

revegetation and rehabilitation of rangelands including the control of undesirable species of plants; and (4) such other matters as the Secretary considers appropriate.

(Pub. L. 95–113, title XIV, § 1479, as added Pub. L. 97–98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1318.)

REFERENCES IN TEXT

The Renewable Resources Extension Act of 1978, referred to in text, is Pub. L. 95–306, June 30, 1978, 92 Stat. 349, which is classified generally to subchapter III (§1671 et seq.) of chapter 36 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1978 Amendments note set out under section 1600 of Title 16 and Tables.

§ 3333. Grants; eligible institutions; amounts

The Secretary may make grants to land-grant colleges and universities, State agricultural experiment stations, and to colleges, universities, and Federal laboratories having a demonstrable capacity in rangeland research, as determined by the Secretary, to carry out rangeland research. Except in the case of Federal laboratories, this grant program shall be based on a matching formula of 50 per centum Federal and 50 per centum non-Federal funding.

(Pub. L. 95–113, title XIV, § 1480, as added Pub. L. 97–98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319.)

§§ 3334, 3335. Repealed. Pub. L. 104–127, title VIII, § 857, Apr. 4, 1996, 110 Stat. 1173

Section 3334, Pub. L. 95–113, title XIV, § 1481, as added Pub. L. 97–98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319, required Secretary to submit annual report to President and congressional committees outlining progress of Department of Agriculture in meeting program requirements set forth in section 3332 of this title.

Section 3335, Pub. L. 95–113, title XIV, § 1482, as added Pub. L. 97–98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319; amended Pub. L. 99–198, title XIV, § 1430(a), Dec. 23, 1985, 99 Stat. 1556; Pub. L. 101–624, title XVI, § 1601(b)(6), Nov. 28, 1990, 104 Stat. 3703, related to establishment of Rangeland Research Advisory Board.

§ 3336. Authorization of appropriations; allocation of funds

(a) There are authorized to be appropriated, to implement the provisions of this subchapter, such sums not to exceed \$10,000,000 for each of the fiscal years 1991 through 1997.

(b) Funds appropriated under this section shall be allocated by the Secretary to eligible institutions for work to be done as mutually agreed upon between the Secretary and the eligible institution or institutions. The Secretary shall, whenever possible, consult with the Board in developing plans for the use of these funds.

(Pub. L. 95–113, title XIV, § 1483, as added Pub. L. 97–98, title XIV, § 1440(a), Dec. 22, 1981, 95 Stat. 1319; amended Pub. L. 99–198, title XIV, § 1430(b), Dec. 23, 1985, 99 Stat. 1556; Pub. L. 101–624, title XVI, § 1601(b)(7), Nov. 28, 1990, 104 Stat. 3703; Pub. L. 104–127, title VIII, § 821, Apr. 4, 1996, 110 Stat. 1168.)

AMENDMENTS

1996—Subsec. (a). Pub. L. 104–127 substituted “1997” for “1995”.

1990—Subsec. (a). Pub. L. 101–624 substituted “for each of the fiscal years 1991 through 1995” for “annually for the period beginning October 1, 1981, and ending September 30, 1990”.

1985—Subsec. (a). Pub. L. 99–198 substituted “1990” for “1985, and thereafter such sums as may after the date of enactment of this subchapter be authorized by law for any subsequent fiscal year”.

CHAPTER 65—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION

- Sec.
- 3401. Congressional findings and declaration of policy.
- 3402. Definitions.
- 3403. Issuance of orders.
 - (a) Notice and hearing.
 - (b) Effectuation of Congressional policy.
- 3404. Permissive terms and conditions of orders.
 - (a) Nutrition education plans.
 - (b) Research and studies.
 - (c) Records and reports; confidential information; penalties.
 - (d) Assessment exemption.
 - (e) Miscellaneous terms and conditions.
- 3405. Wheat Industry Council.
 - (a) Establishment; powers.
 - (b) Membership.
 - (c) Research and nutrition education plans.
 - (d) Budgets.
 - (e) Processed wheat assessment; payment by end product manufacturers.
 - (f) Maintenance of records.
 - (g) Contracts.
 - (h) Investment of assessment funds.
 - (i) Lobbying restriction.
 - (j) Reimbursement of expenses.
- 3406. Exemption for retail bakers.
- 3407. Referendum.
- 3408. Refund of processed wheat assessment.
 - (a) Election of end product manufacturers to seek refunds.
 - (b) Refund demand; rules and regulations.
- 3409. Petition and review.
 - (a) Petition; hearing; ruling.
 - (b) Judicial review; jurisdiction; process; remand.
- 3410. Enforcement of orders and regulations.
 - (a) Jurisdiction; reference of civil actions to Attorney General.
 - (b) Penalties.
 - (c) Other remedies.
- 3411. Suspension and termination of orders.
 - (a) Authority and responsibility of Secretary.
 - (b) Referendum.
 - (c) Suspension or termination of order not to be considered an order.
- 3412. Investigations; power to subpoena and take oaths and affirmations; aid of courts.
- 3413. Certification of organizations.
- 3414. Other programs relating to wheat or wheat food research or nutrition education.
- 3415. Regulations.
- 3416. Amendments to orders.
- 3417. Authorization of appropriations.

§ 3401. Congressional findings and declaration of policy

(a) Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by millions of people in the United States.

(b) The size of the American wheat crop and how it is marketed and ultimately consumed de-

termines whether many Americans receive adequate nourishment. Wheat has a strong impact on the Nation's well-being. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of wheat products can enhance the national welfare.

(c) It has long been recognized that it is in the national interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to accomplish this objective. A programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers, and consumers.

(d) It is the purpose of this chapter and in the public interest to authorize and enable the creation of an orderly procedure, adequately financed through an assessment, for the development and initiation of an effective and continuous coordinated program of research and nutrition education, designed to improve and enhance the quality, and make the most efficient use, of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the United States. The maximum rate of assessment authorized hereunder represents an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, such assessment will not significantly affect the retail prices of those products. Furthermore, any price effect will be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in wheat products, which may be expected to follow from adoption of a plan under this chapter. Nothing in this chapter shall be construed to provide for control of production or otherwise limit the right of individual wheat producers to produce wheat.

(Pub. L. 95-113, title XVII, § 1702, Sept. 29, 1977, 91 Stat. 1031.)

EFFECTIVE DATE

Chapter 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.

SHORT TITLE

Section 1701 of title XVII of Pub. L. 95-113 provided that: "This title [enacting this chapter] may be cited as the 'Wheat and Wheat Foods Research and Nutrition Education Act'."

SEPARABILITY

Section 1718 of Pub. L. 95-113 provided that: "If any provision of this title [this chapter] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby."

§ 3402. Definitions

For the purposes of this chapter:

(a) The term "wheat" means all classes of wheat grains grown in the United States.

(b) The term "processed wheat" means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat

grown within the United States in form or character by any mechanical, chemical, or other means.

(c) The term "end product" means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) The term "wheat producer" means any person who grows wheat within the United States for market.

(e) The term "processor" means any person who commercially produces processed wheat within the United States.

(f) The term "end product manufacturer" means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

(g) The term "research" means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, or end products.

(h) The term "nutrition education" means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

(i) The term "Council" means the Wheat Industry Council established pursuant to section 3405 of this title.

(j) The term "Department" means the United States Department of Agriculture.

(k) The term "Secretary" means the Secretary of Agriculture of the United States.

(l) The term "person" means any individual, partnership, corporation, association, or other entity.

(m) The term "United States" means the several States and the District of Columbia, including any territory or possession.

(Pub. L. 95-113, title XVII, § 1703, Sept. 29, 1977, 91 Stat. 1032.)

§ 3403. Issuance of orders

(a) Notice and hearing

Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this chapter, the Secretary shall give due notice and opportunity for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 3413 of this title, or by any interested person affected by the provisions of this chapter, including the Secretary.

(b) Effectuation of Congressional policy

After notice and opportunity for hearing as provided in subsection (a) of this section, the Secretary shall issue an order if the Secretary finds, and sets forth in such order, upon the evidence introduced at such hearing that the issu-