

Section 2047, Pub. L. 88-582, § 8, Sept. 7, 1964, 78 Stat. 923, authorized Secretary to enter into agreements with Federal and State agencies.

Section 2048, Pub. L. 88-582, § 9, Sept. 7, 1964, 78 Stat. 924; Pub. L. 93-518, § 13, Dec. 7, 1974, 88 Stat. 1656, related to penalties, covering in: subsec. (a), criminal penalties for violation of chapter, preparation of an annual report, and inclusion of enforcement activities; subsec. (b), civil penalties for violation of chapter or regulations, separate violations, assessment procedures, notice and hearing, agency and judicial review, substantial evidence, actions for recovery of assessments, finality of orders, and payment of collections into the Treasury; and subsec. (c), criminal penalties for section 2045(f) violations, including regulations, respecting failure to obtain, suspension, or revocation of certificates of registration.

Section 2049, Pub. L. 88-582, § 10, Sept. 7, 1964, 78 Stat. 924, provided for applicability of Administrative Procedure Act.

Section 2050, Pub. L. 88-582, § 11, Sept. 7, 1964, 78 Stat. 924, provided for judicial review of agency determinations and finality of judgment.

Section 2050a, Pub. L. 88-582, § 12, as added Pub. L. 93-518, § 14(a), Dec. 7, 1974, 88 Stat. 1657, provided, for civil relief, covering in: subsec. (a), Federal court jurisdiction; subsec. (b), representation of complainant, damages, and appeals; subsec. (c), injunctions; and subsec. (d), Solicitor of Labor representation of Secretary, and direction and control of Attorney General.

Section 2050b, Pub. L. 88-582, § 13, as added Pub. L. 93-518, § 14(a), Dec. 7, 1974, 88 Stat. 1658, provided for discrimination prohibition, limitations, investigations, appropriate civil relief, and back pay or damages.

Section 2050c, Pub. L. 88-582, § 14, as added Pub. L. 93-518, § 14(a), Dec. 7, 1974, 88 Stat. 1658, related to recordkeeping.

Section 2051, Pub. L. 88-582, § 15, formerly § 12, Sept. 7, 1964, 78 Stat. 924, renumbered Pub. L. 93-518, § 14(a), Dec. 7, 1974, 88 Stat. 1657, required compliance with State laws and regulations.

Section 2052, Pub. L. 88-582, § 16, formerly § 13, Sept. 7, 1964, 78 Stat. 924, renumbered Pub. L. 93-518, § 14(a), Dec. 7, 1974, 88 Stat. 1657, provided for separability of provisions.

Section 2053, Pub. L. 88-582, § 17, formerly § 14, Sept. 7, 1964, 78 Stat. 924, renumbered and amended Pub. L. 93-518, §§ 14(a), 16, Dec. 7, 1974, 88 Stat. 1657, 1659, authorized issuance of rules and regulations.

Section 2054, Pub. L. 88-582, § 18, as added Pub. L. 93-518, § 15, Dec. 7, 1974, 88 Stat. 1658, related to waiver of rights.

Section 2055, Pub. L. 88-582, § 19, as added Pub. L. 93-518, § 15, Dec. 7, 1974, 88 Stat. 1659, provided for authorization of appropriations.

#### EFFECTIVE DATE OF REPEAL

Repeal effective 90 days from Jan. 14, 1983, see section 524 of Pub. L. 97-470, set out as an Effective Date note under section 1801 of Title 29, Labor.

#### EFFECTIVE DATE

Pub. L. 97-470, title V, § 523, Jan. 14, 1983, 96 Stat. 2600, repealed Pub. L. 88-582, § 15, Sept. 7, 1964, 78 Stat. 924, which had prescribed Jan. 1, 1965, as the effective date for this chapter.

#### SHORT TITLE OF 1974 AMENDMENT

Pub. L. 93-518, § 1(a), Dec. 7, 1974, 88 Stat. 1652, which had enacted sections 2050a to 2050c, 2054, and 2055 and amended sections 2041 to 2046, 2048, and 2053 of this title, had provided for citation of such amendments as the "Farm Labor Contractor Registration Act Amendments of 1974".

#### SHORT TITLE

Pub. L. 97-470, title V, § 523, Jan. 14, 1983, 96 Stat. 2600, repealed Pub. L. 88-582, § 1, Sept. 7, 1964, 78 Stat. 924, which had provided for citation of this chapter as the "Farm Labor Contractor Registration Act of 1963".

## CHAPTER 53—COTTON RESEARCH AND PROMOTION

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### § 2101. Congressional declaration of policy

Cotton is the basic natural fiber of the Nation. It is produced by many individual cottongrowers throughout the various cotton-producing States of the Nation and also outside the United States. Cotton moves in the channels of interstate and foreign commerce and such cotton which does not move in such channels directly burdens or affects interstate commerce in cotton and cotton products. The efficient production of cotton and the maintenance and expansion of existing markets and the development of new or improved markets and uses is vital to the welfare of cottongrowers and those concerned with marketing, using, and processing cotton as well as the general economy of the Nation. The great inroads on the market and uses for cotton which have been made by manmade fibers have been largely the result of extensive research and promotion which have not been effectively matched by cotton research and promotion. The production and marketing of cotton by numerous individual farmers have prevented the development and carrying out of adequate and coordinated programs of research and promotion necessary to the maintenance and improvement of the competitive position of, and markets for, cotton. Without an effective and coordinated method for assuring cooperative and collective action in providing for, and financing such programs, individual cotton farmers are unable adequately to provide or obtain the research and promotion necessary to maintain and improve markets for cotton.

It has long been found to be in the public interest to have, or endeavor to have, a reasonable balance between the supply of and demand for cotton grown in this country. To serve this public interest the Congress has provided for the

comprehensive exercise of regulatory authority in regulating the handling of such cotton supplemented by price-support programs with the objective of adjusting supply to demand in the interest of benefiting producers and all others concerned with the production and handling of cotton as well as the general economy of the country. In order for the objective of such programs to be effectuated to the fullest degree, it is necessary that the existing regulation of marketing be supplemented by providing as part of the overall governmental program for effectuating this objective, means of increasing the demand for cotton with the view of eventually reducing or eliminating the need for limiting marketings and supporting the price of cotton.

It is therefore declared to be the policy of the Congress and the purpose of this chapter that it is essential in the public interest through the exercise of the powers provided herein, to authorize and enable the establishment of an orderly procedure for the development, financing through adequate assessments on all cotton marketed in the United States and on imports of cotton, and carrying out an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to maintain and expand domestic and foreign markets and uses for United States cotton.

(Pub. L. 89-502, §2, July 13, 1966, 80 Stat. 279; Pub. L. 101-624, title XIX, §1991, Nov. 28, 1990, 104 Stat. 3909.)

#### AMENDMENTS

1990—Pub. L. 101-624, in first undesignated par., inserted “and also outside the United States”, struck out “in large part” before “in the channels of interstate”, “All cotton produced in the United States is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce in cotton and cotton products.” before “The efficient production”, and “In the years since World War II, United States cotton and the products thereof have been confronted with intensive competition, both at home and abroad, from foreign-grown cotton and from other fibers, primarily manmade fibers.” after “economy of the Nation.”, and substituted “The great inroads on the market and uses for” for “The great inroads on the market and uses for United States” and, in third undesignated par., substituted “marketed” for “harvested” and inserted “and on imports of cotton”.

#### EFFECTIVE DATE

Pub. L. 89-502, §20, July 13, 1966, 80 Stat. 287, provided that: “This Act [enacting this chapter] shall take effect upon enactment [July 13, 1966]”.

#### SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XIX, §1990, Nov. 28, 1990, 104 Stat. 3909, provided that: “This subtitle [subtitle G (§§1990-1998) of title XIX of Pub. L. 101-624, amending this section and sections 2106 to 2110 and 2116 of this title, and enacting provisions set out below] may be cited as the ‘Cotton Research and Promotion Act Amendments of 1990’.”

#### SHORT TITLE

Pub. L. 89-502, §1, July 13, 1966, 80 Stat. 279, provided: “That this Act [enacting this chapter] shall be known as the ‘Cotton Research and Promotion Act’.”

#### PIMA AGRICULTURE COTTON TRUST FUND

Pub. L. 113-79, title XII, §12314, Feb. 7, 2014, 128 Stat. 993, provided that:

“(a) ESTABLISHMENT OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the ‘Pima Agriculture Cotton Trust Fund’ (in this section referred to as the ‘Trust Fund’), consisting of such amounts as may be transferred to the Trust Fund pursuant to subsection (h), and to be used for the purpose of reducing the injury to domestic manufacturers resulting from tariffs on cotton fabric that are higher than tariffs on certain apparel articles made of cotton fabric.

“(b) DISTRIBUTION OF FUNDS.—From amounts in the Trust Fund, the Secretary [of Agriculture] shall make payments annually beginning in calendar year 2014 for calendar years 2014 through 2018 as follows:

“(1) Twenty-five percent of the amounts in the Trust Fund shall be paid to one or more nationally recognized associations established for the promotion of pima cotton for use in textile and apparel goods.

“(2) Twenty-five percent of the amounts in the Trust Fund shall be paid to yarn spinners of pima cotton that produce ring spun cotton yarns in the United States, to be allocated to each spinner in an amount that bears the same ratio as—

“(A) the spinner's production of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number) from pima cotton in single and plied form during calendar year 2013 (as evidenced by an affidavit provided by the spinner that meets the requirements of subsection (c)), bears to—

“(B) the production of the yarns described in subparagraph (A) during calendar year 2013 for all spinners who qualify under this paragraph.

“(3) Fifty percent of the amounts in the Trust Fund shall be paid to manufacturers who cut and sew cotton shirts in the United States who certify that they used imported cotton fabric during calendar year 2013, to be allocated to each such manufacturer in an amount that bears the same ratio as—

“(A) the dollar value (excluding duty, shipping, and related costs) of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2013 (as evidenced by an affidavit provided by the manufacturer that meets the requirements of subsection (d)) used in the manufacturing of men's and boys' cotton shirts, bears to—

“(B) the dollar value (excluding duty, shipping, and related costs) of the fabric described in subparagraph (A) purchased during calendar year 2013 by all manufacturers who qualify under this paragraph.

“(c) AFFIDAVIT OF YARN SPINNERS.—The affidavit required by subsection (b)(2)(A) is a notarized affidavit provided annually by an officer of a producer of ring spun yarns that affirms—

“(1) that the producer used pima cotton during the year in which the affidavit is filed and during calendar year 2013 to produce ring spun cotton yarns in the United States, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form;

“(2) the quantity, measured in pounds, of ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2013; and

“(3) that the producer maintains supporting documentation showing the quantity of such yarns produced, and evidencing the yarns as ring spun cotton yarns, measuring less than 83.33 decitex (exceeding 120 metric number), in single and plied form during calendar year 2013.

“(d) AFFIDAVIT OF SHIRTING MANUFACTURERS.—

“(1) IN GENERAL.—The affidavit required by subsection (b)(3)(A) is a notarized affidavit provided annually by an officer of a manufacturer of men's and boys' shirts that affirms—

“(A) that the manufacturer used imported cotton fabric during the year in which the affidavit is filed and during calendar year 2013, to cut and sew men's and boys' woven cotton shirts in the United States;

“(B) the dollar value of imported woven cotton shirting fabric of 80s or higher count and 2-ply in warp purchased by the manufacturer during calendar year 2013;

“(C) that the manufacturer maintains invoices along with other supporting documentation (such as price lists and other technical descriptions of the fabric qualities) showing the dollar value of such fabric purchased, the date of purchase, and evidencing the fabric as woven cotton fabric of 80s or higher count and 2-ply in warp; and

“(D) that the fabric was suitable for use in the manufacturing of men’s and boys’ cotton shirts.

“(2) DATE OF PURCHASE.—For purposes of the affidavit under paragraph (1), the date of purchase shall be the invoice date, and the dollar value shall be determined excluding duty, shipping, and related costs.

“(e) FILING DEADLINE FOR AFFIDAVITS.—Any person required to provide an affidavit under this section shall file the affidavit with the Secretary [of Agriculture] or as directed by the Secretary—

“(1) in the case of an affidavit required for calendar year 2014, not later than 60 days after the date of the enactment of this Act [Feb. 7, 2014]; and

“(2) in the case of an affidavit required for any of calendar years 2015 through 2018, not later than March 15 of that calendar year.

“(f) TIMING OF DISTRIBUTIONS.—The Secretary shall make a payment under paragraph (2) or (3) of subsection (b)—

“(1) for calendar year 2014—

“(A) not later than the date that is 30 days after the filing of the affidavit required with respect to that payment; or

“(B) if the Secretary is unable to make the payment by the date described in subparagraph (A), as soon as practicable thereafter; and

“(2) for calendar years 2015 through 2018, not later than the date that is 30 days after the filing of the affidavit required with respect to that payment.

“(g) MEMORANDUM OF UNDERSTANDING.—The Secretary [of Agriculture] and the Commissioner responsible for U.S. Customs and Border Protection shall, as soon as practicable after the date of the enactment of this Act [Feb. 7, 2014], negotiate a memorandum of understanding to establish procedures pursuant to which the Commissioner will assist the Secretary in carrying out the provisions of this section.

“(h) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall transfer to the Trust Fund \$16,000,000 for each of calendar years 2014 through 2018, to remain available until expended.”

#### REPORTS ON IMPLEMENTATION AND ENFORCEMENT OF COTTON RESEARCH AND PROMOTION PROGRAM

Pub. L. 101-624, title XIX, § 1998, Nov. 28, 1990, 104 Stat. 3913, as amended by Pub. L. 102-237, title VIII, § 808(b), Dec. 13, 1991, 105 Stat. 1883, provided that:

“(a) IN GENERAL.—Not later than 1 year after the date on which imports are subject to assessments under this subtitle [subtitle G of title XIX of Pub. L. 101-624, see Short Title of 1990 Amendment note above]—

“(1) the Secretary of Agriculture shall prepare a report concerning the implementation and enforcement of the cotton research and promotion program, and any problems that may have arisen in the implementation and enforcement of such program; and

“(2) the Customs Service shall, if on such date it has any role in the implementation or enforcement of such assessments, prepare a report concerning such implementation and enforcement as it relates to imports.

“(b) COMPTROLLER GENERAL REPORT.—Not prior to the date that occurs 3 years after the date on which imports are subject to assessments under this subtitle, the Comptroller General shall prepare a report concerning the administration of the cotton research and promotion program as it relates to such imports. Such report shall be submitted not later than 6 months after such date, and include an analysis of—

“(1) the growth in the United States market for cotton and cotton products, with particular attention provided to the period of time subsequent to the imposition of assessments on such imports;

“(2) the extent to which import restrictions, such as quotas, on imports of cotton and cotton-containing products have permitted or prevented importers from benefiting from any such growth in the United States market; and

“(3) the relevant United States international obligations applicable under trade agreements that relate to the assessments on imports of cotton and cotton products under this subtitle.

“(c) SUBMISSION.—The reports required under subsections (a) and (b) shall be submitted to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate not later than the applicable dates referred to in such subsections.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such funds as may be necessary to carry out this section.”

#### § 2102. Orders of Secretary to cotton handlers

To effectuate the declared policy of this chapter, the Secretary shall, subject to the provisions of this chapter, issue and from time to time amend, orders applicable to persons engaged in the harvesting, marketing, ginning, or other handling of cotton, hereinafter referred to as handlers. Such orders shall be applicable to all production or marketing areas, or both, in the United States.

(Pub. L. 89-502, § 3, July 13, 1966, 80 Stat. 280.)

#### § 2103. Notice and hearing upon proposed orders

Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this chapter, he shall give due notice and opportunity for a hearing upon a proposed order. Such hearing may be requested and a proposal for an order submitted by any cotton producer organization certified pursuant to section 2113 of this title or by any other interested person or persons, including the Secretary.

(Pub. L. 89-502, § 4, July 13, 1966, 80 Stat. 280.)

#### § 2104. Finding and issuance of orders

After notice and opportunity for hearing as provided in section 2103 of this title, the Secretary shall issue an order if he finds, and sets forth in such order, upon the evidence introduced at such hearing, that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this chapter.

(Pub. L. 89-502, § 5, July 13, 1966, 80 Stat. 280.)

#### § 2105. Permissive terms and conditions in orders

Orders issued pursuant to this chapter shall contain one or more of the following terms and conditions, and except as provided in section 2106 of this title, no others.

(a) Providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for the advertising and sales promotion of cotton and its products and for the disbursement of necessary funds for such purposes: *Provided, however,* That any such plan or