

AMENDMENTS

1998—Subsecs. (a), (b)(1). Pub. L. 105-185 substituted “order” for “plan” wherever appearing.

§ 4610a. Investigations and power to subpoena**(a) In general**

The Secretary may make such investigations as the Secretary determines necessary—

- (1) for the effective administration of this chapter; or
- (2) to determine whether a person has engaged or is engaging in any act or practice that constitutes a violation of any provision of this chapter, or of any order, rule, or regulation issued under this chapter.

(b) Power to subpoena**(1) Investigations**

For the purpose of an investigation made under subsection (a), the Secretary is authorized to administer oaths and affirmations and to 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 4609 or 4610 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 4609 or 4610 of this title shall be within the judicial district where such person resides or has a principal place of business.

(Pub. L. 98-590, §11A, as added Pub. L. 101-624, title XIX, §1986, Nov. 28, 1990, 104 Stat. 3908; amended Pub. L. 102-237, title VIII, §807(2), Dec. 13, 1991, 105 Stat. 1883.)

AMENDMENTS

1991—Subsec. (b)(2). Pub. L. 102-237 struck out “section” after “4609 or”.

§ 4611. Requirements of referendum**(a) In general**

For the purpose of ascertaining whether issuance of an order is approved by producers, importers, and in the case of an order assessing handlers, handlers, the Secretary shall conduct a referendum among producers, importers, and, in the case of an order assessing handlers, handlers, not exempt under section 4606(e)(4) of this title, that, during a representative period determined by the Secretary, have been engaged in the production, importation, or handling of honey or honey products.

(b) Effectiveness of order**(1) In general**

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

- (A) the order is approved by a majority of the producers, importers, and if covered by the order, handlers, voting in the referendum; and
- (B) the producers, importers, and handlers comprising the majority produced, imported, and handled not less than 50 percent of the quantity of the honey and honey products produced, imported, and handled during the representative period by the persons voting in the referendum.

(2) Amendments to orders

The Secretary may amend an order in accordance with the administrative procedures specified in sections 4604 and 4605 of this title, except that the Secretary may not amend a provision of an order that implements a provision of this chapter that specifically provides for approval in a referendum without the approval provided for in this section.

(c) Producer-packers and importers**(1) In general**

Each producer-packer and each importer shall have 1 vote as a handler as well as 1 vote as a producer or importer (unless exempt under section 4606(e)(4) of this title) in all referenda concerning orders assessing handlers to the extent that the individual producer-packer or importer owes assessments as a handler.

(2) Attribution of quantity of honey

For the purpose of subsection (b)(1)(B)—

- (A) the quantity of honey or honey products on which the qualifying producer-packer or importer owes assessments as a handler shall be attributed to the person's vote as a handler under paragraph (1); and
- (B) the quantity of honey or honey products on which the producer-packer or importer owes an assessment as a producer or importer shall be attributed to the person's vote as a producer or importer.

(d) Confidentiality

The ballots and other information or reports that reveal, or tend to reveal, the identity or