

§ 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) 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.)

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§ 7901. Definitions

In this chapter (other than subchapter III):

(1) Agricultural Act of 1949

The term “Agricultural Act of 1949” means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 7301 of this title.

(2) Base acres

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres established under section 7911 of this title with respect to the covered commodity on the election made by the owner of the farm under subsection (a) of such section.

(3) Counter-cyclical payment

The term “counter-cyclical payment” means a payment made to producers on a farm under section 7914 of this title.

(4) Covered commodity

The term “covered commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, soybeans, and other oilseeds.

(5) Direct payment

The term “direct payment” means a payment made to producers on a farm under section 7913 of this title.

(6) Effective price

The term “effective price”, with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 7914 of this title to determine whether counter-cyclical payments are required to be made for that crop year.

(7) Extra long staple cotton

The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the *Barbadense* species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(8) Loan commodity

The term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cot-

ton, extra long staple cotton, rice, soybeans, other oilseeds, wool, mohair, honey, dry peas, lentils, and small chickpeas.

(9) Other oilseed

The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or, if designated by the Secretary, another oilseed.

(10) Payment acres

The term “payment acres” means 85 percent of the base acres of a covered commodity on a farm, as established under section 7911 of this title, on which direct payments and counter-cyclical payments are made.

(11) Payment yield

(A) In general

The term “payment yield” means the yield established under section 7912 of this title for a farm for a covered commodity.

(B) Updated payment yield

The term “updated payment yield” means the payment yield elected by the owner of a farm under section 7912(e) of this title to be used in calculating the counter-cyclical payments for the farm.

(12) Producer

The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced. In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract and shall ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this chapter.

(13) Secretary

The term “Secretary” means the Secretary of Agriculture.

(14) State

The term “State” means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(15) Target price

The term “target price” means the price per bushel (or other appropriate unit in the case of upland cotton, rice, and other oilseeds) of a covered commodity used to determine the payment rate for counter-cyclical payments.

(16) United States

The term “United States”, when used in a geographical sense, means all of the States.

(Pub. L. 107-171, title I, § 1001, May 13, 2002, 116 Stat. 143; Pub. L. 108-7, div. A, title VII, § 763(a), Feb. 20, 2003, 117 Stat. 46.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 107-171, May 13,