

**(4) Notice and hearing**

No order assessing a penalty or cease-and-desist order may be issued under this subsection by the Secretary under this subsection unless the Secretary provides notice and an opportunity for a hearing on the record with respect to the violation.

**(5) Finality**

An order assessing a penalty or a cease-and-desist order issued under this subsection by the Secretary shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the United States court of appeals, as provided in subsection (d).

**(d) Review by court of appeals****(1) In general**

A person against whom an order is issued under subsection (c) may obtain review of the order by—

(A) filing, not later than 30 days after the person receives notice of the order, a notice of appeal in—

(i) the United States court of appeals for the circuit in which the person resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously sending a copy of the notice of appeal by certified mail to the Secretary.

**(2) Record**

The Secretary shall file with the court a certified copy of the record on which the Secretary has determined that the person has committed a violation.

**(3) Standard of review**

A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence on the record.

**(e) Failure to obey cease-and-desist orders**

A person who fails to obey a valid cease-and-desist order issued by the Secretary under this section, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not less than \$1,000 and not more than \$10,000 for each offense. Each day during which the failure continues shall be considered to be a separate violation of the cease-and-desist order.

**(f) Failure to pay penalties**

If a person fails to pay a 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. 104-127, title V, §520, Apr. 4, 1996, 110 Stat. 1045.)

**Editorial Notes**

## REFERENCES IN TEXT

This subchapter, referred to in subsec. (c)(1), was in the original “this Act” and was translated as reading “this subtitle”, meaning subtitle B (§§511-526) of title V of Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 1032, to reflect the probable intent of Congress.

**§ 7420. 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 subchapter; or

(2) to determine whether any person subject to this subchapter has engaged, or is about to engage, in any action that constitutes or will constitute a violation of this subchapter or any order or regulation issued under this subchapter.

**(b) Subpoenas, oaths, and affirmations**

For the purpose of any investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records or documents that are relevant to the inquiry. The attendance of witnesses and the production of records or documents 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 or documents. The court may issue an order requiring the person to appear before the Secretary to produce records or documents 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. 104-127, title V, §521, Apr. 4, 1996, 110 Stat. 1047.)

**§ 7421. Suspension or termination****(a) Mandatory suspension or termination**

The Secretary shall suspend or terminate an order or a provision of an order if the Secretary finds that an order or a provision of an order obstructs or does not tend to effectuate the purpose of this subchapter, or if the Secretary determines that the order or a provision of an order is not favored by persons voting in a referendum conducted under section 7417 of this title.

**(b) Implementation of suspension or termination**

If, as a result of a referendum conducted under section 7417 of this title, the Secretary determines that an order is not approved, the Secretary shall—

(1) not later than 180 days after making the determination, suspend or terminate, as the case may be, collection of assessments under the order; and

(2) as soon as practicable, suspend or terminate, as the case may be, activities under the order in an orderly manner.

(Pub. L. 104-127, title V, §522, Apr. 4, 1996, 110 Stat. 1047.)

**§ 7422. Amendments to orders**

The provisions of this subchapter applicable to an order shall be applicable to any amendment to an order, except that section 7417 of this title shall not apply to an amendment.

(Pub. L. 104-127, title V, §523, Apr. 4, 1996, 110 Stat. 1047.)

**§ 7423. Effect on other laws**

This subchapter shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an agricultural commodity.

(Pub. L. 104-127, title V, §524, Apr. 4, 1996, 110 Stat. 1047.)

**§ 7424. Regulations**

The Secretary may issue such regulations as may be necessary to carry out this subchapter and the power vested in the Secretary under this subchapter.

(Pub. L. 104-127, title V, §525, Apr. 4, 1996, 110 Stat. 1048.)

**§ 7425. Authorization of appropriations****(a) In general**

There are authorized to be appropriated such sums as may be necessary to carry out this subchapter.

**(b) Limitation on expenditures for administrative expenses**

Funds appropriated to carry out this subchapter may not be expended for the payment of expenses incurred by a board to administer an order.

(Pub. L. 104-127, title V, §526, Apr. 4, 1996, 110 Stat. 1048.)

## SUBCHAPTER III—CANOLA AND RAPESEED

**§ 7441. Findings and declaration of policy****(a) Findings**

Congress finds that—

(1) canola and rapeseed products are an important and nutritious part of the human diet;

(2) the production of canola and rapeseed products plays a significant role in the economy of the United States in that—

(A) canola and rapeseed products are produced by thousands of canola and rapeseed producers and processed by numerous processing entities; and

(B) canola and rapeseed products produced in the United States are consumed by people throughout the United States and foreign countries;

(3) canola, rapeseed, and canola and rapeseed products should be readily available and marketed efficiently to ensure that consumers have an adequate supply of canola and rapeseed products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for canola, rapeseed, and canola and rapeseed products are vital to the welfare of canola and rapeseed producers and processors and those persons concerned with marketing canola, rapeseed, and canola and rapeseed products, as well as to the general economy of the United States, and are necessary to ensure the ready availability and efficient marketing of canola, rapeseed, and canola and rapeseed products;

(5) there exist established State and national organizations conducting canola and rapeseed research, promotion, and consumer education programs that are valuable to the efforts of promoting the consumption of canola, rapeseed, and canola and rapeseed products;

(6) the cooperative development, financing, and implementation of a coordinated national program of canola and rapeseed research, promotion, consumer information, and industry information is necessary to maintain and expand existing markets and develop new markets for canola, rapeseed, and canola and rapeseed products; and

(7) canola, rapeseed, and canola and rapeseed products move in interstate and foreign commerce, and canola, rapeseed, and canola and rapeseed products that do not move in interstate or foreign commerce directly burden or affect interstate commerce in canola, rapeseed, and canola and rapeseed products.

**(b) Policy**

It is the policy of this subchapter to establish an orderly procedure for developing, financing through assessments on domestically produced canola and rapeseed, and implementing a program of research, promotion, consumer information, and industry information designed to strengthen the position in the marketplace of the canola and rapeseed industry, to maintain and expand existing domestic and foreign markets and uses for canola, rapeseed, and canola and rapeseed products, and to develop new markets and uses for canola, rapeseed, and canola and rapeseed products.

**(c) Construction**

Nothing in this subchapter provides for the control of production or otherwise limits the right of individual producers to produce canola, rapeseed, or canola or rapeseed products.

(Pub. L. 104-127, title V, §532, Apr. 4, 1996, 110 Stat. 1048.)

**§ 7442. Definitions**

In this subchapter (unless the context otherwise requires):

**(1) Board**

The term “Board” means the National Canola and Rapeseed Board established under section 7444(b) of this title.