

§ 2108. Suspension and termination of orders**(a) Discretionary suspension or termination by Secretary**

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

(b) Suspension or termination resulting from referendum with cotton producers and importers

The Secretary may conduct a referendum at any time, and shall hold a referendum on request of a number of producers and importers (if subject to the order) equivalent to at least 10 percent of those persons voting in the most recent referendum, to determine whether cotton producers and importers subject to the order favor the termination or suspension of the order, except that in counting such requests for a referendum, not more than 20 percent of such requests may be from producers from any one State or importers of cotton (if subject to the order). The Secretary shall suspend or terminate the order at the end of the marketing year, as defined in the order, whenever the Secretary determines suspension or termination of the order is approved by a majority of producers and importers (subject to the order) voting in the referendum who, during a representative period determined by the Secretary, have been engaged in the production and importation of cotton and who produced and imported more than 50 percent of the volume of cotton produced and imported by those voting in the referendum.

(c) Suspension or termination of any order not deemed order within meaning of this chapter

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

(Pub. L. 89-502, §9, July 13, 1966, 80 Stat. 283; Pub. L. 101-624, title XIX, §1994, Nov. 28, 1990, 104 Stat. 3912.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-624 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Secretary may conduct a referendum at any time, and shall hold a referendum on request of 10 per centum or more of the number of cotton producers voting in the referendum approving the order, to determine whether cotton producers favor the termination or suspension of the order, and he shall suspend or terminate such order at the end of the marketing year, as defined in the order, whenever he determines that suspension or termination of the order is approved or favored by a majority of the producers of cotton voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of cotton, and who produced more than 50 per centum of the volume of the cotton produced by the cotton producers voting in the referendum.”

§ 2109. Provisions applicable to amendments**(a) Provisions applicable to amendments to orders**

Except as provided in subsection (b), the provisions of this chapter applicable to orders shall be applicable to amendments to orders.

(b) Approval of amendments by cotton producers and importers

No amendment to an order issued under this chapter shall be effective unless the Secretary determines that—

(1) with respect to an amendment referred to in subsection (b) or (c) of section 2107 of this title, the amendment is approved by producers and importers of cotton as provided in such section; or

(2) with respect to any other amendment, that the amendment is approved by a majority of cotton producers and importers subject to the order voting in the referendum.

(c) Disapproval of any amendment to order not deemed to invalidate such order

The disapproval of any amendment to an order issued under this chapter shall not be deemed to invalidate such order.

(Pub. L. 89-502, §10, July 13, 1966, 80 Stat. 283; Pub. L. 101-624, title XIX, §1995, Nov. 28, 1990, 104 Stat. 3912; Pub. L. 102-237, title VIII, §808(a)(3), Dec. 13, 1991, 105 Stat. 1883.)

AMENDMENTS

1991—Subsec. (b)(1). Pub. L. 102-237 substituted “subsection (b) or (c) of section 2107” for “section 2107(b) or 2107(c)”.

1990—Pub. L. 101-624 amended section generally. Prior to amendment, section read as follows: “The provisions of this chapter applicable to orders shall be applicable to amendments to orders.”

§ 2110. Refund of producer assessments

(a) Notwithstanding any other section of this chapter and except as provided in subsection (b), any cotton producer against whose cotton any assessment is made and collected from him under the authority of this chapter and who is not in favor of supporting the research and promotion program as provided for herein shall have the right to demand and receive from the Cotton Board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the Board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the Board that the producer paid the assessment for which refund is sought, and any such refund shall be made within sixty days after demand therefor.

(b) The right of a producer to demand a refund under subsection (a) shall terminate if the proposed amendment of the order implementing the Cotton Research and Promotion Amendments Act of 1990 is approved in the referendum provided for under section 2107 of this title. Such right shall terminate 30 days after the date the Secretary announces the results of such referendum if such proposed amendment is approved. Such right shall be reinstated if the amendment should be disapproved in any subsequent referendum.

(Pub. L. 89-502, §11, July 13, 1966, 80 Stat. 283; Pub. L. 101-624, title XIX, §1996, Nov. 28, 1990, 104 Stat. 3912; Pub. L. 102-237, title VIII, §808(a)(4), Dec. 13, 1991, 105 Stat. 1883.)