

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.

(2) Research

(A) In general

The Secretary may use the funds in the Account for research, extension, and education grants to—

(i) increase international competitiveness, efficiency, and farm profitability;

(ii) reduce economic and health risks;

(iii) conserve and enhance natural resources;

(iv) develop new crops, new crop uses, and new agricultural applications of biotechnology;

(v) enhance animal agricultural resources;

(vi) preserve plant and animal germplasm;

(vii) increase economic opportunities in farming and rural communities; and

(viii) expand locally-owned value-added processing.

(B) Eligible grantee

The Secretary may make a grant under this paragraph to—

(i) a Federal research agency;

(ii) a national laboratory;

(iii) a college or university or a research foundation maintained by a college or university;

(iv) a private research organization with an established and demonstrated capacity to perform research or technology transfer; or

(v) a State agricultural experiment station.

(C) Use of grant

(i) In general

A grant made under this paragraph may be used by a grantee for 1 or more of the following uses:

(I) Outcome-oriented research at the discovery end of the spectrum to provide breakthrough results.

(II) Exploratory and advanced development and technology with well-identified outcomes.

(III) A national, regional, or multi-State program oriented primarily toward extension programs and education programs demonstrating and supporting the competitiveness of United States agriculture.

(ii) Smaller institutions

Of the amounts made available for activities described in this paragraph, not less than 15 percent shall be awarded to colleges, universities, or research foundations eligible for a grant under subparagraph (B)(iii) that rank in the lowest $\frac{1}{3}$ of such colleges, universities, and foundations on the basis of Federal research funds received under a provision of law other than this section.

(D) Administration

(i) Priority

In administering this paragraph, the Secretary shall—

(I) establish criteria for allocating grants based on the priorities in subparagraph (A) and in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board established under section 3123 of this title;

(II) seek and accept proposals for grants;

(III) determine the relevance and merit of proposals through a system of peer review and review by the National Agricultural Research, Extension, Education, and Economics Advisory Board; and

(IV) award grants on the basis of merit, quality, and relevance to advancing the purposes of federally supported agricultural research, extension, and education provided in section 3101 of this title.

(ii) Competitive basis

A grant under this paragraph shall be awarded on a competitive basis.

(iii) Terms

A grant under this paragraph shall have a term that does not exceed 5 years.

(iv) Matching funds

As a condition of making a grant under this paragraph, the Secretary shall require the funding of the grant with equal matching funds from a non-Federal source if the grant is—

(I) for applied research that is commodity-specific; and

(II) not of national scope.

(v) Delegation

The Secretary shall administer this section through the Cooperative State Research, Education, and Extension Service of the Department of Agriculture.

(vi) Availability of funds

Funds shall be available for obligation under this paragraph for a 2-year period.

(vii) Administrative costs

The Secretary may use not more than 4 percent of the funds made available for activities described in this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

(viii) Buildings

Funds made available for activities described in this paragraph shall not be used for the construction of a new building or the acquisition, expansion, remodeling, or alteration of an existing building (including site grading and improvement and architect fees).

(d) Limitations

Amounts in the Account may not be used for an activity described in subsection (c) of this section for a fiscal year if the program funding level for the fiscal year for the activity is less than 90 percent of the amount appropriated for the activity for fiscal year 1996, adjusted for inflation.

(Pub. L. 104-127, title VII, § 793, Apr. 4, 1996, 110 Stat. 1152; Pub. L. 105-185, title II, § 252, June 23,

1998, 112 Stat. 557; Pub. L. 105-277, div. A, § 101(a) [title VII, § 753(c)(1)], Oct. 21, 1998, 112 Stat. 2681, 2681-33.)

REFERENCES IN TEXT

The Housing Act of 1949, referred to in subsec. (c)(1)(A)(i), is act July 15, 1949, ch. 338, 63 Stat. 413, as amended, which is classified principally to chapter 8A (§1441 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1441 of Title 42 and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (c)(1)(A)(ii)(I), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (c)(1)(A)(ii)(II), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359, as amended. Subtitle G of title XVI of the Act, known as the Alternative Agricultural Research and Commercialization Act of 1990, is classified generally to subchapter VI (§5901 et seq.) of chapter 88 of this title. Title XXIII of the Act [104 Stat. 3979] is known as the Rural Economic Development Act of 1990. For complete classification of the Food, Agriculture, Conservation, and Trade Act of 1990 to the Code, see Short Title of 1990 Amendments note set out under section 1421 of this title and Tables. For complete classification of the Rural Economic Development Act of 1990 to the Code, see Short Title of 1990 Amendment note set out under section 1921 of this title and Tables.

The Rural Development Act of 1971, referred to in subsec. (c)(1)(A)(ii)(III), probably means the Rural Development Act of 1972, which is Pub. L. 92-419, Aug. 30, 1972, 86 Stat. 657, as amended. Title V of the Act is title V of Pub. L. 92-419, as added by Pub. L. 97-98, title XIV, §1444(a), Dec. 22, 1981, 95 Stat. 1322, as amended, which is classified generally to subchapter II (§2661 et seq.) of chapter 59 of this title. For complete classification of this Act to the Code, see Tables.

This Act, referred to in subsec. (c)(1)(B), is Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888, known as the Federal Agriculture Improvement and Reform Act of 1996. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.

AMENDMENTS

1998—Subsec. (b)(1). Pub. L. 105-185 added par. (1) and struck out heading and text of former par. (1). Text read as follows: “On January 1, 1997, October 1, 1998, and October 1, 1999, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer \$100,000,000 to the Account.”

Subsec. (c)(2)(B)(v). Pub. L. 105-277 added cl. (v).

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective June 23, 1998, see section 101(a) [title VII, § 753(f)] of Pub. L. 105-277, set out as a note under section 343 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 450i of this title.

§ 2204g. Authority of Secretary of Agriculture to conduct census of agriculture

(a) Census of agriculture required

In 1998 and every fifth year thereafter, the Secretary of Agriculture shall take a census of agriculture.

(b) Methods

In connection with the census, the Secretary may conduct any survey or other information