

Morrill Act”; 12 Stat. 503, chapter 130; 7 U.S.C. 301 et seq.);

(2) a land grant university established under the Act of August 30, 1890 (known as the “Second Morrill Act”; 26 Stat. 419, chapter 841; 7 U.S.C. 321 et seq.);

(3) the Tuskegee Institute; and

(4) any other support research organization.

(f) Funding

(1) There are authorized to be appropriated each fiscal year such sums as are necessary to carry out this section.

(2) The Secretary is authorized to accept funds from non-Federal sources to carry out the activities authorized by this section.

(g) No waivers

Nothing in this section shall authorize the waiver of a cost-share requirement under a program established under any other provision of law.

(Pub. L. 100-387, title IV, §401, Aug. 11, 1988, 102 Stat. 956.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (e)(1), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the First Morrill Act, which is classified generally to subchapter I (§301 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 301 of this title and Tables.

Act of August 30, 1890, referred to in subsec. (e)(2), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

§ 2204d. Encouragement of private contracting

(a) In general

For the purpose of promoting local job creation and private sector investment in rural communities, the Secretary of Agriculture is encouraged, where appropriate and feasible, to use private enterprise concerns located in rural areas, rather than government employees or government enterprises, to provide commercial activities or products to carry out the purposes of this title.¹

(b) Plan required

The Secretary shall develop and implement a plan that will result in increasing the use of contracts awarded to private firms by the Department of Agriculture, and maximizing the use of grant, loan, or other financial assistance made for the purpose of rural development to provide the goods and services purchased to carry out the purposes of this title.¹

(Pub. L. 101-624, title XXIII, §2394, Nov. 28, 1990, 104 Stat. 4057.)

REFERENCES IN TEXT

This title, referred to in text, is title XXIII of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3979, known as the Rural Economic Development Act of 1990. For complete clas-

¹ See References in Text note below.

sification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

§ 2204e. Office of Risk Assessment and Cost-Benefit Analysis

(a) Office of Risk Assessment and Cost-Benefit Analysis

The Secretary of Agriculture shall establish in the Department of Agriculture an Office of Risk Assessment and Cost-Benefit Analysis, which shall be under the direction of a Director appointed by the Secretary.

(b) Functions

The Director shall ensure that any regulatory analysis that is conducted under this section includes a risk assessment and cost-benefit analysis that is performed consistently and uses reasonably obtainable and sound scientific, technical, economic, and other data.

(1) In general

Effective six months after October 13, 1994, the Secretary of Agriculture shall publish in the Federal Register, for each proposed major regulation the primary purpose of which is to regulate issues of human health, human safety, or the environment that is promulgated by the Department after October 13, 1994, an analysis with as much specificity as practicable, of—

(A) the risk, including the effect of the risk, to human health, human safety, or the environment, and any combination thereof, addressed by the regulation, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive;

(B) the costs associated with the implementation of, and compliance with, the regulation;

(C) where appropriate and meaningful, a comparison of that risk relative to other similar risks regulated by the Department or other Federal Agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks); and

(D) the quantitative and qualitative benefits of the regulation, including the reduction or prevention of risk expected from the regulation.

Where such a regulatory analysis is not practicable because of compelling circumstances, the Director shall provide an explanation in lieu of conducting an analysis under this section.

(2) Evaluation

The regulatory analysis referred to in paragraph (1) should also contain a statement that the Secretary of Agriculture evaluated—

(A) whether the regulation will advance the purpose of protecting against the risk referred to in paragraph (1)(A); and

(B) whether the regulation will produce benefits and reduce risks to human health,

human safety, or the environment, and any combination thereof, in a cost-effective manner as a result of the implementation of and compliance with the regulation, by local, State, and Federal Government and other public and private entities, as estimated in paragraph (1)(B).

(3) Construction

This section shall not be construed to amend, modify, or alter any statute and shall not be subject to judicial review. This section shall not be construed to grant a cause of action to any person. The Secretary of Agriculture shall perform the analyses required in this section in such a manner that does not delay the promulgation or implementation of regulations mandated by statute or judicial order.

(c) “Major regulation” defined

As used in this section, the term “major regulation” means any regulation that the Secretary of Agriculture estimates is likely to have an annual impact on the economy of the United States of \$100,000,000 in 1994 dollars.

(Pub. L. 103-354, title III, §304, Oct. 13, 1994, 108 Stat. 3239.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6912 of this title.

§ 2204f. Fund for Rural America

(a) In general

There is established in the Treasury of the United States an account to be known as the Fund for Rural America (referred to in this section as the “Account”) to provide funds for activities described in subsection (c) of this section.

(b) Funding

(1) In general

On October 1, 1998, and each October 1 thereafter through October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$60,000,000 to the Account.

(2) Entitlement

The Secretary of Agriculture (referred to in this section as the “Secretary”)—

- (A) shall be entitled to receive the funds transferred to the Account under paragraph (1);
- (B) shall accept the funds; and
- (C) shall use the funds to carry out this section.

(3) Purposes

Subject to subsection (d) of this section, of the amounts transferred to the Account for a fiscal year, the Secretary shall make available—

- (A) for activities described in subsection (c)(1) of this section, not less than $\frac{1}{3}$ and not more than $\frac{2}{3}$ of the funds in the Account; and
- (B) for activities described in subsection (c)(2) of this section, all funds in the Account not made available by the Secretary

for activities described in subsection (c)(1) of this section.

(c) Activities

(1) Rural development

(A) In general

The Secretary may use the funds in the Account for a rural development activity—

- (i) authorized under the Housing Act of 1949 [42 U.S.C. 1441 et seq.] for—
 - (I) direct loans to low-income borrowers under section 502 (42 U.S.C. 1472);
 - (II) loans for financial assistance for housing for domestic farm laborers under section 514 (42 U.S.C. 1484);
 - (III) financial assistance for housing for domestic farm laborers under section 516 (42 U.S.C. 1486);
 - (IV) payments for elderly who are not now receiving rental assistance under section 521 (42 U.S.C. 1490a);
 - (V) grants and contracts for mutual and self-help housing under section 523(b)(1)(A) (42 U.S.C. 1490c(b)(1)(A)); or
 - (VI) grants for rural housing preservation under section 533 (42 U.S.C. 1490m); or

(ii) conducted under any rural development program, including a program authorized under—

- (I) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);
- (II) subtitle G of title XVI [7 U.S.C. 5901 et seq.] and title XXIII of the Food, Agriculture, Conservation, and Trade Act of 1990;
- (III) title V of the Rural Development Act of 1971 (7 U.S.C. 2661 et seq.); or
- (IV) section 1323(b) of the Food Security Act of 1985 (Public Law 99-198; 7 U.S.C. 1932 note).

(B) Limitation on programs funded

The Secretary may not expend funds made available to carry out activities described in subparagraph (A) for any activity that did not receive appropriations for fiscal year 1995. Funds expended under this section for any program purpose shall be spent in accordance with and subject to the applicable program limitations, restrictions, and priorities found in the underlying program authority and this Act.

(C) Limitation on housing assistance

Not more than 20 percent of the funds made available to carry out activities described in subparagraph (A) shall be made available to carry out activities described in subparagraph (A)(i).

(D) Disclosure of allocation

For any fiscal year, the Secretary shall not disclose the allocation of funds under this section for any activity described in subparagraph (A) until the date that is 1 day after the date of enactment of legislation authorizing appropriations for the Department of Agriculture for any period in the fiscal year.