

(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) 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).

(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) 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) 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), 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 excluding a penal institution) to the extent that the institution serves needy persons;
- (iii) a summer camp for children, or a child nutrition program providing food service;
- (iv) a nutrition project operating under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), including a project that operates a congregate nutrition site and a project that provides home-delivered meals; or
- (v) a disaster relief program;

(B) has been designated by the appropriate State agency, or by the Secretary; and

(C) has been approved by the Secretary for participation in the program established under this chapter.

(4) Emergency feeding organization

The term “emergency feeding organization” means a public or nonprofit organization that administers activities and projects (including the activities and projects of a charitable institution, a food bank, a food pantry, a hunger relief center, a soup kitchen, or a similar public or private nonprofit eligible recipient agency) providing nutrition assistance to relieve situations of emergency and distress through the provision of food to needy persons, including low-income and unemployed persons.

(5) Food bank

The term “food bank” means a public or charitable institution that maintains an established operation involving the provision of food or edible commodities, or the products of food or edible commodities, to food pantries, soup kitchens, hunger relief centers, or other food or feeding centers that, as an integral part of their normal activities, provide meals or food to feed needy persons on a regular basis.

(6) Food pantry

The term “food pantry” means a public or private nonprofit organization that distributes food to low-income and unemployed households, including food from sources other than the Department of Agriculture, to relieve situations of emergency and distress.

(7) Poverty line

The term “poverty line” has the meaning provided in section 9902(2) of title 42.