

sued files an appeal from the order with the United States court of appeals, as provided in subsection (d), not later than 30 days after the person receives notice of the order.

**(d) Review by court of appeals**

**(1) In general**

A person against whom an order is issued under subsection (c) may obtain review of the order by—

(A) filing, not later than 30 days after the date of the order, a notice of appeal in—

(i) the United States court of appeals for the circuit in which the person resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously sending a copy of the notice of appeal by certified mail to the Secretary.

**(2) Record**

The Secretary shall file promptly in the court a certified copy of the record on which the Secretary has determined that the person has committed a violation.

**(3) Standard of review**

A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence.

**(e) Failure to obey orders**

A person who fails to obey a valid cease-and-desist order issued by the Secretary under this section, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not more than \$500 for each offense. Each day during which the failure continues shall be considered to be a separate violation of the order.

**(f) Failure to pay penalties**

If a person fails to pay a valid civil penalty imposed under this section by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States for any district in which the person resides or carries on business. In the action, the validity and appropriateness of the order imposing the civil penalty shall not be subject to review.

**(g) Additional remedies**

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

(Pub. L. 103-407, § 8, Oct. 22, 1994, 108 Stat. 4224.)

**§ 7108. 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 chapter; or

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

**(b) Subpoenas, oaths, and affirmations**

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

**(c) Aid of courts**

In the case of contumacy by, or refusal to obey a subpoena issued 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 carried on, or where the person resides or carries on business, in order to require the attendance and testimony of the person or the production of records. The court may issue an order requiring the person to appear before the Secretary to produce records or to give testimony regarding the matter under investigation.

**(d) Contempt**

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

**(e) Process**

Process in any case under this section 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. 103-407, § 9, Oct. 22, 1994, 108 Stat. 4226.)

**§ 7109. Administrative provisions**

**(a) Construction**

Nothing in this chapter preempts or supercedes any other program relating to sheep promotion, research, or information organized and operated under the laws of the United States or any State.

**(b) Amendments to orders**

The provisions of this chapter applicable to an order shall be applicable to amendments to the order, except that the Secretary is not required to conduct a referendum on a proposed amendment to an order.

(Pub. L. 103-407, § 10, Oct. 22, 1994, 108 Stat. 4226.)

**§ 7110. Regulations**

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

(Pub. L. 103-407, § 11, Oct. 22, 1994, 108 Stat. 4226.)

**§ 7111. 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) shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this chapter.

(Pub. L. 103-407, §12, Oct. 22, 1994, 108 Stat. 4226.)

**CHAPTER 100—AGRICULTURAL MARKET TRANSITION**

**SUBCHAPTER I—SHORT TITLE, PURPOSE, AND DEFINITIONS**

- Sec. 7201. Short title and purpose.
- 7202. Definitions.

**SUBCHAPTER II—PRODUCTION FLEXIBILITY CONTRACTS**

- 7211. Authorization for use of production flexibility contracts.
- 7212. Elements of contracts.
- 7213. Amounts available for contract payments.
- 7214. Determination of contract payments under contracts.
- 7215. Applicability of payment limitations.
- 7216. Violations of contract.
- 7217. Transfer or change of interest in lands subject to contract.
- 7218. Planting flexibility.

**SUBCHAPTER III—NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS**

- 7231. Availability of nonrecourse marketing assistance loans.
- 7232. Loan rates for marketing assistance loans.
- 7233. Term of loans.
- 7234. Repayment of loans.
- 7235. Loan deficiency payments.
- 7236. Special marketing loan provisions for upland cotton.
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**SUBCHAPTER IV—OTHER COMMODITIES**

**PART A—DAIRY**

- 7251. Milk price support program.
- 7252. Repealed.
- 7253. Consolidation and reform of Federal milk marketing orders.
- 7254. Effect on fluid milk standards in State of California.
- 7255. Milk manufacturing marketing adjustment.
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- 7258. Standby authority to indicate entity best suited to provide international market development and export services.
- 7259. Study and report regarding potential impact of Uruguay Round on prices, income, and government purchases.

**PART B—SUGAR**

- 7271. Repealed.
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**SUBCHAPTER V—ADMINISTRATION**

- 7281. Administration.
- 7282. Adjustments of loans.
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- 7301. Suspension and repeal of permanent price support authority.

- Sec. 7302. Effect of chapter.

**SUBCHAPTER VII—COMMISSION ON 21ST CENTURY PRODUCTION AGRICULTURE**

- 7311. Establishment.
- 7312. Composition.
- 7313. Comprehensive review of past and future of production agriculture.
- 7314. Reports.
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**SUBCHAPTER VIII—MISCELLANEOUS COMMODITY PROVISIONS**

- 7331. Options pilot program.
- 7332. Risk management education.
- 7333. Administration and operation of noninsured crop assistance program.
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**SUBCHAPTER I—SHORT TITLE, PURPOSE, AND DEFINITIONS**

**§ 7201. Short title and purpose**

**(a) Short title**

This chapter may be cited as the ‘‘Agricultural Market Transition Act’’.

**(b) Purpose**

It is the purpose of this chapter—

(1) to authorize the use of binding production flexibility contracts between the United States and agricultural producers to support farming certainty and flexibility while ensuring continued compliance with farm conservation and wetland protection requirements;

(2) to make nonrecourse marketing assistance loans and loan deficiency payments available for certain crops;

(3) to improve the operation of farm programs for milk, peanuts, and sugar; and

(4) to establish a commission to undertake a comprehensive review of past and future production agriculture in the United States.

(Pub. L. 104-127, title I, §101, Apr. 4, 1996, 110 Stat. 896.)

**REFERENCES IN TEXT**

This chapter, referred to in text, was in the original ‘‘this title’’, meaning title I of Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 896, which enacted this chapter and section 6933 of this title, amended sections 1308, 1308-1, 1308-3, 1358-1, 1358b, 1358c, 1359a, 1373, 1441, 1445j, 1508, 1516, 4504, 6401, 6402, 6413, 6414, and 6932 of this title and sections 713a-14, 714b, 714i, and 714k of Title 15, Commerce and Trade, repealed sections 1426, 1433f, 1441-2, 1444-2, 1444f, 1445b-3a, 1445c-3, 1445h, 1446e to 1446h, and 1519 of this title, enacted provisions set out as notes under sections 1373, 1446e, 1446e-1, and 1508 of this title, and repealed provisions set out as a note under section 1421 of this title. For complete classification of title I to the Code, see Tables.

**SHORT TITLE OF 1998 AMENDMENT**

Pub. L. 105-228, §1, Aug. 12, 1998, 112 Stat. 1516, provided that: ‘‘This Act [amending section 7212 of this title] may be cited as the ‘Emergency Farm Financial Relief Act’.’’

**SHORT TITLE**

Pub. L. 104-127, §1(a), Apr. 4, 1996, 110 Stat. 888, provided that: ‘‘This Act [see Tables for classification]