

(Oct. 31, 1949, ch. 792, title V, § 507, as added Dec. 23, 1985, Pub. L. 99-198, title X, § 1031, 99 Stat. 1463.)

#### PRIOR PROVISIONS

A prior section 1467, act Oct. 31, 1949, ch. 792, title V, § 508, formerly § 507, as added July 12, 1951, ch. 223, 65 Stat. 121, renumbered and amended Oct. 3, 1961, Pub. L. 87-345, §§ 3, 5, 75 Stat. 761, defined "agricultural employment" and "employer" for purposes of the program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

§ 1468. Establishment of bases and yields not otherwise capable of establishment by county committee for farms administratively located within county

Each county committees<sup>2</sup> may, in accordance with regulations prescribed by the Secretary, provide for the establishment of a farm acreage base, crop acreage base, and farm program payment yield with respect to any farm administratively located within the county if such farm acreage base, crop acreage base, or farm program payment yield cannot otherwise be established under this subchapter. Such bases and farm program payment yields shall be established in a fair and equitable manner, but no such bases or farm program payment yields shall be established for a farm if the producer on such farm is subject to sanctions under any provision of Federal law for cultivating highly erodible land or converted wetland.

(Oct. 31, 1949, ch. 792, title V, § 508, as added Dec. 23, 1985, Pub. L. 99-198, title X, § 1031, 99 Stat. 1464.)

#### PRIOR PROVISIONS

A prior section 1468, act Oct. 31, 1949, ch. 792, title V, § 509, formerly § 508, as added July 12, 1951, ch. 223, 65 Stat. 121, and renumbered Oct. 3, 1961, Pub. L. 87-345, § 3, 75 Stat. 761, related to importation of workers from other foreign countries with regard to a program of recruiting agricultural workers from Mexico for employment up to December 31, 1964.

§ 1469. Administrative appeal procedures

The Secretary shall establish an administrative appeal procedure which provides for an administrative review of determinations made with respect to farm acreage bases, crop acreage bases, and farm program payment yields.

(Oct. 31, 1949, ch. 792, title V, § 509, as added Dec. 23, 1985, Pub. L. 99-198, title X, § 1031, 99 Stat. 1464.)

#### PRIOR PROVISIONS

A prior section 509, formerly 508, of act Oct. 31, 1949, was formerly classified to section 1468 of this title. See Prior Provisions note set out under section 1468 of this title.

### CHAPTER 36—CROP INSURANCE

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1301, 1391, 1441, 1441-1, 1444, 1444-1, 1444d, 1444e, 1445b-1, 1445b-3, 1961 of this title; title 12 section 1150a; title 16 sections 3811, 3821; title 21 section 881a.

<sup>2</sup> So in original. Probably should be "committee".

§ 1508. Agricultural commodity crop insurance

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1444, 1506, 1518 of this title.

§ 1516. Authorization of appropriations

[See main edition for text of (a) and (b)]

(c) Emergency funding in case of insufficient moneys

(1) If at any time the moneys available to the Federal Crop Insurance Corporation are insufficient to enable the Corporation to discharge its responsibility of indemnifying producers for losses under this chapter, the Corporation may, upon majority vote of its Board of Directors, request the Secretary of Agriculture to use the funds of the Commodity Credit Corporation to make timely payment of indemnities to producers. Upon receiving such a request, the Secretary of Agriculture may use the funds of the Commodity Credit Corporation to meet obligations to indemnify producers for losses under this chapter.

[See main edition for text of (2); (d)]

(As amended Dec. 23, 1985, Pub. L. 99-198, title X, § 1021, 99 Stat. 1459.)

#### AMENDMENTS

1985—Subsec. (c)(1). Pub. L. 99-198 struck out provision that the Secretary's authority to use the funds of the Commodity Credit Corporation for the purposes of this subsection would expire one year after the date on which that authority was first used.

### CHAPTER 37—SEEDS

#### SUBCHAPTER IV—GENERAL PROVISIONS

§ 1600. Appeal to court of appeals

[See main edition for text of first to third pars.]

The evidence so taken or admitted and filed as aforesaid as a part of the record, shall be considered by the court as the evidence in the case.

[See main edition for text of fifth to seventh pars.]

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(7)(A), 98 Stat. 3357.)

#### AMENDMENTS

1984—Pub. L. 98-620 in fourth par., struck out provisions requiring proceedings in such cases in the court of appeals to be made a preferred cause and expedited in every way.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1601. Enforcement of order

If any person against whom an order is issued under section 1599 of this title fails to obey the order, the Secretary of Agriculture, or the United States, by its Attorney General, may apply to the court of appeals of the United

States, within the circuit where the person against whom the order was issued resides or has his principal place of business, for the enforcement of the order, and shall file the record in such proceedings, as provided in section 2112 of title 28. Upon such filing of the application the court shall cause notice thereof to be served upon the person against whom the order was issued. The evidence to be considered, the procedure to be followed, and the jurisdiction of the court shall be the same as provided in section 1600 of this title for applications to set aside or modify orders.

(As amended Nov. 8, 1984, Pub. L. 98-620, title IV, § 402(7)(B), 98 Stat. 3357.)

#### AMENDMENTS

1984—Pub. L. 98-620 struck out second par. which required proceedings in such cases to be made a preferred cause and expedited in every way.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

### CHAPTER 38—DISTRIBUTION AND MARKETING OF AGRICULTURAL PRODUCTS

Sec.

1631. Protection for purchasers of farm products.
- (a) Congressional findings.
  - (b) Declaration of purpose.
  - (c) Definitions.
  - (d) Purchases free of security interest.
  - (e) Purchases subject to security interest.
  - (f) Law governing "receipt".
  - (g) Commission merchants or selling agents: sales free of or subject to security interest; law governing "receipt".
  - (h) Security agreements; identity lists; notice of identity or accounting for proceeds; violations.
  - (i) Regulations.
  - (j) Effective date.

1632. Market expansion research.

#### § 1622. Duties of Secretary relating to agricultural products

The Secretary of Agriculture is directed and authorized:

*[See main edition for text of (a) to (g)]*

- (h) Inspection and certification of products in interstate commerce; credit and future availability of funds; investment; certificates as evidence; penalties

To inspect, certify, and identify the class, quality, quantity, and condition of agricultural products when shipped or received in interstate commerce, under such rules and regulations as the Secretary of Agriculture may prescribe, including assessment and collection of such fees as will be reasonable and as nearly as may be to cover the cost of the service rendered, to the end that agricultural products may be marketed to the best advantage, that trading may be facilitated, and that consumers may be able to obtain the quality product which they desire, except that no person shall be required to use

the service authorized by this subsection. Any fees collected under this subsection, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall be credited to the trust fund account that incurs the cost of the services provided under this subsection and shall remain available without fiscal year limitation to pay the expenses of the Secretary incident to providing such services. Such funds may be invested by the Secretary in insured or fully collateralized, interest-bearing accounts or, at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments. Any official certificate issued under the authority of this subsection shall be received by all officers and all courts of the United States as prima facie evidence of the truth of the statements therein contained. Whoever knowingly shall falsely make, issue, alter, forge, or counterfeit any official certificate, memorandum, mark, or other identification, or device for making such mark or identification, with respect to inspection, class, grade, quality, size, quantity, or condition, issued or authorized under this section or knowingly cause or procure, or aid, assist in, or be a party to, such false making, issuing, altering, forging, or counterfeiting, or whoever knowingly shall possess, without promptly notifying the Secretary of Agriculture or his representative, utter, publish, or use as true, or cause to be uttered, published, or used as true, any such falsely made, altered, forged, or counterfeited official certificate, memorandum, mark, identification, or device, or whoever knowingly represents that an agricultural product has been officially inspected or graded (by an authorized inspector or grader) under the authority of this section when such commodity has in fact not been so graded or inspected shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

*[See main edition for text of (i)]*

- (j) Improvement of transportation facilities and rates

To assist in improving transportation services and facilities and in obtaining equitable and reasonable transportation rates and services and adequate transportation facilities for agricultural products and farm supplies by making complaint or petition to the Interstate Commerce Commission, the Maritime Commission,<sup>1</sup> or other Federal or State transportation regulatory body, or the Secretary of Transportation, with respect to rates, charges, tariffs, practices, and services, or by working directly with individual carriers or groups of carriers.

*[See main edition for text of (k) to (n)]*

(As amended Aug. 28, 1984, Pub. L. 98-403, § 2, 98 Stat. 1480; Oct. 4, 1984, Pub. L. 98-443, § 9(j), 98 Stat. 1708.)

#### AMENDMENTS

1984—Subsec. (h). Pub. L. 98-403 added provisions relating to the credit of certain funds to the trust fund

<sup>1</sup> So in original.