

period beginning on the date the penalty is assessed or order issued—

(i) filing a notice of appeal in the district court of the United States for the district in which the person resides or conducts business, or in the United States District Court for the District of Columbia; and

(ii) sending a copy of the notice by certified mail to the Secretary.

(B) Copy of record

The Secretary shall promptly file in the court a certified copy of the record on which the Secretary found that the person had committed a violation.

(2) Standard of review

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

(e) Failure to obey order

(1) In general

A person who fails to obey a cease and desist order issued under subsection (c) of this section after the order has become final and unappealable, or after the appropriate United States district court has entered a final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary of not more than \$5,000 for each offense, after opportunity for a hearing and for judicial review under the procedures specified in subsections (c) and (d) of this section.

(2) Separate violations

Each day during which the person fails to obey an order described in paragraph (1) shall be considered as a separate violation of the order.

(f) Failure to pay penalty

(1) In general

If a person fails to pay a civil penalty assessed under subsection (c) or (e) of this section after the penalty has become final and unappealable, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any United States district court in which the person resides or conducts business.

(2) Scope of review

In an action by the Attorney General under paragraph (1), the validity and appropriateness of the civil penalty shall not be subject to review.

(g) Additional remedies

The remedies provided in this chapter shall be in addition to, and not exclusive of, other remedies that may be available.

(Pub. L. 103–190, §9, Dec. 14, 1993, 107 Stat. 2286.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6802, 6807, 6809 of this title.

§ 6809. Investigations and power to subpoena

(a) Investigations

The Secretary may make such investigations as the Secretary considers necessary for the ef-

fective administration of this chapter, or to determine whether any person has engaged or is engaging in any act that constitutes a violation of this chapter or any order or regulation issued under this chapter.

(b) Subpoenas, oaths, and affirmations

(1) Investigations

For the purpose of making an investigation under subsection (a) of this section, the Secretary may administer oaths and affirmations, and issue subpoenas to require the production of any records that are relevant to the inquiry. The production of the records may be required from any place in the United States.

(2) Administrative hearings

For the purpose of an administrative hearing held under section 6807(a)(2) or 6808(c)(3) of this title, the presiding officer 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 the records may be required from any place in the United States.

(c) Aid of courts

(1) In general

In the case of contumacy by, or refusal to obey a subpoena issued under subsection (b) of this section 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 conducted, or where the person resides or conducts business, in order to enforce a subpoena issued under subsection (b) of this section.

(2) Order

The court may issue an order requiring the person referred to in paragraph (1) to comply with a subpoena referred to in paragraph (1).

(3) Failure to obey

Any failure to obey the order of the court may be punished by the court as a contempt of court.

(4) Process

Process in any proceeding under this subsection may be served in the United States judicial district in which the person being proceeded against resides or conducts business or wherever the person may be found.

(Pub. L. 103–190, §10, Dec. 14, 1993, 107 Stat. 2288.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6802, 6807, 6808 of this title.

§ 6810. Confidentiality

(a) Prohibition

No information on how a person voted in a referendum conducted under this chapter shall be made public.

(b) Penalty

Any person who knowingly violates subsection (a) of this section or the confidentiality terms of an order, as described in section 6804(j)(2) of this

title, shall be subject to a fine of not less than \$1,000 nor more than \$10,000 or to imprisonment for not more than 1 year, or both. If the person is an officer or employee of the Department of Agriculture or the PromoFlor Council, the person shall be removed from office.

(c) Additional prohibition

No information obtained under this chapter may be made available to any agency or officer of the Federal Government for any purpose other than the implementation of this chapter or an investigatory or enforcement action necessary for the implementation of this chapter.

(d) Withholding information from Congress prohibited

Nothing in this chapter shall be construed to authorize the withholding of information from Congress.

(Pub. L. 103–190, § 11, Dec. 14, 1993, 107 Stat. 2288.)

§ 6811. Authority for Secretary to suspend or terminate order

If the Secretary finds that an order, or any provision of the order, obstructs or does not tend to effectuate the policy of this chapter specified in section 6801(b) of this title, the Secretary shall terminate or suspend the operation of the order or provision under such terms as the Secretary determines are appropriate.

(Pub. L. 103–190, § 12, Dec. 14, 1993, 107 Stat. 2289.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6802 of this title.

§ 6812. Construction

(a) Termination or suspension not an order

The termination or suspension of an order, or a provision of an order, shall not be considered an order under the meaning of this chapter.

(b) Producer rights

This chapter—

(1) may not be construed to provide for control of production or otherwise limit the right of individual cut flowers and cut greens producers to produce cut flowers and cut greens; and

(2) shall be construed to treat all persons producing cut flowers and cut greens fairly and to implement any order in an equitable manner.

(c) Other programs

Nothing in this chapter may be construed to preempt or supersede any other program relating to cut flowers or cut greens promotion and consumer information organized and operated under the laws of the United States or a State.

(Pub. L. 103–190, § 13, Dec. 14, 1993, 107 Stat. 2289.)

§ 6813. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter and the powers vested in the Secretary by this chapter, including regulations relating to the assessment of late payment charges and interest.

(Pub. L. 103–190, § 14, Dec. 14, 1993, 107 Stat. 2289.)

§ 6814. 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 may not be used for the payment of the expenses or expenditures of the PromoFlor Council in administering a provision of an order.

(Pub. L. 103–190, § 15, Dec. 14, 1993, 107 Stat. 2289.)

CHAPTER 98—DEPARTMENT OF AGRICULTURE REORGANIZATION

Sec.	
6901.	Purpose.
6902.	Definitions.

SUBCHAPTER I—GENERAL REORGANIZATION AUTHORITIES

6911.	Transfer of Department functions to Secretary of Agriculture.
	(a) Transfer of functions.
	(b) Exceptions.
6912.	Authority of Secretary to delegate transferred functions.
	(a) Delegation of authority.
	(b) Cost-benefit analysis required for name change.
	(c) Public comment on proposed reorganization.
	(d) Interagency transfer of records, property, personnel, and funds.
	(e) Exhaustion of administrative appeals.
6913.	Reductions in number of Department personnel.
	(a) Definitions.
	(b) Number of reductions required.
	(c) Emphasis on headquarters offices reductions.
	(d) Schedule.
6914.	Consolidation of headquarters offices.
6915.	Combination of field offices.
	(a) Combination of offices required.
	(b) Joint use of resources and offices required.
6916.	Improvement of information sharing.
6917.	Reports by Secretary.
	(a) In general.
	(b) Limitation.
	(c) Selection of reports.
6918.	Assistant Secretaries of Agriculture.
	(a) Authorization.
	(b) Confirmation required.
	(c) Succession.
	(d) Duties of Assistant Secretary of Agriculture for Civil Rights.

6919.	Repealed.
6920.	Office of Energy Policy and New Uses.

SUBCHAPTER II—FARM AND FOREIGN AGRICULTURAL SERVICES

6931.	Under Secretary of Agriculture for Farm and Foreign Agricultural Services.
	(a) Authorization.
	(b) Confirmation required.
	(c) Functions of Under Secretary.
	(d) Succession.
6932.	Consolidated Farm Service Agency.
	(a) Establishment.
	(b) Functions of Consolidated Farm Service Agency.
	(c) Special concurrence requirements for certain functions.
	(d) Jurisdiction over conservation program appeals.