

able, or after the appropriate United States district court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in any district court in which the person resides or conducts business. In such action, the validity and appropriateness of such civil penalty shall not be subject to review.

(Pub. L. 101-624, title XIX, §1928, Nov. 28, 1990, 104 Stat. 3863; Pub. L. 102-237, title VIII, §803(2), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Subsec. (d)(1)(A). Pub. L. 102-237 substituted “United States District Court” for “United States district court”.

§ 6108. Investigations and power to subpoena

(a) Investigations

The Secretary may make such investigations as the Secretary considers necessary for the effective administration of this chapter or to determine whether any person subject to this chapter has engaged or is engaging in any act that constitutes a violation of this chapter or of any order, rule, or regulation issued under this chapter.

(b) Subpoenas, oaths, and affirmations

(1) In general

For the purpose of an investigation made under subsection (a), the Secretary may administer oaths and affirmations and issue a subpoena to require the production of any records that are 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 6106 or 6107 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). 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 6106 or 6107 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, §1929, Nov. 28, 1990, 104 Stat. 3864; Pub. L. 102-237, title VIII, §803(3), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Subsec. (b)(2). Pub. L. 102-237 struck out “section” after “6106 or”.

§ 6109. Savings provision

Nothing in this chapter may be construed to preempt or supersede any other program relating to mushroom promotion, research, consumer information, or industry information organized and operated under the laws of the United States or any State.

(Pub. L. 101-624, title XIX, §1930, Nov. 28, 1990, 104 Stat. 3865.)

§ 6110. Suspension or termination of orders

The Secretary shall, whenever the Secretary finds that the order or any provision of the order obstructs or does not tend to effectuate the declared policy of this chapter, terminate or suspend the operation of such order or provision. The termination or suspension of any order, or any provision thereof, shall not be considered an order under the meaning of this chapter.

(Pub. L. 101-624, title XIX, §1931, Nov. 28, 1990, 104 Stat. 3865.)

§ 6111. 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

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Council in administering any provision of an order issued under this chapter.

(Pub. L. 101-624, title XIX, §1932, Nov. 28, 1990, 104 Stat. 3865.)

§ 6112. Regulations

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, §1933, Nov. 28, 1990, 104 Stat. 3865.)

CHAPTER 91—LIME PROMOTION, RESEARCH, AND CONSUMER INFORMATION

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§ 6201. Findings, purposes, and limitations

(a) Findings

Congress finds that—

- (1) domestically produced limes are grown by many individual producers;
- (2) virtually all domestically produced limes are grown in the States of Florida and California;
- (3) limes move in interstate and foreign commerce, and limes that do not move in such channels of commerce directly burden or affect interstate commerce in limes;
- (4) in recent years, large quantities of limes have been imported into the United States;
- (5) the maintenance and expansion of existing domestic and foreign markets for limes and the development of additional and improved markets for limes are vital to the welfare of lime producers and other persons concerned with producing, marketing, or processing limes;
- (6) a coordinated program of research, promotion, and consumer information regarding limes is necessary for the maintenance and development of such markets; and
- (7) lime producers, lime producer-handlers, lime handlers, and lime importers are unable to implement and finance such a program without cooperative action.

(b) Purposes

The purposes of this chapter are—

- (1) to authorize the establishment of an orderly procedure for the development and financing (through an adequate assessment) of an effective and coordinated program of research, promotion, and consumer information regarding limes designed—
 - (A) to strengthen the position of the lime industry in domestic and foreign markets, and
 - (B) to maintain, develop, and expand markets for limes; and
- (2) to treat domestically produced and imported limes equitably.

(c) Limitations

Nothing in this chapter shall be construed to require quality standards for limes, control the production of limes, or otherwise limit the right of the individual producers to produce limes.

(Pub. L. 101-624, title XIX, §1952, Nov. 28, 1990, 104 Stat. 3870.)

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103-194, §1, Dec. 14, 1993, 107 Stat. 2294, provided that: "This Act [amending sections 6202, 6204, and 6209 of this title and enacting provisions set out as a note below] may be cited as the 'Lime Research, Promotion, and Consumer Information Improvement Act'."

SHORT TITLE

Pub. L. 101-624, title XIX, §1951, Nov. 28, 1990, 104 Stat. 3870, provided that: "This subtitle [subtitle D (§§1951-1963) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Lime Research, Promotion, and Consumer Information Act of 1990'."

LEGISLATIVE FINDINGS AND PURPOSE OF PUB. L. 103-194

Pub. L. 103-194, §2, Dec. 14, 1993, 107 Stat. 2294, provided that:

"(a) FINDINGS.—Congress finds the following:

"(1) The Lime Research, Promotion, and Consumer Information Act of 1990 [7 U.S.C. 6201 et seq.] was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

"(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

"(3) Although the intent of such Act was to cover seedless limes, the definition of the term 'lime' in section 1953(6) of such Act [7 U.S.C. 6202(6)] applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

"(4) Since the enactment of the Lime Research, Promotion, and Consumer Information Act of 1990, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the United States production of limes is in Florida.

"(b) PURPOSES.—The purpose of this Act [see Short Title of 1993 Amendment note above] is—

- "(1) to revise the definition of the term 'lime' in order to cover seedless and not seeded limes;
- "(2) to increase the exemption level;
- "(3) to delay the initial referendum date; and
- "(4) to alter the composition of the Lime Board."

§ 6202. Definitions

As used in this chapter:

(1) Board

The term "Board" means the Lime Board provided for under section 6204(b) of this title.

(2) Consumer information

The term "consumer information" means any action taken to provide information to, and broaden the understanding of, the general public regarding the use, nutritional attributes, and care of limes.

(3) Handle

The term "handle" means to sell, purchase, or package limes.

(4) Handler

The term "handler" means any person in the business of handling limes.

(5) Importer

The term "importer" means any person who imports limes into the United States.

(6) Lime

The term "lime" means the fruit of a citrus latifolia tree for the fresh market.

(7) Marketing

The term "marketing" means the sale or other disposition of limes in commerce.

(8) Order

The term "order" means a lime research, promotion, and consumer information order