

## § 987.28

## 7 CFR Ch. IX (1-1-11 Edition)

### § 987.28 Expenses.

The members of the Committee shall serve without compensation but shall be allowed their necessary expenses.

### § 987.29 Powers.

The Committee shall have the following powers:

- (a) To administer the terms and provisions of this subpart.
- (b) To make rules and regulations to effectuate the terms and provisions of this subpart.
- (c) To receive, investigate, and report to the Secretary complaints of violations of this subpart, and
- (d) To recommend to the Secretary amendments to this subpart.

### § 987.30 Duties.

The Committee shall have, among other things, the following duties:

- (a) To act as intermediary between the Secretary and any producer or handler.
- (b) To keep minutes, books, and records which will clearly reflect all of its transactions and such minutes, books, and other records shall be subject to examination by the Secretary at any time.
- (c) To investigate the growing, handling, and marketing conditions with respect to dates, to assemble data in connection therewith.
- (d) To furnish to the Secretary such available information as may be deemed pertinent to the administration of this subpart or as he may request and to give to the Secretary the same notice of meetings of the Committee as is given to the members of the Committee.
- (e) To appoint such employees as it may deem necessary and to determine the salaries, define the duties and where desirable fix the bonds of such employees.
- (f) To cause the books of the Committee to be audited by a certified public accountant at least once each crop year and at such other times as the Committee may deem necessary or the Secretary may request. The report of each such audit shall show among other things the receipt and expenditure of funds pursuant hereto. Two copies of such audit shall be submitted to the Secretary.

(g) To investigate compliance and to use means available to the Committee to prevent violations of this part.

(h) To furnish the Committee viewpoints of the consumer, the Committee may utilize a consumer consultant. The consumer consultant shall have no financial interest in the date industry and shall receive no compensation, however, such person shall be reimbursed for necessary expenses attendant to those assignments that the Committee has given prior support and approval.

[27 FR 6818, July 19, 1962, as amended at 43 FR 4252, Feb. 1, 1978]

### § 987.31 Procedure.

- (a) A majority of the Committee shall constitute a quorum.
- (b) The Committee shall, from among its members, select a chairman and such other officers and adopt such rules for the conduct of its business as it may deem advisable.
- (c) For any decision of the Committee to be valid, a concurring vote of at least five members is required, except as follows:
  - (1) In matters relating to restructuring Committee composition pursuant to § 987.21, concurrence by at least eight members is required;
  - (2) In matters relating to establishment, modification and application of free and restricted percentages pursuant to §§ 987.44 and 987.46, concurrence by at least seven members is required; and
  - (3) In matters relating to recommendation of any program of paid advertising or major program of market promotion pursuant to § 987.33, concurrence by at least six members is required.
- (d) At all assembled meetings each vote shall be cast in person.
- (e) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within 2 weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.
- (f) If the total number of members of the Committee is changed pursuant to