

action as may be considered appropriate to assert and protect the rights of the United States under the agreement.

(Pub. L. 97-325, § 5, Oct. 15, 1982, 96 Stat. 1605.)

§ 4405. Fees and charges

(a) Testing or inspection

Any organization designated by the Secretary of Agriculture to test or inspect equipment may establish reasonable fees to cover the costs of such testing or inspection. Such fees shall be payable directly to the organization by those seeking inspection or testing.

(b) Issuance of certificates of compliance

The Secretary of Agriculture may, effective October 1, 1982, fix and cause to be collected reasonable fees to cover, as nearly as practicable, the costs to the Department of Agriculture incurred in connection with the issuance of certificates of compliance as provided under section 4403(2) of this title. All fees collected shall be credited to the current appropriation account that incurs the cost and shall be available without fiscal year limitation to pay the expenses of the Secretary of Agriculture incident to the issuance of certificates of compliance under this chapter.

(Pub. L. 97-325, § 6, Oct. 15, 1982, 96 Stat. 1605.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 97-325, Oct. 15, 1982, 96 Stat. 1603, known as the International Carriage of Perishable Foodstuffs Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4401 of this title and Tables.

§ 4406. Authorization of appropriations

There are authorized to be appropriated to the Secretary of Agriculture for the fiscal year beginning October 1, 1982, and for each fiscal year thereafter, such sums as are necessary to carry out the provisions of this chapter, but not to exceed \$100,000 in any fiscal year.

(Pub. L. 97-325, § 7, Oct. 15, 1982, 96 Stat. 1605.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 97-325, Oct. 15, 1982, 96 Stat. 1603, known as the International Carriage of Perishable Foodstuffs Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 4401 of this title and Tables.

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SUBCHAPTER I—DAIRY PROMOTION PROGRAM

§ 4501. Congressional findings and declaration of policy

(a) Congress finds that—

(1) dairy products are basic foods that are a valuable part of the human diet;

(2) the production of dairy products plays a significant role in the Nation's economy, the milk from which dairy products are manufactured is produced by thousands of milk producers, and dairy products are consumed by millions of people throughout the United States;

(3) dairy products must be readily available and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets for dairy products are vital to the welfare of milk producers and those concerned with marketing, using, and producing dairy products, as well as to the general economy of the Nation; and

(5) dairy products move in interstate and foreign commerce, and dairy products that do not move in such channels of commerce directly burden or affect interstate commerce of dairy products.

(b) It, therefore, is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided herein, of an orderly procedure for financing (through assessments on all milk produced in the United States for commercial use and on imported dairy products) and carrying out a coordinated program of promotion designed to strengthen the dairy industry's position in the marketplace and to maintain and expand domestic and foreign markets

and uses for fluid milk and dairy products. Nothing in this subchapter may be construed to provide for the control of production or otherwise limit the right of individual milk producers to produce milk or the right of any person to import dairy products.

(Pub. L. 98-180, title I, § 110, Nov. 29, 1983, 97 Stat. 1136; Pub. L. 107-171, title I, § 1505(h)(1), May 13, 2002, 116 Stat. 210.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107-171 inserted “and on imported dairy products” after “commercial use” and struck out “produced in the United States” after “fluid milk and dairy products” in first sentence and inserted “or the right of any person to import dairy products” before period at end of second sentence.

SHORT TITLE

For short title of title I of Pub. L. 98-180 as the “Dairy Production Stabilization Act of 1983”, see Short Title of 1983 Amendment note set out under section 1421 of this title.

§ 4502. Definitions

As used in this subchapter—

(a) the term “Board” means the National Dairy Promotion and Research Board established under section 4504 of this title;

(b) the term “Department” means the Department of Agriculture;

(c) the term “Secretary” means the Secretary of Agriculture;

(d) the term “milk” means any class of cow’s milk;

(e) the term “dairy products” means products manufactured for human consumption which are derived from the processing of milk, and includes fluid milk products;

(f) the term “fluid milk products” means those milk products normally consumed in liquid form as a beverage;

(g) the term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity;

(h) the term “producer” means any person engaged in the production of milk for commercial use;

(i) the term “promotion” means actions such as paid advertising, sales promotion, and publicity to advance the image and sales of and demand for dairy products;

(j) the term “research” means studies testing the effectiveness of market development and promotion efforts, studies relating to the nutritional value of milk and dairy products, and other related efforts to expand demand for milk and dairy products;

(k) the term “nutrition education” means those activities intended to broaden the understanding of sound nutritional principles including the role of milk and dairy products in a balanced diet;

(l) the term “United States”, when used in a geographical sense, means all of the States, the District of Columbia, and the Commonwealth of Puerto Rico;

(m) the term “imported dairy product” means any dairy product that is imported into the United States, including dairy products imported into the United States in the form of—

(1) milk, cream, and fresh and dried dairy products;

(2) butter and butterfat mixtures;

(3) cheese; and

(4) casein and mixtures;

(n) the term “importer” means a person that imports an imported dairy product into the United States; and

(o) the term “Customs” means the United States Customs Service.

(Pub. L. 98-180, title I, § 111, Nov. 29, 1983, 97 Stat. 1136; Pub. L. 107-171, title I, § 1505(a), (h)(2), May 13, 2002, 116 Stat. 207, 210; Pub. L. 110-234, title I, § 1507(b), May 22, 2008, 122 Stat. 997; Pub. L. 110-246, § 4(a), title I, § 1507(b), June 18, 2008, 122 Stat. 1664, 1725.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (l). Pub. L. 110-246, § 1507(b)(1), added subsec. (l) and struck out former subsec. (l) which read as follows: “the term ‘United States’ as used in sections 4501 through 4508 of this title means the forty-eight contiguous States in the continental United States;”.

Subsec. (m). Pub. L. 110-246, § 1507(b)(2), struck out “(as defined in subsection (l) of this section)” before “, including”.

2002—Subsec. (d). Pub. L. 107-171, § 1505(h)(2), struck out “produced in the United States” before semicolon at end.

Subsec. (m) to (o). Pub. L. 107-171, § 1505(a), added subsecs. (m) to (o).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 4503. Issuance of orders

(a) Notice and opportunity for public comment

During the period beginning with November 29, 1983, and ending thirty days after receipt of a proposal for an initial dairy products promotion and research order, the Secretary shall publish such proposed order and give due notice and opportunity for public comment upon the proposed order. The proposal for an order may be submitted by an organization certified under section 4505 of this title or by any interested