

**(3) Disapproval of order**

If the Secretary determines, in a referendum conducted under paragraph (1), that suspension or termination of the order is favored by at least  $\frac{2}{3}$  of the processors voting in the referendum, the Secretary shall—

(A) suspend or terminate, as appropriate, collection of assessments under the order not later than 180 days after the date of determination; and

(B) suspend or terminate the order, as appropriate, in an orderly manner as soon as practicable after the date of determination.

**(c) Costs of referendum**

The Secretary shall be reimbursed from assessments collected by the Board for any expenses incurred by the Secretary in connection with the conduct of any referendum under this section.

**(d) Method of conducting referendum**

Subject to this section, a referendum conducted under this section shall be conducted in such manner as is determined by the Secretary.

**(e) Confidentiality of ballots and other information****(1) In general**

The ballots and other information or reports that reveal or tend to reveal the vote of any processor, or any business operation of a processor, shall be considered to be strictly confidential and shall not be disclosed.

**(2) Penalty for violations**

An officer or employee of the Department who knowingly violates paragraph (1) shall be subject to the penalties described in section 7484(i)(3)(C)(ii) of this title.

(Pub. L. 104-127, title V, §576, Apr. 4, 1996, 110 Stat. 1081.)

**§ 7486. Petition and review****(a) Petition****(1) In general**

A person subject to an order may file with the Secretary a petition—

(A) stating that the order, a provision of the order, or an obligation imposed in connection with the order is not established in accordance with law; and

(B) requesting a modification of the order or obligation or an exemption from the order or obligation.

**(2) Statute of limitations**

A petition under paragraph (1) concerning an obligation may be filed not later than 2 years after the date of imposition of the obligation.

**(3) Hearings**

The petitioner shall be given the opportunity for a hearing on a petition filed under paragraph (1), in accordance with regulations issued by the Secretary.

**(4) Ruling**

After a hearing under paragraph (3), the Secretary shall issue a ruling on the petition that is the subject of the hearing, which shall be

final if the ruling is in accordance with applicable law.

**(b) Review****(1) Commencement of action**

The district court of the United States for any district in which a person who is a petitioner under subsection (a) of this section resides or carries on business shall have jurisdiction to review a ruling on the petition, if the person files a complaint not later than 20 days after the date of issuance of the ruling under subsection (a)(4) of this section.

**(2) Process**

Service of process in a proceeding under paragraph (1) may be made on the Secretary by delivering a copy of the complaint to the Secretary.

**(3) Remands**

If the court determines, under paragraph (1), that a ruling issued under subsection (a)(4) of this section is not in accordance with applicable law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further proceedings as, in the opinion of the court, the law requires.

**(c) Enforcement**

The pendency of proceedings instituted under subsection (a) of this section may not impede, hinder, or delay the Secretary or the Attorney General from taking action under section 7487 of this title.

(Pub. L. 104-127, title V, §577, Apr. 4, 1996, 110 Stat. 1082.)

**§ 7487. Enforcement****(a) In general**

The Secretary may issue an enforcement order to restrain or prevent any person from violating an order or regulation issued under this subchapter and may assess a civil penalty of not more than \$1,000 for each violation of the enforcement order, after an opportunity for an administrative hearing, if the Secretary determines that the administration and enforcement of the order and this subchapter would be adequately served by such a procedure.

**(b) Jurisdiction**

The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, an order or regulation issued under this subchapter.

**(c) Referral to Attorney General**

A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action.

(Pub. L. 104-127, title V, §578, Apr. 4, 1996, 110 Stat. 1082.)

**§ 7488. Investigations and power to subpoena****(a) Investigations**

The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subchapter; and

(2) to determine whether any person subject to this subchapter has engaged, or is about to engage, in an act that constitutes or will constitute a violation of this subchapter or of an order or regulation issued under this subchapter.

**(b) Oaths, affirmations, and subpoenas**

For the purpose of an investigation under subsection (a) of this section, the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records that are relevant to the inquiry. The attendance of witnesses and the production of records may be required from any place in the United States.

**(c) Aid of courts**

**(1) Request**

In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may request the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in requiring the attendance and testimony of the person and the production of records.

**(2) Enforcement order of the court**

The court may issue an enforcement order requiring the person to appear before the Secretary to produce records or to give testimony concerning the matter under investigation.

**(3) Contempt**

A failure to obey an enforcement order of the court under paragraph (2) may be punished by the court as a contempt of the court.

**(4) Process**

Process in a case under this subsection may be served in the judicial district in which the person resides or carries on business or wherever the person may be found.

(Pub. L. 104-127, title V, §579, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7489. Relation to other programs**

Nothing in this subchapter preempts or supercedes any other program relating to popcorn promotion organized and operated under the laws of the United States or any State.

(Pub. L. 104-127, title V, §580, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7490. Regulations**

The Secretary may issue such regulations as are necessary to carry out this subchapter.

(Pub. L. 104-127, title V, §581, Apr. 4, 1996, 110 Stat. 1083.)

**§ 7491. Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary to carry out this subchapter. Amounts made available under this section or otherwise made available to the Department,

and amounts made available under any other marketing or promotion order, may not be used to pay any administrative expense of the Board.

(Pub. L. 104-127, title V, §582, Apr. 4, 1996, 110 Stat. 1083.)

**CHAPTER 102—EMERGENCY FOOD ASSISTANCE**

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**CODIFICATION**

This chapter is comprised principally of title II (§§201-215) of Pub. L. 98-8, Mar. 24, 1983, 97 Stat. 35, as amended. Title II of Pub. L. 98-8 was formerly set out as a note under section 612c of this title. Section 203 of title II of Pub. L. 98-8, which related to processing agreements, was repealed by Pub. L. 99-198, title XV, §1567(c), Dec. 23, 1985, 99 Stat. 1592. Section 207 of title II of Pub. L. 98-8 amended section 4(c) of the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, set out as a note under section 612c of this title. Section 212 of title II of Pub. L. 98-8, which provided for termination of title II of Pub. L. 98-8 on Sept. 30, 2002, was repealed by Pub. L. 104-193, title VIII, §871(e)(4), Aug. 22, 1996, 110 Stat. 2345.

**§ 7501. Definitions**

In this chapter:

**(1) Additional commodities**

The term “additional commodities” means commodities made available under section 7515 of this title in addition to the commodities made available under sections 7502 and 7507 of this title.

**(2) Average monthly number of unemployed persons**

The term “average monthly number of unemployed persons” means the average monthly number of unemployed persons in each State during the most recent fiscal year for which information concerning the number of unemployed persons is available, as determined by the Bureau of Labor Statistics of the Department of Labor.

**(3) Eligible recipient agency**

The term “eligible recipient agency” means a public or nonprofit organization that—

- (A) administers—
  - (i) an emergency feeding organization;
  - (ii) a charitable institution (including a hospital and a retirement home, but ex-