

(1) has expended funds in excess of its estimated annual operating costs by more than 10 per centum or \$500, whichever is greater, without the prior approval of the Secretary pursuant to the provisions of section 2285 of this title;

(2) has failed to file all reports required under the provisions of the Federal Advisory Committee Act or this chapter;

(3) has failed to meet for two consecutive years;

(4) is responsible for functions that otherwise would be or should be performed by Federal employees; or

(5) does not serve or has ceased to serve an essential public function.

(Pub. L. 95-113, title XVIII, §1806, Sept. 29, 1977, 91 Stat. 1042; Pub. L. 97-98, title XI, §1116(a), Dec. 22, 1981, 95 Stat. 1271.)

#### REFERENCES IN TEXT

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

#### AMENDMENTS

1981—Pub. L. 97-98 substituted provision relating to termination of advisory committees for provision relating to advisory committee charter requirements.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

#### EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

#### §§ 2287 to 2289. Omitted

Sections 2287 to 2289 of this title were omitted in the general amendment of this chapter by Pub. L. 97-98, title XI, §1116(a), Dec. 22, 1981, 95 Stat. 1270.

Section 2287, Pub. L. 95-113, title XVIII, §1807, Sept. 29, 1977, 91 Stat. 1043, related to transmission of an annual report. See section 2284 of this title.

Section 2288, Pub. L. 95-113, title XVIII, §1808, Sept. 29, 1977, 91 Stat. 1044, related to budget prohibitions. See section 2285 of this title.

Section 2289, Pub. L. 95-113, title XVIII, §1809, Sept. 29, 1977, 91 Stat. 1044, related to termination of advisory committees. See section 2286 of this title.

#### CHAPTER 56—UNFAIR TRADE PRACTICES AFFECTING PRODUCERS OF AGRICULTURAL PRODUCTS

Sec.	
2301.	Congressional findings and declaration of policy.
2302.	Definitions.
2303.	Prohibited practices.
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#### § 2301. Congressional findings and declaration of policy

Agricultural products are produced in the United States by many individual farmers and ranchers scattered throughout the various

States of the Nation. Such products in fresh or processed form move in large part in the channels of interstate and foreign commerce, and such products which do not move in these channels directly burden or affect interstate commerce. The efficient production and marketing of agricultural products by farmers and ranchers is of vital concern to their welfare and to the general economy of the Nation. Because agricultural products are produced by numerous individual farmers, the marketing and bargaining position of individual farmers will be adversely affected unless they are free to join together voluntarily in cooperative organizations as authorized by law. Interference with this right is contrary to the public interest and adversely affects the free and orderly flow of goods in interstate and foreign commerce.

It is, therefore, declared to be the policy of Congress and the purpose of this chapter to establish standards of fair practices required of handlers in their dealings in agricultural products.

(Pub. L. 90-288, §2, Apr. 16, 1968, 82 Stat. 93.)

#### SHORT TITLE

Pub. L. 90-288, §1, Apr. 16, 1968, 82 Stat. 93, provided: "That this Act [enacting this chapter] shall be known as the Agricultural Fair Practices Act of 1967."

#### § 2302. Definitions

In this chapter:

##### (1) Agricultural products

The term "agricultural products" shall not include cotton or tobacco or their products.

##### (2)(2)<sup>1</sup> Association of producers

###### (A) In general

The term "association of producers" means any association of producers of agricultural products engaged in marketing, bargaining, shipping, or processing as defined in section 1141j(a) of title 12, or in section 291 of this title.

###### (B) Inclusion

The term "association of producers" includes an organization whose membership is exclusively limited to agricultural producers and dedicated to promoting the common interest and general welfare of producers of agricultural products.

##### (3)(3)<sup>1</sup> Handler

###### (A) In general

The term "handler" means any person engaged in the business or practice of (i) acquiring agricultural products from producers or associations of producers for processing or sale; or (ii) grading, packaging, handling, storing, or processing agricultural products received from producers or associations of producers; or (iii) contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product; or (iv) acting as an agent or broker

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