

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1336

To enable processors of popcorn to develop, finance, and carry out a nationally coordinated program for popcorn promotion, research, consumer information, and industry information, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 19 (legislative day, OCTOBER 18), 1995

Mr. LUGAR introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To enable processors of popcorn to develop, finance, and carry out a nationally coordinated program for popcorn promotion, research, consumer information, and industry information, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Popcorn Promotion,  
5        Research, and Consumer Information Act”.

6        **SEC. 2. FINDINGS AND DECLARATION OF POLICY.**

7        (a) FINDINGS.—Congress finds that—

1           (1) popcorn is an important food that is a valu-  
2           able part of the human diet;

3           (2) the production and processing of popcorn  
4           plays a significant role in the economy of the United  
5           States in that popcorn is processed by several pop-  
6           corn processors, distributed through wholesale and  
7           retail outlets, and consumed by millions of people  
8           throughout the United States and foreign countries;

9           (3) popcorn must be of high quality, readily  
10          available, handled properly, and marketed efficiently  
11          to ensure that the benefits of popcorn are available  
12          to the people of the United States;

13          (4) the maintenance and expansion of existing  
14          markets and uses and the development of new mar-  
15          kets and uses for popcorn are vital to the welfare of  
16          processors and persons concerned with marketing,  
17          using, and producing popcorn for the market, as well  
18          as to the agricultural economy of the United States;

19          (5) the cooperative development, financing, and  
20          implementation of a coordinated program of popcorn  
21          promotion, research, consumer information, and in-  
22          dustry information is necessary to maintain and ex-  
23          pand markets for popcorn; and

24          (6) popcorn moves in interstate and foreign  
25          commerce, and popcorn that does not move in those

1 channels of commerce directly burdens or affects  
2 interstate commerce in popcorn.

3 (b) POLICY.—It is the policy of Congress that it is  
4 in the public interest to authorize the establishment,  
5 through the exercise of the powers provided in this Act,  
6 of an orderly procedure for developing, financing (through  
7 adequate assessments on unpopped popcorn processed do-  
8 mestically), and carrying out an effective, continuous, and  
9 coordinated program of promotion, research, consumer in-  
10 formation, and industry information designed to—

11 (1) strengthen the position of the popcorn in-  
12 dustry in the marketplace; and

13 (2) maintain and expand domestic and foreign  
14 markets and uses for popcorn.

15 (c) PURPOSES.—The purposes of this Act are to—

16 (1) maintain and expand the markets for all  
17 popcorn products in a manner that—

18 (A) is not designed to maintain or expand  
19 any individual share of a producer or processor  
20 of the market;

21 (B) does not compete with or replace indi-  
22 vidual advertising or promotion efforts designed  
23 to promote individual brand name or trade  
24 name popcorn products; and

1 (C) authorizes and funds programs that  
2 result in government speech promoting govern-  
3 ment objectives; and

4 (2) establish a nationally coordinated program  
5 for popcorn promotion, research, consumer informa-  
6 tion, and industry information.

7 (d) STATUTORY CONSTRUCTION.—This Act treats  
8 processors equitably. Nothing in this Act—

9 (1) provides for the imposition of a trade bar-  
10 rier to the entry into the United States of imported  
11 popcorn for the domestic market; or

12 (2) provides for the control of production or  
13 otherwise limits the right of any individual processor  
14 to produce popcorn.

15 **SEC. 3. DEFINITIONS.**

16 In this Act (except as otherwise specifically provided):

17 (1) BOARD.—The term “Board” means the  
18 Popcorn Board established under section 5(b).

19 (2) COMMERCE.—The term “commerce” means  
20 interstate, foreign, or intrastate commerce.

21 (3) CONSUMER INFORMATION.—The term  
22 “consumer information” means information and pro-  
23 grams that will assist consumers and other persons  
24 in making evaluations and decisions regarding the  
25 purchase, preparation, and use of popcorn.

1           (4) DEPARTMENT.—The term “Department”  
2 means the Department of Agriculture.

3           (5) INDUSTRY INFORMATION.—The term “in-  
4 dustry information” means information and pro-  
5 grams that will lead to the development of—

6                 (A) new markets, new marketing strate-  
7 gies, or increased efficiency for the popcorn in-  
8 dustry; or

9                 (B) activities to enhance the image of the  
10 popcorn industry.

11           (6) MARKETING.—The term “marketing”  
12 means the sale or other disposition of unpopped pop-  
13 corn for human consumption in a channel of com-  
14 merce, but does not include a sale or disposition to  
15 or between processors.

16           (7) ORDER.—The term “order” means an order  
17 issued under section 4.

18           (8) PERSON.—The term “person” means an in-  
19 dividual, group of individuals, partnership, corpora-  
20 tion, association, or cooperative, or any other legal  
21 entity.

22           (9) POPCORN.—The term “popcorn” means  
23 unpopped popcorn (Zea Mays L), commercially  
24 grown in the United States, processed by shelling,

1 cleaning, or drying and introduced into a channel of  
2 commerce.

3 (10) PROCESS.—The term “process” means to  
4 shell, clean, dry, and prepare popcorn for the mar-  
5 ket, but does not include packaging popcorn for the  
6 market without also engaging in another activity de-  
7 scribed in this paragraph.

8 (11) PROCESSOR.—The term “processor”  
9 means a person engaged in the preparation of  
10 unpopped popcorn for the market who owns or  
11 shares the ownership and risk of loss of the popcorn  
12 and who processes and distributes over 4,000,000  
13 pounds of popcorn in the market per year.

14 (12) PROMOTION.—The term “promotion”  
15 means an action, including paid advertising, to en-  
16 hance the image or desirability of popcorn.

17 (13) RESEARCH.—The term “research” means  
18 any type of study to advance the image, desirability,  
19 marketability, production, product development,  
20 quality, or nutritional value of popcorn.

21 (14) SECRETARY.—The term “Secretary”  
22 means the Secretary of Agriculture.

23 (15) STATE.—The term “State” means each of  
24 the 50 States and the District of Columbia.

1           (16) UNITED STATES.—The term “United  
2 States” means all of the States.

3 **SEC. 4. ISSUANCE OF ORDERS.**

4           (a) IN GENERAL.—To effectuate the policy described  
5 in section 2(b), the Secretary, subject to subsection (b),  
6 shall issue 1 or more orders applicable to processors. An  
7 order shall be applicable to all popcorn production and  
8 marketing areas in the United States. Not more than 1  
9 order shall be in effect under this Act at any 1 time.

10          (b) PROCEDURE.—

11           (1) PROPOSAL OR REQUEST FOR ISSUANCE.—  
12 The Secretary may propose the issuance of an order,  
13 or an association of processors or any other person  
14 that would be affected by an order may request the  
15 issuance of, and submit a proposal for, an order.

16           (2) NOTICE AND COMMENT CONCERNING PRO-  
17 POSED ORDER.—Not later than 30 days after the re-  
18 ceipt of a request and proposal for an order under  
19 paragraph (1), or at such time as the Secretary de-  
20 termines to propose an order, the Secretary shall  
21 publish a proposed order and give due notice and op-  
22 portunity for public comment on the proposed order.

23           (3) ISSUANCE OF ORDER.—After notice and op-  
24 portunity for public comment under paragraph (2),  
25 the Secretary shall issue an order, taking into con-

1       sideration the comments received and including in  
2       the order such provisions as are necessary to ensure  
3       that the order conforms to this Act. The order shall  
4       be issued and become effective not later than 150  
5       days after the date of publication of the proposed  
6       order.

7       (c) AMENDMENTS.—The Secretary, as appropriate,  
8       may amend an order. The provisions of this Act applicable  
9       to an order shall be applicable to any amendment to an  
10      order, except that an amendment to an order may not re-  
11      quire a referendum to become effective.

12      **SEC. 5. REQUIRED TERMS IN ORDERS.**

13      (a) IN GENERAL.—An order shall contain the terms  
14      and conditions specified in this section.

15      (b) ESTABLISHMENT AND MEMBERSHIP OF POP-  
16      CORN BOARD.—

17              (1) IN GENERAL.—The order shall provide for  
18      the establishment of, and appointment of members  
19      to, a Popcorn Board that shall consist of not fewer  
20      than 4 members and not more than 9 members.

21              (2) NOMINATIONS.—The members of the Board  
22      shall be processors appointed by the Secretary from  
23      nominations submitted by processors in a manner  
24      authorized by the Secretary, subject to paragraph  
25      (3). Not more than 1 member may be appointed to

1 the Board from nominations submitted by any 1  
2 processor.

3 (3) GEOGRAPHICAL DIVERSITY.—In making ap-  
4 pointments, the Secretary shall take into account, to  
5 the extent practicable, the geographical distribution  
6 of popcorn production throughout the United States.

7 (4) TERMS.—The term of appointment of each  
8 member of the Board shall be 3 years, except that  
9 the members appointed to the initial Board shall  
10 serve, proportionately, for terms of 2, 3, and 4  
11 years, as determined by the Secretary.

12 (5) COMPENSATION AND EXPENSES.—A mem-  
13 ber of the Board shall serve without compensation,  
14 but shall be reimbursed for the expenses of the  
15 member incurred in the performance of duties for  
16 the Board.

17 (c) POWERS AND DUTIES OF BOARD.—The order  
18 shall define the powers and duties of the Board, which  
19 shall include the power and duty—

20 (1) to administer the order in accordance with  
21 the terms and provisions of the order;

22 (2) to make regulations to effectuate the terms  
23 and provisions of the order;

24 (3) to appoint members of the Board to serve  
25 on an executive committee;

1           (4) to propose, receive, evaluate, and approve  
2 budgets, plans, and projects of promotion, research,  
3 consumer information, and industry information,  
4 and to contract with appropriate persons to imple-  
5 ment the plans or projects;

6           (5) to accept and receive voluntary contribu-  
7 tions, gifts, and market promotion or similar funds;

8           (6) to invest, pending disbursement under a  
9 plan or project, funds collected through assessments  
10 authorized under subsection (f), only in—

11                 (A) obligations of the United States or an  
12 agency of the United States;

13                 (B) general obligations of a State or a po-  
14 litical subdivision of a State;

15                 (C) an interest-bearing account or certifi-  
16 cate of deposit of a bank that is a member of  
17 the Federal Reserve System; or

18                 (D) obligations fully guaranteed as to prin-  
19 cipal and interest by the United States;

20           (7) to receive, investigate, and report to the  
21 Secretary complaints of violations of the order; and

22           (8) to recommend to the Secretary amendments  
23 to the order.

24           (d) PLANS AND BUDGETS.—

1           (1) IN GENERAL.—The order shall provide that  
2           the Board shall submit to the Secretary for approval  
3           any plan or project of promotion, research, consumer  
4           information, or industry information.

5           (2) BUDGETS.—The order shall require the  
6           Board to submit to the Secretary for approval budg-  
7           ets on a fiscal year basis of the anticipated expenses  
8           and disbursements of the Board in the implementa-  
9           tion of the order, including projected costs of plans  
10          and projects of promotion, research, consumer infor-  
11          mation, and industry information.

12          (e) CONTRACTS AND AGREEMENTS.—

13           (1) IN GENERAL.—The order shall provide that  
14           the Board may enter into contracts or agreements  
15           for the implementation and carrying out of plans or  
16           projects of promotion, research, consumer informa-  
17           tion, or industry information, including contracts  
18           with a processor organization, and for the payment  
19           of the cost of the plans or projects with funds col-  
20           lected by the Board under the order.

21           (2) REQUIREMENTS.—A contract or agreement  
22           under paragraph (1) shall provide that—

23                   (A) the contracting party shall develop and  
24                   submit to the Board a plan or project, together

1 with a budget that shows the estimated costs to  
2 be incurred for the plan or project;

3 (B) the plan or project shall become effec-  
4 tive on the approval of the Secretary; and

5 (C) the contracting party shall keep accu-  
6 rate records of each transaction of the party,  
7 account for funds received and expended, make  
8 periodic reports to the Board of activities con-  
9 ducted, and make such other reports as the  
10 Board or the Secretary may require.

11 (3) PROCESSOR ORGANIZATIONS.—The order  
12 shall provide that the Board may contract with proc-  
13 essor organizations for any other services. The con-  
14 tract shall include provisions comparable to the pro-  
15 visions required by paragraph (2).

16 (f) ASSESSMENTS.—

17 (1) PROCESSORS.—The order shall provide that  
18 each processor marketing popcorn in the United  
19 States or for export shall, in the manner prescribed  
20 in the order, pay assessments and remit the assess-  
21 ments to the Board.

22 (2) DIRECT MARKETERS.—A processor that  
23 markets popcorn produced by the processor directly  
24 to consumers shall pay and remit the assessments on

1 the popcorn directly to the Board in the manner pre-  
2 scribed in the order.

3 (3) RATE.—

4 (A) IN GENERAL.—The rate of assessment  
5 prescribed in the order shall be a rate estab-  
6 lished by the Board but not more than \$.08 per  
7 hundredweight of popcorn.

8 (B) ADJUSTMENT OF RATE.—The order  
9 shall provide that the Board, with the approval  
10 of the Secretary, may raise or lower the rate of  
11 assessment annually up to a maximum of \$.08  
12 per hundredweight of popcorn.

13 (4) USE OF ASSESSMENTS.—

14 (A) IN GENERAL.—Subject to subpara-  
15 graph (B), the order shall provide that the as-  
16 sessments collected shall be used by the  
17 Board—

18 (i) to pay the expenses incurred in im-  
19 plementing and administering the order,  
20 with provision for a reasonable reserve;  
21 and

22 (ii) to cover such administrative costs  
23 as are incurred by the Secretary after the  
24 order has been issued under this Act, ex-  
25 cept that the costs incurred by the Sec-

1           retary that may be reimbursed by the  
2           Board may not exceed 5 percent of the  
3           projected annual revenues of the Board.

4           (B) EXPENDITURES BASED ON SOURCE OF  
5           ASSESSMENTS.—In implementing plans and  
6           projects of promotion, research, consumer infor-  
7           mation, and industry information, the Board  
8           shall expend funds on—

9                   (i) plans and projects for domestic  
10                  popcorn (including Canadian popcorn) in  
11                  proportion to the amount of assessments  
12                  collected on popcorn marketed domestically  
13                  (including Canada); and

14                  (ii) plans and projects for exported  
15                  popcorn in proportion to the amount of as-  
16                  sessments collected on exported popcorn.

17           (g) PROHIBITION ON USE OF FUNDS.—The order  
18           shall prohibit any funds collected by the Board under the  
19           order from being used to influence government action or  
20           policy, other than the use of funds by the Board for the  
21           development and recommendation to the Secretary of  
22           amendments to the order.

23           (h) BOOKS AND RECORDS OF THE BOARD.—The  
24           order shall require the Board to—

1           (1) maintain such books and records (which  
2 shall be available to the Secretary for inspection and  
3 audit) as the Secretary may prescribe;

4           (2) prepare and submit to the Secretary, from  
5 time to time, such reports as the Secretary may pre-  
6 scribe; and

7           (3) account for the receipt and disbursement of  
8 all funds entrusted to the Board.

9           (i) BOOKS AND RECORDS OF PROCESSORS.—

10           (1) MAINTENANCE AND REPORTING OF INFOR-  
11 MATION.—The order shall require that each proc-  
12 essor of popcorn for the market shall—

13           (A) maintain, and make available for in-  
14 spection, such books and records as are re-  
15 quired by the order; and

16           (B) file reports at such time, in such man-  
17 ner, and having such content as is prescribed in  
18 the order.

19           (2) USE OF INFORMATION.—The Secretary  
20 shall authorize the use of information regarding  
21 processors that may be accumulated under a law or  
22 regulation other than this Act or a regulation issued  
23 under this Act. The information shall be made avail-  
24 able to the Secretary as appropriate for the adminis-

1       tration or enforcement of this Act, the order, or any  
2       regulation issued under this Act.

3           (3) CONFIDENTIALITY.—

4           (A) IN GENERAL.—Subject to subpara-  
5       graphs (B), (C), and (D), all information ob-  
6       tained by the Secretary under paragraphs (1)  
7       and (2) shall be kept confidential by all officers,  
8       employees, and agents of the Board and the  
9       Department.

10          (B) DISCLOSURE BY SECRETARY.—Infor-  
11       mation referred to in subparagraph (A) may be  
12       disclosed if—

13           (i) the Secretary considers the infor-  
14       mation relevant;

15           (ii) the information is revealed in a  
16       suit or administrative hearing brought at  
17       the request of the Secretary, or to which  
18       the Secretary or any officer of the United  
19       States is a party; and

20           (iii) the information relates to the  
21       order.

22          (C) DISCLOSURE TO OTHER AGENCY OF  
23       FEDERAL GOVERNMENT.—

24           (i) IN GENERAL.—No information ob-  
25       tained under the authority of this Act may

1 be made available to another agency or of-  
2 ficer of the Federal Government for any  
3 purpose other than the implementation of  
4 this Act and any investigatory or enforce-  
5 ment activity necessary for the implemen-  
6 tation of this Act.

7 (ii) PENALTY.—A person who violates  
8 this subparagraph shall, on conviction, be  
9 subject to a fine of not more than \$1,000  
10 or to imprisonment for not more than 1  
11 year, or both, and if an officer, employee,  
12 or agent of the Board or the Department,  
13 shall be removed from office or terminated  
14 from employment, as applicable.

15 (D) GENERAL STATEMENTS.—Nothing in  
16 this paragraph prohibits—

17 (i) the issuance of general statements,  
18 based on the reports, of the number of per-  
19 sons subject to the order or statistical data  
20 collected from the reports, if the state-  
21 ments do not identify the information pro-  
22 vided by any person; or

23 (ii) the publication, by direction of the  
24 Secretary, of the name of a person violat-  
25 ing the order, together with a statement of

1           the particular provisions of the order vio-  
2           lated by the person.

3           (j) OTHER TERMS AND CONDITIONS.—The order  
4 shall contain such terms and conditions, consistent with  
5 this Act, as are necessary to effectuate this Act, including  
6 regulations relating to the assessment of late payment  
7 charges.

8 **SEC. 6. REFERENDA.**

9           (a) INITIAL REFERENDUM.—

10           (1) IN GENERAL.—Within the 60-day period  
11 immediately preceding the effective date of an order,  
12 as provided in section 4(b)(3), the Secretary shall  
13 conduct a referendum among processors who, during  
14 a representative period as determined by the Sec-  
15 retary, have been engaged in processing, for the pur-  
16 pose of ascertaining whether the order shall go into  
17 effect.

18           (2) APPROVAL OF ORDER.—The order shall be-  
19 come effective, as provided in section 4(b), only if  
20 the Secretary determines that the order has been ap-  
21 proved by not less than a majority of the processors  
22 voting in the referendum and if the majority proc-  
23 essed more than 50 percent of the popcorn certified  
24 as having been processed, during the representative  
25 period, by the processors voting.

1 (b) ADDITIONAL REFERENDA.—

2 (1) IN GENERAL.—Not earlier than 3 years  
3 after the effective date of an order approved under  
4 subsection (a), on the request of the Board or a rep-  
5 resentative group of processors, as described in  
6 paragraph (2), the Secretary may conduct an addi-  
7 tional referendum to determine whether processors  
8 favor the termination or suspension of the order.

9 (2) REPRESENTATIVE GROUP OF PROC-  
10 ESSORS.—An additional referendum on an order  
11 shall be conducted if the referendum is requested by  
12 40 percent or more of the number of processors who,  
13 during a representative period as determined by the  
14 Secretary, have been engaged in processing.

15 (3) DISAPPROVAL OF ORDER.—If the Secretary  
16 determines, in a referendum conducted under para-  
17 graph (1), that suspension or termination of the  
18 order is favored by at least  $\frac{2}{3}$  of the processors vot-  
19 ing in the referendum, the Secretary shall—

20 (A) suspend or terminate, as appropriate,  
21 collection of assessments under the order not  
22 later than 180 days after the date of determina-  
23 tion; and

1           (B) suspend or terminate the order, as ap-  
2           propriate, in an orderly manner as soon as  
3           practicable after the date of determination.

4           (c) COSTS OF REFERENDUM.—The Secretary shall be  
5 reimbursed from assessments collected by the Board for  
6 any expenses incurred by the Secretary in connection with  
7 the conduct of any referendum under this section, except  
8 for the salaries of Government employees associated with  
9 conducting a referendum.

10          (d) METHOD OF CONDUCTING REFERENDUM.—Sub-  
11 ject to this section, a referendum conducted under this  
12 section shall be conducted in such manner as is deter-  
13 mined by the Secretary.

14          (e) CONFIDENTIALITY OF BALLOTS AND OTHER IN-  
15 FORMATION.—

16           (1) IN GENERAL.—The ballots and other infor-  
17 mation or reports that reveal or tend to reveal the  
18 vote of any processor, or any business operation of  
19 a processor, shall be considered to be strictly con-  
20 fidential and shall not be disclosed.

21           (2) PENALTY FOR VIOLATIONS.—An officer or  
22 employee of the Department who violates paragraph  
23 (1) shall be subject to the penalties described in sec-  
24 tion 5(i)(3)(C)(ii).

1 **SEC. 7. PETITION AND REVIEW.**

2 (a) PETITION.—

3 (1) IN GENERAL.—A person subject to an order  
4 may file with the Secretary a petition—

5 (A) stating that the order, a provision of  
6 the order, or an obligation imposed in connec-  
7 tion with the order is not established in accord-  
8 ance with law; and

9 (B) requesting a modification of the order  
10 or obligation or an exemption from the order or  
11 obligation.

12 (2) HEARINGS.—The petitioner shall be given  
13 the opportunity for a hearing on a petition filed  
14 under paragraph (1), in accordance with regulations  
15 issued by the Secretary.

16 (3) RULING.—After a hearing under paragraph  
17 (2), the Secretary shall issue a ruling on the petition  
18 that is the subject of the hearing, which shall be  
19 final if the ruling is in accordance with applicable  
20 law.

21 (b) REVIEW.—

22 (1) COMMENCEMENT OF ACTION.—The district  
23 court of the United States for any district in which  
24 a person who is a petitioner under subsection (a) re-  
25 sides or carries on business shall have jurisdiction to  
26 review a ruling on the petition, if the person files a

1 complaint not later than 20 days after the date of  
2 issuance of the ruling under subsection (a)(3).

3 (2) PROCESS.—Service of process in a proceed-  
4 ing under paragraph (1) may be made on the Sec-  
5 retary by delivering a copy of the complaint to the  
6 Secretary.

7 (3) REMANDS.—If the court determines, under  
8 paragraph (1), that a ruling issued under subsection  
9 (a)(3) is not in accordance with applicable law, the  
10 court shall remand the matter to the Secretary with  
11 directions—

12 (A) to make such ruling as the court shall  
13 determine to be in accordance with law; or

14 (B) to take such further proceedings as, in  
15 the opinion of the court, the law requires.

16 (c) ENFORCEMENT.—The pendency of proceedings  
17 instituted under subsection (a) may not impede, hinder,  
18 or delay the Secretary or the Attorney General from tak-  
19 ing action under section 8.

20 **SEC. 8. ENFORCEMENT.**

21 (a) IN GENERAL.—The Secretary may issue an en-  
22 forcement order to restrain or prevent any person from  
23 violating an order or regulation issued under this Act and  
24 may assess a civil penalty of not more than \$1,000 for  
25 each violation of the enforcement order, after an oppor-

1 tunity for an administrative hearing, if the Secretary de-  
2 termines that the administration and enforcement of the  
3 order and this Act would be adequately served by such  
4 a procedure.

5 (b) JURISDICTION.—The district courts of the United  
6 States are vested with jurisdiction specifically to enforce,  
7 and to prevent and restrain any person from violating, an  
8 order or regulation issued under this Act.

9 (c) REFERRAL TO ATTORNEY GENERAL.—A civil ac-  
10 tion authorized to be brought under this section shall be  
11 referred to the Attorney General for appropriate action.

12 **SEC. 9. INVESTIGATIONS AND POWER TO SUBPOENA.**

13 (a) INVESTIGATIONS.—The Secretary may make such  
14 investigations as the Secretary considers necessary—

15 (1) for the effective administration of this Act;

16 and

17 (2) to determine whether any person subject to  
18 this Act has engaged, or is about to engage, in an  
19 act that constitutes or will constitute a violation of  
20 this Act or of an order or regulation issued under  
21 this Act.

22 (b) OATHS, AFFIRMATIONS, AND SUBPOENAS.—For  
23 the purpose of an investigation under subsection (a), the  
24 Secretary may administer oaths and affirmations, sub-  
25 poena witnesses, compel the attendance of witnesses, take

1 evidence, and require the production of any records that  
2 are relevant to the inquiry. The attendance of witnesses  
3 and the production of records may be required from any  
4 place in the United States.

5 (c) AID OF COURTS.—

6 (1) REQUEST.—In the case of contumacy by, or  
7 refusal to obey a subpoena issued to, any person, the  
8 Secretary may request the aid of any court of the  
9 United States within the jurisdiction of which the in-  
10 vestigation or proceeding is carried on, or where the  
11 person resides or carries on business, in requiring  
12 the attendance and testimony of the person and the  
13 production of records.

14 (2) ENFORCEMENT ORDER OF THE COURT.—  
15 The court may issue an enforcement order requiring  
16 the person to appear before the Secretary to produce  
17 records or to give testimony concerning the matter  
18 under investigation.

19 (3) CONTEMPT.—A failure to obey an enforce-  
20 ment order of the court under paragraph (2) may be  
21 punished by the court as a contempt of the court.

22 (4) PROCESS.—Process in a case under this  
23 subsection may be served in the judicial district in  
24 which the person resides or conducts business or  
25 wherever the person may be found.

1 **SEC. 10. RELATION TO OTHER PROGRAMS.**

2 Nothing in this Act preempts or supersedes any other  
3 program relating to popcorn promotion organized and op-  
4 erated under the laws of the United States or any State.

5 **SEC. 11. REGULATIONS.**

6 The Secretary may issue such regulations as are nec-  
7 essary to carry out this Act.

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums  
10 as are necessary to carry out this Act. Amounts made  
11 available under this section may not be used to pay any  
12 expense of the Board in administering any provision of  
13 an order.

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