

of the funds made available for a fiscal year may be used by the Secretary for administrative costs of Federal agencies.

(Pub. L. 106-224, title IV, §457, as added Pub. L. 108-412, §1, Oct. 30, 2004, 118 Stat. 2324.)

### CHAPTER 105—HASS AVOCADO PROMOTION, RESEARCH, AND INFORMATION

|       |  |
|-------|--|
| Sec.  |  |
| 7801. | Findings and declaration of policy.                    |
| 7802. | Definitions.   |
| 7803. | Issuance of orders.                                    |
| 7804. | Required terms in orders.                              |
| 7805. | Referenda.   |
| 7806. | Petition and review.                                   |
| 7807. | Enforcement.   |
| 7808. | Investigations and power to subpoena.                  |
| 7809. | Confidentiality.                                       |
| 7810. | Authority for Secretary to suspend or terminate order. |
| 7811. | Rules of construction.                                 |
| 7812. | Regulations.   |
| 7813. | Authorization of appropriations.                       |

#### § 7801. Findings and declaration of policy

##### (a) Findings

Congress finds the following:

(1) Hass avocados are an integral food source in the United States that are a valuable and healthy part of the human diet and are enjoyed by millions of persons every year for a multitude of everyday and special occasions.

(2) Hass avocados are a significant tree fruit crop grown by many individual producers, but virtually all domestically produced Hass avocados for the commercial market are grown in the State of California.

(3) Hass avocados move in interstate and foreign commerce, and Hass avocados that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in Hass avocados.

(4) In recent years, large quantities of Hass avocados have been imported into the United States from other countries.

(5) The maintenance and expansion of markets in existence on October 28, 2000, and the development of new or improved markets or uses for Hass avocados are needed to preserve and strengthen the economic viability of the domestic Hass avocado industry for the benefit of producers and other persons associated with the producing, marketing, processing, and consuming of Hass avocados.

(6) An effective and coordinated program of promotion, research, industry information, and consumer information regarding Hass avocados is necessary for the maintenance, expansion, and development of domestic markets for Hass avocados.

##### (b) Purpose

It is the purpose of this chapter to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on Hass avocados sold by producers and importers in the United States) of an effective and coordinated program of promotion, research, industry infor-

mation, and consumer information, including funds for marketing and market research activities, that is designed to—

(1) strengthen the position of the Hass avocado industry in the domestic marketplace; and

(2) maintain, develop, and expand markets and uses for Hass avocados in the domestic marketplace.

##### (c) Limitation

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce, handle, or import Hass avocados.

(Pub. L. 106-387, §1(a) [title XII, §1202], Oct. 28, 2000, 114 Stat. 1549, 1549A-79.)

##### SHORT TITLE

Pub. L. 106-387, §1(a) [title XII, §1201], Oct. 28, 2000, 114 Stat. 1549, 1549A-79, provided that: "This title [enacting this chapter] may be cited as the 'Hass Avocado Promotion, Research, and Information Act of 2000'."

#### § 7802. Definitions

As used in this chapter:

##### (1) Board

The terms "Avocado Board" and "Board" mean the Hass Avocado Board established under section 7804 of this title.

##### (2) Conflict of interest

The term "conflict of interest" means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

##### (3) Consumer information

The term "consumer information" means any action or program that provides information to consumers and other persons on the use, nutritional attributes, and other information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of Hass avocados.

##### (4) Customs

The term "Customs" means the United States Customs Service.

##### (5) Department

The term "Department" means the United States Department of Agriculture.

##### (6) Hass avocado

###### (A) In general

The term "Hass avocado" includes—

(i) the fruit of any Hass variety avocado tree; and

(ii) any other type of avocado fruit that the Board, with the approval of the Secretary, determines is so similar to the Hass variety avocado as to be indistinguishable to consumers in fresh form.

###### (B) Form of fruit

Except as provided in subparagraph (C), the term includes avocado fruit described in subparagraph (A) whether in fresh, frozen, or any other processed form.