

(B)(i) The Secretary shall terminate such order at the end of the marketing year during which such referendum is conducted, if the Secretary determines that termination of the order is approved or favored by not less than a majority of the producers and importers voting in the referendum and that the producers and importers comprising this majority produce and import more than 50 percent of the volume of honey produced and imported by those voting in the referendum.

(ii) If the Secretary determines that termination of the authority for producers and importers to receive refunds of assessments under section 4608(h)(1) of this title is favored or approved by a majority of the producers and importers voting in such referendum and that the producers and importers comprising this majority produce and import more than 50 percent of the volume of honey produced and imported by those voting in the referendum, then the Secretary shall amend such order as necessary to reflect the vote of producers and importers. Such amendment to the order shall become effective on the date it is issued, but in no case more than 180 days after the conduct of such referendum.

(c) Honey Board; referendum; request

The Secretary shall hold a referendum on the request of the Honey Board or when petitioned by 10 per centum or more of the honey producers and importers to determine if the honey producers and importers favor termination or suspension of the order.

(d) Marketing year; termination or suspension at end of

The Secretary shall terminate or suspend an order at the end of the marketing year in which a referendum is conducted under subsection (b) or (c) of this section whenever the Secretary determines that such suspension or termination is favored by a majority of those voting in a referendum and that the producers and importers comprising this majority produce and import more than 50 per centum of the volume of honey produced and imported by those voting in the referendum.

(Pub. L. 98-590, §13, Oct. 30, 1984, 98 Stat. 3123; Pub. L. 101-624, title XIX, §1985, Nov. 28, 1990, 104 Stat. 3907.)

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-624, §1985(a), designated existing provisions as par. (1), substituted “Except as otherwise provided in paragraph (2), five” for “Five” and “termination” for “continuation, termination,” and added par. (2).

Subsec. (d). Pub. L. 101-624, §1985(b), substituted “an order” for “such order”, inserted “in which a referendum is conducted under subsection (b) or (c) of this section” after “marketing year”, and struck out “of the order” before “is favored by”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4608 of this title.

CHAPTER 78—AGRICULTURAL PRODUCTIVITY RESEARCH

§§ 4701 to 4710. Repealed. Pub. L. 101-624, title XVI, §1620(a), Nov. 28, 1990, 104 Stat. 3734

- Section 4701, Pub. L. 99-198, title XIV, §1461, Dec. 23, 1985, 99 Stat. 1562, provided definitions for chapter.
- Section 4702, Pub. L. 99-198, title XIV, §1462, Dec. 23, 1985, 99 Stat. 1563, set forth Congressional findings.
- Section 4703, Pub. L. 99-198, title XIV, §1463, Dec. 23, 1985, 99 Stat. 1563, set forth purposes of chapter.
- Section 4704, Pub. L. 99-198, title XIV, §1464, Dec. 23, 1985, 99 Stat. 1564, related to information study.
- Section 4705, Pub. L. 99-198, title XIV, §1465, Dec. 23, 1985, 99 Stat. 1564, authorized research projects to promote purposes of chapter.
- Section 4706, Pub. L. 99-198, title XIV, §1466, Dec. 23, 1985, 99 Stat. 1565, related to coordination of projects.
- Section 4707, Pub. L. 99-198, title XIV, §1467, Dec. 23, 1985, 99 Stat. 1565, required reports to Congress.
- Section 4708, Pub. L. 99-198, title XIV, §1468, Dec. 23, 1985, 99 Stat. 1565, authorized agreements with other expert entities.
- Section 4709, Pub. L. 99-198, title XIV, §1469, Dec. 23, 1985, 99 Stat. 1565, related to dissemination of data.
- Section 4710, Pub. L. 99-198, title XIV, §1470, Dec. 23, 1985, 99 Stat. 1566, authorized appropriations to carry out chapter.

EFFECTIVE DATE

Pub. L. 99-198, title XIV, subtitle C (§§1461-1471), §1471, Dec. 23, 1985, 99 Stat. 1566, which provided that this chapter was effective Oct. 1, 1985, was repealed by Pub. L. 101-624, title XVI, §1620(a), Nov. 28, 1990, 104 Stat. 3734.

CHAPTER 79—PORK PROMOTION, RESEARCH, AND CONSUMER INFORMATION

- Sec. 4801. Congressional findings and declaration of purpose.
- 4802. Definitions.
- 4803. Pork and pork product orders.
- 4804. Notice and hearing.
- 4805. Findings and issuance of orders.
 - (a) Necessary findings.
 - (b) Number of orders in effect at a time.
 - (c) Effective date.
 - (d) Terms and conditions.
- 4806. National Pork Producers Delegate Body.
 - (a) Establishment and appointment.
 - (b) Membership; number of producer members; number of importer members.
 - (c) Voting; quorum; votes necessary for decision.
 - (d) Term of office.
 - (e) Chairman.
 - (f) Compensation.
 - (g) Nomination of members to National Pork Board; annual meeting; majority vote in person to nominate.
 - (h) Duties and functions.
- 4807. Selection of Delegate Body.
 - (a) Nominations.
 - (b) Election; eligibility to vote; notice of election; number of members nominated.
 - (c) Subsequent nominations and elections to be administered by Board; time of election; voting eligibility.
 - (d) Nominating committee; appointment; nomination to fill position for pending election.
- 4808. National Pork Board.
- 4809. Assessments.
 - (a) Collection and remission to Board; persons required to pay.

- Sec.
- (b) Rate of assessment; increase; waiver of collection of assessment.
 - (c) Distribution and use.
 - (d) Prohibited promotions.
 - (e) Influencing legislation prohibited.
 - (f) Maintenance of books and records; audits.
 - (g) Investment by Board of funds collected.
4810. Permissive provisions.
- (a) Recordkeeping and reporting requirements; incidental and necessary terms and conditions.
 - (b) Availability of information to Secretary and Board; confidentiality; disclosure; issuance of general statement, statistical data, or name of violator of order.
 - (c) Penalty for willful violations.
4811. Referendum.
- (a) Continuation of order.
 - (b) Factors determining continuation; termination of order.
 - (c) Reimbursement for cost.
 - (d) Manner of conducting.
 - (e) Amendment of initial order.
4812. Suspension and termination of orders.
- (a) Authority of Secretary.
 - (b) Referendum to terminate or suspend; eligible voters; requirements for approval; termination or suspension date; one referendum within 2-year period.
 - (c) Termination or suspension not to be considered an order.
4813. Refunds.
- (a) Demand for refund; persons eligible.
 - (b) Form and time within which demand to be made.
 - (c) Payment of refund on submission of satisfactory proof.
4814. Petition and review.
4815. Enforcement.
- (a) Jurisdiction of district court; referral of civil actions to Attorney General.
 - (b) Penalties for willful violations; issuance of cease-and-desist orders; judicial review of orders; penalty for failure to obey cease-and-desist order.
 - (c) Availability of additional remedies.
4816. Investigations.
- (a) Purposes.
 - (b) Oaths and affirmations; subpoenas.
 - (c) Judicial enforcement; contempt proceedings; service of process.
4817. Preemption.
- (a) Promotion and consumer education; funds from pork producers.
 - (b) Additional or different State regulation prohibited.
 - (c) Application of section.
4818. Administrative provision.
4819. Authorization of appropriations.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7401 of this title.

§ 4801. Congressional findings and declaration of purpose

(a) Congress finds that—

- (1) pork and pork products are basic foods that are a valuable and healthy part of the human diet;
- (2) the production of pork and pork products plays a significant role in the economy of the

United States because pork and pork products are—

(A) produced by thousands of producers, including many small- and medium-sized producers; and

(B) consumed by millions of people throughout the United States on a daily basis;

(3) pork and pork products must be available readily and marketed efficiently to ensure that the people of the United States receive adequate nourishment;

(4) the maintenance and expansion of existing markets, and development of new markets, for pork and pork products are vital to—

(A) the welfare of pork producers and persons concerned with producing and marketing pork and pork products; and

(B) the general economy of the United States;

(5) pork and pork products move in interstate and foreign commerce;

(6) pork and pork products that do not move in such channels of commerce directly burden or affect interstate commerce in pork and pork products; and

(7) in recent years, increasing quantities of low-cost, imported pork and pork products have been brought into the United States and replaced domestic pork and pork products in normal channels of trade.

(b)(1) It is the purpose of this chapter to authorize the establishment of an orderly procedure for financing, through adequate assessments, and carrying out an effective and coordinated program of promotion, research, and consumer information designed to—

(A) strengthen the position of the pork industry in the marketplace; and

(B) maintain, develop, and expand markets for pork and pork products.

(2) Such procedure shall be implemented, and such program shall be conducted, at no cost to the Federal Government.

(3) Nothing in this chapter may be construed to—

(A) permit or require the imposition of quality standards for pork or pork products;

(B) provide for control of the production of pork or pork products; or

(C) otherwise limit the right of an individual pork producer to produce pork and pork products.

(Pub. L. 99-198, title XVI, § 1612, Dec. 23, 1985, 99 Stat. 1607.)

EFFECTIVE DATE

Section 1631 of Pub. L. 99-198 provided that: "This subtitle [subtitle B (§§ 1611-1631) of title XVI of Pub. L. 99-198, enacting this chapter] shall become effective on January 1, 1986."

SHORT TITLE

Section 1611 of Pub. L. 99-198 provided that: "This subtitle [subtitle B (§§ 1611-1631) of title XVI of Pub. L. 99-198, enacting this chapter] may be cited as the 'Pork Promotion, Research, and Consumer Information Act of 1985'."

§ 4802. Definitions

For purposes of this chapter: