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# 7 U.S. Code § 6104

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## Required terms in orders

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### **(a) In general**

Each order issued under this chapter shall contain the terms and conditions prescribed in this section.

### **(b) Mushroom Council**

#### **(1) Establishment and membership of Council**

##### **(A) Establishment**

The order shall provide for the establishment of, and selection of members to, a Mushroom Council that shall consist of at least 4 members and not more than 9 members.

##### **(B) Membership**

Except as provided for in paragraph (2), the members of the Council shall be mushroom producers and importers appointed by the Secretary from nominations submitted by producers and importers in the manner authorized by the Secretary, except that no more than one member may be appointed to the Council from nominations submitted by any one producer or importer.

#### **(2) Appointments**

##### **(A) In general**

In making appointments, the Secretary shall take into account, to the extent practicable, the geographical distribution of mushroom production throughout the United States, and the comparative volume of mushrooms imported into the United States.

##### **(B) Units**

In establishing such geographical distribution of mushroom production, a whole State shall be considered as a unit and such units shall be organized into 3 regions that shall fairly represent the geographic distribution of mushroom production within the United States.

##### **(C) Importers**

Importers shall be represented as one region, which shall be separate from the regions established for mushrooms produced in the United States.

##### **(D) Members per region**

The Secretary shall appoint one member from each region if such region produces or imports, on average, at least 50,000,000 pounds of mushrooms annually.

##### **(E) Additional members**

In addition to the members appointed pursuant to paragraph (1), and subject to the 9-member limit of members on the Council provided in that paragraph, the Secretary shall appoint additional members to the council from a region that attains additional pounds of production as follows:

(i) If the annual production of a region is greater than 110,000,000 pounds, but less than or equal to

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180,000,000 pounds, the region shall be represented by 1 additional member.

(ii) If the annual production of a region is greater than 180,000,000 pounds, but less than or equal to 260,000,000 pounds, the region shall be represented by 2 additional members.

(iii) If the annual production of a region is greater than 260,000,000 pounds, the region shall be represented by 3 additional members.

**(F) Average annual production**

For purposes of this paragraph, in determining average annual mushroom production in each of the 4 regions of the United States established under this paragraph, the Secretary shall only consider mushrooms produced by producers covered by this chapter, as defined in section 6102(11) of this title.

**(G) Failure to nominate**

If producers and importers fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order.

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