

menting the order, the Institute shall provide a permanent system for funding scientific research activities designed to facilitate the expansion of markets for milk and dairy products marketed in the United States. The Institute shall be headed by a board of trustees composed of the members of the National Dairy Promotion and Research Board. The board may appoint from among its members an executive committee whose membership shall reflect equally each of the different regions in the United States in which milk is produced. The executive committee shall have such duties and powers as are delegated to it by the board. The members of the board shall serve without compensation. While away from their homes or regular places of business in the performance of services for the board, members of the board shall be allowed reasonable travel expenses, including a per diem allowance in lieu of subsistence, as recommended by the board and approved by the Secretary, except that there shall be no duplication of payment for such expenses.

(Pub. L. 98-180, title I, §131, as added Pub. L. 99-198, title I, §121, Dec. 23, 1985, 99 Stat. 1368.)

#### § 4533. Issuance of order

##### (a) Publication in Federal Register; public comment; submission

After receipt of a proposed dairy products research order, the Secretary may publish such proposed order in the Federal Register and shall give notice and reasonable opportunity for public comment on such proposed order. Such proposed order may be submitted by an organization certified under section 4505 of this title or by any interested person affected by the provisions of subchapter I.

##### (b) Effective date of order

After the Secretary provides for such publication and a reasonable opportunity for a hearing under subsection (a), the Secretary may issue the dairy products research order. The order so issued shall become effective not later than 90 days after publication in the Federal Register of the order.

##### (c) Amendment of order

The Secretary may amend, from time to time, the dairy products research order issued under subsection (b).

(Pub. L. 98-180, title I, §132, as added Pub. L. 99-198, title I, §121, Dec. 23, 1985, 99 Stat. 1369.)

#### § 4534. Required terms of order; agreements under order; records

##### (a) Required terms

The dairy products research order issued under section 4533(b) of this title shall—

- (1) provide for the establishment and administration, by the Institute, of appropriate scientific research activities designed to facilitate the expansion of markets for dairy products marketed in the United States;
- (2) specify the powers of the board, including the powers to—

- (A) receive and evaluate, or on its own initiative develop and budget for, research plans or projects designed to—

- (i) increase the knowledge of human nutritional needs and the relationship of milk and dairy products to these needs;

- (ii) improve dairy processing technologies, particularly those appropriate to small- and medium-sized family farms;

- (iii) develop new dairy products; and

- (iv) appraise the effect of such research on the marketing of dairy products;

- (B) make recommendations to the Secretary regarding such plans and projects;

- (C) administer the order in accordance with its terms and provisions;

- (D) make rules and regulations to effectuate the terms and provisions of the order;

- (E) receive, investigate, and report to the Secretary complaints of violations of the order;

- (F) recommend to the Secretary amendments to the order;

- (G) enter into agreements, with the approval of the Secretary, for the conduct of activities authorized under the order and for payment of the cost of such activities with any monies in the Fund other than monies appropriated or transferred by the Secretary to the Fund;

- (H) with the approval of the Secretary, establish advisory committees composed of individuals other than members of the board, and pay the necessary and reasonable expenses and fees of the members of such committees; and

- (I) with the approval of the Secretary, appoint or employ such persons, other than members of the board, as the board deems necessary and define the duties and determine the compensation of each;

(3) specify the duties of the board, including the duties to—

- (A) develop, and submit to the Secretary for approval before implementation, any research plan or project to be carried out under this subchapter;

- (B) submit to the Secretary for approval, budgets, on a fiscal year basis, of the board's anticipated expenses and disbursements in the administration of the order, including projected costs of carrying out dairy products research plans and projects;

- (C) prepare and make public, at least annually, a report of the board's activities and an accounting for funds received and expended by the board;

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

- (E) prepare and submit to the Secretary, from time to time, such reports as the Secretary may prescribe; and

- (F) account for the receipt and disbursement of all funds entrusted to the board;

(4) prohibit any monies received under this subchapter by the board to be used in any manner for the purpose of influencing governmental policy or actions, except as provided in paragraph (2)(F); and

(5) require that each person receiving milk from producers for commercial use and any