

- (6) functions of the organization;
- (7) whether the majority of the governing board of the organization is composed of producers and importers; and
- (8) the organization's ability and willingness to further the aims and objectives of this chapter.

The primary consideration in determining the eligibility of any organization shall be whether its membership consists of a substantial number of producers and importers who produce and import a substantial volume of flowers and plants. The Secretary shall certify any organization which is found to be eligible under this section, and the Secretary's determination as to eligibility shall be final. Whenever more than one organization is certified in any geographic area, such organizations may caucus to determine the area's nominations under section 4306(2) of this title.

(Pub. L. 97-98, title XVII, §1716, Dec. 22, 1981, 95 Stat. 1357.)

§ 4316. Regulations

The Secretary may issue such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-98, title XVII, §1717, Dec. 22, 1981, 95 Stat. 1357.)

§ 4317. Investigations; subpoena powers, etc.; enforcement

The Secretary may make such investigations as are deemed necessary to carry out the Secretary's responsibilities under this chapter or to determine whether a producer, importer, wholesaler, retailer, or other seller of flowers and plants, or any other person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of any provisions of this chapter, or of any order, or rule or regulation issued under this chapter. For the purpose of such investigation, the Secretary is empowered to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which 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. In case of contumacy by, or refusal to obey a subpoena to, any person, including a producer of flowers and plants, 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 requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All processes in any such cases may be served in the judicial district wherein such person is an inhabitant or wherever such person may be found.

(Pub. L. 97-98, title XVII, §1718, Dec. 22, 1981, 95 Stat. 1357.)

§ 4318. Separability

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this chapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 97-98, title XVII, §1719, Dec. 22, 1981, 95 Stat. 1358.)

§ 4319. Authorization of appropriations

There are authorized to be appropriated out of any money in the Treasury not otherwise appropriated such funds as are necessary to carry out the provisions of this chapter. The funds so appropriated shall not be available for payment of the expenses or expenditures of the Floraboard in administering any provisions of any order issued pursuant to the terms of this chapter.

(Pub. L. 97-98, title XVII, §1720, Dec. 22, 1981, 95 Stat. 1358.)

CHAPTER 75—INTERNATIONAL CARRIAGE OF PERISHABLE FOODSTUFFS

Sec.	
4401.	Congressional findings and declaration of purpose.
4402.	Definitions.
4403.	Duties of Secretary of Agriculture.
4404.	Duties of Secretary of State.
4405.	Fees and charges.
4406.	Authorization of appropriations.

§ 4401. Congressional findings and declaration of purpose

Congress hereby finds and declares that—

(1) the United States, as a member of the Economic Commission for Europe of the United Nations, participated in development by that Commission of the Agreement on the International Carriage of Perishable Foodstuffs and on the Special Equipment to be Used for Such Carriage;

(2) the agreement requires that equipment involved in the international carriage of perishable foodstuffs be inspected, tested, and certified to specified standards;

(3) this chapter will make it possible for equipment in the United States to be inspected, tested, and certified in accordance with the agreement and the standards specified therein; and

(4) this chapter will improve the conditions for the movement of perishable foodstuffs in international carriage in equipment owned or operated by United States firms, which will serve to protect existing trade and promote expansion of trade in perishable foodstuffs, and will improve the sale of United States manufactured equipment for use in international carriage.

(Pub. L. 97-325, §2, Oct. 15, 1982, 96 Stat. 1603.)

REFERENCES IN TEXT

This chapter, referred to in pars. (3) and (4), was in the original "this Act", meaning Pub. L. 97-325, Oct. 15,