

**(4) Effectiveness of order**

The amended order shall become effective only if the Secretary determines that the amended order is effective in accordance with section 4611 of this title.

**(e) Continuation of existing order if amended order is rejected**

If adoption of the amended order is not approved—

(1) the order issued under section 4603 of this title that is in effect on June 23, 1998, shall continue in full force and effect; and

(2) the Secretary may amend the order to ensure the conformity of the order with this chapter (as in effect on the day before June 23, 1998).

**(f) Effect of rejection on subsequent orders**

**(1) In general**

Subject to paragraph (2), if adoption of the amended order is not approved in the referendum required under subsection (d) of this section, the Secretary may issue an amended order that implements some or all of the amendments made to this chapter by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, or makes other changes to an existing order, in accordance with the administrative procedures specified in sections 4604 and 4605 of this title.

**(2) Approval**

An amendment to an order that implements a provision that is subject to a referendum shall be approved in accordance with section 4611 of this title before becoming effective.

**(g) Effect on periodic referenda**

If the amended order becomes effective, any referendum otherwise required to be conducted under section 4612(c) of this title shall not be held before the date that is 5 years after the date of the referendum conducted under this section.

(Pub. L. 98-590, §14, as added Pub. L. 105-185, title VI, §605(m), June 23, 1998, 112 Stat. 602.)

REFERENCES IN TEXT

Section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, referred to in subsecs. (a) to (d)(1)(A) and (f)(1), is section 605 of Pub. L. 105-185, June 23, 1998, 112 Stat. 523, which enacted this section and amended sections 4601 to 4612 of this title. Subsec. (m) of section 605 enacted this section.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4606, 4612 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 Repealed.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. <ul style="list-style-type: none"> <li>(a) Necessary findings.</li> <li>(b) Number of orders in effect at a time.</li> <li>(c) Effective date.</li> <li>(d) Terms and conditions.</li> </ul>
4806.	National Pork Producers Delegate Body. <ul style="list-style-type: none"> <li>(a) Establishment and appointment.</li> <li>(b) Membership; number of producer members; number of importer members.</li> <li>(c) Voting; quorum; votes necessary for decision.</li> <li>(d) Term of office.</li> <li>(e) Chairman.</li> <li>(f) Compensation.</li> <li>(g) Nomination of members to National Pork Board; annual meeting; majority vote in person to nominate.</li> <li>(h) Duties and functions.</li> </ul>
4807.	Selection of Delegate Body. <ul style="list-style-type: none"> <li>(a) Nominations.</li> <li>(b) Election; eligibility to vote; notice of election; number of members nominated.</li> <li>(c) Subsequent nominations and elections to be administered by Board; time of election; voting eligibility.</li> <li>(d) Nominating committee; appointment; nomination to fill position for pending election.</li> </ul>
4808.	National Pork Board.
4809.	Assessments. <ul style="list-style-type: none"> <li>(a) Collection and remission to Board; persons required to pay.</li> <li>(b) Rate of assessment; increase; waiver of collection of assessment.</li> <li>(c) Distribution and use.</li> <li>(d) Prohibited promotions.</li> <li>(e) Influencing legislation prohibited.</li> <li>(f) Maintenance of books and records; audits.</li> <li>(g) Investment by Board of funds collected.</li> </ul>
4810.	Permissive provisions. <ul style="list-style-type: none"> <li>(a) Recordkeeping and reporting requirements; incidental and necessary terms and conditions.</li> <li>(b) Availability of information to Secretary and Board; confidentiality; disclosure; issuance of general statement, statistical data, or name of violator of order.</li> </ul>

- Sec.
4811. Referendum.
- (c) Penalty for willful violations.
- (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:

(1) The term "Board" means the National Pork Board established under section 4808 of this title.

(2) The term "consumer information" means an activity intended to broaden the understanding of sound nutritional attributes of pork or pork products, including the role of pork or pork products in a balanced, healthy diet.

(3) The term "Delegate Body" means the National Pork Producers Delegate Body established under section 4806 of this title.

(4) The term "imported" means entered, or withdrawn from a warehouse for consumption, in the customs territory of the United States.

(5) The term "importer" means a person who imports porcine animals, pork, or pork products into the United States.