

Public Law 96-276
96th Congress

An Act

To amend the Egg Research and Consumer Information Act and to establish an intergovernmental study group to analyze recent events in the silver cash and futures markets.

June 17, 1980

[H.R. 6285]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Egg Research and Consumer Information Act Amendments of 1980".

Egg Research
and Consumer
Information Act
Amendments of
1980.

7 USC 2701 note.

SEC. 2. Section 8(a) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(a)) is amended by deleting the word "eighteen" in such section and inserting in lieu thereof the word "twenty".

SEC. 3. Section 8(b) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(b)) is amended by deleting the period at the end of the paragraph and inserting the following: "*Provided further,* That two members of the Egg Board, and alternates therefor, shall be consumers or representatives of consumers, if approved by egg producers voting in a referendum on an amendment to the order. Such consumer appointments shall be made by the Secretary from nominations submitted by eligible organizations. If the Secretary determines that such nominees are not members of either a bona fide consumer organization or do not represent consumers, the Secretary may appoint such consumers or representatives of consumers as deemed necessary to properly represent the interest of consumers. Consumer members of the Egg Board shall be voting members."

Egg Board,
consumer
members.

SEC. 4. Section 8(e) of the Egg Research and Consumer Information Act (7 U.S.C. 2707(e)) is amended by striking the third sentence and inserting in lieu thereof the following: "For fiscal year 1981, the rate of assessment prescribed by the order shall not exceed 7½ cents per case of commercial eggs or the equivalent thereof. For each fiscal year thereafter, the rate of assessment may be increased by no more than three-quarters of a cent per case of commercial eggs or the equivalent thereof: *Provided,* That the rate of assessment shall not exceed 10 cents per case of commercial eggs or the equivalent thereof."

Rate of
assessment.

SEC. 5. Section 9 of the Egg Research and Consumer Information Act (7 U.S.C. 2708) is amended by adding at the end thereof a new sentence as follows: "The failure of egg producers to approve an amendment to any Egg Research and Promotion Order shall not be deemed to invalidate such order."

SEC. 6. Section 15 of the Egg Research and Consumer Information Act (7 U.S.C. 2714) is amended by striking section 15 of the Act and inserting in lieu thereof the following:

"SEC. 15. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued pursuant to this Act. Any civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action: *Provided,* That nothing in this Act shall be

Enforcement of
orders.

Civil actions,
referral to
Attorney
General.

construed as requiring the Secretary to refer to the Attorney General violations of this Act whenever he believes that the administration and enforcement of the program would be adequately served by administrative action pursuant to paragraph (b) of this section or suitable written notice or warning to any person committing such violations.

Civil penalty;
cease-and-desist
order.

“(b)(1) Any person who violates any provisions of any order or regulation issued by the Secretary pursuant to this Act, or who fails or refuses to pay, collect, or remit any assessment or fee duly required of him thereunder, may be assessed a civil penalty by the Secretary of not less than \$500 or more than \$5,000 for each such violation. Each violation shall be a separate offense. In addition to or in lieu of such civil penalty the Secretary may issue an order requiring such person to cease and desist from continuing such violation or violations. No penalty shall be assessed or cease and desist order issued unless such person is given notice and opportunity for a hearing before the Secretary with respect to such violation, and the order of the Secretary assessing a penalty or imposing a cease and desist order shall be final and conclusive unless the affected person files an appeal from the Secretary’s order with the appropriate United States court of appeals.

Hearing.

Appeal.

“(2) Any person against whom a violation is found and a civil penalty assessed or cease and desist order issued under paragraph (b)(1) of this section may obtain review in the court of appeals of the United States for the circuit in which such person resides or has his place of business or in the United States Court of Appeals for the District of Columbia Circuit by filing a notice of appeal in such court within thirty days from the date of such order and by simultaneously sending a copy of such notice by certified mail to the Secretary. The Secretary shall promptly file in such court a certified copy of the record upon which such violation was found. The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence.

Final order,
noncompliance
penalty.

“(3) Any person who fails to obey a cease and desist order after it has become final and unappealable, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, shall be subject to a civil penalty assessed by the Secretary, after opportunity for a hearing and for judicial review pursuant to the procedures specified in paragraphs (b) (1) and (2) of this section, of not more than \$500 for each offense, and each day during which such failure continues shall be deemed a separate offense.

Referral to
Attorney
General.

“(4) If any person fails to pay an assessment of a civil penalty after it has become a final and unappealable order, or after the appropriate court of appeals has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed in any appropriate district court of the United States. In such action, the validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.”

SEC. 7. The Commodity Exchange Act is amended by adding at the end thereof a new section 21 to read as follows:

Joint working
group.
7 USC 4a note.

“SEC. 21. The Commission shall establish a joint working group with the Federal Reserve Board, Department of the Treasury, and Securities and Exchange Commission to analyze the various aspects of the events in the silver cash and futures markets during the period of September 1979 through March 1980. The joint working group will prepare a report of its findings that shall include, but not be limited

Report.

to, a description of the causes of this situation, an appraisal of the adequacy of consultation during this period between the members of the joint working group, and recommendations for legislative changes that could prevent a recurrence of these or similar events in any futures market. The joint working group shall submit its report to the appropriate committees of Congress by October 1, 1980."

Submitted to congressional committees.

Approved June 17, 1980.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 96-752 (Comm. on Agriculture).
- SENATE REPORT No. 96-765 (Comm. on Agriculture, Nutrition, and Forestry).
- CONGRESSIONAL RECORD, Vol. 126 (1980):
 - Feb. 19, considered and passed House.
 - June 4, considered and passed Senate, amended.
 - June 10, House agreed to Senate amendments.