

law and in equity) are available for the violation to the same extent as such remedies are available for such a violation in a suit against any private entity. Such remedies include damages, interest, costs, and treble damages under section 2564 of this title, and attorney fees under section 2565 of this title.

(Pub. L. 91-577, title III, §130, as added Pub. L. 102-560, §3(b), Oct. 28, 1992, 106 Stat. 4231; amended Pub. L. 103-349, §13(w), Oct. 6, 1994, 108 Stat. 3144.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-349 substituted “the official capacity of the officer or employee” for “his official capacity”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-349 effective 180 days after Oct. 6, 1994, see section 15 of Pub. L. 103-349, set out as a note under section 2401 of this title.

EFFECTIVE DATE

Section effective with respect to violations that occur on or after Oct. 28, 1992, see section 4 of Pub. L. 102-560, set out as an Effective Date of 1992 Amendment note under section 2541 of this title.

PART M—INTENT AND SEVERABILITY

§ 2581. Intent

It is the intent of Congress to provide the indicated protection for new varieties by exercise of any constitutional power needed for that end, so as to afford adequate encouragement for research, and for marketing when appropriate, to yield for the public the benefits of new varieties. Constitutional clauses 3 and 8 of article I, section 8 are both relied upon.

(Pub. L. 91-577, title III, §131, Dec. 24, 1970, 84 Stat. 1558.)

§ 2582. Severability

If this chapter is held unconstitutional as to some provisions or circumstances, it shall remain in force as to the remaining provisions and other circumstances.

(Pub. L. 91-577, title III, §132, Dec. 24, 1970, 84 Stat. 1558.)

§ 2583. Repealed. Pub. L. 96-574, § 20, Dec. 22, 1980, 94 Stat. 3352

Section, Pub. L. 91-577, title III, §144, Dec. 24, 1970, 84 Stat. 1559, exempted certain plants from provisions of this chapter.

CHAPTER 58—POTATO RESEARCH AND PROMOTION

Sec.	
2611.	Congressional findings and declaration of policy.
2612.	Definitions.
2613.	Authority for issuance and amendment of plan.
2614.	Notice and hearings.
2615.	Finding and issuance of plan.
2616.	Regulations.
2617.	Required terms and conditions of plans. <ul style="list-style-type: none"> (a) National Potato Promotion Board; establishment; powers and duties. (b) Membership of board.

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	(c) Compensation and expenses of board members.
	(d) Budget; preparation and submission.
	(e) Assessment rate per poundage handled; limitation.
	(f) Restrictions.
	(g) Research, development, advertising or promotion programs or projects; development and submission by board; approval by Secretary.
	(h) Contract authority of board; funds for payment of cost.
	(i) Recordkeeping; reports for accounting: receipts and disbursements; audit report.
2618.	Permissive terms and conditions of plans. <ul style="list-style-type: none"> (a) Exemptions. (b) Handler payment and reporting schedules. (c) Advertisement and sales promotion programs or projects. (d) Research and development projects and studies for marketing and utilization of potatoes. (e) Reserve funds; accumulation; limitation. (f) Foreign markets; sales development and expansion. (g) Assessment; refund. (h) Assessment authority. (i) Incidental and necessary terms and conditions.
2619.	Assessments. <ul style="list-style-type: none"> (a) Collection and payment; record-keeping; limitation. (b) Records and reports; availability. (c) Confidential information; disclosure during proceedings; prohibition inapplicable to general statements and publication of violations; penalties; removal from office.
2620.	Procedural rights of persons subject to plan. <ul style="list-style-type: none"> (a) Administrative proceedings; petition; hearing; finality of ruling. (b) Judicial review; jurisdiction; complaint; remand; relief during pendency of proceedings.
2621.	Enforcement. <ul style="list-style-type: none"> (a) Jurisdiction of United States district courts; administrative action. (b) Civil penalties; cease and desist orders; appeal; failure to comply with order or assessment; further proceedings and penalties.
2622.	Investigations. <ul style="list-style-type: none"> (a) Administration of oath; subpoena; contempt; process; jurisdiction. (b) Self-incrimination; privilege.
2623.	Referendum. <ul style="list-style-type: none"> (a) Secretary's duty to conduct; purpose of referendum. (b) Required margin of approval. (c) Amendments. (d) Penalties for disclosure of confidential information, ballots and reports.
2624.	Suspension or termination of plans. <ul style="list-style-type: none"> (a) Duty of Secretary. (b) Referendum. (c) Limitation.
2625.	Amendment procedure.
2626.	Separability.
2627.	Authorization.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7401 of this title.

§ 2611. Congressional findings and declaration of policy

Potatoes are a basic food in the United States and foreign countries. They are produced by