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§ 471. Statistics and estimates of grades and staple length of cotton; collection and publication

The Secretary of Agriculture is authorized and directed to collect and publish annually, on dates to be announced by him, statistics or estimates concerning the grades and staple length of stocks of cotton, known as the carry-over, on hand on the 1st of August of each year in warehouses and other establishments of every character in the continental United States; and following such publication each year, to publish, at intervals in his discretion, his estimate of the grades and staple length of cotton of the then current crop: *Provided*, That not less than three such estimates shall be published with respect to each crop. In any such statistics or estimates published, the cotton which on the date for which such statistics are published may be recognized as tenderable on contracts of sale of cotton for future delivery under the United States Cotton Futures Act, shall be stated separately from that which may be untenderable under said Act.

(Mar. 3, 1927, ch. 337, §1, 44 Stat. 1372.)

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United States Cotton Futures Act, referred to in text, is part A of act Aug. 11, 1916, ch. 313, 39 Stat. 476, which was repealed by section 4 of act Feb. 10, 1939, ch. 2, 53 Stat. 1.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.

SHORT TITLE OF 1987 AMENDMENT

Pub. L. 100-108, §1, Aug. 20, 1987, 101 Stat. 728, provided: "That this Act [amending section 473a of this title and enacting provisions set out as notes under section 473a of this title] may be cited as the 'Uniform Cotton Classing Fees Act of 1987'."

SHORT TITLE

Act Mar. 3, 1927, which enacted sections 471 to 474 and amended sections 475 and 476 of this title, is popularly known as the "Cotton Statistics and Estimates Act".

§ 472. Information furnished of confidential character; penalty for divulging information

The information furnished by any individual establishment under the provisions of this chapter shall be considered as strictly confidential and shall be used only for the statistical purpose for which it is supplied. Any employee of the Department of Agriculture who, without the written authority of the Secretary of Agriculture, shall publish or communicate any information given into his possession by reason of his em-

ployment under the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than \$300 or more than \$1,000, or imprisoned for a period of not exceeding one year, or both so fined and imprisoned, at the discretion of the court.

(Mar. 3, 1927, ch. 337, §2, 44 Stat. 1373.)

§ 473. Persons required to furnish information; request; failure to furnish; false information

It shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, whether conducted as a corporation, firm, limited partnership, or individual, and of any owner or holder of any cotton and of the agents and representatives of any such owner or holder, when requested by the Secretary of Agriculture or by any special agent or other employee of the Department of Agriculture acting under the instructions of said Secretary to furnish completely and correctly, to the best of his knowledge, all of the information concerning the grades and staple length of cotton on hand, and when requested to permit such agent or employee of the Department of Agriculture to examine and classify samples of all such cotton on hand. The request of the Secretary of Agriculture for such information may be made in writing or by a visiting representative, and if made in writing shall be forwarded by registered mail, or by certified mail and the registry receipt or receipt for certified mail of the United States Postal Service shall be accepted as evidence of such demand. Any owner, president, treasurer, secretary, director, or other officer or agent of any cotton warehouse, cotton ginnery, cotton mill, or other place or establishment where cotton is stored, or any owner or holder of any cotton or the agent or 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 designated 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