

“(iii) does not engage in activities prohibited under section 501(c)(3) of title 26; and

“(B) 1890 Land-Grant Colleges including Tuskegee Institute, Indian tribal community colleges and Alaska native cooperative colleges, Hispanic serving post-secondary educational institutions, and other post-secondary educational institutions with demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged family farmers and ranchers in their region.

“(3) FUNDING.—There are authorized to be appropriated \$10,000,000 for each fiscal year to carry out this subsection.”

Subsec. (d)(1). Pub. L. 107-171, §10707(c)(1), struck out “of Agriculture” after “analyze within the Department”.

Subsec. (e)(4) to (6). Pub. L. 107-171, §10707(a), added pars. (4) to (6).

Subsec. (g)(1). Pub. L. 107-171, §10707(c)(2), struck out “of Agriculture” after “Department”.

1991—Subsec. (a)(3). Pub. L. 102-237, §1003(1), substituted “subsection” for “section”.

Subsec. (c)(1)(C). Pub. L. 102-237, §1003(2), inserted “program” after “agricultural”.

Subsec. (d)(3). Pub. L. 102-237, §1003(3), substituted “November 28, 1991” for “1 year after the date of enactment of this Act”.

#### WAIVER OF STATUTE OF LIMITATIONS

Pub. L. 105-277, div. A, §101(a) [title VII, §741], Oct. 21, 1998, 112 Stat. 2681, 2681-30, provided that:

“(a) To the extent permitted by the Constitution, any civil action to obtain relief with respect to the discrimination alleged in an eligible complaint, if commenced not later than 2 years after the date of the enactment of this Act [Oct. 21, 1998], shall not be barred by any statute of limitations.

“(b) The complainant may, in lieu of filing a civil action, seek a determination on the merits of the eligible complaint by the Department of Agriculture if such complaint was filed not later than 2 years after the date of enactment of this Act [Oct. 21, 1998]. The Department of Agriculture shall—

“(1) provide the complainant an opportunity for a hearing on the record before making that determination;

“(2) award the complainant such relief as would be afforded under the applicable statute from which the eligible complaint arose notwithstanding any statute of limitations; and

“(3) to the maximum extent practicable within 180 days after the date a determination of an eligible complaint is sought under this subsection conduct an investigation, issue a written determination and propose a resolution in accordance with this subsection.

“(c) Notwithstanding subsections (a) and (b), if an eligible claim is denied administratively, the claimant shall have at least 180 days to commence a cause of action in a Federal court of competent jurisdiction seeking a review of such denial.

“(d) The United States Court of Federal Claims and the United States District Court shall have exclusive original jurisdiction over—

“(1) any cause of action arising out of a complaint with respect to which this section waives the statute of limitations; and

“(2) any civil action for judicial review of a determination in an administrative proceeding in the Department of Agriculture under this section.

“(e) As used in this section, the term ‘eligible complaint’ means a nonemployment related complaint that was filed with the Department of Agriculture before July 1, 1997 and alleges discrimination at any time during the period beginning on January 1, 1981 and ending December 31, 1996—

“(1) in violation of the Equal Credit Opportunity Act (15 U.S.C. 1691 et seq.) in administering—

“(A) a farm ownership, farm operating, or emergency loan funded from the Agricultural Credit Insurance Program Account; or

“(B) a housing program established under title V of the Housing Act of 1949 [42 U.S.C. 1471 et seq.]; or

“(2) in the administration of a commodity program or a disaster assistance program.

“(f) This section shall apply in fiscal year 1999 and thereafter.

“(g) The standard of review for judicial review of an agency action with respect to an eligible complaint is de novo review. Chapter 5 of title 5 of the United States Code shall apply with respect to an agency action under this section with respect to an eligible complaint, without regard to section 554(a)(1) of that title.”

### § 2279-1. Transparency and accountability for socially disadvantaged farmers and ranchers

#### (a) Purpose

The purpose of this section is to ensure compilation and public disclosure of data to assess and hold the Department of Agriculture accountable for the nondiscriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

#### (b) Definition of socially disadvantaged farmer or rancher

In this section, the term “socially disadvantaged farmer or rancher” has the meaning given the term in section 2003(e) of this title.

#### (c) Compilation of program participation data

##### (1) Annual requirement

For each county and State in the United States, the Secretary shall compute annually the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program of the Department of Agriculture established for farmers or ranchers.

##### (2) Reporting participation

In reporting the rates of participation under paragraph (1), the Secretary shall report the participation rate of socially disadvantaged farmers and ranchers according to race, ethnicity, and gender.

(Pub. L. 101-624, title XXV, §2501A, as added Pub. L. 107-171, title X, §10708(a), May 13, 2002, 116 Stat. 522.)

### § 2279a. Fair and equitable treatment of socially disadvantaged producers

#### (a) Fair crop acreage bases and farm program payment yields

If the Secretary of Agriculture determines that crop acreage bases or farm program payment yields established for farms owned or operated by socially disadvantaged producers are not established in accordance with title V of the Agricultural Act of 1949 (7 U.S.C. 1461 et seq.), the Secretary shall adjust the bases and yields to conform to the requirements of such title and make available any appropriate commodity program benefits.

#### (b) Fair application of Consolidated Farm and Rural Development Act

If the Secretary of Agriculture determines that application of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) with respect to socially disadvantaged producers is not consistent with the requirements of such

Act, the Secretary shall make such changes in the administration of such Act as the Secretary considers necessary to provide for the fair and equitable treatment of socially disadvantaged producers under such Act.

**(c) Report on treatment of socially disadvantaged producers**

**(1) Report required**

The Comptroller General of the United States shall prepare a report to determine—

(A) whether socially disadvantaged producers are underrepresented on State, county, area, or local committees established under section 590h(b)(5) of title 16 or local review committees established under section 1363 of this title because of racial, ethnic, or gender prejudice; and

(B) if such underrepresentation exists, whether it inhibits or interferes with the participation of socially disadvantaged producers in programs of the Department of Agriculture.

**(2) Submission of report**

Not later than February 1, 1995, the Comptroller General shall submit the report required by this subsection to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate.

**(d) “Socially disadvantaged producer” defined**

For purposes of this section, the term “socially disadvantaged producer” means a producer who is a member of a group whose members have been subjected to racial, ethnic, or gender prejudice because of their identity as members of a group without regard to their individual qualities.

(Pub. L. 103-354, title III, §305, Oct. 13, 1994, 108 Stat. 3240.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended. Title V of the Act, which was classified generally to subchapter IV (§1461 et seq.) of chapter 35A of this title, was omitted from the Code. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (b), 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.

**§ 2279b. Operation of Graduate School of Department of Agriculture as nonappropriated fund instrumentality**

**(a) Definitions**

In this section:

**(1) Graduate School**

The term “Graduate School” means the Graduate School of the Department of Agriculture.

**(2) Board**

The term “Board” means the General Administration Board of the Graduate School.

**(3) Director**

The term “Director” means the Director of the Graduate School.

**(4) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(b) Operation as nonappropriated fund instrumentality**

On and after April 4, 1996, the Graduate School of the Department of Agriculture shall continue to operate as a nonappropriated fund instrumentality of the United States under the jurisdiction of the Department of Agriculture.

**(c) Activities of Graduate School**

Under the general supervision of the Secretary, the Graduate School shall develop, administer, and provide educational, training, and professional development activities, including educational activities for Federal agencies, Federal employees, nonprofit organizations, other entities, and members of the general public.

**(d) Fees and donations**

**(1) Collection of fees**

The Graduate School may charge and retain fair and reasonable fees for the activities provided by the Graduate School. The amount of the fees shall be based on the cost of the activities to the Graduate School.

**(2) Acceptance of donations**

**(A) Acceptance and use authorized**

The Graduate School may accept, use, hold, dispose, and administer gifts, bequests, and devises of money, securities, and other real or personal property made for the benefit of, or in connection with, the Graduate School.

**(B) Exception**

The Graduate School shall not accept a donation from a person that is actively engaged in a procurement activity with the Graduate School or has an interest that may be substantially affected by the performance or nonperformance of an official duty of a member of the Board or an employee of the Graduate School.

**(3) Not Federal funds**

Fees collected under paragraph (1) and amounts received under paragraph (2) shall not be considered to be Federal funds and shall not be required to be deposited in the Treasury of the United States.

**(e) General Administration Board and Director**

**(1) Appointment as governing board**

The Secretary shall appoint a General Administration Board to serve as a governing board for the Graduate School and to supervise and direct the activities of the Graduate School. The Board shall be subject to regulation by the Secretary.

**(2) Duties of Board**

The Board shall—

(A) formulate broad policies in accordance with which the Graduate School shall be administered;