

representative of any such owner or holder, who, under the conditions hereinbefore stated, shall refuse or willfully neglect to furnish any information herein provided for or shall willfully give answers that are false or shall refuse to allow agents or employees of the Department of Agriculture to examine or classify any cotton in store in any such establishment, or in the hands of any owner or holder or of the agent or representative of any such owner or holder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than \$300 or more than \$1,000.

(Mar. 3, 1927, ch. 337, §3, 44 Stat. 1373; Pub. L. 86-507, §1(3), June 11, 1960, 74 Stat. 200; Pub. L. 91-375, §§4(a), 6(o), Aug. 12, 1970, 84 Stat. 773, 783.)

#### AMENDMENTS

1960—Pub. L. 86-507 inserted “or by certified mail” after “registered mail”, and “or receipt for certified mail” after “registry receipt.”

#### CHANGE OF NAME

“United States Postal Service” substituted in text for “Post Office Department” pursuant to Pub. L. 91-375, §§4(a), 6(o), Aug. 12, 1970, 84 Stat. 773, 783, which are set out as notes preceding section 101 of Title 39, Postal Service, and under section 201 of Title 39, respectively, which abolished Post Office Department, transferred its functions to United States Postal Service, and provided that references in other laws to Post Office Department shall be considered a reference to United States Postal Service.

### § 473a. Cotton classification services

#### (a) In general

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

- (1) make cotton classification services available to producers of cotton; and
- (2) provide for the collection of classification fees from participating producers or agents that voluntarily agree to collect and remit the fees on behalf of producers.

#### (b) Fees

##### (1) Use of fees

Classification fees collected under subsection (a)(2) and the proceeds from the sales of samples submitted under this section shall, to the maximum extent practicable, be used to pay the cost of the services provided under this section, including administrative and supervisory costs.

##### (2) Announcement of fees

The Secretary shall announce a uniform classification fee and any applicable surcharge for classification services not later than June 1 of the year in which the fee applies.

#### (c) Consultation

##### (1) In general

In establishing the amount of fees under this section, the Secretary shall consult with representatives of the United States cotton industry.

##### (2) Exemption

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to consultations with representatives of the United States cotton industry under this section.

#### (d) Crediting of fees

Any fees collected under this section and under section 473d of this title, late payment penalties, the proceeds from the sales of samples, and interest earned from the investment of such funds shall—

- (1) be credited to the current appropriation account that incurs the cost of services provided under this section and section 473d of this title; and
- (2) remain available without fiscal year limitation to pay the expenses of the Secretary in providing those services.

#### (e) Investment of funds

Funds described in subsection (d) may be invested—

- (1) by the Secretary in insured or fully collateralized, interest-bearing accounts; or
- (2) at the discretion of the Secretary, by the Secretary of the Treasury in United States Government debt instruments.

#### (f) Lease agreements

Notwithstanding any other provision of law, the Secretary may enter into long-term lease agreements that exceed 5 years or may take title to property (including through purchase agreements) for the purpose of obtaining offices to be used for the classification of cotton in accordance with this chapter, if the Secretary determines that action would best effectuate the purposes of this chapter.

#### (g) Authorization of appropriations

To the extent that financing is not available from fees and the proceeds from the sales of samples, there are authorized to be appropriated such sums as are necessary to carry out this section.

(Mar. 3, 1927, ch. 337, §3a, as added Apr. 13, 1937, ch. 75, 50 Stat. 62; amended Pub. L. 97-35, title I, §156(b), Aug. 13, 1981, 95 Stat. 373; Pub. L. 98-403, §1, Aug. 28, 1984, 98 Stat. 1479; Pub. L. 100-108, §2, Aug. 20, 1987, 101 Stat. 728; Pub. L. 102-237, title I, §120(a)-(c), Dec. 13, 1991, 105 Stat. 1842, 1843; Pub. L. 104-127, title IX, §912(a), Apr. 4, 1996, 110 Stat. 1185; Pub. L. 107-171, title X, §10801(a), May 13, 2002, 116 Stat. 525; Pub. L. 110-234, title XIV, §14201, May 22, 2008, 122 Stat. 1457; Pub. L. 110-246, §4(a), title XIV, §14201, June 18, 2008, 122 Stat. 1664, 2219.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (c)(2), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

#### 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—Pub. L. 110-246, §14201, inserted section catchline and amended text generally, substituting provisions consisting of subsecs. (a) to (g) for former undesignated provisions which related to cotton classification services in fiscal years 1992 through 2007.

2002—Pub. L. 107-171 substituted “2007” for “2002” in first sentence.

1996—Pub. L. 104-127 substituted “2002” for “1996” in first sentence.

1991—Pub. L. 102-237, § 120(c), amended third sentence generally. Prior to amendment, third sentence read as follows: “Special classification services provided at the request of the producer shall not be subject to the restrictions specified in clauses (1), (2), and (3) of the preceding sentence.”

Pub. L. 102-237, § 120(b)(2), added cl. (7) and struck out former cl. (7). Text read as follows: “the Secretary shall announce the uniform classification fee and any surcharge for the crop not later than June 1 of the year in which the fee applies, except that for fiscal year 1987, such announcement shall be made as soon as practicable following enactment of this proviso.”

Pub. L. 102-237, § 120(b)(1), added cls. (1) and (2) and struck out former cls. (1) and (2). Text read as follows: “(1) the uniform per bale classification fee to be collected from producers, or their agents, for such classification service in any year shall be the uniform fee collected in the previous year, exclusive of adjustments to such fee made in the previous year under clauses (2), (3), and (4) of this proviso, and as may be adjusted by the percentage change in the Implicit Price Deflator for Gross National Product as indexed during the most recent twelve-month period for which statistics are available; (2) the fee calculated in accordance with clause (1) for a crop year may be increased by an amount not to exceed 1 per centum for every 100,000 running bales, or portion thereof, that the Secretary estimates will be produced in such crop year below the level of 12,500,000 running bales, or decreased by an amount not to exceed 1 per centum for every 100,000 running bales, or portion thereof, that the Secretary estimates will be produced in such crop year above the level of 12,500,000 running bales;”.

Pub. L. 102-237, § 120(a), amended first sentence generally. Prior to amendment, first sentence read as follows: “Effective for the fiscal years ending September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, September 30, 1991, and September 30, 1992, the Secretary of Agriculture shall make cotton classification services available to producers of cotton and shall provide for the collection of classification fees from participating producers, or agents who voluntarily agree to collect and remit the fees on behalf of producers.”

1987—Pub. L. 100-108 amended first sentence generally, substituting “September 30, 1987, September 30, 1988, September 30, 1989, September 30, 1990, September 30, 1991, and September 30, 1992” for “September 30, 1985, September 30, 1986, September 30, 1987, and September 30, 1988” and striking out “from” before “agents who voluntarily agree”, in second sentence inserted first proviso and struck out former first proviso which read as follows: “That (1) the uniform per bale classification fee to be collected from producers, or their agents, for such classification service in any year shall not exceed the uniform fee collected in the previous year by more than the percentage increase in the Implicit Price Deflator for Gross National Product as indexed during the most recent twelve-month period for which official statistics are available, and (2) the uniform per bale classification fee shall not be increased for any year if the accumulated reserve exceeds 20 per centum of the cost of the classification program in the previous year”, and in third sentence substituted “clauses (1), (2), and (3)” for “clauses (1) and (2)”.

1984—Pub. L. 98-403 substituted provisions requiring the Secretary to make classification service available to producers and to set and collect fees for provisions establishing similar requirements effective for fiscal years ending Sept. 30, 1982, 1983, and 1984.

1981—Pub. L. 97-35 substituted provisions effective for fiscal years ending Sept. 30, 1982, 1983, and 1984, requiring the Secretary to make classification services available to producers, and to set and collect fees, for provisions authorizing the Secretary to determine and make available classification procedures.

## 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 AND TERMINATION DATES OF 1991 AMENDMENT

Pub. L. 102-237, title I, § 120(e), Dec. 13, 1991, 105 Stat. 1842, provided that subsections (a), (b), and (c) of that section, and the amendments made by subsections (a), (b), and (c) to this section, were effective for the period beginning on Dec. 13, 1991, and ending on September 30, 1996, prior to repeal by Pub. L. 107-171, title X, § 10801(b)(3), May 13, 2002, 116 Stat. 525.

## EFFECTIVE AND TERMINATION DATES OF 1987 AMENDMENT

That part of Pub. L. 100-108, § 2, Aug. 20, 1987, 101 Stat. 728, which provided that the amendment made by Pub. L. 100-108 was effective for the period beginning Aug. 20, 1987, and ending Sept. 30, 1992, was repealed by Pub. L. 107-171, title X, § 10801(b)(2), May 13, 2002, 116 Stat. 525.

## EFFECTIVE AND TERMINATION DATES OF 1984 AMENDMENT

That part of Pub. L. 98-403, [§ 1], Aug. 28, 1984, 98 Stat. 1479, which provided that the amendment made by Pub. L. 98-403 was effective for the period beginning Oct. 1, 1984, and ending Sept. 30, 1988, was repealed by Pub. L. 107-171, title X, § 10801(b)(1), May 13, 2002, 116 Stat. 525.

## EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Pub. L. 97-35, title I, § 156(b), Aug. 13, 1981, 95 Stat. 373, provided that the amendment made by that section is effective only for the fiscal years ending Sept. 30, 1982, Sept. 30, 1983, and Sept. 30, 1984.

[Provisions of section 156 of Pub. L. 97-35 effective Oct. 1, 1981, see section 156(e) of Pub. L. 97-35, set out as an Effective Date note under section 61a of this title.]

## SHORT TITLE

Act Apr. 13, 1937, which enacted sections 473a to 473c of this title, is popularly known as the “Cotton Classification Act”.

## STUDY ON PROCESSING CERTAIN COTTON GRADES

Pub. L. 100-108, § 3, Aug. 20, 1987, 101 Stat. 729, which directed Secretary of Agriculture to conduct a study of differences between processing efficiency and product quality for Light Spotted and White grade cottons and also conduct a survey and research to determine why an increasing proportion of cotton crop was being classified as Light Spotted, with an initial report describing results of studies to be submitted not later than Oct. 1, 1988, to Committee on Agriculture of House of Representatives and Committee on Agriculture, Nutrition, and Forestry of Senate, and a final report to be submitted to such committees as soon as practicable after submission of initial report, was repealed by Pub. L. 102-237, title I, § 120(d), Dec. 13, 1991, 105 Stat. 1843.

### § 473b. Market supply, demand, condition and prices; collection and publication of information

The Secretary of Agriculture is also authorized and directed to collect, authenticate, publish, and distribute, by telegraph, radio, mail, or otherwise, timely information on the market supply, demand, location, condition, and market prices for cotton, and to cause to be prepared regularly and distributed for posting at gins, in