

relevant to the inquiry. The production of any such records may be required from any place in the United States.

**(2) Administrative hearings**

For the purpose of an administrative hearing held under section 6008 or 6009 of this title, the presiding officer is authorized to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States.

**(c) Aid of courts**

In 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 such investigation or proceeding is carried on, or where such person resides or carries on business, in order to enforce a subpoena issued by the Secretary under subsection (b) of this section. The court may issue an order requiring such person to comply with such a subpoena.

**(d) Contempt**

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

**(e) Process**

Process in any such case may be served in the judicial district in which such person resides or conducts business or wherever such person may be found.

**(f) Hearing site**

The site of any hearings held under section 6008 or 6009 of this title shall be within the judicial district where such person resides or has a principal place of business.

(Pub. L. 101-624, title XIX, §1915, Nov. 28, 1990, 104 Stat. 3852; Pub. L. 102-237, title VIII, §802(3), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Subsec. (b)(2). Pub. L. 102-237 struck out “section” after “6008 or”.

**§ 6011. Requirement of referendum**

**(a) In general**

Not later than 24 months after the effective date of the plan first issued under section 6003 of this title, the Secretary shall conduct a referendum among growers, grower-shellors, and importers, who during a representative period determined by the Secretary have been engaged in the production or importation of pecans, for the purpose of ascertaining whether growers, grower-shellors, and importers favor continuation, termination, or suspension of the plan.

**(b) Other referenda**

**(1) In general**

After the referendum required under subsection (a) of this section, the Secretary shall hold a referendum on request of the Board or 10 percent or more of the total number of growers, grower-shellors, and importers, to de-

termine if growers, grower-shellors, and importers favor the termination or suspension of the plan.

**(2) Suspension or termination**

The Secretary shall terminate or suspend such plan, in accordance with section 6012(b) of this title, whenever the Secretary determines that such suspension or termination is favored by a majority of those voting in a referendum.

**(c) Costs of referendum**

The Secretary shall be reimbursed from any assessments collected by the Board for any expenses incurred by the Department in connection with the conduct of any referendum under this chapter, except for the salaries of Government employees.

**(d) Manner**

**(1) In general**

Referenda conducted pursuant to this chapter shall be conducted in such a manner as is determined by the Secretary.

**(2) Advance registration**

A grower, grower-sheller, or importer who chooses to vote in any referendum conducted under this chapter shall register in person prior to the voting period at the appropriate local office of the Agricultural Stabilization and Conservation Service, as determined by the Secretary, for such grower, grower-sheller, or by mailing such a request to the Secretary on behalf of an importer.

**(3) Voting**

A grower, grower-sheller, or importer who votes in any referendum conducted under this chapter shall vote in person at the appropriate local office of the Agricultural Stabilization and Conservation Service, as determined by the Secretary or by mail to the Secretary.

**(4) Notice**

Each Agricultural Stabilization and Conservation Service office shall notify all growers, grower-shellors, and importers in the area of such office, as determined by the Secretary, at least 30 days prior to a referendum conducted under this chapter. Such notice shall explain the registration and voting procedures established under this subsection.

(Pub. L. 101-624, title XIX, §1916, Nov. 28, 1990, 104 Stat. 3853.)

**§ 6012. Suspension or termination of plan**

**(a) Mandatory suspension or termination**

The Secretary shall, whenever the Secretary finds that the plan or any provision of the plan obstructs or does not tend to effectuate the declared policy of this chapter, terminate or suspend the operation of such plan or provision.

**(b) Suspension or termination**

If, as a result of any referendum conducted under this chapter, the Secretary determines that suspension or termination of a plan is favored by a majority of the growers, grower-shellors, and importers voting in the referendum, the Secretary shall—

(1) within 6 months after making such determination, suspend or terminate, as the case may be, collection of assessments under the plan; and

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

**(c) Limitation**

The termination or suspension of any plan, or any provision thereof, shall not be considered a plan within the meaning of this chapter.

(Pub. L. 101-624, title XIX, §1917, Nov. 28, 1990, 104 Stat. 3854.)

**§ 6013. 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 to carry out this chapter shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any plan issued under this chapter.

(Pub. L. 101-624, title XIX, §1918, Nov. 28, 1990, 104 Stat. 3854.)

**CHAPTER 90—MUSHROOM PROMOTION, RESEARCH, AND CONSUMER INFORMATION**

Sec.	
6101.	Findings and declaration of policy. <ul style="list-style-type: none"> <li>(a) Findings.</li> <li>(b) Policy.</li> <li>(c) Construction.</li> </ul>
6102.	Definitions.
6103.	Issuance of orders. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Procedures.</li> <li>(c) Amendments.</li> </ul>
6104.	Required terms in orders. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Mushroom Council.</li> <li>(c) Powers and duties of Council.</li> <li>(d) Plans and budgets.</li> <li>(e) Contracts and agreements.</li> <li>(f) Books and records of Council.</li> <li>(g) Assessments.</li> <li>(h) Prohibition.</li> <li>(i) Books and records.</li> <li>(j) Other terms and conditions.</li> </ul>
6105.	Referenda. <ul style="list-style-type: none"> <li>(a) Initial referendum.</li> <li>(b) Succeeding referenda.</li> <li>(c) Manner.</li> </ul>
6106.	Petition and review. <ul style="list-style-type: none"> <li>(a) Petition.</li> <li>(b) Review.</li> </ul>
6107.	Enforcement. <ul style="list-style-type: none"> <li>(a) Jurisdiction.</li> <li>(b) Referral to Attorney General.</li> <li>(c) Civil penalties and orders.</li> <li>(d) Review by district court.</li> <li>(e) Failure to obey orders.</li> <li>(f) Failure to pay penalties.</li> </ul>
6108.	Investigations and power to subpoena. <ul style="list-style-type: none"> <li>(a) Investigations.</li> <li>(b) Subpoenas, oaths, and affirmations.</li> <li>(c) Aid of courts.</li> <li>(d) Contempt.</li> <li>(e) Process.</li> <li>(f) Hearing site.</li> </ul>

Sec.	
6109.	Savings provision.
6110.	Suspension or termination of orders.
6111.	Authorization of appropriations. <ul style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Administrative expenses.</li> </ul>
6112.	Regulations.

**§ 6101. Findings and declaration of policy**

**(a) Findings**

Congress finds that—

(1) mushrooms are an important food that is a valuable part of the human diet;

(2) the production of mushrooms plays a significant role in the Nation's economy in that mushrooms are produced by hundreds of mushroom producers, distributed through thousands of wholesale and retail outlets, and consumed by millions of people throughout the United States and foreign countries;

(3) mushroom production benefits the environment by efficiently using agricultural by-products;

(4) mushrooms must be high quality, readily available, handled properly, and marketed efficiently to ensure that the benefits of this important product are available to the people of the United States;

(5) the maintenance and expansion of existing markets and uses, and the development of new markets and uses, for mushrooms are vital to the welfare of producers and those concerned with marketing and using mushrooms, as well as to the agricultural economy of the Nation;

(6) the cooperative development, financing, and implementation of a coordinated program of mushroom promotion, research, and consumer information are necessary to maintain and expand existing markets for mushrooms; and

(7) mushrooms move in interstate and foreign commerce, and mushrooms that do not move in such channels of commerce directly burden or affect interstate commerce in mushrooms.

**(b) Policy**

It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing through adequate assessments on mushrooms produced domestically or imported into the United States, and carrying out, an effective, continuous, and coordinated program of promotion, research, and consumer and industry information designed to—

(1) strengthen the mushroom industry's position in the marketplace;

(2) maintain and expand existing markets and uses for mushrooms; and

(3) develop new markets and uses for mushrooms.

**(c) Construction**

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of individual producers to produce mushrooms.

(Pub. L. 101-624, title XIX, §1922, Nov. 28, 1990, 104 Stat. 3855.)