

**(b) Activities**

The Secretary is authorized to provide assistance under this section for the promotion or establishment of irrigation, watersheds, and other water management and drought management activities, including water transmission, application, and activation.

**(c) Cooperation**

In implementing this section, the Secretary—

(1) should address the general, special, and unique problems of water management existing in rural areas;

(2) may take action independently or in cooperation with Federal, State, public, or private entities and agencies; and

(3) shall cooperate with—

(A) cooperatives, public or private organizations, confederations, authorities, or other entities (including such entities that may be organized under multiple State agreements or compacts and entities created under State law) to carry out projects authorized under this section; and

(B) water, watershed, and sewer authorities, rural electric cooperatives, Federal agencies, and other State or local governments or agencies.

**(d) Regulations**

(1) The Secretary shall issue regulations to carry out this section.

(2) Such regulations shall—

(A) specify the terms and conditions that the entities described in subsections (a) and (c) of this section must meet in order to participate in programs carried out under this section;

(B) establish a procedure under which entities described in subsections (a) and (c) of this section may apply for assistance under this section; and

(C) foster cooperation between such entities and other Federal, State, or local agencies for the purposes of carrying out the provisions of this section.

**(e) “University” defined**

As used in this section, the term “university” means—

(1) a land grant university established under the Act of July 2, 1862 (known as the “First 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.<sup>1</sup>

**(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.<sup>1</sup>

(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 classification 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

<sup>1</sup> See References in Text note below.

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. Repealed. Pub. L. 107-171, title VI, § 6403(a), May 13, 2002, 116 Stat. 429**

Section, 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, related to Fund for Rural America.

**§ 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 collection, and employ any sampling or other statistical method, that the Secretary determines is appropriate.

**(c) Year of information**

The information collected in each census taken under this section shall relate to the year immediately preceding the year in which the census is taken.

**(d) Enforcement**

**(1) Fraud**

A person over 18 years of age who willfully gives an answer that is false to a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$500.

**(2) Refusal or neglect to answer questions**

A person over 18 years of age who refuses or willfully neglects to answer a question, which is authorized by the Secretary to be submitted to the person in connection with a census under this section, shall be fined not more than \$100.

**(3) Social Security number**

The failure or refusal of a person to disclose the person's Social Security number in response to a request made in connection with any census or other activity under this section shall not be a violation under this subsection.

**(4) Religious information**

Notwithstanding any other provision of this section, no person shall be compelled to disclose information relative to the religious beliefs of the person or to membership of the person in a religious body.

**(e) Geographic coverage**

A census under this section shall include—

(1) each of the several States of the United States;

(2) as determined appropriate by the Secretary, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and Guam; and