

Subsec. (b)(2)(C). Pub. L. 110-398, §2(a)(2)(B), added subpar. (C).

Subsec. (b)(3)(A)(ii)(III). Pub. L. 110-398, §2(a)(2)(C)(i), inserted “50 percent of” before “the higher of” in introductory provisions.

Subsec. (b)(3)(A)(ii)(III)(aa). Pub. L. 110-398, §2(a)(2)(C)(ii), struck out “guarantee” after “yield”.

Subsec. (b)(4)(A)(i). Pub. L. 110-398, §2(a)(2)(D)(i), added subcl. (I), redesignated subcl. (III) as (II), and struck out former subcls. (I) and (II) which read as follows:

“(I) the actual crop acreage harvested by an eligible producer on a farm;

“(II) the estimated actual yield of the crop production; and”.

Subsec. (b)(4)(B)(iii). Pub. L. 110-398, §2(a)(2)(D)(ii), (iii), added cl. (iii).

Subsec. (b)(5). Pub. L. 110-398, §2(a)(2)(E)(i), struck out “the sum obtained by adding” after “equal” in introductory provisions.

Subsec. (b)(5)(A). Pub. L. 110-398, §2(a)(2)(E)(ii)(I), substituted “for each insurable commodity, the product” for “the product” in introductory provisions.

Subsec. (b)(5)(A)(i). Pub. L. 110-398, §2(a)(2)(E)(ii)(II), substituted “greater” for “greatest”.

Subsec. (b)(5)(A)(iii). Pub. L. 110-398, §2(a)(2)(E)(ii)(III), substituted “of the price election for the commodity used to calculate an indemnity for an applicable policy of insurance if an indemnity is triggered; and” for “of the insurance price guarantee; and”.

Subsec. (b)(5)(B). Pub. L. 110-398, §2(a)(2)(E)(iii)(I), substituted “for each noninsurable crop, the product” for “the product” in introductory provisions.

Subsec. (b)(5)(B)(ii), (iii). Pub. L. 110-398, §2(a)(2)(E)(iii)(II)–(IV), added cl. (ii) and redesignated former cl. (ii) as (iii).

Subsec. (b)(6). Pub. L. 110-398, §2(a)(2)(F), added par. (6).

Subsec. (d)(5)(B)(ii). Pub. L. 110-398, §2(a)(3), substituted “subsection” for “section”.

Subsec. (f)(2)(A). Pub. L. 110-398, §2(a)(4), substituted “the Secretary shall use such sums as are necessary from the Trust Fund to provide” for “the Secretary shall provide”.

Subsec. (g)(1). Pub. L. 110-398, §2(a)(6)(A)(i), substituted “(other than subsections (c) and (d))” for “(other than subsection (c))” in introductory provisions.

Subsec. (g)(1)(A). Pub. L. 110-398, §2(a)(6)(A)(ii), inserted “, excluding grazing land” after “producers on the farm”.

Subsec. (g)(2). Pub. L. 110-398, §2(a)(6)(B), substituted “each crop planted” for “each crop grazed, planted,”.

Subsec. (g)(4). Pub. L. 110-398, §2(a)(6)(C), (D), substituted “Waivers for certain crop years” for “Waiver for 2008 crop year” in par. heading, designated existing provisions as subpar. (A) and inserted subpar. heading, and added subpar. (B).

Subsec. (g)(6). Pub. L. 110-398, §2(a)(5), added par. (6).

Subsec. (h)(5). Pub. L. 110-398, §2(a)(7), added par. (5).

EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 112-240, title VII, §702(b), Jan. 2, 2013, 126 Stat. 2369, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on October 1, 2012.”

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, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

RULEMAKING PROCEDURES

Pub. L. 110-329, div. B, title I, §10102, Sept. 30, 2008, 122 Stat. 3588, provided that: “Section 1601(c)(2) of the Food, Conservation and Energy Act of 2008 (Public Law

110-246) [7 U.S.C. 8781(c)(2)] shall apply in implementing section 12033 of such Act [enacting this subchapter and amending sections 1501 to 1503, 1505 to 1510, 1514, 1515, 1517, 1518, and 1520 of this title].”

TRANSITION

Pub. L. 110-234, title XII, §12033(b), May 22, 2008, 122 Stat. 1405, and Pub. L. 110-246, §4(a), title XII, §12033(b), June 18, 2008, 122 Stat. 1664, 2167, provided that: “For purposes of the 2008 crop year, the Secretary [of Agriculture] shall carry out subsections (f)(4) and (h) of section 531 of the Federal Crop Insurance Act [7 U.S.C. 1531(f)(4), (h)] (as added by subsection (a)) in accordance with the terms and conditions of sections 1001 through 1001D of the Food Security Act of 1985 (16 U.S.C. 1308 et seq.), as in effect on September 30, 2007.”

[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.]

CHAPTER 37—SEEDS

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§ 1551. Short title

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

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

EFFECTIVE DATE

See section 1610 of this title.

SHORT TITLE OF 1983 AMENDMENT

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

SUBCHAPTER I—DEFINITIONS

§ 1561. Definition of terms

(a) When used in this chapter—

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

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

(3) The term "interstate commerce" means—

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

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

(C) commerce within the District of Columbia.

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

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

(6)(a) The term "district court of the United States" means any court exercising the powers of a district court of the United States.

(b) Omitted

(7) The term—

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

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

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

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

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

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

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

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

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

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

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

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

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

(13) The term "type" means either (A) a group of varieties so nearly similar that the individual varieties cannot be clearly differentiated except under special conditions, or (B) when used with a variety name means seed of the variety named which may be mixed with seed of other varieties of the same kind and of similar character, the manner of and the cir-