

ceive assistance for the same loss under any other program administered by the Secretary, the producer shall be required to elect whether to receive benefits under this section or under the other program, but not both.

(4) Income limitation

A person who has qualifying gross revenues in excess of the amount specified in section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 1421 note) (as in effect on November 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.

(5) Regulations

The Secretary shall issue regulations prescribing such rules as the Secretary determines necessary to ensure a fair and equitable application of section 1308 of this title, the general payment limitation regulations of the Secretary, and the limitations established under this subsection.

(Pub. L. 104-127, title I, §196, Apr. 4, 1996, 110 Stat. 947.)

REFERENCES IN TEXT

Section 2266(a) of the Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (i)(4), is section 2266(a) of Pub. L. 101-624, which was set out in a note under section 1421 of this title, prior to repeal by Pub. L. 103-354, title I, §119(c), Oct. 13, 1994, 108 Stat. 3208.

CODIFICATION

Section is comprised of section 196 of Pub. L. 104-127. Subsec. (j) of section 196 of Pub. L. 104-127 repealed section 1519 of this title.

§ 7334. Flood risk reduction

(a) In general

During fiscal years 1996 through 2002, the Secretary of Agriculture (referred to in this section as the "Secretary") may enter into a contract with a producer on a farm who has contract acreage under the Agricultural Market Transition Act [7 U.S.C. 7201 et seq.] that is frequently flooded.

(b) Duties of producers

Under the terms of the contract, with respect to acres that are subject to the contract, the producer must agree to—

(1) the termination of any contract acreage and production flexibility contract under the Agricultural Market Transition Act [7 U.S.C. 7201 et seq.];

(2) forgo loans for contract commodities, oilseeds, and extra long staple cotton;

(3) not apply for crop insurance issued or insured by the Secretary;

(4) comply with applicable highly erodible land and wetlands conservation compliance requirements established under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.);

(5) not apply for any conservation program payments from the Secretary;

(6) not apply for disaster program benefits provided by the Secretary; and

(7) refund the payments, with interest, issued under the flood risk reduction contract

to the Secretary, if the producer violates the terms of the contract or if the producer transfers the property to another person who violates the contract.

(c) Duties of Secretary

In return for a contract entered into by a producer under this section, the Secretary shall pay the producer an amount that is not more than 95 percent of projected contract payments under the Agricultural Market Transition Act [7 U.S.C. 7201 et seq.] that the Secretary estimates the producer would otherwise have received during the period beginning at the time the contract is entered into under this section and ending September 30, 2002.

(d) Commodity Credit Corporation

The Secretary shall carry out the program authorized by this section (other than subsection (e) of this section) through the Commodity Credit Corporation.

(e) Additional payments

(1) In general

Subject to the availability of advanced appropriations, the Secretary may make payments to a producer described in subsection (a) of this section, in addition to the payments provided under subsection (c) of this section, to offset other estimated Federal Government outlays on frequently flooded land.

(2) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out paragraph (1).

(f) Limitation on payments

Amounts made available for production flexibility contracts under section 7213 of this title shall be reduced by an amount that is equal to the contract payments that producers forgo under subsection (b)(1) of this section.

(Pub. L. 104-127, title III, §385, Apr. 4, 1996, 110 Stat. 1016.)

REFERENCES IN TEXT

The Agricultural Market Transition Act, referred to in subsecs. (a), (b)(1), and (c), is title I of Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 896, which is classified principally to this chapter. For complete classification of this Act to the Code, see References in Text note set out under section 7201 of this title and Tables.

The Food Security Act of 1985, referred to in subsec. (b)(4), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, as amended. Title XII of the Act, popularly known as the "Sodbuster Law", is classified principally to chapter 58 (§3801 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Section was enacted as part of title III of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of title I of the Act, known as the Agricultural Market Transition Act, which comprises this chapter.

CHAPTER 101—AGRICULTURAL PROMOTION

SUBCHAPTER I—COMMODITY PROMOTION AND EVALUATION

Sec.

7401. Commodity promotion and evaluation.

<p>Sec.</p> <p>(a) "Commodity promotion law" defined.</p> <p>(b) Findings.</p> <p>(c) Independent evaluation of promotion program effectiveness.</p> <p>(d) Administrative costs.</p> <p>SUBCHAPTER II—ISSUANCE OF ORDERS FOR PROMOTION, RESEARCH, AND INFORMATION ACTIVITIES REGARDING AGRICULTURAL COMMODITIES</p> <p>7411. Findings and purpose.</p> <p style="padding-left: 20px;">(a) Findings.</p> <p style="padding-left: 20px;">(b) Purpose.</p> <p style="padding-left: 20px;">(c) Rule of construction.</p> <p>7412. Definitions.</p> <p>7413. Issuance of orders.</p> <p style="padding-left: 20px;">(a) Issuance authorized.</p> <p style="padding-left: 20px;">(b) Procedure for issuance.</p> <p style="padding-left: 20px;">(c) Issuance and effective date.</p> <p style="padding-left: 20px;">(d) Amendments.</p> <p>7414. Required terms in orders.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Board.</p> <p style="padding-left: 20px;">(c) Powers and duties of board.</p> <p style="padding-left: 20px;">(d) Prohibited activities.</p> <p style="padding-left: 20px;">(e) Activities and budgets.</p> <p style="padding-left: 20px;">(f) Contracts and agreements.</p> <p style="padding-left: 20px;">(g) Records of board.</p> <p style="padding-left: 20px;">(h) Periodic evaluation.</p> <p style="padding-left: 20px;">(i) Books and records of persons covered by order.</p> <p>7415. Permissive terms in orders.</p> <p style="padding-left: 20px;">(a) Exemptions.</p> <p style="padding-left: 20px;">(b) Different payment and reporting schedules.</p> <p style="padding-left: 20px;">(c) Activities.</p> <p style="padding-left: 20px;">(d) Reserve funds.</p> <p style="padding-left: 20px;">(e) Credits.</p> <p style="padding-left: 20px;">(f) Assessment of imports.</p> <p style="padding-left: 20px;">(g) Other authority.</p> <p>7416. Assessments.</p> <p style="padding-left: 20px;">(a) Assessments authorized.</p> <p style="padding-left: 20px;">(b) Collection.</p> <p style="padding-left: 20px;">(c) Limitation on assessments.</p> <p style="padding-left: 20px;">(d) Assessment rates.</p> <p style="padding-left: 20px;">(e) Late-payment and interest charges.</p> <p style="padding-left: 20px;">(f) Investment of assessments.</p> <p style="padding-left: 20px;">(g) Refund of assessments from escrow account.</p> <p>7417. Referenda.</p> <p style="padding-left: 20px;">(a) Initial referendum.</p> <p style="padding-left: 20px;">(b) Required referenda.</p> <p style="padding-left: 20px;">(c) Subsequent referenda.</p> <p style="padding-left: 20px;">(d) Other referenda.</p> <p style="padding-left: 20px;">(e) Approval of order.</p> <p style="padding-left: 20px;">(f) Costs of referenda.</p> <p style="padding-left: 20px;">(g) Manner of conducting referenda.</p> <p>7418. Petition and review of orders.</p> <p style="padding-left: 20px;">(a) Petition.</p> <p style="padding-left: 20px;">(b) Review.</p> <p style="padding-left: 20px;">(c) Effect on enforcement proceedings.</p> <p>7419. Enforcement.</p> <p style="padding-left: 20px;">(a) Jurisdiction.</p> <p style="padding-left: 20px;">(b) Referral to Attorney General.</p> <p style="padding-left: 20px;">(c) Civil penalties and orders.</p> <p style="padding-left: 20px;">(d) Review by court of appeals.</p> <p style="padding-left: 20px;">(e) Failure to obey cease-and-desist orders.</p> <p style="padding-left: 20px;">(f) Failure to pay penalties.</p> <p style="padding-left: 20px;">(g) Additional remedies.</p> <p>7420. Investigations and power to subpoena.</p> <p style="padding-left: 20px;">(a) Investigations.</p> <p style="padding-left: 20px;">(b) Subpoenas, oaths, and affirmations.</p> <p style="padding-left: 20px;">(c) Aid of courts.</p> <p style="padding-left: 20px;">(d) Contempt.</p> <p style="padding-left: 20px;">(e) Process.</p> <p>7421. Suspension or termination.</p> <p style="padding-left: 20px;">(a) Mandatory suspension or termination.</p>	<p>Sec.</p> <p>(b) Implementation of suspension or termination.</p> <p>7422. Amendments to orders.</p> <p>7423. Effect on other laws.</p> <p>7424. Regulations.</p> <p>7425. Authorization of appropriations.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Limitation on expenditures for administrative expenses.</p> <p>SUBCHAPTER III—CANOLA AND RAPESEED</p> <p>7441. Findings and declaration of policy.</p> <p style="padding-left: 20px;">(a) Findings.</p> <p style="padding-left: 20px;">(b) Policy.</p> <p style="padding-left: 20px;">(c) Construction.</p> <p>7442. Definitions.</p> <p>7443. Issuance and amendment of orders.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Procedure.</p> <p style="padding-left: 20px;">(c) Amendments.</p> <p>7444. Required terms in orders.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Establishment and membership of National Canola and Rapeseed Board.</p> <p style="padding-left: 20px;">(c) Powers and duties of Board.</p> <p style="padding-left: 20px;">(d) Programs and budgets.</p> <p style="padding-left: 20px;">(e) Contracts and agreements.</p> <p style="padding-left: 20px;">(f) Books and records of Board.</p> <p style="padding-left: 20px;">(g) Prohibition.</p> <p style="padding-left: 20px;">(h) Books and records.</p> <p style="padding-left: 20px;">(i) Use of assessments.</p> <p style="padding-left: 20px;">(j) Other terms and conditions.</p> <p>7445. Assessments.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Limitation on assessments.</p> <p style="padding-left: 20px;">(c) Remitting of assessments.</p> <p style="padding-left: 20px;">(d) Assessment rate.</p> <p style="padding-left: 20px;">(e) Late payment charge.</p> <p style="padding-left: 20px;">(f) Refund of assessments from escrow account.</p> <p>7446. Referenda.</p> <p style="padding-left: 20px;">(a) Initial referendum.</p> <p style="padding-left: 20px;">(b) Additional referenda.</p> <p style="padding-left: 20px;">(c) Procedures.</p> <p>7447. Petition and review.</p> <p style="padding-left: 20px;">(a) Petition.</p> <p style="padding-left: 20px;">(b) Review.</p> <p>7448. Enforcement.</p> <p style="padding-left: 20px;">(a) Jurisdiction.</p> <p style="padding-left: 20px;">(b) Referral to Attorney General.</p> <p style="padding-left: 20px;">(c) Civil penalties and orders.</p> <p style="padding-left: 20px;">(d) Review by district court.</p> <p style="padding-left: 20px;">(e) Failure to obey cease-and-desist orders.</p> <p style="padding-left: 20px;">(f) Failure to pay penalties.</p> <p style="padding-left: 20px;">(g) Additional remedies.</p> <p>7449. Investigations and power to subpoena.</p> <p style="padding-left: 20px;">(a) Investigations.</p> <p style="padding-left: 20px;">(b) Subpoenas, oaths, and affirmations.</p> <p style="padding-left: 20px;">(c) Aid of courts.</p> <p style="padding-left: 20px;">(d) Contempt.</p> <p style="padding-left: 20px;">(e) Process.</p> <p style="padding-left: 20px;">(f) Hearing site.</p> <p>7450. Suspension or termination.</p> <p>7451. Regulations.</p> <p>7452. Authorization of appropriations.</p> <p style="padding-left: 20px;">(a) In general.</p> <p style="padding-left: 20px;">(b) Administrative expenses.</p> <p>SUBCHAPTER IV—KIWIFRUIT</p> <p>7461. Findings and purposes.</p> <p style="padding-left: 20px;">(a) Findings.</p> <p style="padding-left: 20px;">(b) Purposes.</p> <p>7462. Definitions.</p> <p>7463. Issuance of orders.</p> <p style="padding-left: 20px;">(a) Issuance.</p> <p style="padding-left: 20px;">(b) Procedure.</p> <p style="padding-left: 20px;">(c) Amendments.</p> <p>7464. National Kiwifruit Board.</p>
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Sec.	(a) Membership. (b) Adjustment of membership. (c) Appointment and nomination. (d) Alternates. (e) Terms. (f) Disqualification. (g) Compensation. (h) General powers and duties.	Sec. 7485.	Referenda. (a) Initial referendum. (b) Additional referenda. (c) Costs of referendum. (d) Method of conducting referendum. (e) Confidentiality of ballots and other information.
7465.	Required terms in order. (a) Budgets and plans. (b) Assessments. (c) Use of assessments. (d) False claims. (e) Prohibition on use of funds. (f) Books, records, and reports. (g) Confidentiality. (h) Withholding of information.	7486.	Petition and review. (a) Petition. (b) Review. (c) Enforcement.
7466.	Permissive terms in order. (a) Permissive terms. (b) Alternative payment and reporting schedules. (c) Working groups. (d) Reserve funds. (e) Promotion activities outside United States.	7487.	Enforcement. (a) In general. (b) Jurisdiction. (c) Referral to Attorney General.
7467.	Petition and review. (a) Petition. (b) Review.	7488.	Investigations and power to subpoena. (a) Investigations. (b) Oaths, affirmations, and subpoenas. (c) Aid of courts.
7468.	Enforcement. (a) Jurisdiction. (b) Referral to Attorney General. (c) Civil penalties and orders. (d) Review by United States district court. (e) Failure to obey cease-and-desist orders. (f) Failure to pay penalties.	7489.	Relation to other programs.
7469.	Investigations and power to subpoena. (a) In general. (b) Power to subpoena. (c) Aid of courts. (d) Contempt. (e) Process. (f) Hearing site.	7490.	Regulations.
7470.	Referenda. (a) Initial referendum. (b) Subsequent referenda. (c) Required referenda. (d) Vote. (e) Confidentiality.	7491.	Authorization of appropriations.
7471.	Suspension or termination. (a) In general. (b) Limitation.	SUBCHAPTER I—COMMODITY PROMOTION AND EVALUATION	
7472.	Regulations.	§ 7401. Commodity promotion and evaluation	
7473.	Authorization of appropriations.	(a) “Commodity promotion law” defined	
SUBCHAPTER V—POPCORN		In this section, the term “commodity promotion law” means a Federal law that provides for the establishment and operation of a promotion program regarding an agricultural commodity that includes a combination of promotion, research, industry information, or consumer information activities, is funded by mandatory assessments on producers or processors, and is designed to maintain or expand markets and uses for the commodity (as determined by the Secretary). The term includes—	
7481.	Findings and declaration of policy. (a) Findings. (b) Policy. (c) Purposes. (d) Statutory construction.	(1) the marketing promotion provisions under section 608c(6)(I) of this title;	
7482.	Definitions.	(2) Public Law 89-502 (7 U.S.C. 2101 et seq.);	
7483.	Issuance of orders. (a) In general. (b) Procedure. (c) Amendments.	(3) title III of Public Law 91-670 (7 U.S.C. 2611 et seq.);	
7484.	Required terms in orders. (a) In general. (b) Establishment and membership of Popcorn Board. (c) Powers and duties of Board. (d) Plans and budgets. (e) Contracts and agreements. (f) Assessments. (g) Prohibition on use of funds. (h) Books and records of Board. (i) Books and records of processors. (j) Other terms and conditions.	(4) Public Law 93-428 (7 U.S.C. 2701 et seq.);	
		(5) Public Law 94-294 (7 U.S.C. 2901 et seq.);	
		(6) subtitle B of title I of Public Law 98-180 (7 U.S.C. 4501 et seq.);	
		(7) Public Law 98-590 (7 U.S.C. 4601 et seq.);	
		(8) subtitle B of title XVI of Public Law 99-198 (7 U.S.C. 4801 et seq.);	
		(9) subtitle C of title XVI of Public Law 99-198 (7 U.S.C. 4901 et seq.);	
		(10) subtitle B of title XIX of Public Law 101-624 (7 U.S.C. 6101 et seq.);	
		(11) subtitle E of title XIX of Public Law 101-624 (7 U.S.C. 6301 et seq.);	
		(12) subtitle H of title XIX of Public Law 101-624 (7 U.S.C. 6401 et seq.);	
		(13) Public Law 103-190 (7 U.S.C. 6801 et seq.);	
		(14) Public Law 103-407 (7 U.S.C. 7101 et seq.);	
		(15) subchapter II of this chapter;	
		(16) subchapter III of this chapter;	
		(17) subchapter IV of this chapter; or	
		(18) subchapter V of this chapter.	
		(b) Findings	
		Congress finds the following:	
		(1) It is in the national public interest and vital to the welfare of the agricultural economy of the United States to maintain and expand existing markets and develop new markets and uses for agricultural commodities	