

be considered as a separate violation of the order.

(f) Failure to pay a penalty

(1) In general

If a person fails to pay a civil penalty assessed under subsection (c) or (e) of this section after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) Scope of review

In an action by the Attorney General under paragraph (1), the validity and appropriateness of a civil penalty shall not be subject to review.

(g) Additional remedies

The remedies provided in this chapter shall be in addition to, and not exclusive of, other remedies that may be available.

(Pub. L. 106-387, §1(a) [title XII, §1208], Oct. 28, 2000, 114 Stat. 1549, 1549A-93.)

§ 7808. Investigations and power to subpoena

(a) Investigations

The Secretary may conduct such investigations as the Secretary considers necessary for the effective administration of this chapter, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this chapter or any order or regulation issued under this chapter.

(b) Subpoenas, oaths, and affirmations

(1) Investigations

For the purpose of conducting 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 production of the records may be required from any place in the United States.

(2) Administrative hearings

For the purpose of an administrative hearing held under section 7806(a)(2) or 7807(c)(3) of this title, the presiding officer 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 the records may be required from any place in the United States.

(c) Aid of courts

(1) In general

In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) of this section to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is conducted, or

where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b) of this section.

(2) Order

The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) Failure to obey

Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) Process

Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business, or wherever the person may be found.

(Pub. L. 106-387, §1(a) [title XII, §1209], Oct. 28, 2000, 114 Stat. 1549, 1549A-95.)

§ 7809. Confidentiality

(a) Prohibition

No information regarding names of voters or how a person voted in a referendum conducted under this chapter shall be made public.

(b) Penalty

Any person who knowingly violates subsection (a) of this section or the confidentiality terms of an order, as described in section 7804(m)(2) of this title, shall be subject to a fine of not less than \$1,000 nor more than \$10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the Board, the person shall be removed from office.

(c) Additional prohibition

No information obtained under this chapter may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this chapter or an investigatory or enforcement action necessary for the implementation of this chapter.

(d) Withholding information from Congress prohibited

Nothing in this chapter shall be construed to authorize the withholding of information from Congress.

(Pub. L. 106-387, §1(a) [title XII, §1210], Oct. 28, 2000, 114 Stat. 1549, 1549A-96.)

§ 7810. Authority for Secretary to suspend or terminate order

(a) Grounds for suspension or termination

If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this chapter specified in section 7801(b) of this title, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(b) Effect of lack of approval of order

If, as a result of a referendum, the Secretary determines that the order is not approved, the Secretary shall, within 180 days after making

the determination, suspend, or terminate, as appropriate, collection of assessments under the order, and suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as possible.

(Pub. L. 106-387, §1(a) [title XII, §1211], Oct. 28, 2000, 114 Stat. 1549, 1549A-96.)

§ 7811. Rules of construction

(a) Termination or suspension not an order

The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this chapter.

(b) Rights

This chapter—

(1) may not be construed to provide for control of production or otherwise limit the right of individual Hass avocado growers, handlers and importers to produce, handle, or import Hass avocados; and

(2) shall be construed to treat all persons producing, handling, and importing Hass avocados fairly and to implement any order in an equitable manner.

(c) Other programs

Nothing in this chapter may be construed to preempt or supersede any other program relating to Hass avocado promotion, research, industry information, and consumer information organized and operated under the laws of the United States or of a State.

(Pub. L. 106-387, §1(a) [title XII, §1212], Oct. 28, 2000, 114 Stat. 1549, 1549A-96.)

§ 7812. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter and the powers vested in the Secretary by this chapter, including regulations relating to the assessment of late payment charges and interest.

(Pub. L. 106-387, §1(a) [title XII, §1213], Oct. 28, 2000, 114 Stat. 1549, 1549A-97.)

§ 7813. Authorization of appropriations

(a) In general

There are authorized to be appropriated for each fiscal year such sums as are necessary to carry out this chapter.

(b) Administrative expenses

Funds appropriated under subsection (a) of this section may not be used for the payment of the expenses or expenditures of the Board in administering a provision of an order.

(Pub. L. 106-387, §1(a) [title XII, §1214], Oct. 28, 2000, 114 Stat. 1549, 1549A-97.)

CHAPTER 106—COMMODITY PROGRAMS

<p>Sec. 7901.</p> <p>SUBCHAPTER I—DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS</p> <p>7911.</p> <p>7912.</p> <p>7913.</p>	<p>Definitions.</p> <p>Establishment of base acres and payment acres for a farm.</p> <p>Establishment of payment yield.</p> <p>Availability of direct payments.</p>
--	---

<p>Sec. 7914. 7915.</p> <p>7916.</p> <p>7917.</p> <p>7918.</p>	<p>Availability of counter-cyclical payments.</p> <p>Producer agreement required as condition of provision of direct payments and counter-cyclical payments.</p> <p>Planting flexibility.</p> <p>Relation to remaining payment authority under production flexibility contracts.</p> <p>Period of effectiveness.</p>
--	--

SUBCHAPTER II—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS

<p>7931.</p> <p>7932.</p> <p>7933.</p> <p>7934.</p> <p>7935.</p> <p>7936.</p> <p>7937.</p> <p>7938.</p> <p>7939.</p>	<p>Availability of nonrecourse marketing assistance loans for loan commodities.</p> <p>Loan rates for nonrecourse marketing assistance loans.</p> <p>Term of loans.</p> <p>Repayment of loans.</p> <p>Loan deficiency payments.</p> <p>Payments in lieu of loan deficiency payments for grazed acreage.</p> <p>Special marketing loan provisions for upland cotton.</p> <p>Special competitive provisions for extra long staple cotton.</p> <p>Availability of recourse loans for high moisture feed grains and seed cotton.</p>
--	--

SUBCHAPTER III—PEANUTS

<p>7951.</p> <p>7952.</p> <p>7953.</p> <p>7954.</p> <p>7955.</p> <p>7956.</p> <p>7957.</p> <p>7958.</p> <p>7959.</p> <p>7960.</p>	<p>Definitions.</p> <p>Establishment of payment yield and base acres for peanuts for a farm.</p> <p>Availability of direct payments for peanuts.</p> <p>Availability of counter-cyclical payments for peanuts.</p> <p>Producer agreement required as condition on provision of direct payments and counter-cyclical payments.</p> <p>Planting flexibility.</p> <p>Marketing assistance loans and loan deficiency payments for peanuts.</p> <p>Miscellaneous provisions.</p> <p>Termination of marketing quota programs for peanuts and compensation to peanut quota holders for loss of quota asset value.</p> <p>Repeal of superseded price support authority and effect of repeal.</p>
---	--

SUBCHAPTER IV—SUGAR

<p>7971.</p> <p>7981.</p> <p>7982.</p> <p>7983.</p> <p>7984.</p>	<p>Storage facility loans.</p> <p>Milk price support program.</p> <p>National dairy market loss payments.</p> <p>Study of national dairy policy.</p> <p>Studies of effects of changes in approach to national dairy policy and fluid milk identity standards.</p>
--	---

SUBCHAPTER VI—ADMINISTRATION

<p>7991.</p> <p>7992.</p> <p>7993.</p> <p>7994.</p> <p>7995.</p> <p>7996.</p> <p>7997.</p> <p>7998.</p> <p>7999.</p> <p>8000.</p> <p>8001.</p> <p>8002.</p>	<p>Administration generally.</p> <p>Suspension of permanent price support authority.</p> <p>Repealed.</p> <p>Study.</p> <p>Assignment of payments.</p> <p>Equitable relief from ineligibility for loans, payments, or other benefits.</p> <p>Tracking of benefits.</p> <p>Estimates of net farm income.</p> <p>Availability of incentive payments for certain producers.</p> <p>Repealed.</p> <p>Producer retention of erroneously paid loan deficiency payments and marketing loan gains.</p> <p>Implementation funding and information management.</p>
---	--

§ 7901. Definitions

In this chapter (other than subchapter III of this chapter):