

(B) shall be used to pay the expenses incurred by the Secretary, including salaries and expenses of Government employees in implementing and administering the order, except as provided in paragraph (2).

(2) Referenda

Such order shall provide that the Board shall reimburse the Secretary, from assessments collected under subsection (d), for any expenses incurred by the Secretary in conducting referenda under this chapter, except for the salaries of Government employees.

(f) False claims

Such order shall provide that any promotion funded with assessments collected under subsection (d) may not make—

(1) any false or unwarranted claims on behalf of limes; and

(2) any false or unwarranted statements with respect to the attributes or use of any product that competes with limes for sale in commerce.

(g) Prohibition on use of funds

Such order shall provide that funds collected by the Board under this chapter through assessments authorized by this chapter may not, in any manner, be used for the purpose of influencing legislation or governmental policy or action, except for making recommendations to the Secretary as provided for in this chapter.

(h) Books, records, and reports

(1) By the Board

Such order shall require the Board—

(A) to maintain books and records with respect to the receipt and disbursement of funds received by the Board;

(B) to submit to the Secretary from time to time such reports as the Secretary may require for appropriate accounting; and

(C) to submit to the Secretary at the end of each fiscal year a complete audit report regarding the activities of the Board during such fiscal year.

(2) By others

So that information and data will be available to the Board and the Secretary that is appropriate or necessary for the effectuation, administration, or enforcement of this chapter (or any order or regulation issued under this chapter), such order shall require handlers, producer-handlers, and importers who are responsible for the collection, payment, or remittance of assessments under subsection (d)—

(A) to maintain and make available for inspection by the employees of the Board and the Secretary such books and records as may be required by the order; and

(B) to file, at the times, in the manner, and having the content prescribed by the order, reports regarding the collection, payment, or remittance of such assessments.

(i) Confidentiality

(1) In general

Such order shall require that all information obtained pursuant to subsection (h)(2) shall be

kept confidential by all officers and employees of the Department and of the Board. Only such information as the Secretary considers relevant shall be disclosed to the public and only in a suit or administrative hearing, brought at the request of the Secretary or to which the Secretary or any officer of the United States is a party, involving the order with respect to which the information was furnished or acquired.

(2) Limitations

Nothing in this subsection prohibits—

(A) issuance of general statements based on the reports of a number of handlers, producer-handlers, and importers subject to an order, if the statements do not identify the information furnished by any person; or

(B) the publication by direction of the Secretary, of the name of any person violating an order issued under section 6203(a) of this title, together with a statement of the particular provisions of the order violated by such person.

(j) Withholding information

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

(Pub. L. 101-624, title XIX, §1955, Nov. 28, 1990, 104 Stat. 3872; Pub. L. 102-237, title VIII, §805(1), Dec. 13, 1991, 105 Stat. 1882; Pub. L. 103-194, §4, Dec. 14, 1993, 107 Stat. 2295.)

Editorial Notes

AMENDMENTS

1993—Subsec. (b)(1)(A), (2)(B). Pub. L. 103-194, §4(a)(1), (2), substituted “3” for “7”.

Subsec. (b)(2)(F). Pub. L. 103-194, §4(a)(3), inserted at end “The Secretary shall terminate the initial Board established under this subsection as soon as practicable after December 14, 1993.”

Subsec. (b)(2)(G). Pub. L. 103-194, §4(a)(4), added subpar. (G).

Subsec. (b)(4). Pub. L. 103-194, §4(b)(1), substituted “The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—” for “Members of the Board shall be appointed for a term of 3 years. Of the members first appointed—”.

Subsec. (b)(4)(A). Pub. L. 103-194, §4(b)(2), substituted “2” for “3”.

Subsec. (b)(4)(B). Pub. L. 103-194, §4(b)(3), substituted “2” for “4” before “members”.

Subsec. (b)(4)(C). Pub. L. 103-194, §4(b)(4), substituted “3” for “4” before “members”.

Subsec. (d)(5). Pub. L. 103-194, §4(c), substituted “200,000” for “35,000”, wherever appearing.

1991—Subsec. (e)(1)(B). Pub. L. 102-237 substituted “Government employees” for “government employees”.

§ 6205. Permissive terms in orders

On the recommendation of the Board and with the approval of the Secretary, an order issued under section 6203(a) of this title may—

(1) provide authority to the Board to exempt from such order limes exported from the United States, subject to such safeguards as the Board may establish to ensure proper use of the exemption;

(2) provide authority to the Board to designate different handler payment and report-

ing schedules to recognize differences in marketing practices and procedures;

(3) provide that the Board may convene from time to time working groups drawn from producers, handlers, producer-handlers, importers, exporters, or the general public to assist in the development of research and marketing programs for limes;

(4) provide authority to the Board to accumulate reserve funds from assessments collected pursuant to section 6204(d) of this title to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years in which production and assessment income may be reduced, except that any reserve fund so established may not exceed the amount budgeted for operation of this chapter for 1 year;

(5) provide authority to the Board to use, with the approval of the Secretary, funds collected under section 6204(d) of this title for the development and expansion of lime sales in foreign markets; and

(6) provide for terms and conditions—

(A) incidental to, and not inconsistent with, the terms and conditions specified in this chapter; and

(B) necessary to effectuate the other provisions of such order.

(Pub. L. 101-624, title XIX, §1956, Nov. 28, 1990, 104 Stat. 3876.)

§ 6206. Petition and review

(a) Petition

(1) In general

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

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

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

(2) Hearings

A person submitting a petition under paragraph (1) shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) Ruling

After the hearing, the Secretary shall make a ruling on the petition which shall be final if in accordance with law.

(b) Review

(1) Commencement of action

The district courts of the United States in any district in which such person who is a petitioner under subsection (a) resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of a ruling by the Secretary under subsection (a).

(2) Process

Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) Remands

If the court determines that the ruling is not in accordance with law, the court shall re-

mand the matter to the Secretary with directions either—

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

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

(4) Enforcement

The pendency of proceedings instituted pursuant to subsection (a) shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 6207 of this title.

(Pub. L. 101-624, title XIX, §1957, Nov. 28, 1990, 104 Stat. 3876.)

Editorial Notes

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b)(2), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

§ 6207. Enforcement

(a) Jurisdiction

Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this chapter.

(b) Referral to Attorney General

A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary is not required to refer to the Attorney General a violation of this chapter, or any order or regulation issued under this chapter, if the Secretary believes that the administration and enforcement of this chapter would be adequately served by administrative action under subsection (c) or suitable written notice or warning to any person committing the violation.

(c) Civil penalties and orders

(1) Civil penalties

Any person who willfully violates any provision of any order or regulation issued by the Secretary under this chapter, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of the person under the order or regulation, may be assessed a civil penalty by the Secretary of not less than \$500 nor more than \$5,000 for each such violation. Each violation shall be a separate offense.

(2) Cease and desist orders

In addition to or in lieu of such civil penalty, the Secretary may issue an order requiring such person to cease and desist from continuing such violation.

(3) Notice and hearing

No order assessing a penalty or cease and desist order may be issued by the Secretary under this subsection unless the Secretary gives the person against whom the order is issued notice and opportunity for a hearing on the record before the Secretary with respect to such violation.