stat. 238.)

§ 428c. Rice research

(a) Regional and national research programs; rules; purposes

The Secretary of Agriculture may, under rules prescribed by such Secretary, carry out regional and national research programs with regard to rice for the following purposes:

- (1) to reduce fertilizer and herbicide usage in excess of production needs;
- (2) to develop varieties of rice more susceptible to complete fertilizer utilization;
- (3) to improve the resistance of rice plants to disease and to enhance their conservation and environmental qualities;
- (4) to increase the usage of rice and its processing byproducts;
- (5) to develop better husbandry practices in production and conservation of rice;
- (6) to develop more efficient rice storage practices;
- (7) to improve domestic and international marketing of rice; and
- (8) to benefit the general welfare.

(b) Utilization of services of Federal, State, local governmental and private agencies; priority consideration

The Secretary shall, in implementing the program authorized in subsection (a) of this section, utilize the technical and related services of appropriate Federal, State, local governmental, and private agencies, with priority consideration for land grant universities, State experiment stations, and other agricultural institutions of higher learning.

(c) Authorization of appropriations; use restriction

There is authorized to be appropriated not more than \$1,000,000 for the period ending September 30, 1976, to carry out the provisions of this section. No funds authorized by this section shall be used for advertising or promotional activities.

(Pub. L. 94-214, title II, §201, Feb. 16, 1976, 90 Stat. 187.)

SHORT TITLE

Pub. L. 94-214, §1, Feb. 16, 1976, 90 Stat. 181, provided that: "This Act [enacting this section, amending sections 1352, 1385, 1428, and 1441 of this title, and enacting provisions set out as notes under sections 1352, 1353, 1377, 1385, 1428, and 1441 of this title] may be cited as the 'Rice Production Act of 1975'."

§ 429. Repealed. Pub. L. 107-171, title X, § 10418(a)(2), May 13, 2002, 116 Stat. 507

Section, act Sept. 21, 1944, ch. 412, title I, §101(b), 58 Stat. 734; Aug. 4, 1950, ch. 579, 64 Stat. 413, related to improvement of poultry, poultry products, and hatcheries.

§ 430. Purchase and testing of serums or analogous products; dissemination of test results

The Secretary of Agriculture may purchase in the open market from applicable appropriations samples of all tuberculin, serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States, for the detection, prevention, treatment, or cure of diseases of domestic animals, test the same, and disseminate the results of said tests in such manner as he may deem best.

(Sept. 21, 1944, ch. 412, title I, §101(d), 58 Stat. 734.)

AUTHORIZATION OF APPROPRIATION

Authorization of appropriation of sums necessary for the purposes of this section, see note under section 395 of this title.

§ 431. Purchase of tags, labels, stamps, and certificates

The Secretary of Agriculture is authorized to expend appropriations for meat inspection for the purchase of printed tags, labels, stamps, and certificates without regard to existing laws applicable to public printing.

(Sept. 21, 1944, ch. 412, title I, §101(f), 58 Stat. 734.)

AUTHORIZATION OF APPROPRIATION

Authorization of appropriation of sums necessary for the purposes of this section, see note under section 395 of this title.

§ 432. Purchase of cultures for soil and fertilizer investigations

The Secretary of Agriculture may purchase from applicable appropriations cultures in the open market for use in connection with soil and fertilizer investigations.

(Sept. 21, 1944, ch. 412, title I, §104, 58 Stat. 735.)

§ 433. Domestic raising of fur-bearing animals; classification

For the purposes of all classification and administration of Acts of Congress, Executive orders, administrative orders, and regulations pertaining to—

(a) fox, rabbit, mink, chinchilla, marten, fisher, muskrat, karakul and all other fur-bearing animals, raised in captivity for breeding or other useful purposes shall be deemed domestic animals;

(b) such animals and the products thereof shall be deemed agricultural products; and

(c) the breeding, raising, producing, or marketing of such animals or their products by the producer shall be deemed an agricultural pursuit.

(Apr. 30, 1946, ch. 242, § 1, 60 Stat. 127.)

EFFECTIVE DATE

Act Apr. 30, 1946, ch. 242, § 3, 60 Stat. 128, provided that: "This Act [enacting this section and section 434 of this title] shall take effect sixty days after the date of its enactment [Apr. 30, 1946]."

§ 434. Transfer of functions, appropriations, records and property to Secretary of Agriculture

(a) All the functions of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior, which affect the breeding, raising, producing, marketing, or any other phase of the production or distribution, of domestically raised fur-bearing animals, or products thereof, are transferred to and vested in the Secretary of Agriculture.

(b) Appropriations and unexpended balances of appropriations, or parts thereof, which the Director of the Office of Management and Budget determines to be available for expenditure for the administration of any function transferred by this section and section 433 of this title, shall be available for expenditure for the continued administration of such function by the officer to whom such function is so transferred.

(c) All records and property (including office furniture and equipment) under the jurisdiction of the Secretary of the Interior and the Fish and Wildlife Service of the Department of the Interior used primarily in connection with the administration of functions transferred by said sections are transferred to the jurisdiction of the Secretary of Agriculture.

(Apr. 30, 1946, ch. 242, § 2, 60 Stat. 127; 1970 Reorg. Plan No. 2, § 102, eff. July 1, 1970, 35 F.R. 7959, 84 Stat. 2085.)

EFFECTIVE DATE

Section effective 60 days after Apr. 30, 1946, see note set out under section 433 of this title.

TRANSFER OF FUNCTIONS

Functions vested by law (including reorganization plan) in Bureau of the Budget or Director of Bureau of the Budget were 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 the offices of Director of Bureau of the Budget, Deputy Director of Bureau of the Budget, and Assistant Directors of Bureau of the Budget as Director of Office of Management and Bud-

et, Deputy Director of Office of Management and Budget, and Assistant Directors of Office of Management and Budget, respectively. Section 103 of 1970 Reorg. Plan No. 2 transferred all records, property, personnel, and funds of the Bureau to the Office of Management and Budget. See part I of Reorg. Plan No. 2 of 1970, set out in the Appendix to Title 5, Government Organization and Employees. See, also, section 502 of Title 31, Money and Finance.

§ 435. Omitted

CODIFICATION

Section, which made inapplicable provisions of law prohibiting or restricting employment of aliens to employment under the appropriations for the Foreign Agricultural Service, was from the Department of Agriculture Appropriation Act, 1974, Pub. L. 93-135. Similar provisions were contained in prior appropriation acts. Section was not repeated in the Department of Agriculture Appropriation Act, 1975, accordingly, section was omitted from the Code. For provisions covering employment of aliens generally, see section 3101 note of Title 5, Government Organization and Employees.

Section was based on acts July 30, 1947, ch. 356, title I, § 4, 61 Stat. 548; June 19, 1948, ch. 543, title I, § 4, 62 Stat. 530; June 2, 1949, ch. 280, title III, § 302, 63 Stat. 348; Sept. 6, 1950, ch. 896, ch. VI, title IV, § 402, 64 Stat. 679; Aug. 31, 1951, ch. 374, title IV, § 402, 65 Stat. 245; July 5, 1952, ch. 574, title IV, § 402, 66 Stat. 355; July 28, 1953, ch. 251, title IV § 402, 67 Stat. 224; June 29, 1954, ch. 409, title V, § 502, 68 Stat. 318; May 23, 1955, ch. 43, title V, § 502, 69 Stat. 63; June 4, 1956, ch. 355, title V, § 502, 70 Stat. 240; Aug. 2, 1957, Pub. L. 85-118, title V, § 502, 71 Stat. 340; June 13, 1958, Pub. L. 85-459, title IV, § 402, 72 Stat. 199; July 8, 1959, Pub. L. 86-80, title IV, § 402, 73 Stat. 179; June 29, 1960, Pub. L. 86-532, title IV, § 402, 74 Stat. 244; July 26, 1961, Pub. L. 87-112, title V, § 502, 75 Stat. 240; Oct. 24, 1962, Pub. L. 87-879, title VI, § 602, 76 Stat. 1215; Dec. 30, 1963, Pub. L. 88-250, title VI, § 602, 77 Stat. 833; Sept. 2, 1964, Pub. L. 88-573, title V, § 502, 78 Stat. 876; Nov. 2, 1965, Pub. L. 89-316, title V, § 502, 79 Stat. 1179; Sept. 7, 1966, Pub. L. 89-556, title V, § 502, 80 Stat. 703; Oct. 24, 1967, Pub. L. 90-113, title V, § 502, 81 Stat. 334; Aug. 8, 1968, Pub. L. 90-463, title V, § 502, 82 Stat. 653; Nov. 26, 1969, Pub. L. 91-127, title V, § 502, 83 Stat. 260; Dec. 22, 1970, Pub. L. 91-566, title V, § 502, 84 Stat. 1496; Aug. 10, 1971, Pub. L. 92-73, title V, § 502, 85 Stat. 201; Aug. 22, 1972, Pub. L. 92-399, title V, § 502, 86 Stat. 611; Oct. 24, 1973, Pub. L. 93-135, title V, § 502, 87 Stat. 489.

§ 436. Transfer of Army Remount Service to Department of Agriculture; effective date

In the interests of economy and efficiency, the records, property, real and personal, and civilian personnel of the Remount Service of the Quartermaster Corps, Department of the Army, are transferred to the Department of Agriculture, effective July 1, 1948. Prior to that date, the Secretary of the Army and the Secretary of Agriculture shall enter into a written agreement on the property and the personnel covered by this transfer.

(Apr. 21, 1948, ch. 224, § 1, 62 Stat. 197.)

§ 437. Administration of transferred property; improvement in horse breeding; acquisition of breeding stock and facilities; fees; cooperation with other organizations

The Secretary of Agriculture is authorized to receive the property transferred by section 436 of this title and is directed to administer it in such manner as he deems will best advance the livestock and agricultural interests of the

United States, including improvement in the breeding of horses suited to the needs of the United States; the acquisition by purchase in the open market, exchange, hire, or donation of breeding stock, and necessary land, buildings, and facilities; the use of horses in the improvement of the supply of horses available in agriculture; the demonstration of the quality and usefulness of horses through participation in and lending for use in fairs, shows, and other events, or otherwise; the loan, sale, or hire of animals or animal products through such arrangements and subject to such fees as are deemed necessary by the Secretary to accomplish the purposes of this section and section 436 of this title, and, in carrying out such program, the Secretary is authorized to cooperate with public and private organizations and individuals under such rules and regulations as are deemed by him to be necessary.

(Apr. 21, 1948, ch. 224, § 2, 62 Stat. 197.)

AUTHORIZATION OF APPROPRIATIONS; ABOLITION OF
ARMY REMOUNT PROGRAM

Act Apr. 21, 1948, ch. 224, § 4, 62 Stat. 198, provided: "There is hereby authorized to be appropriated to the Department of Agriculture such funds as may be necessary to carry out this Act [sections 436 to 438 of this title]. The authority of the Department of the Army to conduct a remount breeding program is hereby abolished. Funds appropriated pursuant to this Act [said sections] shall be available for necessary administrative expenses, including personal services in the District of Columbia, printing and binding, and purchase or hire of passenger motor vehicles."

§ 438. Repealed. Pub. L. 88-448, title IV, § 402(a)(26), Aug. 19, 1964, 78 Stat. 494

Section, act Apr. 21, 1948, ch. 224, § 3, 62 Stat. 197, related to employment of retired Army officers in Remount Service.

EFFECTIVE DATE OF REPEAL

Repeal effective on first day of first month which begins later than ninetieth day following Aug. 19, 1964, see section 403 of Pub. L. 88-448.

§ 439. Operation of Government-owned alcohol plants; location; transfer of plants

For the purpose of assuring their operation for the production of products from agricultural commodities in order to provide a means of discharging the responsibility of the Department of Agriculture in connection with surplus agricultural commodities, research, and other authorized activities, and to assist in providing an adequate supply of alcohol and other products produced from agricultural commodities necessary for the national defense, (1) the Reconstruction Finance Corporation, as successor to Defense Plant Corporation, shall transfer, without regard to the provisions of the Surplus Property Act of 1944 and without reimbursement or transfer of funds, to the Secretary of Agriculture all of its right, title, and interest in and to the alcohol plant established and constructed by Defense Plant Corporation at Muscatine, Iowa, the property, together with the equipment, records, facilities, and other property appurtenant thereto; and (2) the War Assets Administration shall transfer to the Secretary of Agriculture without regard to the provisions of the Surplus Property

Act of 1944 and without reimbursement or transfer of funds the alcohol plants at Kansas City, Missouri, and Omaha, Nebraska, together with the land, equipment, facilities, and other property appurtenant thereto.

(July 2, 1948, ch. 818, § 1, 62 Stat. 1234.)

REFERENCES IN TEXT

The Surplus Property Act of 1944, referred to in text, is act Oct. 3, 1944, ch. 479, 58 Stat. 765, which was classified principally to sections 1611 to 1646 of Title 50, Appendix, War and National Defense, and was repealed effective July 1, 1949, with the exception of sections 1622, 1631, 1637, and 1641 of Title 50, Appendix, by act June 30, 1949, ch. 288, title VI, § 602(a)(1), 63 Stat. 399, renumbered Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583. Sections 1622 and 1641 were partially repealed by the 1949 act, and section 1622 is still set out in part in Title 50, Appendix. Section 1622(g) was repealed and reenacted as sections 47151 to 47153 of Title 49, Transportation, by Pub. L. 103-272, §§ 1(e), 7(b), July 5, 1994, 108 Stat. 1278-1280, 1379. Section 1631 was repealed by act June 7, 1939, ch. 190, § 6(e), as added by act July 23, 1946, ch. 590, 60 Stat. 599, and is covered by sections 98 et seq. of Title 50. Section 1637 was repealed by act June 25, 1948, ch. 645, § 21, 62 Stat. 862, eff. Sept. 1, 1948, and is covered by section 3287 of Title 18, Crimes and Criminal Procedure. Provisions of section 1641 not repealed by the 1949 act were repealed by Pub. L. 87-256, § 111(a)(1), Sept. 21, 1961, 75 Stat. 538, and are covered by chapter 33 (§ 2451 et seq.) of Title 22, Foreign Relations and Intercourse. The provisions of the Surplus Property Act of 1944 originally repealed by the 1949 act are covered by provisions of the 1949 act which were classified to chapter 10 (§ 471 et seq.) of former Title 40, Public Buildings, Property, and Works, and which were repealed and reenacted by Pub. L. 107-217, §§ 1, 6(b), Aug. 21, 2002, 116 Stat. 1062, 1304, as chapters 1 to 11 of Title 40, Public Buildings, Property, and Works.

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, property, records, etc., of War Assets Administration transferred to Administrator of General Services and War Assets Administration abolished by act June 30, 1949, ch. 288, title I, § 105, 63 Stat. 381.

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees.

§ 439a. Powers and duties of Secretary of Agriculture

In carrying out the purposes of sections 439 to 439e of this title the Secretary is authorized, upon such terms and conditions as he deems reasonable, and notwithstanding the provisions of any other law—

(a) to provide for the operation of such plants by lease or other arrangement;

(b) to operate such plants, where operation by others will not, in the judgment of the Secretary, accomplish the purpose of sections 439 to 439e of this title.

Such plants may be operated in the furtherance of any authorized activities of the Department of Agriculture, and any lease, or other arrangement may be upon such terms and conditions as to result in the plant being operated for such purposes.

(July 2, 1948, ch. 818, §2, 62 Stat. 1234.)

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.

§ 439b. Recommendations to Congress for discontinuance of plants

Whenever the Secretary finds that the operation of any plant or plants as provided in sections 439 to 439e of this title is no longer necessary or desirable, he shall report such fact to Congress with his recommendations for the disposition thereof.

(July 2, 1948, ch. 818, §3, 62 Stat. 1235.)

§ 439c. Construction of additional facilities; acquisition of property; incurrence of expenses; rules and regulations

For the purposes of sections 439 to 439e of this title, the Secretary of Agriculture is authorized (a) to construct and provide additional facilities and equipment necessary to the operation of such plants, and to maintain, repair, and alter such plants; (b) to acquire property or rights or interest therein by purchase, lease, gift, transfer, condemnation, or otherwise; (c) to incur necessary administrative expenses, including personal services; and (d) to make such rules and regulations as may be necessary to carry out the purposes of said sections.

(July 2, 1948, ch. 818, §4, 62 Stat. 1235.)

§ 439d. Assumption of obligations of Reconstruction Finance Corporation covering Muscatine, Iowa, plant

The Secretary of Agriculture shall assume all obligations of the Reconstruction Finance Corporation covering operations of the Muscatine, Iowa, plant, equipment, facilities, and appurtenant property outstanding at the date of transfer.

(July 2, 1948, ch. 818, §5, 62 Stat. 1235.)

ABOLITION OF RECONSTRUCTION FINANCE CORPORATION

Section 6(a) of 1957 Reorg. Plan No. 1, eff. June 30, 1957, 22 F.R. 4633, 71 Stat. 647, set out in the Appendix to Title 5, Government Organization and Employees, abolished Reconstruction Finance Corporation.

§ 439e. Authorization of appropriations; availability of other appropriations

There are authorized to be appropriated for the purposes of sections 439 to 439e of this title such sums as the Congress may from time to time determine to be necessary. Also, the Secretary is authorized to use such sums from other appropriations or funds available to the bureaus, corporations, or agencies of the Department of Agriculture as he may deem necessary for expenses in connection with maintaining these plants in standby condition while not under lease.

(July 2, 1948, ch. 818, §6, 62 Stat. 1235.)

§ 440. Reimbursement of appropriations available for classing or grading agriculture commodities without charge

On and after June 29, 1949, appropriations available for classing or grading any agricultural commodity without charge to the producers thereof may be reimbursed from nonadministrative funds of the Commodity Credit Corporation for the cost of classing or grading any such commodity for producers who obtain Commodity Credit Corporation price support.

(June 29, 1949, ch. 280, title I, 63 Stat. 344.)

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer or entity of, under, or subject to supervision of the said Administration excepted from functions of officers, agencies, and employees transferred 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.

§ 441. Repealed. Pub. L. 85-36, title I, § 111, May 23, 1957, 71 Stat. 35

Section, act Sept. 22, 1951, ch. 409, 65 Stat. 335, related to prevention of entry of mollusks. See chapter 7B of this title.

§ 442. Availability of grain to prevent waterfowl depredations; payment of packaging, transporting, handling, and other charges

For the purpose of preventing crop damage by migratory waterfowl, the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn, or other grains, acquired through price support operations and certified by the Commodity Credit Corporation to be available for purposes of sections 442 to 445 of this title or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary of the Interior shall requisition pursuant to section 443 of this title. With respect to any grain thus made available, the Commodity Credit Corporation may pay packaging, transporting, handling, and other charges up to the time of delivery to one or more designated locations in each State.

(July 3, 1956, ch. 512, §1, 70 Stat. 492.)

§ 443. Requisition of grain to prevent crop depredation by migratory waterfowl

Upon a finding by the Secretary of the Interior that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, whether or not during the open season for such migratory waterfowl, the Secretary of the Interior is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Commodity Credit Corporation through price-support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at

the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs. (July 3, 1956, ch. 512, § 2, 70 Stat. 492.)

§ 444. Reimbursement of packaging and transporting expenses

With respect to all grain made available pursuant to section 443 of this title, the Commodity Credit Corporation shall be reimbursed by the Secretary of the Interior for its expenses in packaging and transporting such grain for purposes of sections 442 to 445 of this title.

(July 3, 1956, ch. 512, § 3, 70 Stat. 492.)

§ 445. Authorization of appropriations for mitigating losses caused by waterfowl depredation

There are authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in the grain transferred pursuant to sections 442 to 445 of this title.

(July 3, 1956, ch. 512, § 4, 70 Stat. 492.)

§ 446. Repealed. Pub. L. 86-133, Aug. 4, 1959, 73 Stat. 279

Section, act July 3, 1956, ch. 512, § 5, 70 Stat. 492, prescribed three years following July 3, 1956, as expiration date for availability of grain under sections 442 to 446 of this title.

§ 447. Requisition of surplus grain; prevention of starvation of resident game birds and other resident wildlife; utilization by State agencies; reimbursement for packaging and transporting

For the purpose of meeting emergency situations caused by adverse weather conditions or other factors destructive of important wildlife resources, the States are authorized, upon the request of the State fish and game authority or other State agency having similar authority and a finding by the Secretary of the Interior that any area of the United States is threatened with serious damage or loss to resident game birds and other resident wildlife from starvation, to requisition from the Commodity Credit Corporation grain acquired by the Corporation through price support operations. Such grain may thereafter be furnished to the particular State for direct and sole utilization by the appropriate State agencies for purposes of sections 447 to 449 of this title in such quantities as mutually agreed upon by the State and the Commodity Credit Corporation and subject to such regulations as may be considered desirable by the Corporation. The Corporation shall be reimbursed by the particular State in each instance for the expense of the Corporation in packaging and transporting such grain for purposes of sections 447 to 449 of this title.

(Pub. L. 87-152, § 1, Aug. 17, 1961, 75 Stat. 389.)

§ 448. Requisition and use of grain for prevention of starvation of migratory birds; reimbursement for packaging and transporting

Upon a finding by the Secretary of the Interior that migratory birds are threatened with starva-

tion in any area of the United States, the Secretary is authorized to requisition from the Commodity Credit Corporation grain acquired by that Corporation through price support operations in such quantities as may be mutually agreed upon. The Corporation shall be reimbursed by the Secretary for its expense in packaging and transporting of such grain for purposes of sections 447 to 449 of this title.

(Pub. L. 87-152, § 2, Aug. 17, 1961, 75 Stat. 389.)

§ 449. Authorization of appropriations for reimbursement of Commodity Credit Corporation

There are authorized to be appropriated such sums as may be necessary to reimburse the Commodity Credit Corporation for its investment in grain transferred pursuant to sections 447 to 449 of this title.

(Pub. L. 87-152, § 3, Aug. 17, 1961, 75 Stat. 389.)

§ 450. Cooperation with State agencies in administration and enforcement of laws relating to marketing of agricultural products and control or eradication of plant and animal diseases and pests; coordination of administration of Federal and State laws

In order to avoid duplication of functions, facilities, and personnel, and to attain closer coordination and greater effectiveness and economy in administration of Federal and State laws and regulations relating to the marketing of agricultural products and to the control or eradication of plant and animal diseases and pests, the Secretary of Agriculture is authorized, in the administration and enforcement of such Federal laws within his area of responsibility, whenever he deems it feasible and in the public interest, to enter into cooperative arrangements with State departments of agriculture and other State agencies charged with the administration and enforcement of such State laws and regulations and to provide that any such State agency which has adequate facilities, personnel, and procedures, as determined by the Secretary, may assist the Secretary in the administration and enforcement of such Federal laws and regulations to the extent and in the manner he deems appropriate in the public interest.

Further, the Secretary is authorized to coordinate the administration of such Federal laws and regulations with such State laws and regulations wherever feasible. However, nothing herein shall affect the jurisdiction of the Secretary of Agriculture under any Federal law, or any authority to cooperate with State agencies or other agencies or persons under existing provisions of law, or affect any restrictions of law upon such cooperation.

(Pub. L. 87-718, Sept. 28, 1962, 76 Stat. 663.)

§ 450a. Cooperative research projects; agreements with and receipt of funds from State and other agencies

On and after December 30, 1963, the Administrator of the Agricultural Research Service may enter into agreements with and receive funds from any State, other political subdivision, organization, or individual for the purpose of conducting cooperative research projects with such cooperators.

(Pub. L. 88-250, title I, Dec. 30, 1963, 77 Stat. 820.)

§ 450b. Cooperation with State and other agencies; expenditures

In carrying on the activities of the Department of Agriculture involving cooperation with State, county, and municipal agencies, associations of farmers, individual farmers, universities, colleges, boards of trade, chambers of commerce, or other local associations of business men, business organizations, and individuals within the State, Territory, district, or insular possession in which such activities are to be carried on, moneys contributed from such outside sources, except in the case of the authorized activities of the Forest Service, shall be paid only through the Secretary of Agriculture or through State, county, or municipal agencies, or local farm bureaus or like organizations, cooperating for the purpose with the Secretary of Agriculture.

(July 24, 1919, ch. 26, 41 Stat. 270.)

CODIFICATION

Section was formerly classified to section 563 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.

A prior section 450b, Pub. L. 89-106, § 2, Aug. 4, 1965, 79 Stat. 431, which related to research grants, duration, records, and audit, was transferred to section 450i of this title.

§ 450c. Delegation of regulatory functions of Secretary of Agriculture; definitions

As used in sections 450c to 450g of this title—

(a) The term “regulatory order” means an order, marketing agreement, standard, permit, license, registration, suspension or revocation of a permit, license, or registration, certificate, award, rule or regulation, if it has the force and effect of law, and if it may be made, prescribed, issued, or promulgated only after notice and hearing or opportunity for hearing have been given.

(b) The term “regulatory function” means the making, prescribing, issuing, or promulgating of a regulatory order; and includes (1) determining whether such making, prescribing, issuing, or promulgating is authorized or required by law, and (2) any action which is required or authorized to be performed before, after, or in connection with, such determining, making, prescribing, issuing, or promulgating.

(Apr. 4, 1940, ch. 75, § 1, 54 Stat. 81.)

CODIFICATION

Section was formerly classified to section 516a 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.

§ 450d. Delegation of regulatory functions to designated employees; status of employees; number; revocation of delegation

Whenever the Secretary of Agriculture deems that the delegation of the whole or any part of any regulatory function which the Secretary is, now or after April 4, 1940, required or authorized to perform will result in the more expeditious

discharge of the duties of the Department of Agriculture, he is authorized to make such delegation to any officer or employee designated under this section. The Secretary is authorized to designate officers or employees of the Department to whom functions may be delegated under this section and to assign appropriate titles to such officers or employees. There shall not be in the Department at any one time more than two officers or employees designated under this section and vested with a regulatory function or part thereof delegated under this section. The Secretary may at any time revoke the whole or any part of a delegation or designation made by him under this section.

(Apr. 4, 1940, ch. 75, § 2, 54 Stat. 81; Pub. L. 89-554, § 8(a), Sept. 6, 1966, 80 Stat. 632, 650.)

CODIFICATION

Section was formerly classified to section 516b 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

1966—Pub. L. 89-554 repealed third sentence which related to grade of a position. See section 5109 of Title 5, Government Organization and Employees.

§ 450e. Authority of designated employees; retroactive revocation of delegation

Whenever a delegation is made under section 450d of this title, all provisions of law shall be construed as if the regulatory function or the part thereof delegated had (to the extent of the delegation) been vested by law in the individual to whom the delegation is made, instead of in the Secretary of Agriculture. A revocation of delegation shall not be retroactive, and each regulatory function or part thereof performed (within the scope of the delegation) by such individual prior to the revocation shall be considered as having been performed by the Secretary.

(Apr. 4, 1940, ch. 75, § 3, 54 Stat. 82.)

CODIFICATION

Section was formerly classified to section 516c 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.

§ 450f. Delegation of functions under other laws as unaffected

The provisions of section 450d of this title shall not be deemed to prohibit the delegation, under authority of any other provision of law, of the whole or any part of any regulatory function or other function to any officer or employee of the Department of Agriculture.

(Apr. 4, 1940, ch. 75, § 4, 54 Stat. 82.)

CODIFICATION

Section was formerly classified to section 516d 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.

§ 450g. Authorization of appropriations for cooperative research projects

There is authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 450c to 450g of this title.

(Apr. 4, 1940, ch. 75, § 5, 54 Stat. 82.)

CODIFICATION

Section was formerly classified to section 516e 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.

§ 450h. Transferred

CODIFICATION

Section, act July 24, 1919, ch. 26, 41 Stat. 270, as amended, was transferred to section 2220 of this title.

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.

§ 450i. Competitive, special, and facilities research grants

(a) Establishment of grant program

(1) In order to promote research in food, agriculture, and related areas, a research grants program is hereby established in the Department of Agriculture.

(2) SHORT TITLE.—This section may be cited as the “Competitive, Special, and Facilities Research Grant Act”.

(b) Agriculture and food research initiative

(1) Establishment

There is established in the Department of Agriculture an Agriculture and Food Research Initiative under which the Secretary of Agriculture (referred to in this subsection as “the Secretary”) may make competitive grants for fundamental and applied research, extension, and education to address food and agricultural sciences (as defined under section 3103 of this title).

(2) Priority areas

The competitive grants program established under this subsection shall address the following areas:

(A) Plant health and production and plant products

Plant systems, including—

- (i) plant genome structure and function;
- (ii) molecular and cellular genetics and plant biotechnology;
- (iii) conventional breeding, including cultivar and breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;
- (iv) plant-pest interactions and biocontrol systems;
- (v) crop plant response to environmental stresses;
- (vi) unproved nutrient qualities of plant products; and
- (vii) new food and industrial uses of plant products.

(B) Animal health and production and animal products

Animal systems, including—

- (i) aquaculture;
- (ii) cellular and molecular basis of animal reproduction, growth, disease, and health;

(iii) animal biotechnology;

(iv) conventional breeding, including breed development, selection theory, applied quantitative genetics, breeding for improved food quality, breeding for improved local adaptation to biotic stress and abiotic stress, and participatory breeding;

(v) identification of genes responsible for improved production traits and resistance to disease;

(vi) improved nutritional performance of animals;

(vii) improved nutrient qualities of animal products and uses; and

(viii) the development of new and improved animal husbandry and production systems that take into account production efficiency, animal well-being, and animal systems applicable to aquaculture.

(C) Food safety, nutrition, and health

Nutrition, food safety and quality, and health, including—

- (i) microbial contaminants and pesticides residue relating to human health;
- (ii) links between diet and health;
- (iii) bioavailability of nutrients;
- (iv) postharvest physiology and practices; and
- (v) improved processing technologies.

(D) Renewable energy, natural resources, and environment

Natural resources and the environment, including—

- (i) fundamental structures and functions of ecosystems;
- (ii) biological and physical bases of sustainable production systems;
- (iii) minimizing soil and water losses and sustaining surface water and ground water quality;
- (iv) global climate effects on agriculture;
- (v) forestry; and
- (vi) biological diversity.

(E) Agriculture systems and technology

Engineering, products, and processes, including—

- (i) new uses and new products from traditional and nontraditional crops, animals, byproducts, and natural resources;
- (ii) robotics, energy efficiency, computing, and expert systems;
- (iii) new hazard and risk assessment and mitigation measures; and
- (iv) water quality and management.

(F) Agriculture economics and rural communities

Markets, trade, and policy, including—

- (i) strategies for entering into and being competitive in domestic and overseas markets;
- (ii) farm efficiency and profitability, including the viability and competitiveness of small and medium-sized dairy, livestock, crop and other commodity operations;
- (iii) new decision tools for farm and market systems;

- (iv) choices and applications of technology;
- (v) technology assessment; and
- (vi) new approaches to rural development, including rural entrepreneurship.

(3) Term

The term of a competitive grant made under this subsection may not exceed 10 years.

(4) General administration

In making grants under this subsection, the Secretary shall—

- (A) seek and accept proposals for grants;
- (B) determine the relevance and merit of proposals through a system of peer and merit review in accordance with section 7613 of this title;
- (C) award grants on the basis of merit, quality, and relevance;
- (D) solicit and consider input from persons who conduct or use agricultural research, extension, or education in accordance with section 7612(b) of this title; and
- (E) in seeking proposals for grants under this subsection and in performing peer review evaluations of such proposals, seek the widest participation of qualified individuals in the Federal Government, colleges and universities, State agricultural experiment stations, and the private sector.

(5) Allocation of funds

In making grants under this subsection, the Secretary shall allocate funds to the Agriculture and Food Research Initiative to ensure that, of funds allocated for research activities—

- (A) not less than 60 percent is made available to make grants for fundamental research (as defined in subsection (f)(1) of section 6971 of this title), of which—
 - (i) not less than 30 percent is made available to make grants for research to be conducted by multidisciplinary teams; and
 - (ii) not more than 2 percent is used for equipment grants under paragraph (6)(A); and
- (B) not less than 40 percent is made available to make grants for applied research (as defined in subsection (f)(1) of section 6971 of this title).

(6) Special considerations

In making grants under this subsection, the Secretary may assist in the development of capabilities in the agricultural, food, and environmental sciences by providing grants—

- (A) to an institution to allow for the improvement of the research, development, technology transfer, and education capacity of the institution through the acquisition of special research equipment and the improvement of agricultural education and teaching, except that the Secretary shall use not less than 25 percent of the funds made available for grants under this subparagraph to provide fellowships to outstanding pre- and post-doctoral students for research in the agricultural sciences;
- (B) to a single investigator or coinvestigators who are beginning research careers and

do not have an extensive research publication record, except that, to be eligible for a grant under this subparagraph, an individual shall be within 5 years of the beginning of the initial career track position of the individual;

(C) to ensure that the faculty of small, mid-sized, and minority-serving institutions who have not previously been successful in obtaining competitive grants under this subsection receive a portion of the grants; and

(D) to improve research, extension, and education capabilities in States (as defined in section 3103 of this title) in which institutions have been less successful in receiving funding under this subsection, based on a 3-year rolling average of funding levels.

(7) Eligible entities

The Secretary may make grants to carry out research, extension, and education under this subsection to—

- (A) State agricultural experiment stations;
- (B) colleges and universities;
- (C) university research foundations;
- (D) other research institutions and organizations;
- (E) Federal agencies;
- (F) national laboratories;
- (G) private organizations or corporations;
- (H) individuals; or
- (I) any group consisting of 2 or more of the entities described in subparagraphs (A) through (H).

(8) Construction prohibited

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

(9) Matching funds**(A) Equipment grants****(i) In general**

Except as provided in clause (ii), in the case of a grant made under paragraph (6)(A), the amount provided under this subsection may not exceed 50 percent of the cost of the special research equipment or other equipment acquired using funds from the grant.

(ii) Waiver

The Secretary may waive all or part of the matching requirement under clause (i) in the case of a college, university, or research foundation maintained by a college or university that ranks in the lowest 1/3 of such colleges, universities, and research foundations on the basis of Federal research funds received, if the equipment to be acquired using funds from the grant costs not more than \$25,000 and has multiple uses within a single research project or is usable in more than 1 research project.

(B) Applied research

As a condition of making a grant under paragraph (5)(B), the Secretary shall require

the funding of the grant to be matched with equal matching funds from a non-Federal source if the grant is for applied research that is—

- (i) commodity-specific; and
- (ii) not of national scope.

(10) Program administration

To the maximum extent practicable, the Director of the National Institute of Food and Agriculture, in coordination with the Under Secretary for Research, Education, and Economics, shall allocate grants under this subsection to high-priority research, taking into consideration, when available, the determinations made by the National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 3123 of this title).

(11) Authorization of appropriations

(A) In general

There is authorized to be appropriated to carry out this subsection \$700,000,000 for each of fiscal years 2008 through 2012, of which—

(i) not less than 30 percent shall be made available for integrated research pursuant to section 7626 of this title; and

(ii) not more than 4 percent may be retained by the Secretary to pay administrative costs incurred by the Secretary in carrying out this subsection.

(B) Availability

Funds made available under this paragraph shall—

(i) be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are first made available; and

(ii) remain available until expended to pay for obligations incurred during that 2-year period.

(c) Special grants

(1) The Secretary of Agriculture may make grants, for periods not to exceed 3 years—

(A) to State agricultural experiment stations, all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research, extension, or education activities to facilitate or expand promising breakthroughs in areas of the food and agricultural sciences of importance to the United States; and

(B) to State agricultural experiment stations, land-grant colleges and universities, research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962 (16 U.S.C. 582a et seq.), and accredited schools or colleges of veterinary medicine for the purpose of facilitating or expanding ongoing State-Federal food and agricultural research, extension, or education programs that—

(i) promote excellence in research, extension, or education on a regional and national level;

(ii) promote the development of regional research centers;

(iii) promote the research partnership between the Department of Agriculture, colleges and universities, research foundations, and State agricultural experiment stations for regional research efforts; and

(iv) facilitate coordination and cooperation of research, extension, or education among States through regional grants.

(2) LIMITATIONS.—The Secretary may not make a grant under this subsection—

(A) for any purpose for which a grant may be made under subsection (d) of this section; or

(B) for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(3) MATCHING FUNDS.—Grants made under this subsection shall be made without regard to matching funds.

(4) SET ASIDES.—Of amounts appropriated for a fiscal year to carry out this subsection—

(A) ninety percent of such amounts shall be used for grants for regional research projects; and

(B) four percent of such amounts may be retained by the Secretary to pay administrative costs incurred by the Secretary to carry out this subsection.

(5) REVIEW REQUIREMENTS.—

(A) RESEARCH ACTIVITIES.—The Secretary shall make a grant under this subsection for a research activity only if the activity has undergone scientific peer review arranged by the grantee in accordance with regulations promulgated by the Secretary.

(B) EXTENSION AND EDUCATION ACTIVITIES.—The Secretary shall make a grant under this subsection for an extension or education activity only if the activity has undergone merit review arranged by the grantee in accordance with regulations promulgated by the Secretary.

(6) REPORTS.—

(A) IN GENERAL.—A recipient of a grant under this subsection shall submit to the Secretary on an annual basis a report describing the results of the research, extension, or education activity and the merit of the results.

(B) PUBLIC AVAILABILITY.—

(i) IN GENERAL.—Except as provided in clause (ii), on request, the Secretary shall make the report available to the public.

(ii) EXCEPTIONS.—Clause (i) shall not apply to the extent that making the report, or a part of the report, available to the public is not authorized or permitted by section 552 of title 5 or section 1905 of title 18.

(d) Repealed. Pub. L. 110-246, title VII, § 7406(b)(2), June 18, 2008, 122 Stat. 2013

(e) Inter-Regional Research Project Number 4

(1) The Secretary of Agriculture shall establish an Inter-Regional Research Project Number 4 (hereinafter referred to in this subsection as the “IR-4 Program”) to assist in the collection of residue and efficacy data in support of—

(A) the registration or reregistration of minor use pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.); and

(B) tolerances for residues of minor use chemicals in or on raw agricultural commodities under sections 346a and 348 of title 21.

(2) The Secretary shall carry out the IR-4 Program in cooperation with the Administrator of the Environmental Protection Agency, State agricultural experiment stations, colleges and universities, extension services, private industry, and other interested parties.

(3) In carrying out the IR-4 Program, the Secretary shall give priority to registrations, reregistrations, and tolerances for pesticide uses related to the production of agricultural crops for food use.

(4) As part of carrying out the IR-4 Program, the Secretary shall—

(A) participate in research activities aimed at reducing residues of pesticides registered for minor agricultural use;

(B) develop analytical techniques applicable to residues of pesticides registered for minor agricultural use, including automation techniques and validation of analytical methods; and

(C) coordinate with other programs within the Department of Agriculture and the Environmental Protection Agency designed to develop and promote biological and other alternative control measures.

(5) The Secretary shall prepare and submit, to appropriate Committees of Congress, a report on an annual basis that contains—

(A) a listing of all registrations, reregistrations, and tolerances for which data has been collected in the preceding year;

(B) a listing of all registrations, reregistrations, and tolerances for which data collection is scheduled to occur in the following year, with an explanation of the priority system used to develop this list; and

(C) a listing of all activities the IR-4 Program has carried out pursuant to paragraph (4).

(6) The Secretary shall submit to Congress not later than November 28, 1991, a report detailing the feasibility of requiring recoupment of the costs of developing residue data for registrations, reregistrations, or tolerances under this program. Such recoupment shall only apply to those registrants which make a profit on such registration, reregistration, or tolerance subsequent to residue data development under this program. Such report shall include:

(A) an analysis of possible benefits to the IR-4 Program of such a recoupment;

(B) an analysis of the impact of such a payment on the availability of registrants to pursue registrations or reregistrations of minor use pesticides; and

(C) recommendations for implementation of such a recoupment policy.

(7) There are authorized to be appropriated \$25,000,000 for fiscal year 1991, and such sums as are necessary for subsequent fiscal years to carry out this subsection.

(f) Record keeping

Each recipient of assistance under this section shall keep such records as the Secretary of Agriculture shall, by regulation, prescribe, including

records which fully disclose the amount and disposition by such recipient of the proceeds of such grants, the total cost of the project or undertaking in connection with which such funds are given or used, and the amount of that portion of the costs of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit. The Secretary of Agriculture and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients that are pertinent to the grants received under this section.

(g) Limits on overhead costs

The Secretary of Agriculture shall limit allowable overhead costs, with respect to grants awarded under this section, to those necessary to carry out the purposes of the grants.

(h) Authorization of appropriations

Except as otherwise provided in subsections (b) and (e) of this section, there are hereby authorized to be appropriated such sums as are necessary to carry out this section.

(i) Rules

The Secretary of Agriculture may issue such rules and regulations as the Secretary deems necessary to carry out this section.

(j) Application of other laws

The Federal Advisory Committee Act and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created for the purpose of reviewing applications or proposals submitted under this section.

(k) Emphasis on sustainable agriculture

The Secretary of Agriculture shall ensure that grants made under subsections (b) and (c) of this section are, where appropriate, consistent with the development of systems of sustainable agriculture. For purposes of this section, the term “sustainable agriculture” has the meaning given that term in section 3103 of this title.

(Pub. L. 89-106, §2, Aug. 4, 1965, 79 Stat. 431; Pub. L. 95-113, title XIV, §1414, Sept. 29, 1977, 91 Stat. 991; Pub. L. 97-98, title XIV, §1415, Dec. 22, 1981, 95 Stat. 1303; Pub. L. 99-198, title XIV, §1409, Dec. 23, 1985, 99 Stat. 1546; Pub. L. 101-624, title XIV, §1497, title XVI, §§1615, 1616, Nov. 28, 1990, 104 Stat. 3630, 3729, 3732; Pub. L. 102-237, title IV, §401, Dec. 13, 1991, 105 Stat. 1862; Pub. L. 104-66, title I, §1011(v), Dec. 21, 1995, 109 Stat. 711; Pub. L. 104-127, title VIII, §885, Apr. 4, 1996, 110 Stat. 1179; Pub. L. 105-185, title II, §§211, 212, title III, §301(f), title VI, §606(h), June 23, 1998, 112 Stat. 536, 563, 604; Pub. L. 107-76, title VII, §775, Nov. 28, 2001, 115 Stat. 746; Pub. L. 107-171, title VI, §6403(b), title VII, §§7136, 7211, May 13, 2002, 116 Stat. 429, 436, 447; Pub. L. 110-234, title VII, §§7101(b)(2), 7406(a), (b)(2), May 22, 2008, 122 Stat. 1213, 1247, 1251; Pub. L. 110-246, §4(a), title VII, §§7101(b)(2), 7406(a), (b)(2), June 18, 2008, 122 Stat. 1664, 1974, 2009, 2013.)

REFERENCES IN TEXT

Act of October 10, 1962, referred to in subsec. (c)(1)(B), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, popularly

known as the “McIntire-Stennis Act of 1962” and also as the “McIntire-Stennis Cooperative Forestry Act”, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title note set out under section 582a of Title 16 and Tables.

The Federal Insecticide, Fungicide, and Rodenticide Act, referred to in subsec. (e)(1)(A), is act June 25, 1947, ch. 125, as amended generally by Pub. L. 92–516, Oct. 21, 1972, 86 Stat. 973, which is classified generally to subchapter II (§136 et seq.) of chapter 6 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 136 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (j), 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 Food and Agriculture Act of 1977, referred to in subsec. (j), is Pub. L. 95–113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XVIII of the Act is classified generally to chapter 55A (§281 et seq.) of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–246, §7406(a), amended subsec. (b) generally. Prior to amendment, subsec. (b) authorized the Secretary to make competitive grants for research to further Department of Agriculture programs and to conduct a program to improve research capabilities in the agricultural, food, and environmental sciences and required an annual report to Congress describing the operations of the program during the preceding fiscal year.

Subsec. (d). Pub. L. 110–246, §7406(b)(2), struck out subsec. (d) which related to annual grants to support the renovation and refurbishment of research spaces in buildings or spaces to be used for research and the purchase and installation of fixed equipment in such spaces.

Subsec. (k). Pub. L. 110–246, §7101(b)(2), which directed amendment of “Section 2(k) of the Competitive, Special, and Facilities Research Grant Act” by substituting “3103” for “3103(17)”, was executed by making the substitution to subsec. (k) of this section, which is the Competitive, Special, and Facilities Research Grant Act, to reflect the probable intent of Congress.

2002—Subsec. (b)(2). Pub. L. 107–171, §7211, substituted “in the areas described in subparagraphs (A) through (F). Such needs shall be determined by the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, not later than July 1 of each fiscal year for the purposes of the following fiscal year.” for “in—” in provisions preceding subpar. (A).

Subsec. (b)(8)(B). Pub. L. 107–171, §6403(b), substituted “college, university, or research foundation maintained by a college or university that ranks in the lowest 1/3 of such colleges, universities, and research foundations on the basis of Federal research funds received” for “smaller college or university (as described in section 2204f(c)(2)(C)(ii) of this title)” in second sentence.

Subsec. (b)(10). Pub. L. 107–171, §7136, substituted “2007” for “2002” in introductory provisions.

2001—Subsec. (b)(3)(G). Pub. L. 107–76, §775(1), added subpar. (G).

Subsec. (b)(10)(C). Pub. L. 107–76, §775(2), substituted “, (F), and (G) of paragraph (3) for” for “and (F) of paragraph (3) for awarding grants in”.

1998—Subsec. (b)(1). Pub. L. 105–185, §§211(1), 606(h)(1), in first sentence, inserted “national laboratories,”

after “Federal agencies,” and in second sentence, substituted “National Agricultural Research, Extension, Education, and Economics Advisory Board (as established under section 3123 of this title)” for “Joint Council on Food and Agricultural Sciences and the National Agricultural Research and Extension Users Advisory Board”.

Subsec. (b)(2). Pub. L. 105–185, §211(2), substituted “multistate” for “regional” in introductory provisions.

Subsec. (b)(3)(E). Pub. L. 105–185, §211(3), substituted “an individual shall be within 5 years of the individual’s initial career track position” for “an individual shall have less than 5 years of post-graduate research experience” in second sentence.

Subsec. (b)(8)(B). Pub. L. 105–185, §211(4), substituted “the cost of” for “the cost” and inserted at end “The Secretary may waive all or part of the matching requirement under this subparagraph in the case of a smaller college or university (as described in section 2204f(c)(2)(C)(ii) of this title) if the equipment to be acquired costs not more than \$25,000 and has multiple uses within a single research project or is usable in more than 1 research project.”

Subsec. (b)(10). Pub. L. 105–185, §301(f), substituted “2002” for “1997” in introductory provisions.

Subsec. (c)(1). Pub. L. 105–185, §212(1)(A), substituted “3 years” for “5 years” in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 105–185, §212(1)(B), inserted “, extension, or education activities” after “conducting research”.

Subsec. (c)(1)(B). Pub. L. 105–185, §212(1)(C)(i), inserted “, extension, or education” after “agricultural research” in introductory provisions.

Subsec. (c)(1)(B)(i). Pub. L. 105–185, §212(1)(C)(ii), inserted “, extension, or education” after “research”.

Subsec. (c)(1)(B)(iv). Pub. L. 105–185, §212(1)(C)(iii), substituted “, extension, or education among States through regional” for “among States through regional research”.

Subsec. (c)(5), (6). Pub. L. 105–185, §212(2), added pars. (5) and (6).

Subsec. (l). Pub. L. 105–185, §606(h)(2), struck out heading and text of subsec. (l). Text read as follows: “The Secretary of Agriculture may consult with the Agricultural Science and Technology Review Board regarding the policies, priorities, and operation of subsections (b) and (c) of this section.”

1996—Subsec. (b)(10). Pub. L. 104–127, §885(a)(1), substituted “each of fiscal years 1995 through 1997” for “fiscal year 1995” in introductory provisions.

Subsec. (b)(10)(B). Pub. L. 104–127, §885(a)(2), substituted “40 percent” for “20 percent”.

Subsec. (b)(11). Pub. L. 104–127, §885(b), added par. (11). 1995—Subsecs. (l), (m). Pub. L. 104–66 redesignated subsec. (m) as (l) and struck out former subsec. (l) which directed Secretary of Agriculture to submit annual reports to Congress on competitive grant and special grant awards.

1991—Subsec. (a). Pub. L. 102–237, §401(a), designated existing provisions as par. (1) and added par. (2).

Subsec. (b)(10). Pub. L. 102–237, §401(b)(1), struck out “and” after “1993.”

Subsec. (e). Pub. L. 102–237, §401(b)(2)(A), substituted “Inter-Regional Research Project Number 4” for “Record keeping” as heading.

Subsec. (e)(1). Pub. L. 102–237, §401(b)(2)(B), substituted “this subsection” for “this section” in introductory provisions.

Subsec. (e)(2) to (4). Pub. L. 102–237, §401(b)(2)(C), substituted “IR-4 Program” for “IR-4 program”.

Subsec. (e)(5)(B). Pub. L. 102–237, §401(b)(2)(D), substituted “registrations,” for “registration,” and inserted “and” at end.

Subsec. (e)(5)(C). Pub. L. 102–237, §401(b)(2)(C), substituted “IR-4 Program” for “IR-4 program”.

Subsec. (e)(6). Pub. L. 102–237, §401(b)(2)(E), substituted “not later than November 28, 1991,” for “with in one year of November 28, 1990,” and inserted a comma after “reregistrations” in first sentence.

Subsec. (e)(6)(A). Pub. L. 102–237, §401(b)(2)(C), substituted “IR-4 Program” for “IR-4 program”.

Subsec. (e)(7). Pub. L. 102-237, §401(b)(2)(B), substituted “this subsection” for “this section”.

Subsec. (f). Pub. L. 102-237, §401(b)(3), substituted “Record keeping” for “Limits on overhead costs” as heading.

Subsec. (g). Pub. L. 102-237, §401(b)(4), substituted “Limits on overhead costs” for “Authorization of appropriations” as heading.

Subsec. (h). Pub. L. 102-237, §401(b)(5), substituted “Authorization of appropriations” for “Rules” as heading and “subsections (b) and (e) of this section” for “subsection (b) of this section” and struck out “the provisions of” after “to carry out”.

Subsec. (i). Pub. L. 102-237, §401(b)(6), substituted “Rules” for “Application of other laws” as heading, substituted “may” for “is authorized to”, and struck out “the provisions of” after “to carry out”.

Subsec. (j). Pub. L. 102-237, §401(b)(7), (8), inserted “Application of other laws” as heading and redesignated another subsec. (j), relating to emphasis on sustainable agriculture, as (k).

Subsecs. (k) to (m). Pub. L. 102-237, §401(b)(8), redesignated subsecs. (j) to (l), as added by Pub. L. 101-624, §1615(b), as (k) to (m), respectively.

1990—Pub. L. 101-624, §1615(c)(1), inserted “Competitive, special, and facilities research grants” as section catchline.

Subsec. (a). Pub. L. 101-624, §1615(c)(1), inserted heading.

Subsec. (b). Pub. L. 101-624, §1615(a), inserted heading, designated first two sentences of existing text as par. (1), added pars. (2) to (10), and struck out former similar provisions which identified “high priority research” as well as provisions relating to the awarding, administration, and funding of such research.

Subsec. (c). Pub. L. 101-624, §1616, amended subsec. (c) generally, designating former introductory text as par. (1), redesignating former pars. (1) and (2) as subpars. (A) and (B), respectively, and in subpar. (A), expanding the entities which may receive grants under this subsection to include all colleges and universities, other research institutions and organizations, Federal agencies, private organizations or corporations, and individuals for the purpose of conducting research in areas of food and agriculture important to the U.S., and designating former closing provisions as pars. (2) through (4), and in par. (4), inserting provisions requiring that ninety percent of the amounts appropriated for a fiscal year under this subsection be used for regional research projects.

Subsec. (d). Pub. L. 101-624, §1615(c)(2), inserted heading.

Subsec. (e). Pub. L. 101-624, §§1497(1), (2), 1615(c)(3), added subsec. (e), inserted heading, and redesignated former subsec. (e) as (f).

Subsec. (f). Pub. L. 101-624, §§1497(1), 1615(c)(4), redesignated subsec. (e) as (f) and inserted heading. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 101-624, §§1497(1), 1615(c)(5), redesignated subsec. (f) as (g) and inserted heading. Former subsec. (g) redesignated (h).

Pub. L. 101-624, §1497(3), which directed insertion of “and subsection (e)” after “subsection (b)”, could not be executed because “subsection (b)” did not appear in text.

Subsec. (h). Pub. L. 101-624, §§1497(1), 1615(c)(6), redesignated subsec. (g) as (h) and inserted heading. Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 101-624, §§1497(1), 1615(c)(7), redesignated subsec. (h) as (i) and inserted heading. Former subsec. (i) redesignated (j).

Subsec. (j). Pub. L. 101-624, §1615(b), added subsec. (j) relating to emphasis on sustainable agriculture.

Pub. L. 101-624, §1497(1), redesignated subsec. (i), relating to application of other laws, as (j).

Subsecs. (k) and (l). Pub. L. 101-624, §1615(b), added subsecs. (k) and (l).

1985—Subsec. (b). Pub. L. 99-198, §1409(a)(1), (2), substituted in third sentence par. “(2) research, with emphasis on biotechnology,” for “(2) research” and added

pars. (7) and (8), and prohibited any grant under subsec. (b) for any purpose for which a grant may be made under subsec. (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

Pub. L. 99-198, §1409(a)(3), in concluding provisions substituted appropriations authorization of \$70,000,000 annually for fiscal years ending Sept. 30, 1986, through Sept. 30, 1990 for prior authorization of 25, 30, 35, and 40 million dollars for fiscal years ending Sept. 30, 1978, through Sept. 30, 1981, and 50 million dollars annually for fiscal years ending Sept. 30, 1982, through Sept. 30, 1985, and for any subsequent fiscal year not in excess of such sums as may be authorized by law; and authorized retention of four percent of appropriated funds for payment of administrative costs.

Subsec. (c). Pub. L. 99-198, §1409(b)(1), prohibited any grant under subsec. (c) for any purpose for which a grant may be made under subsec. (d) or for the planning, repair, rehabilitation, acquisition, or construction of a building or a facility.

Pub. L. 99-198, §1409(b)(2), authorized retention of four percent of appropriated funds for payment of administrative costs.

Subsec. (i). Pub. L. 99-198, §1409(c), added subsec. (i). 1981—Subsec. (b). Pub. L. 97-98, §1415(a), inserted “and the National Agricultural Research and Extension Users Advisory Board” and provision specifying what is included in high priority research and substituted “for each of the fiscal years ending September 30, 1982, September 30, 1983, September 30, 1984, and September 30, 1985” for “for the fiscal year ending September 30, 1982”.

Subsec. (c). Pub. L. 97-98, §1415(b), in par. (1) inserted “research foundations established by land-grant colleges and universities,” in par. (2) inserted reference to research foundations established by land-grant colleges and universities, colleges and universities receiving funds under the Act of October 10, 1962, and accredited schools or colleges of veterinary medicine, and added subpar. (D).

Subsec. (d). Pub. L. 97-98, §1415(c), in provision preceding par. (1) substituted provision directing that annual grants be made to support the renovation and refurbishment, including energy retrofitting, of research spaces in buildings or spaces to be used for research, and the purchase and installation of fixed equipment in such spaces and providing that grants may be used for new construction only for auxiliary facilities and fixed equipment used for research in such facilities, such as greenhouses, insectaries, and research farm structures and installations for provision that grants be made to support the purchase of equipment, supplies, and land, and the construction, alteration, or renovation of buildings, necessary for the conduct of food and agricultural research and added pars. (3) and (4).

1977—Pub. L. 95-113 designated existing provisions as subsec. (e) and a part of subsec. (b) and added the remainder of subsec. (b) and subsecs. (a), (c), (d), (f), (g), and (h).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Pub. L. 110-234, title VII, §7406(c), May 22, 2008, 122 Stat. 1251, and Pub. L. 110-246, §4(a), title VII, §7406(c), June 18, 2008, 122 Stat. 1664, 2013, provided that: “The amendments made by this section [amending this section and sections 3319, 5924, and 5925b of this title and repealing section 7621 of this title] shall not apply to any solicitation for grant applications issued by the Cooperative State Research, Education, and Extension Service before the date of enactment of this Act [June 18, 2008].”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a)

of Pub. L. 110-246, set out as a note under section 8701 of this title.]

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-198, title XIV, § 1409(a)(3), Dec. 23, 1985, 99 Stat. 1547, provided that the amendment made by section 1409(a)(3) of Pub. L. 99-198 is effective Oct. 1, 1985.

Pub. L. 99-198, title XIV, § 1409(b)(2), Dec. 23, 1985, 99 Stat. 1547, provided that the amendment made by section 1409(b)(2) of Pub. L. 99-198 is effective Oct. 1, 1985.

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 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.

§ 450j. Indemnity payments to dairy farmers and manufacturers of dairy products; milk removed for its residue of chemical or toxic substances; nuclear radiation or fallout contaminants; other legal recourse

The Secretary of Agriculture is authorized to make indemnity payments for milk or cows producing such milk at a fair market value, to dairy farmers who have been directed since January 1, 1964 (but only since August 10, 1973, in the case of indemnity payments not authorized prior to August 10, 1973), to remove their milk, and to make indemnity payments for dairy products at fair market value to manufacturers of dairy products who have been directed since November 30, 1970, to remove their dairy products from commercial markets because of residues of chemicals registered and approved for use by the Federal Government at the time of such use. The Secretary is also authorized to make indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer: *Provided*, That no indemnity payment may be made for contamination resulting from such residues of chemicals or toxic substances if the Secretary determines within thirty days after the date of application for payment that other legal recourse is available to the farmer. Any indemnity payment to any farmer shall continue until he has been reinstated and is again allowed to dispose of his milk on commercial markets.

(Pub. L. 90-484, § 1, Aug. 13, 1968, 82 Stat. 750; Pub. L. 91-524, title II, § 204(b), Nov. 30, 1970, 84 Stat. 1362; Pub. L. 93-86, § 1(5)(B), Aug. 10, 1973, 87 Stat. 223; Pub. L. 95-113, title II, § 205(1), Sept. 29, 1977, 91 Stat. 920.)

PRIOR PROVISIONS

The following Acts authorized indemnity payments for the periods ending as indicated:

June 30, 1968—Pub. L. 90-95, § 1, Sept. 28, 1967, 81 Stat. 231.

June 30, 1967—Pub. L. 89-794, title III, § 301(c), Nov. 8, 1966, 80 Stat. 1465.

June 30, 1966—Pub. L. 89-253, § 24, Oct. 29, 1965, 79 Stat. 977.

June 30, 1965—Pub. L. 89-16, title III, § 303, Apr. 30, 1965, 79 Stat. 108.

Jan. 31, 1965—Pub. L. 88-452, title III, § 331, Aug. 20, 1964, 78 Stat. 525.

AMENDMENTS

1977—Pub. L. 95-113 authorized indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of the presence of products of nuclear radiation or fall-out if such contamination is not due to the fault of the farmer, or because of residues of chemicals or toxic substances not included under the first sentence of this section if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, and inserted provision that no indemnity payment may be made for contamination resulting from residues of chemicals or toxic substances if the Secretary determines within thirty days after the date of application for payment that other legal recourse is available to the farmer.

1973—Pub. L. 93-86 inserted “for milk or cows producing such milk” after “The Secretary of Agriculture is authorized to make indemnity payments” and “(but only since August 10, 1973, in the case of indemnity payments not authorized prior to August 10, 1973)” after “January 1, 1964” and substituted “, and to make indemnity payments for dairy products at fair market value to” for “and” after “remove their milk” and “of” for “it contained” before “residues of chemicals”.

1970—Pub. L. 91-524 inserted “and manufacturers of dairy products who have been directed since November 30, 1970, to remove their dairy products,” after “milk”, in first sentence, and substituted “Any indemnity payment to any farmer shall continue” for “Such indemnity payments shall continue to each dairy farmer” in second sentence.

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.

§ 450k. Authorization of appropriations for dairy farmer indemnities

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of sections 450j to 450l of this title.

(Pub. L. 90-484, § 2, Aug. 13, 1968, 82 Stat. 750.)

PRIOR PROVISIONS

The following Acts authorized indemnity payments for the periods ending as indicated:

June 30, 1968—Pub. L. 90-95, § 2, Sept. 28, 1967, 81 Stat. 231.

June 30, 1967—Pub. L. 89-794, title III, § 301(c), Nov. 8, 1966, 80 Stat. 1465.

June 30, 1966—Pub. L. 89-253, § 24, Oct. 29, 1965, 79 Stat. 977.

June 30, 1965—Pub. L. 89-16, title III, § 303, Apr. 30, 1965, 79 Stat. 108.

Jan. 31, 1965—Pub. L. 88-452, title III, § 331, Aug. 20, 1964, 78 Stat. 525.

§ 450l. Expiration of dairy farmer indemnity program

The authority granted under sections 450j to 450l of this title shall expire on September 30, 2012.

(Pub. L. 90-484, §3, Aug. 13, 1968, 82 Stat. 750; Pub. L. 91-524, title II, §204(a), Nov. 30, 1970, 84 Stat. 1361; Pub. L. 93-86, §1(5)(A), Aug. 10, 1973, 87 Stat. 223; Pub. L. 95-113, title II, §205(2), Sept. 29, 1977, 91 Stat. 920; Pub. L. 97-98, title I, §105, Dec. 22, 1981, 95 Stat. 1220; Pub. L. 99-198, title I, §152, Dec. 23, 1985, 99 Stat. 1377; Pub. L. 101-624, title I, §110, Nov. 28, 1990, 104 Stat. 3380; Pub. L. 107-171, title I, §1503(b), May 13, 2002, 116 Stat. 207; Pub. L. 110-234, title I, §1505, May 22, 2008, 122 Stat. 994; Pub. L. 110-246, §4(a), title I, §1505, June 18, 2008, 122 Stat. 1664, 1723.)

CODIFICATION

The authorities provided by each provision of, and each amendment made by, Pub. L. 110-246, as in effect on Sept. 30, 2012, to continue, and the Secretary of Agriculture to carry out the authorities, until the later of Sept. 30, 2013, or the date specified in the provision of, or amendment made by, Pub. L. 110-246, see section 701(a) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of this title.

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

The following Acts authorized indemnity payments for the periods ending as indicated:

June 30, 1968—Pub. L. 90-95, §3, Sept. 28, 1967, 81 Stat. 231.

June 30, 1967—Pub. L. 89-794, title III, §301(c), Nov. 8, 1966, 80 Stat. 1465.

June 30, 1966—Pub. L. 89-253, §24, Oct. 29, 1965, 79 Stat. 977.

June 30, 1965—Pub. L. 89-16, title III, §303, Apr. 30, 1965, 79 Stat. 108.

Jan. 31, 1965—Pub. L. 88-452, title III, §331, Aug. 20, 1964, 78 Stat. 525.

AMENDMENTS

2008—Pub. L. 110-246, §1505, substituted “2012” for “2007”.

2002—Pub. L. 107-171 substituted “2007” for “1995”.

1990—Pub. L. 101-624 substituted “1995” for “1990”.

1985—Pub. L. 99-198 substituted “1990” for “1985”.

1981—Pub. L. 97-98 substituted “1985” for “1981”.

1977—Pub. L. 95-113 substituted “September 30, 1981” for “June 30, 1977”.

1973—Pub. L. 93-86 substituted “1977” for “1973”.

1970—Pub. L. 91-524 substituted “1973” for “1970”.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

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 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.

CHAPTER 18—COOPERATIVE MARKETING

Sec. 451. “Agricultural products” defined.

- Sec. 452. Supervision of division of cooperative marketing.
- 453. Authority and duties of division.
- 454. Advisers to counsel with Secretary of Agriculture; expenses and subsistence.
- 455. Dissemination of crop, market, etc., information by cooperative marketing associations.
- 456. Rules and regulations; appointment, removal, and compensation of employees; expenditures; authorization of appropriations.
- 457. Separability.

§ 451. “Agricultural products” defined

When used in this chapter the term “agricultural products” means agricultural, horticultural, viticultural, and dairy products, livestock and the products thereof, the products of poultry and bee raising, the edible products of forestry, and any and all products raised or produced on farms and processed or manufactured products thereof, transported or intended to be transported in interstate and/or foreign commerce.

(July 2, 1926, ch. 725, §1, 44 Stat. 802.)

§ 452. Supervision of division of cooperative marketing

The division of cooperative marketing shall be under the direction and supervision of the Secretary of Agriculture.

(July 2, 1926, ch. 725, §2, 44 Stat. 802.)

CODIFICATION

First sentence of section, which provided that “The Secretary of Agriculture is hereby authorized and directed to establish a division of cooperative marketing with suitable personnel in the Bureau of Agricultural Economics of the Department of Agriculture or in such bureau in the Department of Agriculture as may hereafter be concerned with the marketing and distribution of farm products” was omitted from the Code as executed.

TRANSFER TO SECRETARY OF AGRICULTURE

Act Aug. 6, 1953, ch. 335, §9, 67 Stat. 394, provided: “There is hereby transferred from the Farm Credit Administration to the jurisdiction and control of the Secretary of Agriculture the Division of Cooperative Marketing (by whatever name now called) authorized and created under and by virtue of an Act of Congress of July 2, 1926 (Public, Numbered 450, Sixty-ninth Congress), entitled ‘An Act to create a Division of Cooperative Marketing in the Department of Agriculture; to provide for the acquisition and dissemination of information pertaining to cooperation; to promote the knowledge of cooperative principles and practices; to provide for calling advisers to counsel with the Secretary of Agriculture on cooperative activities; to authorize cooperative associations to acquire, interpret, and disseminate crop and market information, and for other purposes [this chapter]’, together with all functions pertaining to the work and services of such Division, its personnel, property (including office equipment), assets, funds, contracts, and records used and employed in the execution of its functions, powers, and duties, and so much of the unexpended balances of appropriations, allocations, and other funds available or to be made available for salaries, expenses, and all other administrative expenditures as the Director of the Bureau of the Budget [now Director of the Office of Management and Budget] shall determine, for use in the execution of the functions, powers, and duties of said Division.”