

Subsec. (k). Pub. L. 106-224, §109(e), added subsec. (k). 1998-Subsec. (i)(3). Pub. L. 105-277 designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), if a producer” for “If a producer”, and added subpar. (B).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-224 applicable beginning with the 2001 crop of an agricultural commodity, see section 171(b)(2)(G) of Pub. L. 106-224, set out as a note under section 1501 of this title.

SAVINGS CLAUSE

Section as in effect on day before June 20, 2000, to continue to apply with respect to 1999 crop year, and to apply with respect to 2000 crop year, to extent application of an amendment by Pub. L. 106-224 is delayed under section 171(b) or by terms of the amendment, see section 173 of Pub. L. 106-224, set out as a note under section 1501 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1506, 1508a, 1515, 1522, 7936 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 re-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.
- (a) “Commodity promotion law” defined.
 - (b) Findings.
 - (c) Independent evaluation of promotion program effectiveness.
 - (d) Administrative costs.
 - (e) Exemption of certified organic products from assessments.

SUBCHAPTER II—ISSUANCE OF ORDERS FOR PROMOTION, RESEARCH, AND INFORMATION ACTIVITIES REGARDING AGRICULTURAL COMMODITIES

7411. Findings and purpose.
- (a) Findings.
 - (b) Purpose.
 - (c) Rule of construction.

| | | | | |
|------------------------------------|---|-------|---|--|
| Sec. | | Sec. | | |
| 7412. | Definitions. | | (c) Construction. | |
| 7413. | Issuance of orders. | 7442. | Definitions. | |
| | (a) Issuance authorized. | 7443. | Issuance and amendment of orders. | |
| | (b) Procedure for issuance. | | (a) In general. | |
| | (c) Issuance and effective date. | | (b) Procedure. | |
| | (d) Amendments. | | (c) Amendments. | |
| 7414. | Required terms in orders. | 7444. | Required terms in orders. | |
| | (a) In general. | | (a) In general. | |
| | (b) Board. | | (b) Establishment and membership of National Canola and Rapeseed Board. | |
| | (c) Powers and duties of board. | | (c) Powers and duties of Board. | |
| | (d) Prohibited activities. | | (d) Programs and budgets. | |
| | (e) Activities and budgets. | | (e) Contracts and agreements. | |
| | (f) Contracts and agreements. | | (f) Books and records of Board. | |
| | (g) Records of board. | | (g) Prohibition. | |
| | (h) Periodic evaluation. | | (h) Books and records. | |
| | (i) Books and records of persons covered by order. | | (i) Use of assessments. | |
| 7415. | Permissive terms in orders. | | (j) Other terms and conditions. | |
| | (a) Exemptions. | 7445. | Assessments. | |
| | (b) Different payment and reporting schedules. | | (a) In general. | |
| | (c) Activities. | | (b) Limitation on assessments. | |
| | (d) Reserve funds. | | (c) Remitting of assessments. | |
| | (e) Credits. | | (d) Assessment rate. | |
| | (f) Assessment of imports. | | (e) Late payment charge. | |
| | (g) Other authority. | | (f) Refund of assessments from escrow account. | |
| 7416. | Assessments. | 7446. | Referenda. | |
| | (a) Assessments authorized. | | (a) Initial referendum. | |
| | (b) Collection. | | (b) Additional referenda. | |
| | (c) Limitation on assessments. | | (c) Procedures. | |
| | (d) Assessment rates. | 7447. | Petition and review. | |
| | (e) Late-payment and interest charges. | | (a) Petition. | |
| | (f) Investment of assessments. | | (b) Review. | |
| | (g) Refund of assessments from escrow account. | 7448. | Enforcement. | |
| 7417. | Referenda. | | (a) Jurisdiction. | |
| | (a) Initial referendum. | | (b) Referral to Attorney General. | |
| | (b) Required referenda. | | (c) Civil penalties and orders. | |
| | (c) Subsequent referenda. | | (d) Review by district court. | |
| | (d) Other referenda. | | (e) Failure to obey cease-and-desist orders. | |
| | (e) Approval of order. | | (f) Failure to pay penalties. | |
| | (f) Costs of referenda. | | (g) Additional remedies. | |
| | (g) Manner of conducting referenda. | 7449. | Investigations and power to subpoena. | |
| 7418. | Petition and review of orders. | | (a) Investigations. | |
| | (a) Petition. | | (b) Subpoenas, oaths, and affirmations. | |
| | (b) Review. | | (c) Aid of courts. | |
| | (c) Effect on enforcement proceedings. | | (d) Contempt. | |
| 7419. | Enforcement. | | (e) Process. | |
| | (a) Jurisdiction. | | (f) Hearing site. | |
| | (b) Referral to Attorney General. | 7450. | Suspension or termination. | |
| | (c) Civil penalties and orders. | 7451. | Regulations. | |
| | (d) Review by court of appeals. | 7452. | Authorization of appropriations. | |
| | (e) Failure to obey cease-and-desist orders. | | (a) In general. | |
| | (f) Failure to pay penalties. | | (b) Administrative expenses. | |
| | (g) Additional remedies. | | SUBCHAPTER IV—KIWIFRUIT | |
| 7420. | Investigations and power to subpoena. | 7461. | Findings and purposes. | |
| | (a) Investigations. | | (a) Findings. | |
| | (b) Subpoenas, oaths, and affirmations. | | (b) Purposes. | |
| | (c) Aid of courts. | 7462. | Definitions. | |
| | (d) Contempt. | 7463. | Issuance of orders. | |
| | (e) Process. | | (a) Issuance. | |
| 7421. | Suspension or termination. | | (b) Procedure. | |
| | (a) Mandatory suspension or termination. | | (c) Amendments. | |
| | (b) Implementation of suspension or termination. | 7464. | National Kiwifruit Board. | |
| 7422. | Amendments to orders. | | (a) Membership. | |
| 7423. | Effect on other laws. | | (b) Adjustment of membership. | |
| 7424. | Regulations. | | (c) Appointment and nomination. | |
| 7425. | Authorization of appropriations. | | (d) Alternates. | |
| | (a) In general. | | (e) Terms. | |
| | (b) Limitation on expenditures for administrative expenses. | | (f) Disqualification. | |
| | | | (g) Compensation. | |
| | | | (h) General powers and duties. | |
| | | 7465. | Required terms in order. | |
| | | | (a) Budgets and plans. | |
| | | | (b) Assessments. | |
| | | | (c) Use of assessments. | |
| | | | (d) False claims. | |
| | | | (e) Prohibition on use of funds. | |
| SUBCHAPTER III—CANOLA AND RAPESEED | | | | |
| 7441. | Findings and declaration of policy. | | | |
| | (a) Findings. | | | |
| | (b) Policy. | | | |

- Sec. (f) Books, records, and reports.
- (g) Confidentiality.
- (h) Withholding of information.
- 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.
- 7467. Petition and review.
 - (a) Petition.
 - (b) Review.
- 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.
- 7469. Investigations and power to subpoena.
 - (a) In general.
 - (b) Power to subpoena.
 - (c) Aid of courts.
 - (d) Contempt.
 - (e) Process.
 - (f) Hearing site.
- 7470. Referenda.
 - (a) Initial referendum.
 - (b) Subsequent referenda.
 - (c) Required referenda.
 - (d) Vote.
 - (e) Confidentiality.
- 7471. Suspension or termination.
 - (a) In general.
 - (b) Limitation.
- 7472. Regulations.
- 7473. Authorization of appropriations.
- SUBCHAPTER V—POPCORN
- 7481. Findings and declaration of policy.
 - (a) Findings.
 - (b) Policy.
 - (c) Purposes.
 - (d) Statutory construction.
- 7482. Definitions.
- 7483. Issuance of orders.
 - (a) In general.
 - (b) Procedure.
 - (c) Amendments.
- 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.
- 7485. Referenda.
 - (a) Initial referendum.
 - (b) Additional referenda.
 - (c) Costs of referendum.
 - (d) Method of conducting referendum.
 - (e) Confidentiality of ballots and other information.
- 7486. Petition and review.
 - (a) Petition.
 - (b) Review.
 - (c) Enforcement.
- 7487. Enforcement.
 - (a) In general.
 - (b) Jurisdiction.

- Sec. (c) Referral to Attorney General.
- 7488. Investigations and power to subpoena.
 - (a) Investigations.
 - (b) Oaths, affirmations, and subpoenas.
 - (c) Aid of courts.
- 7489. Relation to other programs.
- 7490. Regulations.
- 7491. Authorization of appropriations.

SUBCHAPTER I—COMMODITY PROMOTION AND EVALUATION

§ 7401. Commodity promotion and evaluation

(a) “Commodity promotion law” defined

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—

- (1) the marketing promotion provisions under section 608c(6)(I) of this title;
- (2) Public Law 89-502 (7 U.S.C. 2101 et seq.);
- (3) title III of Public Law 91-670 (7 U.S.C. 2611 et seq.);
- (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;
- (18) subchapter V of this chapter; or
- (19) any other provision of law enacted after April 4, 1996, that provides for the establishment and operation of a promotion program described in the first sentence.

(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 through industry-funded, Government-supervised, generic commodity promotion programs established under commodity promotion laws.

(2) These generic commodity promotion programs, funded by the agricultural producers or processors who most directly reap the benefits of the programs and supervised by the Secretary of Agriculture, provide a unique oppor-