

ensure that consumers have an adequate supply of soybean products at a reasonable price;

(4) the maintenance and expansion of existing markets and development of new markets for soybeans and soybean products are vital to the welfare of soybean producers and processors and those concerned with marketing soybeans and soybean products, as well as to the general economy of the United States, and are necessary to ensure the ready availability and efficient marketing of soybeans and soybean products;

(5) there exist established State and national organizations conducting soybean promotion, research, and consumer education programs that are valuable to the efforts of promoting the consumption of soybeans and soybean products;

(6) the cooperative development, financing, and implementation of a coordinated national program of soybean promotion, research, consumer information, and industry information are necessary to maintain and expand existing markets and develop new markets for soybeans and soybean products; and

(7) soybeans and soybean products move in interstate and foreign commerce, and soybeans and soybean products that do not move in such channels of commerce directly burden or affect interstate commerce in soybeans and soybean products.

(b) Policy

Congress declares that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing through assessments on domestically-produced soybeans, and implementing a program of promotion, research, consumer information, and industry information designed to strengthen the soybean industry's position in the marketplace, to maintain and expand existing domestic and foreign markets and uses for soybeans and soybean products, and to develop new markets and uses for soybeans and soybean products.

(c) Construction

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of individual producers to produce soybeans.

(Pub. L. 101-624, title XIX, §1966, Nov. 28, 1990, 104 Stat. 3881.)

SHORT TITLE

Pub. L. 101-624, title XIX, §1965, Nov. 28, 1990, 104 Stat. 3881, provided that: "This subtitle [subtitle E (§§1965-1976) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Soybean Promotion, Research, and Consumer Information Act'."

§ 6302. Definitions

As used in this chapter:

(1) Board

The term "Board" means the United Soybean Board established under section 6304(b) of this title.

(2) Commerce

The term "commerce" includes interstate, foreign, and intrastate commerce.

(3) Committee

The term "Committee" means the Soybean Program Coordinating Committee established under section 6304(g) of this title.

(4) Consumer information

The term "consumer information" means information that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of soybeans or soybean products.

(5) Department

The term "Department" means the Department of Agriculture.

(6) First purchaser

The term "first purchaser" means—

(A) except as provided in subparagraph (B), any person buying or otherwise acquiring from a producer soybeans produced by such producer; or

(B) the Commodity Credit Corporation, in any case in which soybeans are pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation.

(7) Industry information

The term "industry information" means information and programs that will lead to the development of new markets, new marketing strategies, or increased efficiency for the soybean industry, and activities to enhance the image of the soybean industry.

(8) Marketing

The term "marketing" means the sale or other disposition of soybeans or soybean products in any channel of commerce.

(9) Net market price

The term "net market price" means—

(A) except as provided in subparagraph (B), the sales price or other value received by a producer for soybeans after adjustments for any premium or discount based on grading or quality factors, as determined by the Secretary; or

(B) for soybeans pledged as collateral for a loan issued under any price support loan program administered by the Commodity Credit Corporation, the principal amount of the loan.

(10) Order

The term "order" means an order issued under section 6303 of this title.

(11) Person

The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(12) Producer

The term "producer" means any person engaged in the growing of soybeans in the United States who owns, or who shares the ownership and risk of loss of, such soybeans.

(13) Promotion

The term "promotion" means any action, including paid advertising, technical assistance,

and trade servicing activities, to enhance the image or desirability of soybeans or soybean products in domestic and foreign markets, and any activity designed to communicate to consumers, importers, processors, wholesalers, retailers, government officials, or others information relating to the positive attributes of soybeans or soybean products or the benefits of importation, use, or distribution of soybeans and soybean products.

(14) Qualified State soybean board

The term “qualified State soybean board” means a State soybean promotion entity that is authorized by State law. If no such entity exists in a State, the term “qualified State soybean board” means a soybean producer-governed entity—

(A) that is organized and operating within a State;

(B) that receives voluntary contributions and conducts soybean promotion, research, consumer information, or industry information programs; and

(C) that meets criteria established by the Board as approved by the Secretary relating to the qualifications of such entity to perform duties under the order and is recognized by the Board as the soybean promotion and research entity within the State.

(15) Research

The term “research” means any type of study to advance the image, desirability, marketability, production, product development, quality, or functional or nutritional value of soybeans or soybean products, including any research activity designed to identify and analyze barriers to export sales of soybeans and soybean products.

(16) Secretary

The term “Secretary” means the Secretary of Agriculture.

(17) Soybean products

The term “soybean products” means products produced in whole or in part from soybeans or soybean by-products.

(18) Soybeans

The term “soybeans” means all varieties of *Glycine max* or *Glycine soya*.

(19) State

The terms “State” and “United States” consist of the 50 States of the United States of America, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 101-624, title XIX, §1967, Nov. 28, 1990, 104 Stat. 3882.)

§ 6303. Issuance and amendment of orders

(a) In general

To effectuate the declared policy of section 6301(b) of this title, the Secretary, subject to the procedures provided in subsection (b), shall issue orders under this chapter applicable to producers and first purchasers of soybeans. Any such order shall be national in scope, and not more than one order shall be in effect under this chapter at any one time.

(b) Procedure

(1) Proposal or request for issuance

The Secretary may propose the issuance of an order under this chapter, or an association of soybean producers or any other person that would be affected by an order issued pursuant to this chapter may request the issuance of, and submit a proposal for, such an order.

(2) Notice and comment concerning proposed order

Not later than 30 days after the receipt of a request and proposal for an order pursuant to paragraph (1), or whenever the Secretary determines to propose an order, the Secretary shall publish a proposed order and give due notice and opportunity for public comment on the proposed order.

(3) Issuance of order

After notice and opportunity for public comment are given as provided in paragraph (2), the Secretary shall issue an order, taking into consideration the comments received and including in the order provisions necessary to ensure that the order is in conformity with the requirements under this chapter. Such order shall be issued and become effective not later than 180 days following publication of the proposed order.

(c) Amendments

The Secretary, from time to time, may amend any order issued under this section. The provisions of this chapter applicable to orders shall be applicable to amendments to orders.

(Pub. L. 101-624, title XIX, §1968, Nov. 28, 1990, 104 Stat. 3883.)

§ 6304. Required terms in orders

(a) In general

Any order issued under this chapter shall contain the terms and conditions specified in this section.

(b) Establishment and membership of United Soybean Board

(1) In general

The order shall provide for the establishment of, and appointment of members to, a United Soybean Board to administer the order. Members of the Board shall be soybean producers appointed by the Secretary, on a geographic basis, from State or combined units, as provided in this subsection. The cumulative number of seats on the Board shall be the total number of seats to which all the units are entitled.

(2) Seats

The Secretary shall establish State units and combined units and seats on the Board for such units, as follows:

(A) State units

Except as provided in subparagraph (B), each State shall be considered as a unit.

(B) Combined units

A State in which average annual soybean production is less than 3,000,000 bushels shall