

### §911.23

shipped by such handler during the immediately preceding twelve-month period, January through December.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 40 FR 52604, Nov. 11, 1975; 52 FR 7117, Mar. 9, 1987]

#### §911.23 Selection.

From the nominations made pursuant to §911.22, or from other qualified persons, the Secretary shall select the five grower members of the committee, the four handler members of the committee, and an alternate for each such member.

#### §911.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in §911.22, the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in §911.20.

#### §911.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

#### §911.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§911.22 and 911.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within fifteen days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in §911.20.

#### §911.27 Alternate members.

An alternate member of the committee, during the absence or at the re-

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quest of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event both a member and his alternate are unable to attend a committee meeting, the chairman may designate any alternate who is present and who is not serving for any member to serve in such absent member's place and stead: *Provided*, That only grower alternate members may be so designated to serve for grower members and only handler alternate members may be so designated to serve for handler members.

[20 FR 4179, June 15, 1955. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 35 FR 16626, Oct. 27, 1970]

#### §911.28 Powers.

The committee shall have the following powers:

- (a) To administer the provisions of this part in accordance with its terms;
- (b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part.
- (c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and
- (d) To recommend to the Secretary amendments to this part.

#### §911.29 Duties.

The committee shall have, among others, the following duties:

- (a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers;
- (b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties of each;
- (c) To submit to the Secretary as soon as practicable after the beginning of each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;
- (d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee