

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) of this section, 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) of this section 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.
  - (a) Short title.
  - (b) Purpose.
- 7202. Definitions.

**SUBCHAPTER II—PRODUCTION FLEXIBILITY CONTRACTS**

- 7211. Authorization for use of production flexibility contracts.
  - (a) Offer and terms.
  - (b) Eligible owners and producers described.
  - (c) Tenants and sharecroppers.
  - (d) Eligible cropland described.
  - (e) Quantity of eligible cropland covered by contract.
  - (f) Voluntary reduction in contract acreage.
- 7212. Elements of contracts.
  - (a) Time for contracting.
  - (b) Duration of contract.
  - (c) Estimation of contract payments.
  - (d) Time for payment.
- 7213. Amounts available for contract payments.
  - (a) Fiscal year amounts.
  - (b) Allocation.
  - (c) Adjustment.
  - (d) Additional rice allocation.
  - (e) Exclusion of certain amounts from contract payments.

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| <p>Sec.</p> <p>7214. Determination of contract payments under contracts.</p> <p>(a) Individual payment quantity of contract commodities.</p> <p>(b) Annual payment quantity of contract commodities.</p> <p>(c) Annual payment rate.</p> <p>(d) Annual payment amount.</p> <p>(e) Reduction in payment amount.</p> <p>(f) Assignment of contract payments.</p> <p>(g) Sharing of contract payments.</p> <p>7215. Applicability of payment limitations.</p> <p>7216. Violations of contract.</p> <p>(a) Termination of contract for violation.</p> <p>(b) Refund or adjustment.</p> <p>(c) Foreclosure.</p> <p>(d) Review.</p> <p>7217. Transfer or change of interest in lands subject to contract.</p> <p>(a) Termination.</p> <p>(b) Modification.</p> <p>(c) Exception.</p> <p>7218. Planting flexibility.</p> <p>(a) Permitted crops.</p> <p>(b) Limitations and exceptions regarding fruits and vegetables.</p> <p><b>SUBCHAPTER III—NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS</b></p> <p>7231. Availability of nonrecourse marketing assistance loans.</p> <p>(a) Nonrecourse loans available.</p> <p>(b) Eligible production.</p> <p>(c) Compliance with conservation and wetlands requirements.</p> <p>(d) Additional outlays prohibited.</p> <p>7232. Loan rates for marketing assistance loans.</p> <p>(a) Wheat.</p> <p>(b) Feed grains.</p> <p>(c) Upland cotton.</p> <p>(d) Extra long staple cotton.</p> <p>(e) Rice.</p> <p>(f) Oilseeds.</p> <p>7233. Term of loans.</p> <p>(a) Term of loan.</p> <p>(b) Special rule for cotton.</p> <p>(c) Extensions prohibited.</p> <p>7234. Repayment of loans.</p> <p>(a) Repayment rates for wheat, feed grains, and oilseeds.</p> <p>(b) Repayment rates for upland cotton and rice.</p> <p>(c) Repayment rates for extra long staple cotton.</p> <p>(d) Prevailing world market price.</p> <p>(e) Adjustment of prevailing world market price for upland cotton.</p> <p>7235. Loan deficiency payments.</p> <p>(a) Availability of loan deficiency payments.</p> <p>(b) Computation.</p> <p>(c) Loan payment rate.</p> <p>(d) Exception for extra long staple cotton.</p> <p>(e) Transition.</p> <p>(f) Beneficial interest.</p> <p>7236. Special marketing loan provisions for upland cotton.</p> <p>(a) Cotton user marketing certificates.</p> <p>(b) Special import quota.</p> <p>(c) Limited global import quota for upland cotton.</p> <p>7236a. Special competitive provisions for extra long staple cotton.</p> <p>(a) Competitiveness program.</p> <p>(b) Payments under program; trigger.</p> <p>(c) Eligible recipients.</p> | <p>Sec.</p> <p>(d) Payment amount.</p> <p>(e) Form of payment.</p> <p>7237. Availability of recourse loans for high moisture feed grains and seed cotton and other fibers.</p> <p>(a) High moisture feed grains.</p> <p>(b) Recourse loans available for seed cotton.</p> <p>(c) Recourse loans available for mohair.</p> <p>(d) Repayment rates.</p> <p><b>SUBCHAPTER IV—OTHER COMMODITIES</b></p> <p><b>PART A—DAIRY</b></p> <p>7251. Milk price support program.</p> <p>(a) Support activities.</p> <p>(b) Rate.</p> <p>(c) Purchase prices.</p> <p>(d) Special rule for butter and nonfat dry milk purchase prices.</p> <p>(e) Refunds of 1995 and 1996 assessments.</p> <p>(f) Commodity Credit Corporation.</p> <p>(g) Omitted.</p> <p>(h) Period of effectiveness.</p> <p>7252. Recourse loan program for commercial processors of dairy products.</p> <p>(a) Recourse loans available.</p> <p>(b) Amount of loan.</p> <p>(c) Period of loan.</p> <p>(d) "Eligible dairy products" defined.</p> <p>(e) Effective date.</p> <p>7253. Consolidation and reform of Federal milk marketing orders.</p> <p>(a) Amendment of orders.</p> <p>(b) Expedited process.</p> <p>(c) Failure to timely consolidate orders.</p> <p>(d) Report regarding further reforms.</p> <p>7254. Effect on fluid milk standards in State of California.</p> <p>7255. Milk manufacturing marketing adjustment.</p> <p>(a) Maximum allowances established.</p> <p>(b) "Manufacturing allowance" defined.</p> <p>(c) Effect of violation.</p> <p>(d) Effective date; implementation.</p> <p>7256. Northeast Interstate Dairy Compact.</p> <p>7257. Authority to assist in establishment and maintenance of one or more export trading companies.</p> <p>7258. Standby authority to indicate entity best suited to provide international market development and export services.</p> <p>(a) Indication of entity best suited to assist international market development for and export of United States dairy products.</p> <p>(b) Funding of export activities.</p> <p>(c) Application of section.</p> <p>7259. Study and report regarding potential impact of Uruguay Round on prices, income, and government purchases.</p> <p>(a) Study.</p> <p>(b) Report.</p> <p>(c) Rule of construction.</p> <p><b>PART B—PEANUTS AND SUGAR</b></p> <p>7271. Peanut program.</p> <p>(a) Quota peanuts.</p> <p>(b) Additional peanuts.</p> <p>(c) Area marketing associations.</p> <p>(d) Losses.</p> <p>(e) Disapproval of quotas.</p> <p>(f) Quality improvement.</p> <p>(g) Marketing assessment.</p> <p>(h) Crops.</p> <p>7272. Sugar program.</p> <p>(a) Sugarcane.</p> <p>(b) Sugar beets.</p> <p>(c) Reduction in loan rates.</p> <p>(d) Term of loans.</p> |
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