

TO MAKE TECHNICAL AMENDMENTS TO UPDATE STATUTORY REFERENCES TO CERTAIN PROVISIONS CLASSIFIED TO TITLE 7, UNITED STATES CODE, TITLE 20, UNITED STATES CODE, AND TITLE 43, UNITED STATES CODE

NOVEMBER 30, 2021.—Referred to the House Calendar and ordered to be printed

Mr. NADLER, from the Committee on the Judiciary,  
submitted the following

**R E P O R T**

[To accompany H.R. 5679]

The Committee on the Judiciary, to whom was referred the bill (H.R. 5679) to make technical amendments to update statutory references to certain provisions classified to title 7, United States Code, title 20, United States Code, and title 43, United States Code.

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**Purpose and Summary**

Following up on the Office of the Law Revision Counsel’s (OLRC) editorial reclassification of certain provisions classified to titles 7, 20, and 43 of the United States Code (the Code), H.R. 5679 would update statutory references to those reclassified provisions in other Code titles.

## Background and Need for the Legislation

The House has assigned to the Judiciary Committee responsibility for the “Revision and codification of the Statutes of the United States.”<sup>1</sup> In modern practice, this responsibility entails periodically updating the United States Code (“the Code”). Currently organized in 54 titles based on subject matter, the Code contains all of the general and permanent laws of the United States.

Congress created the Code in 1926 to compile federal laws into a sensible, up-to-date collection that would spare people the labor of searching for laws in the chronologically-organized volumes of the Statutes at Large.<sup>2</sup> To date, 27 of these 54 titles have been enacted into “positive law,” which means the text of these titles is itself the law,<sup>3</sup> while the remaining titles are “non-positive,” meaning that they organize federal statutes for users’ convenience, but do not themselves have the force of law.<sup>4</sup>

The entity responsible for updating the Code as Congress passes new laws or amends existing ones is the Office of the Law Revision Counsel (OLRC).<sup>5</sup> Established within the House of Representatives, OLRC’s purpose is “to develop and keep current an official and positive codification of the laws of the United States,” while maintaining strict impartiality as to issues of legislative policy.<sup>6</sup> The Judiciary Committee plays an essential role in two of OLRC’s important functions.

OLRC is required:

- (1) To prepare, and submit to the Committee on the Judiciary one title at a time, a complete compilation, restatement, and revision of the general and permanent laws of the United States which conforms to the understood policy, intent, and purpose of the Congress in the original enactments, with such amendments and corrections as will remove ambiguities, contradictions, and other imperfections both of substance and of form, separately stated, with a view to the enactment of each title as positive law.

The Judiciary Committee therefore plays a key role in maintaining the accuracy of the U.S. Code. OLRC regularly submits to the

<sup>1</sup> Clause 1(l)(17) of House Rule X.

<sup>2</sup>The Statutes at Large is the collection of laws passed in a particular session of Congress, arranged in sequence by public law number, <https://www.archives.gov/federal-register/publications/statutes.html>. The content of the Statutes at Large is considered “legal evidence of laws, concurrent resolutions, treaties, international agreements other than treaties, proclamations by the President, and proposed or ratified amendments to the Constitution of the United States therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.” 1 U.S.C. § 112.

<sup>3</sup>For example, H.R. 2694 (117th Congress) proposes amending Title 18 (“Crimes and Criminal Procedure”), which is a positive title of the U.S. Code, so it is drafted to directly amend a provision of that title (“Section 4285 of title 18, United States Code, is amended in the first sentence. . . .”). The content of positive-law Code titles is considered “legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.” 1 U.S.C. § 204.

<sup>4</sup>For example, H.R. 2922 (117th Congress) proposes amending section 101(b) of the Elder Abuse Prevention and Prosecution Act, which is compiled in Title 34 (“Crime Control and Law Enforcement”), a non-positive title of the Code. In this situation, the bill amends the underlying law and includes a parenthetical citation to its location in Title 34 as a convenience (“Section 101(b) of the Elder Abuse Prevention and Prosecution Act (34 U.S.C. 21711(b)) is amended to read”). The contents of non-positive titles “establish prima facie the laws of the United States, general and permanent in their nature, in force on the day preceding the commencement of the session following the last session the legislation of which is included.” 1 U.S.C. § 204.

<sup>5</sup>Office of the Law Revision Counsel (hereinafter OLRC), U.S. Code, home page, <https://uscode.house.gov/>.

<sup>6</sup>H. Res. 988 (93d Congress), § 205(c), as enacted into law by Pub. L. 93-554 (2 U.S.C. § 285a).

Committee proposed legislation that carries out its mission to keep the Code current and correct. The Judiciary Committee then considers and reports this legislation to the House. If the legislation passes into law, OLRC implements the changes in the Code.

H.R. 5679 is the result of several “editorial reclassification” efforts that OLRC has undertaken in recent years to better organize the Code’s non-positive titles. According to OLRC, the purpose of editorial reclassification is, “to reorganize areas of law that have outgrown their original boundaries, or to eliminate organizational units that are no longer efficient.”<sup>7</sup> Without altering any statutory language, OLRC relocates and rearranges provisions to make the organization of titles more logical and accessible. As a result of these editorial classifications, statutory references in other titles of the Code must also be updated.

In 2017, OLRC moved provisions from chapter 17 (“Miscellaneous Matters”) in title 7 (Agriculture) into other sections in title 7 and, in a few cases, into titles 16 (Conservation) and 21 (Food and Drugs). OLRC also deleted a few provisions from chapter 17 as obsolete.<sup>8</sup>

In 2016, OLRC moved part C of title IV of the Higher Education Act of 1965 from title 42 (The Public Health and Welfare) to title 20 of the Code (Education) and made a few more conforming changes to the structure of title 20.<sup>9</sup> OLRC explained that before this reorganization, it was “awkward and confusing” to cite to the Higher Education Act and the portion of the law appearing in title 42 was easily overlooked. It continued:

*Transferring part C of title IV of the Act from its former location in Title 42 to its proper location in Title 20 brought the structure of the Code into logical correspondence with the structure of the Act and simplified references to the Act.*<sup>10</sup>

In 2017, OLRC moved provisions from chapter 28 (“Miscellaneous Provisions Relating to Public Lands”) in title 43 (Public Lands) into other sections in title 43 and, in a few cases, into title 25 (Indians). OLRC also deleted a few provisions from chapter 28 as obsolete.<sup>11</sup>

In the 115th Congress, the Judiciary Committee ordered reported a bill (sponsored by Rep. King of Iowa) making the necessary changes to cross-references in other titles of the Code affected by these three editorial reclassification efforts.<sup>12</sup> H.R. 5679 is an updated version of this legislation.

## Hearings

The Committee did not hold any hearings related to H.R. 5679.

<sup>7</sup> OLRC web site, Editorial Reclassification, <https://uscode.house.gov/editorialreclassification/reclassification.html>.

<sup>8</sup> OLRC web site, Editorial Reclassification, Title 7, U.S. Code, <https://uscode.house.gov/editorialreclassification/t7/index.html>.

<sup>9</sup> OLRC web site, Editorial Reclassification, Title 20, U.S. Code, <https://uscode.house.gov/editorialreclassification/t20/index.html>.

<sup>10</sup> *Id.*

<sup>11</sup> OLRC web site, Editorial Reclassification, Title 43, U.S. Code, <https://uscode.house.gov/editorialreclassification/t43/index.html>.

<sup>12</sup> H.R. 5283 (115th Cong.).

### **Committee Consideration**

On November 3, 2021, the Committee met in open session and ordered the bill, H.R. 5679, favorably reported without an amendment, by a voice vote, a quorum being present.

### **Committee Votes**

No roll call votes occurred during the Committee's consideration of H.R. 5679.

### **Committee Oversight Findings**

In compliance with clause 3(c)(1) of House Rule XIII, the Committee advises that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of House Rule X, are incorporated in the descriptive portions of this report.

### **Committee Estimate of Budgetary Effects**

Pursuant to clause 3(d)(1) of House Rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974.

### **New Budget Authority and Congressional Budget Office Cost Estimate**

Pursuant to clause 3(c)(2) of House Rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause (3)(c)(3) of House Rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of Congressional Budget Office (CBO) a budgetary analysis and a cost estimate of this bill. Based on CBO's analysis of a similar bill (H.R. 3239) transmitted to the Committee on June 14, 2021, the Committee estimates that H.R. 5679 would have no effect on the federal budget.

### **Duplication of Federal Programs**

Pursuant to clause 3(c)(5) of House Rule XIII, no provision of H.R. 5679 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program.

### **Performance Goals and Objectives**

The Committee states that pursuant to clause 3(c)(4) of House Rule XIII, H.R. 5679 would help implement editorial reclassifications to portions of the United States Code, with the goal of improving and modernizing the overall organization of the Code.

### **Advisory on Earmarks**

In accordance with clause 9 of House Rule XXI, H.R. 5679 does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of House Rule XXI.

### Section-by-Section Analysis

Section 1 of the bill updates a statutory reference in title 5, United States Code.

Section 2 of the bill updates statutory references in title 7, United States Code.

Section 3 of the bill updates a statutory reference in title 11, United States Code.

Section 4 of the bill updates statutory references in title 16, United States Code.

Section 5 of the bill updates statutory references in title 20, United States Code.

Section 6 of the bill updates a statutory reference in title 21, United States Code.

Section 7 of the bill updates a statutory reference in title 26, United States Code.

Section 8 of the bill updates statutory references in title 42, United States Code.

Section 9 of the bill updates statutory references in title 43, United States Code.

Section 10 of the bill updates a statutory reference in title 48, United States Code.

### Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3(e) of House Rule XIII, changes in existing law made by the bill, H.R. 5679, as reported, are shown as follows:

#### CHANGES IN EXISTING LAW MADE BY THE BILL

Set out below is a comparative print showing changes in existing law proposed by the bill. Insertions are shown in italic and omissions are surrounded by brackets.

## TITLE 5—GOVERNMENT ORGANIZATION AND EMPLOYEES

### § 5109(a)

#### § 5109. Positions classified by statute

(a) The position held by an employee of the Department of Agriculture while he, under section ~~section 450d of title 7~~ *section 2204-2 of title 7*, is designated and vested with a delegated regulatory function or part thereof shall be classified in accordance with this chapter, but not lower than GS-14.

## TITLE 7—AGRICULTURE

### § 136w-7(a)(1) (Federal Insecticide, Fungicide, and Rodenticide Act, § 32(a)(1))

#### SEC. 32. DEPARTMENT OF AGRICULTURE MINOR USE PROGRAM.

(a) IN GENERAL.—The Secretary of Agriculture (hereinafter in this section referred to as the “Secretary”) shall assure the coordi-

nation of the responsibilities of the Department of Agriculture related to minor uses of pesticides, including—

(1) carrying out the Inter-Regional Project Number 4 (IR-4) as described in section 2 of Public Law 89-106 [(7 U.S.C. 450i(e))] (7 U.S.C. 3157(e)) and the national pesticide resistance monitoring program established under section 1651 of the Food, Agriculture, Conservations, and Trade Act of 1990 (7 U.S.C. 5882);

**§ 136w-8(b)(7)(E)(i) (Federal Insecticide, Fungicide, and Rodenticide Act, § 33(b)(7)(E)(i))**

**SEC. 33. PESTICIDE REGISTRATION SERVICE FEES.**

\* \* \* \* \*  
 (b) FEES.—

\* \* \* \* \*  
 (7) WAIVERS AND REDUCTIONS.—

\* \* \* \* \*  
 (E) IR-4 WAIVER.—The Administrator shall waive the registration service fee for an application if the Administrator determines that—

(i) the application is solely associated with a tolerance petition submitted in connection with the Inter-Regional Project Number 4(IR-4) as described in section 2 of Public Law 89-106 [(7 U.S.C. 450i(e))] (7 U.S.C. 3157(e)); and

**§ 3202(b) (Food, Conservation, and Energy Act of 2008, title VII, § 7521(b))**

**SEC. 7521. RESEARCH AND EDUCATION GRANTS FOR THE STUDY OF ANTIBIOTIC-RESISTANT BACTERIA.**

\* \* \* \* \*  
 (b) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i)] (7 U.S.C. 3157(b)) shall apply with respect to the making of grants under this section.

**§ 3222(b)(3)(B) (National Agricultural Research, Extension, and Teaching Policy Act of 1977, § 1445(b)(3)(B))**

**AGRICULTURAL RESEARCH AT 1890 LAND GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY**

SEC. 1445.\* \* \*  
 (b) DISTRIBUTION OF FUNDS.—

\* \* \* \* \*  
 (3) DISTRIBUTIONS.—

\* \* \* \* \*  
 (B) BASE AMOUNT.—Funds up to the total amount made available to all eligible institutions in the fiscal year ending September 30, 1978, under section 2 of the Act of August 4, 1965 [(79 Stat. 431; 7 U.S.C. 450i)] (79 Stat. 431; 7 U.S.C. 3157), shall be allocated among the eligible institutions in the same proportions as funds made available

under section 2 of the Act of August 4, 1965, for the fiscal year ending September 30, 1978, were allocated among the eligible institutions as so designated as of that date.

**§ 3311(c) (National Agricultural Research, Extension, and Teaching Policy Act of 1977, § 1463(c))**

**AUTHORIZATION FOR APPROPRIATIONS FOR EXISTING AND CERTAIN NEW AGRICULTURAL RESEARCH PROGRAMS**

SEC. 1463 \* \* \*

(c) Notwithstanding any other provision of law effective beginning October 1, 1983, not less than 25 per centum of the total funds appropriated to the secretary in any fiscal year for the conduct of the cooperative research program provided for under the Act of March 2, 1887, commonly known as the Hatch Act (7 U.S.C. 361a et seq.); the cooperative forestry research program provided for under the Act of October 10, 1962, commonly known as the McIntire-Stennis Act (16 U.S.C. 582a et seq.); the special and competitive grants programs provided for in sections 2(b) and 2(c) of the Act of August 4, 1965 [(7 U.S.C. 450i)] (7 U.S.C. 3157(b), (c)); the animal health research program provided for under sections 1433(a) and 1434 of this title; \* \* \*

**§ 3315(a)(1) (National Agricultural Research, Extension, and Teaching Policy Act of 1977, § 1469(a)(1))**

**AUDITING, REPORTING, BOOKKEEPING, AND ADMINISTRATIVE REQUIREMENTS**

SEC. 1469. (a) IN GENERAL.—EXCEPT AS PROVIDED ELSEWHERE IN THIS ACT OR ANY OTHER ACT OF CONGRESS—

(1) assistance provided under this title shall be subject to the provisions of [sections 2(e), 2(f), and 2(h) of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 450i)] *sections 2(f), 2(g), and 2(i) of the Act of August 4, 1965 (79 Stat. 431; 7 U.S.C. 3157(f), (g), (i))*, as amended by section 1414 of this title;

**§ 3319 (National Agricultural Research, Extension, and Teaching Policy Act of 1977, § 1473)**

**RESTRICTION ON TREATMENT OF INDIRECT COSTS AND TUITION REMISSION**

SEC. 1473. Funds made available by the Secretary under established Federal-State partnership arrangements to State cooperative institutions under the Acts referred to in section 1404(18) of this title and funds made available under subsection (c)(1)(B) of section 2 of the Act of August 4, 1965 [(7 U.S.C. 450i)] (7 U.S.C. 3157(c)(1)(B)) shall not be subject to reduction for indirect costs or for tuition remission. No indirect costs or tuition remission shall be charged against funds in connection with cooperative agreements between the Department of Agriculture and State cooperative institutions if the cooperative program or project involved is of mutual interest to all the parties and if all the parties contribute to the cooperative agreement involved. The prohibition on the use of such funds for the reimbursement of indirect costs shall not apply to funds for international agricultural programs conducted by a State

cooperative institution and administered by the Secretary or to funds provided by a Federal agency for such cooperative program or project through a fund transfer, advance, or reimbursement. The Secretary shall limit the amount of such reimbursement to an amount necessary to carry out such program or agreement.

**§ 5924(d) (Food, Agriculture, Conservation, and Trade Act of 1990, § 1671(d))**

**SEC. 1671. AGRICULTURAL GENOME INITIATIVE.**

\* \* \* \* \*

(d) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i)] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of a grant or cooperative agreement under this section.

**§ 5925(b)(1), (e)(3) (Food, Agriculture, Conservation, and Trade Act of 1990, § 1672(b)(1), (e)(3))**

**SEC. 1672. HIGH PRIORITY RESEARCH AND EXTENSION INITIATIVES.**

\* \* \* \* \*

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as otherwise provided in this section, paragraphs (4), (7), (8), and 11(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i)] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of grants under this section.

\* \* \* \* \*

(e) PULSE CROP HEALTH INITIATIVE.—

\* \* \* \* \*

(3) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i(b)))] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of a competitive grant under this subsection.

**§ 5925b(b) (Food, Agriculture, Conservation, and Trade Act of 1990, § 1672B(b))**

**SEC. 1672B. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.**

\* \* \* \* \*

(b) GRANT TYPES AND PROCESS, PROHIBITION ON CONSTRUCTION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i)] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of grants under this section.

**§ 5925f(c) (Food, Agriculture, Conservation, and Trade Act of 1990, § 1672D(c))**

**SEC. 1672D. FARM BUSINESS MANAGEMENT.**

\* \* \* \* \*

(c) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research

Grant Act [(7 U.S.C. 450i(b))] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of grants under this section.

**§ 5926(b) (Food, Agriculture, Conservation, and Trade Act of 1990, § 1673(b))**

**SEC. 1673. CENTERS OF EXCELLENCE.**

\* \* \* \* \*

(b) COMPOSITION.—A center of excellence is composed of 1 or more of the eligible entities specified in subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i(b)(7))] (7 U.S.C. 3157(b)(7)) that provide financial or in-kind support to the center of excellence.

**§ 6971(f)(1)(D)(i) (Department of Agriculture Reorganization Act of 1994, § 251(f)(1)(D)(i))**

**SEC. 251. UNDER SECRETARY OF AGRICULTURE FOR RESEARCH, EDUCATION AND ECONOMICS.**

\* \* \* \* \*

(f) NATIONAL INSTITUTE OF FOOD AND AGRICULTURE.—

(1) DEFINITIONS.—In this subsection:

\* \* \* \* \*

(D) COMPETITIVE PROGRAM.—The term “competitive program” means each of the following agricultural research, extension, education, and related programs for which the Secretary has administrative or other authority as of the day before the date of enactment of the Food, Conservation, and Energy Act of 2008:

(i) The Agriculture and Food Research Initiative established under section 2(b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i(b))] (7 U.S.C. 3157(b)).

**§ 7633(e)(2) (Agricultural Research, Extension, and Education Reform Act of 1998, § 413(e)(2))**

**SEC. 413. FOOD AND AGRICULTURE SERVICE LEARNING PROGRAM.**

\* \* \* \* \*

(e) FUNDING.—

\* \* \* \* \*

(2) ADMINISTRATION.—Paragraphs (4), (7), (8), and (11)(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i(b))] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)) shall apply with respect to the making of a competitive grant under this section.

**§ 7655b(c)(3) (Agricultural Research, Extension, and Education Reform Act of 1998, § 617(c)(3))**

**SEC. 617. FORESTRY PRODUCTS ADVANCED UTILIZATION RESEARCH.**

\* \* \* \* \*

(c) GRANTS.—

\* \* \* \* \*

(3) ADMINISTRATION.—In making grants under this section, the Secretary shall follow the requirements of paragraphs (4), (7), (8), and 11(B) of subsection (b) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i)] (7 U.S.C. 3157(b)(4), (7), (8), (11)(B)).

**§ 8114(c)(1)(A)(i) (Food, Conservation, and Energy Act of 2008, § 7526(c)(1)(A)(i))**

**SEC. 7526. SUN GRANT PROGRAM.**

\* \* \* \* \*

(c) USE OF FUNDS.—

(1) COMPETITIVE GRANTS.—

(A) IN GENERAL.—A sun grant center or subcenter shall use 75 percent of the funds described in subsection (b) to provide competitive grants to entities that are—

(i) eligible to receive grants under subsection (b)(7) of the Competitive, Special, and Facilities Research Grant Act [(7 U.S.C. 450i(b)(7))] (7 U.S.C. 3157(b)(7)); and

**§ 8351 note (H.R. 3037, 99th Congress, title I, enacted into law by Public Law 100–202, § 106)**

**ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

**SALARIES AND EXPENSES**

**(INCLUDING TRANSFERS OF FUNDS)**

\* \* \* That effective upon the date of enactment of this Act and notwithstanding any other provision of law, the authorities of the Secretary of Agriculture under the Act of March 2, 1931 [(46 Stat. 1468; 7 U.S.C. 426–426b)] (46 Stat. 1468; 7 U.S.C. 8351, 8352), (transferred to the Secretary of the Interior pursuant to section 4(f) of 1939 Reorganization Plan No. II) and all personnel, property, records, unexpended balances of appropriations, allocations and other funds of the Fish and Wildlife Service, United States Department of the Interior used, held, available or to be made available in connection with the administration of such Act, are hereby transferred from the Secretary of the Interior to the Secretary of Agriculture, and this appropriation shall be available to carry out such authorities.

**§ 8354 (Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, § 749)**

SEC. 749. Hereafter, notwithstanding any other provision of law, the Secretary of Agriculture may use appropriations available to the Secretary for activities authorized under [sections 426–426c of title 7, United States Code] the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 8351, 8352) and the 7th proviso in the first paragraph under the heading “ANIMAL AND PLANT HEALTH INSPECTION SERVICE” in title I of the Rural Development, Agriculture, and Related Agencies Appropriations Act, 1988 (101 Stat. 1329–331; 7 U.S.C. 8353), under this or any other Act, to enter into cooperative agreements, with a State, political subdivision, or agen-

cy thereof, a public or private agency, organization, or any other person, to lease aircraft if the Secretary determines that the objectives of the agreement will: (1) serve a mutual interest of the parties to the agreement in carrying out the programs administered by the Animal and Plant Health Inspection Service, Wildlife Services; and (2) all parties will contribute resources to the accomplishment of these objectives; award of a cooperative agreement authorized by the Secretary may be made for an initial term not to exceed 5 years.

## TITLE 11—BANKRUPTCY

### § 541(b)(3)

#### § 541. Property of the estate

\*       \*       \*       \*       \*       \*       \*

(b) Property of the estate does not include—

\*       \*       \*       \*       \*       \*       \*

(3) any eligibility of the debtor to participate in programs authorized under the Higher Education Act of 1965 [(20 U.S.C. 1001 et seq.; 42 U.S.C. 2751 et seq.)] (*20 U.S.C. 1001 et seq.*), or any accreditation status or State licensure of the debtor as an educational institution;

## TITLE 16—CONSERVATION

### § 528 note (Department of the Interior and Related Agencies Appropriations Act, 2000, div. B, § 1000(a)(3) [title III, § 339])

SEC. 339. PILOT PROGRAM OF CHARGES AND FEES FOR HARVEST OF FOREST BOTANICAL PRODUCTS.

\*       \*       \*       \*       \*       \*       \*

(f) DEPOSIT AND USE OF FUNDS.—

\*       \*       \*       \*       \*       \*       \*

(4) TREATMENT OF FEES.—Funds collected under subsection (c) shall not be taken into account for the purposes of the following laws:

\*       \*       \*       \*       \*       \*       \*

(D) [The Act of August 8, 1937, and the Act of May 24, 1939 (43 U.S.C. 1181a et seq.)] *The Act of August 28, 1937, and the Act of May 24, 1939 (43 U.S.C. 2601 et seq.)*.

### § 753 (Interior Department Appropriation Act, 1943)

#### FEDERAL AID IN WILDLIFE RESTORATION

\*       \*       \*       \*       \*       \*       \*

Total, Fish and Wildlife Service, \$5,911,570, and in addition thereto funds made available under the Migratory Bird Conservation Fund, of which amounts not to exceed \$921,505 may be expended for personal service in the District of Columbia, and not to exceed \$65,300 shall be available for the purchase of motor-pro-

pelled passenger-carrying vehicles necessary in the conduct of field work outside the District of Columbia: \* \* \* Provided further, That hereafter cooperative work conducted by the Fish and Wildlife Service shall be subject to the provisions of the Act of July 24, 1919 [(5 U.S.C. 563–564)] (7 U.S.C. 2279i, 2220):

**§ 2103c(c) (Cooperative Forestry Assistance Act of 1978, § 7(c))**

**SEC. 7. FOREST LEGACY PROGRAM.**

\* \* \* \* \*

(c) INTERESTS IN LAND.—In addition to the authorities granted under section 6 of the Act of March 1, 1911 (16 U.S.C. 515), and section 11(a) of the Department of Agriculture Organic Act of 1956 [(7 U.S.C. 428a(a))] (7 U.S.C. 2268a(a)), the Secretary may acquire from willing landowners lands and interests therein, including conservation easements and rights of public access, for Forest Legacy Program purposes. The Secretary shall not acquire conservation easements with title held in common ownership with any other entity.

**§ 2909(3) (Fish and Wildlife Conservation Act of 1980, § 10(3))**

**SEC. 10. DISCLAIMERS.**

Nothing in this Act shall be construed as affecting—

\* \* \* \* \*

(3) the authority of the Secretary of Agriculture under the Act of March 2, 1931 [(46 Stat. 1468–1469; 7 U.S.C. 426–426b)] (46 Stat. 1468, 1469; 7 U.S.C. 8351, 8352).

**§ 6813(b)(5) (Federal Lands Recreation Enhancement Act, § 814(b)(5))**

**SEC. 814. RELATION TO OTHER LAWS AND FEE COLLECTION AUTHORITIES.**

\* \* \* \* \*

(b) RELATION TO REVENUE ALLOCATION LAWS.—Amounts collected under this Act, and the existence of a fee management agreement with a governmental entity under section 6(a), may not be taken into account for the purposes of any of the following laws:

\* \* \* \* \*

(5) Title II of the Act of [August 8, 1937] *August 28, 1937*, and the Act of May 24, 1939 [(43 U.S.C. 1181f et seq.)] (43 U.S.C. 2621 et seq.).

**§ 7102(10) (Secure Rural Schools and Community Self-Determination Act of 2000, § 3(10))**

**SEC. 3. DEFINITIONS.**

In this Act:

\* \* \* \* \*

(10) 50-PERCENT PAYMENT.—The term “50-percent payment” means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 [(chapter 876; 50 Stat. 875; 43 U.S.C. 1181f)] (chapter 876; 50 Stat. 875; 43 U.S.C. 2605), and the payment

made to a county pursuant to the Act of May 24, 1939 [(chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.)] (*chapter 144; 53 Stat. 753; 43 U.S.C. 2621 et seq.*).

## TITLE 20—EDUCATION

### § 1087-51 note (Higher Education Amendments of 1968, § 131(c))

#### SEC. 131.

#### TRANSFER OF WORK-STUDY PROVISIONS TO HIGHER EDUCATION ACT OF 1965

#### SEC. 131. \* \* \*

(c) Any reference to any provision of part C of title I of the Economic Opportunity Act of 1964 in any law of the United States shall be deemed to be a reference to the corresponding provision of part C of title IV of the Higher Education Act of 1965 (*20 U.S.C. 1087-51 et seq.*) as amended by this section.

### § 1087kk note (Higher Education Amendments of 1986, § 406(b)(3))

#### SEC. 406. ADDITION OF A NEW PART F RELATING TO NEED ANALYSIS FOR STUDENT ASSISTANCE.

\* \* \* \* \*

#### (b) EFFECTIVE DATES FOR NEED ANALYSIS PROVISIONS.—

\* \* \* \* \*

(3) For purposes of [sections 413D(d)(2)(B), 442(d)(2)(B) and 462(d)(2)(B)] *sections 413D(c)(2)(B), 442(d)(2)(B), and 462(d)(2)(B) (20 U.S.C. 1070b-3(c)(2)(B), 1087-52(d)(2)(B), 1087bb(d)(2)(B))* for any academic year preceding academic year 1988-1989, the Secretary shall, in lieu of average expected family contribution, use the procedures for sampling expected family contribution within income categories that was employed for academic year 1986-1987, adjusted to reflect changes in data.

## TITLE 21—FOOD AND DRUGS

### § 113a (Act of May 29, 1884, ch. 60, § 12)

SEC. 12. The Secretary of Agriculture is authorized to establish research laboratories, including the acquisition of necessary land, buildings, or facilities, and also the making of research contracts under the authority contained in section 10(a) of the Bankhead-Jones Act of 1935 (*7 U.S.C. 3105(a)*), as amended by the Research and Marketing Act of 1946, for research and study, in the United States or elsewhere, of foot-and-mouth disease which in the opinion of the Secretary constitute a threat to the livestock industry of the United States: \* \* \*

**TITLE 26—INTERNAL REVENUE CODE**

**§ 117(c)(2)(C)**

**SEC. 117. QUALIFIED SCHOLARSHIPS.**

\* \* \* \* \*

(c) LIMITATION.—

\* \* \* \* \*

(2) EXCEPTIONS.—Paragraph (1) shall not apply to any amount received by an individual under—

\* \* \* \* \*

(C) a comprehensive student work-learning-service program (as defined in section 448(e) of the Higher Education Act of 1965 (20 U.S.C. 1087–58(e)) operated by a work college (as defined in such section).

**TITLE 42—THE PUBLIC HEALTH AND WELFARE**

**§ 8852(a) (Biomass Energy and Alcohol Fuels Act of 1980, § 257(a))**

SEC. 257. (a) The Secretary of Agriculture shall coordinate the applied research and extension programs conducted under this subtitle and under the amendments made by this subtitle to section 1419 and subtitle B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, section 1 of the Bankhead-Jones Act (7 U.S.C. 3104), section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978, and sections 1 and 2 of the Smith-Lever Act with the programs of Department of Energy.

**§ 12561 (National and Community Service Act of 1990, § 118)**

**SEC. 118. HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE.**

\* \* \* \* \*

(b) GENERAL AUTHORITY.—The Corporation, in consultation with the Secretary of Education, is authorized to make grants to, and enter into contracts with, institutions of higher education (including a consortium of such institutions), and partnerships comprised of such institutions and of other public or private nonprofit organizations, to pay for the Federal share of the cost of—

\* \* \* \* \*

(5) supplementing the funds available to carry out work-study programs under part C of title IV of the Higher Education Act of 1965 [(42 U.S.C. 2751 et seq.)] (20 U.S.C. 1087–51 et seq.) to support service-learning and community service through the community service program;

\* \* \* \* \*

(g) FEDERAL WORK STUDY.—To be eligible for assistance under this part, an institution of higher education shall demonstrate that it meets the minimum requirements under section 443(b)(2)(A) of

the Higher Education Act of 1965 [(42 U.S.C. 2753(b)(2)(A))] (20 U.S.C. 1087-53(b)(2)(A)) relating to the participation of students employed under part C of title IV of the Higher Education Act of 1965 [(42 U.S.C. 2751 et seq.)] (20 U.S.C. 1087-51 et seq.) (relating to Federal Work-Study Programs) in community service activities, or has received a waiver of those requirements from the Secretary of Education.

**§ 12561a(b)(2) (National and Community Service Act of 1990, § 118A(b)(2))**

**SEC. 118A. CAMPUSES OF SERVICE.**

\* \* \* \* \*

(b) APPLICATIONS FOR NOMINATION.—

\* \* \* \* \*

(2) CONTENTS.—At a minimum, the application shall include information specifying—

\* \* \* \* \*

(B) the percentage of undergraduate students engaging in and, if applicable, the percentage of graduate students engaging in activities providing community services, as defined in section 441(c) of the Higher Education Act of 1965 [(42 U.S.C. 2751(c))] (20 U.S.C. 1087-51(c)), during such preceding academic year, the quality of such activities, and the average amount of time spent, per student, engaged in such activities;

(C) for such preceding academic year, the percentage of Federal work-study funds made available to the institution under part C of title IV of the Higher Education Act of 1965 [(42 U.S.C. 2751 et seq.)] (20 U.S.C. 1087-51 et seq.) that is used to compensate students employed in providing community services, as so defined, and a description of the efforts the institution undertakes to make available to students opportunities to provide such community services and be compensated through such work-study funds;

**§ 12572(c)(1)(C)(i) (National and Community Service Act of 1990, § 122(c)(1)(C)(i))**

**SEC. 122. NATIONAL SERVICE PROGRAMS ELIGIBLE FOR PROGRAM ASSISTANCE.**

\* \* \* \* \*

(c) PROGRAM MODELS FOR SERVICE CORPS.—

(1) IN GENERAL.—In addition to any activities described in subparagraph (B) of paragraphs (1) through (5) of subsection (a), and subsection (b)(2), a recipient of a grant under section 121(a) and a Federal agency operating or supporting a national service program under section 121(b) may directly or through grants or subgrants to other entities carry out a national service corps program through the following program models:

\* \* \* \* \*

(C) A campus-based program that is designed to provide substantial service in a community during the school term and during summer or other vacation periods through the use of—

(i) students who are attending an institution of higher education, including students participating in a work-study program assisted under part C of title IV of the Higher Education Act of 1965 [(42 U.S.C. 2751 et seq.)] (20 U.S.C. 1087-51 et seq.);

**§ 12594(a)(3) (National and Community Service Act of 1990, § 140(a)(3))**

**SEC. 140. LIVING ALLOWANCES FOR NATIONAL SERVICE PARTICIPANTS.**

(a) PROVISION OF LIVING ALLOWANCE.—

\* \* \* \* \*

(3) FEDERAL WORK STUDY STUDENTS.—The living allowance that may be provided under paragraph (1) to an individual whose term of service includes hours for which the individual receives a Federal work-study award under part C of title IV of the Higher Education Act of 1965 [(42 U.S.C. 2751 et seq.)] (20 U.S.C. 1087-51 et seq.) shall be reduced by the amount of the individual's Federal work study award.

## TITLE 43—PUBLIC LANDS

**§ 869-4 (Act of June 14, 1926, ch. 578, § 6)**

SEC. 6. All moneys received from or on account of any revested Oregon and California Railroad grant lands or reconveyed Coos Bay Wagon Road grant lands under this Act shall be deposited respectively in the Oregon and California land-grant fund and the Coos Bay Wagon Road grant fund, and shall be applied in the manner prescribed respectively by title II of the Act of August 28, 1937 (50 Stat. 875), as amended [(43 U.S.C. 1181f)] (43 U.S.C. 2605), and by the Act of May 24, 1939 [(53 Stat. 753)] (53 Stat. 753; 43 U.S.C. 2621 et seq.).

**§ 1701 note (Federal Land Policy and Management Act of 1976, title VII, § 701(b))**

EFFECT ON EXISTING RIGHTS

SEC. 701. \* \* \*

(b) Notwithstanding any provision of this Act, in the event of conflict with or inconsistency between this Act and the Acts of August 28, 1937 [(50 Stat. 874; 43 U.S.C. 1181a-1181j)] (50 Stat. 874; 43 U.S.C. 2601 et seq.), and May 24, 1939 (53 Stat. 753), insofar as they relate to management of timber resources, and disposition of revenues from lands and resources, the latter Acts shall prevail.

\* \* \* \* \*

**§ 1735(b) (Federal Land Policy and Management Act of 1976, title III, § 305(b))**

DEPOSITS AND FORFEITURES

SEC. 305. \* \* \*

(b) Any moneys collected under this Act in connection with lands administered under the Act of August 28, 1937 [(50 Stat. 874; 43

U.S.C. 1181a–1181j)] (*50 Stat. 874; 43 U.S.C. 2601 et seq.*), shall be expended for the benefit of such land only.

**§ 1751(b)(1) (Federal Land Policy and Management Act of 1976, title IV, § 401(b)(1))**

GRAZING FEES

SEC. 401. \* \* \*

(b)(1) Congress finds that a substantial amount of the Federal range lands is deteriorating in quality, and that installation of additional range improvements could arrest much of the continuing deterioration and could lead to substantial betterment of forage conditions with resulting benefits to wildlife, watershed protection, and livestock production. Congress therefore directs that 50 per centum or 10,000,000 per annum, whichever is greater of all moneys received by the United States as fees for grazing domestic livestock on public lands (other than from ceded Indian lands) under the Taylor Grazing Act (48 Stat. 1269; 43 U.S.C. 315 et seq.) and the Act of August 28, 1937 [(50 Stat. 874; 43 U.S.C. 1181d)] (*50 Stat. 874; 43 U.S.C. 2603*), and on lands in National Forests in the sixteen contiguous Western States under the provisions of this section shall be credited to a separate account in the Treasury, one-half of which is authorized to be appropriated and made available for use in the district, region, or national forest from which such moneys were derived, as the respective Secretary may direct after consultation with district, regional, or national forest user representatives, for the purpose of on-the-ground range rehabilitation, protection, and improvements on such lands, and the remaining one-half shall be used for the on-the-ground range rehabilitation, protection, and improvements as the Secretary concerned directs.  
\* \* \*

**§ 1752(a) (Federal Land Policy and Management Act of 1976, title IV, § 402(a))**

SEC. 402. (a) Except as provided in subsection (b) of this section, permits and leases for domestic livestock grazing on public lands issued by the Secretary under the Act of June 28, 1934 (48 Stat. 1269, as amended; 43 U.S.C. 315 et seq.) or the Act of August 28, 1937 [(50 Stat. 874, as amended; 43 U.S.C. 1181a–1181j)] (*50 Stat. 874, as amended; 43 U.S.C. 2601 et seq.*), or by the Secretary of Agriculture, with respect to lands within National Forests in the sixteen contiguous Western States, shall be for a term of ten years subject to such terms and conditions the Secretary concerned deems appropriate and consistent with the governing law, including, but not limited to, the authority of the Secretary concerned to cancel, suspend, or modify a grazing permit or lease, in whole or in part, pursuant to the terms and conditions thereof, or to cancel or suspend a grazing permit or lease for any violation of a grazing regulation or of any term or condition of such grazing permit or lease.

**§ 2624 (Act of May 24, 1939, ch. 144, § 4)**

SEC. 4. Not to exceed 25 per centum of the annual receipts shall be available, in such amounts as the congress shall from time to time appropriate for the administration of the Act of August 28,

1937 [(50 Stat. 874)] (50 Stat. 874; 43 U.S.C. 2601 et seq.), insofar as it applies to the Coos Bay Wagon Road grant lands. Any balance not used for administrative purposes shall be covered into the general fund of the Treasury of the United States.

**§ 2633 (Act of June 24, 1954, ch. 357, § 3)**

SEC. 3. For the purpose of consolidating and thereby facilitating administration and accounting the Secretary of Agriculture is authorized to designate in the several counties in which the lands described in section 1 of this Act (43 U.S.C. 2631) are situated (such designation to be published in the Federal Register), an area of national-forest land of a value substantially equal to the value of the lands in such county from which all revenues shall be disposed of in accordance with the provisions of title II of the Act of August 28, 1937 [(50 Stat. 874)] (50 Stat. 875; 43 U.S.C. 2605), and upon such designation the provisions of that Act (43 U.S.C. 2601 et seq.) shall be applicable to the lands so designated in lieu of the lands described in section 1 of this Act: \* \* \*

**TITLE 48—TERRITORIES AND INSULAR POSSESSIONS**

**§ 1921d(f)(1)(B)(iii) (Compact of Free Association Amendments Act of 2003, § 105(f)(1)(B)(iii))**

**SEC. 105. SUPPLEMENTAL PROVISIONS.**

\* \* \* \* \*

(f) CONTINUING PROGRAMS AND LAWS.—

(1) FEDERATED STATES OF MICRONESIA AND REPUBLIC OF THE MARSHALL ISLANDS.—In addition to the programs and services set forth in section 221 of the Compact, and pursuant to section 222 of the Compact, the programs and services of the following agencies shall be made available to the Federated States of Micronesia and to the Republic of the Marshall Islands:

\* \* \* \* \*

(B) TREATMENT OF ADDITIONAL PROGRAMS.—

\* \* \* \* \*

(iii) SUPPLEMENTAL EDUCATION GRANTS.—In lieu of eligibility for appropriations under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), titles I (other than subtitle C) and II of the Workforce Innovation and Opportunity Act, title I of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2321 et seq.), the Head Start Act (42 U.S.C. 9831 et seq.), and subpart 3 of part A, and part C, of title IV of the Higher Education Act of 1965 [(20 U.S.C. 1070b et seq., 42 U.S.C. 2751 et seq.)] (20 U.S.C. 1070b et seq., 1087-51 et seq.), there are authorized to be appropriated to the Secretary of Education to supplement the education grants under section 211(a)(1) of the U.S.-FSM

Compact and section 211(a)(1) of the U.S.-RMI Compact, respectively, the following amounts:

○