

by section 605 of the Agricultural Research, Extension, and Education Reform Act of 1998, the Secretary shall conduct a referendum under this section for the sole purpose of determining whether the order as amended shall become effective.

(B) Individual provisions

No individual provision of the amended order shall be subject to a separate vote under the referendum.

(2) Eligible voters

The Secretary shall conduct the referendum among persons subject to assessment under the order that have been producers, producer-packers, importers, or handlers during the 2-calendar-year period that precedes the referendum, which period shall be considered to be the representative period.

(3) Determination of quantity

(A) In general

Producer-packers, importers, and handlers shall be allowed to vote as if—

- (i) the amended order had been in place during the representative period described in paragraph (2); and
- (ii) they had owed the increased assessments provided by the amended order.

(B) Votes and attributed quantity for producer-packers and importers

The votes and the quantity of honey and honey products attributed to the votes of producer-packers and importers shall be determined in accordance with section 4611 of this title.

(C) Attributed quantity for handlers

The quantity of honey and honey products attributed to the vote of a handler shall be the quantity handled in the representative period described in paragraph (2) for which the handler would have owed assessments had the amended order been in effect.

(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), 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.

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

<p>Sec. 4801. 4802. 4803. 4804. 4805.</p>	<p>Congressional findings and declaration of purpose. Definitions. Pork and pork product orders. Notice and hearing. Findings and issuance of orders.</p>
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Sec.	
4806.	National Pork Producers Delegate Body.
4807.	Selection of Delegate Body.
4808.	National Pork Board.
4809.	Assessments.
4810.	Permissive provisions.
4811.	Referendum.
4812.	Suspension and termination of orders.
4813.	Refunds.
4814.	Petition and review.
4815.	Enforcement.
4816.	Investigations.
4817.	Preemption.
4818.	Administrative provision.
4819.	Authorization of appropriations.

§ 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

Pub. L. 99-198, title XVI, §1631, Dec. 23, 1985, 99 Stat. 1622, 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

Pub. L. 99-198, title XVI, §1611, Dec. 23, 1985, 99 Stat. 1606, 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.

(6) The term "order" means a pork and pork products promotion, research, and consumer information order issued under section 4803 of this title.

(7) The term "person" means an individual, group of individuals, partnership, corporation, association, organization, cooperative, or other entity.

(8) The term "porcine animal" means a swine raised for—

- (A) feeder pigs;
- (B) seedstock; or
- (C) slaughter.

(9) The term "pork" means the flesh of a porcine animal.

(10) The term "pork product" means a product produced or processed in whole or in part from pork.

(11) The term "producer" means a person who produces porcine animals in the United States for sale in commerce.

(12) The term "promotion" means an action, including paid advertising, taken to present a favorable image for porcine animals, pork, or pork products to the public with the intent of improving the competitive position and stimulating sales of porcine animals, pork, or pork products.

(13) The term "research" means—

- (A) research designed to advance, expand, or improve the image, desirability, nutri-