

(Pub. L. 101-624, title XIX, §1955, Nov. 28, 1990, 104 Stat. 3872; Pub. L. 102-237, title VIII, §805(1), Dec. 13, 1991, 105 Stat. 1882; Pub. L. 103-194, §4, Dec. 14, 1993, 107 Stat. 2295.)

AMENDMENTS

1993—Subsec. (b)(1)(A), (2)(B). Pub. L. 103-194, §4(a)(1), (2), substituted “3” for “7”.

Subsec. (b)(2)(F). Pub. L. 103-194, §4(a)(3), inserted at end “The Secretary shall terminate the initial Board established under this subsection as soon as practicable after December 14, 1993.”

Subsec. (b)(2)(G). Pub. L. 103-194, §4(a)(4), added subparagraph. (G).

Subsec. (b)(4). Pub. L. 103-194, §4(b)(1), substituted “The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—” for “Members of the Board shall be appointed for a term of 3 years. Of the members first appointed—”.

Subsec. (b)(4)(A). Pub. L. 103-194, §4(b)(2), substituted “2” for “3”.

Subsec. (b)(4)(B). Pub. L. 103-194, §4(b)(3), substituted “2” for “4” before “members”.

Subsec. (b)(4)(C). Pub. L. 103-194, §4(b)(4), substituted “3” for “4” before “members”.

Subsec. (d)(5). Pub. L. 103-194, §4(c), substituted “200,000” for “35,000”, wherever appearing.

1991—Subsec. (e)(1)(B). Pub. L. 102-237 substituted “Government employees” for “government employees”.

§ 6205. Permissive terms in orders

On the recommendation of the Board and with the approval of the Secretary, an order issued under section 6203(a) of this title may—

(1) provide authority to the Board to exempt from such order limes exported from the United States, subject to such safeguards as the Board may establish to ensure proper use of the exemption;

(2) provide authority to the Board to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures;

(3) provide that the Board may convene from time to time working groups drawn from producers, handlers, producer-handlers, importers, exporters, or the general public to assist in the development of research and marketing programs for limes;

(4) provide authority to the Board to accumulate reserve funds from assessments collected pursuant to section 6204(d) of this title to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years in which production and assessment income may be reduced, except that any reserve fund so established may not exceed the amount budgeted for operation of this chapter for 1 year;

(5) provide authority to the Board to use, with the approval of the Secretary, funds collected under section 6204(d) of this title for the development and expansion of lime sales in foreign markets; and

(6) provide for terms and conditions—

(A) incidental to, and not inconsistent with, the terms and conditions specified in this chapter; and

(B) necessary to effectuate the other provisions of such order.

(Pub. L. 101-624, title XIX, §1956, Nov. 28, 1990, 104 Stat. 3876.)

§ 6206. Petition and review

(a) Petition

(1) In general

A person subject to an order may file with the Secretary a petition—

(A) stating that such order, a provision of such order, or an obligation imposed in connection with such order is not in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) Hearings

A person submitting a petition under paragraph (1) shall be given an opportunity for a hearing on the petition, in accordance with regulations issued by the Secretary.

(3) Ruling

After the hearing, the Secretary shall make a ruling on the petition which shall be final if in accordance with law.

(b) Review

(1) Commencement of action

The district courts of the United States in any district in which such person who is a petitioner under subsection (a) of this section resides or carries on business are hereby vested with jurisdiction to review the ruling on such person's petition, if a complaint for that purpose is filed within 20 days after the date of the entry of a ruling by the Secretary under subsection (a) of this section.

(2) Process

Service of process in such proceedings shall be conducted in accordance with the Federal Rules of Civil Procedure.

(3) Remands

If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions either—

(A) to make such ruling as the court shall determine to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(4) Enforcement

The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the Attorney General or the Secretary from obtaining relief pursuant to section 6207 of this title.

(Pub. L. 101-624, title XIX, §1957, Nov. 28, 1990, 104 Stat. 3876.)

REFERENCES IN TEXT

The Federal Rules of Civil Procedure, referred to in subsec. (b)(2), are set out in the Appendix to Title 28, Judiciary and Judicial Procedure.

§ 6207. Enforcement

(a) Jurisdiction

Each district court of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any order or regulation made or issued by the Secretary under this chapter.