

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) of this section, 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) of this section, 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) of this section 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.)

REFERENCES IN TEXT

The Cotton Research and Promotion Amendments Act of 1990, referred to in subsec. (b), probably means the Cotton Research and Promotion Act Amendments of 1990, subtitle G [§§1990-1998] of title XIX of Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3909, which amended sections 2101, 2106 to 2110, and 2116 of this title and enacted provisions set out as notes under section 2101 of this title. For complete classification of this Act to the Code, see Short Title of 1990 Amendment note set out under section 2101 of this title and Tables.

AMENDMENTS

1991—Subsec. (a). Pub. L. 102-237 inserted “of this chapter” after “any other section” and struck out “of this chapter,” before “any cotton producer”.

1990—Pub. L. 101-624 designated existing provisions as subsec. (a), substituted “Notwithstanding any other section and except as provided in subsection (b) of this section,” for “Notwithstanding any other provision”, and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2106, 2116 of this title.

§ 2111. Administrative review of orders; petition; hearing; judicial review

(a) Any person subject to any order may file a written petition with the Secretary, stating that any such order or any provision of such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 2112(a) of this title.