

SHORT TITLE

Section 1951 of Pub. L. 101-624 provided that: “This subtitle [subtitle D (§§ 1951-1963) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the ‘Lime Research, Promotion, and Consumer Information Act of 1990’.”

LEGISLATIVE FINDINGS AND PURPOSE OF PUB. L. 103-194

Pub. L. 103-194, § 2, Dec. 14, 1993, 107 Stat. 2294, provided that:

“(a) FINDINGS.—Congress finds the following:

“(1) The Lime Research, Promotion, and Consumer Information Act of 1990 [7 U.S.C. 6201 et seq.] was enacted on November 28, 1990, for the purpose of establishing an orderly procedure for the development and financing of an effective and coordinated program of research, promotion, and consumer information to strengthen the domestic and foreign markets for limes.

“(2) The lime research, promotion, and consumer information order required by such Act became effective on January 27, 1992.

“(3) Although the intent of such Act was to cover seedless limes, the definition of the term ‘lime’ in section 1953(6) of such Act [7 U.S.C. 6202(6)] applies to seeded limes. Therefore, the Act and the order need to be revised before a research, promotion, and consumer information program on seedless limes can go into effect.

“(4) Since the enactment of the Lime Research, Promotion, and Consumer Information Act of 1990, the United States production of fresh market limes has plummeted and the volume of imports has risen dramatically. The drop in United States production is primarily due to damage to lime orchards in the State of Florida by Hurricane Andrew in August 1992. United States production is not expected to reach pre-Hurricane Andrew levels for possibly two to three years because a majority of the United States production of limes is in Florida.

“(b) PURPOSES.—The purpose of this Act [see Short Title of 1993 Amendment note above] is—

“(1) to revise the definition of the term ‘lime’ in order to cover seedless and not seeded limes;

“(2) to increase the exemption level;

“(3) to delay the initial referendum date; and

“(4) to alter the composition of the Lime Board.”

§ 6202. Definitions

As used in this chapter:

(1) Board

The term “Board” means the Lime Board provided for under section 6204(b) of this title.

(2) Consumer information

The term “consumer information” means any action taken to provide information to, and broaden the understanding of, the general public regarding the use, nutritional attributes, and care of limes.

(3) Handle

The term “handle” means to sell, purchase, or package limes.

(4) Handler

The term “handler” means any person in the business of handling limes.

(5) Importer

The term “importer” means any person who imports limes into the United States.

(6) Lime

The term “lime” means the fruit of a citrus latifolia tree for the fresh market.

(7) Marketing

The term “marketing” means the sale or other disposition of limes in commerce.

(8) Order

The term “order” means a lime research, promotion, and consumer information order issued by the Secretary under section 6203(a) of this title.

(9) Person

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

(10) Producer

The term “producer” means any person who produces limes in the United States for sale in commerce.

(11) Producer-handler

The term “producer-handler” means any person who is both a producer and handler of limes.

(12) Promotion

The term “promotion” means any action taken under this chapter (including paid advertising) to present a favorable image for limes to the general public with the express intent of improving the competitive position and stimulating the sale of limes.

(13) Research

The term “research” means any type of research relating to the use and nutritional value of limes and designed to advance the image, desirability, marketability, or quality of limes.

(14) Secretary

The term “Secretary” means the Secretary of Agriculture.

(15) State and United States

The term—

(A) “State” means each of the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(B) “United States” means the 50 States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 101-624, title XIX, § 1953, Nov. 28, 1990, 104 Stat. 3871; Pub. L. 103-194, § 3, Dec. 14, 1993, 107 Stat. 2295.)

AMENDMENTS

1993—Par. (6). Pub. L. 103-194 substituted “citrus latifolia” for “citrus aurantifolia”.

§ 6203. Issuance of orders

(a) In general

Subject to this chapter, and to effectuate the declared purposes of this chapter, the Secretary shall issue and, from time to time, amend lime research, promotion, and consumer information orders applicable to handlers, producers, producer-handlers, and importers of limes. Any such order shall be national in scope. Not more than one order shall be in effect under this chapter at any one time.

(b) Procedure

(1) Proposal for issuance of order

Any person that will be affected by this chapter may request the issuance of, and sub-

mit a proposal for, an order under this chapter.

(2) Proposed order

Not later than 60 days after the receipt of a request and proposal by an interested person for 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 of this chapter.

(4) Effective date of order

Such order shall be issued and become effective not later than 150 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, §1954, Nov. 28, 1990, 104 Stat. 3872.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6202, 6204, 6205, 6210 of this title.

§ 6204. Required terms in orders

(a) In general

An order issued by the Secretary under section 6203(a) of this title shall contain the terms and conditions described in this section and, except as provided in section 6205 of this title, no other terms or conditions.

(b) Lime Board

Such order shall provide for the establishment of a Lime Board as follows:

(1) Membership

The Board shall be composed of—

(A) 3 members who are producers and who are not exempt from an assessment under subsection (d)(5)(A) of this section;

(B) 3 members who are importers and who are not exempt from an assessment under subsection (d)(5)(A) of this section; and

(C) one member appointed from the general public.

(2) Appointment and nomination

(A) Appointment

The Secretary shall appoint the members of the Board.

(B) Producers

The 3 members who are producers shall be appointed from individuals nominated by lime producers.

(C) Importers

The 3 members who are importers shall be appointed from individuals nominated by lime importers.

(D) Public

The public representative shall be appointed from nominations of the Board.

(E) Failure to nominate

If producers and importers fail to nominate individuals for appointment, the Secretary may appoint members on a basis provided for in the order. If the Board fails to nominate a public representative, such member may be appointed by the Secretary without a nomination.

(F) Initial Board

The Secretary shall establish an initial Board from among nominations solicited by the Secretary. For the purpose of obtaining nominations for the members of the initial Board described in paragraph (1), the Secretary shall perform the functions of the Board under this subsection as the Secretary determines necessary and appropriate. The Secretary shall terminate the initial Board established under this subsection as soon as practicable after December 14, 1993.

(G) Board allocation

The producer and importer representation on the Board shall be allocated on the basis of 2 producer members and 1 importer member from the district east of the Mississippi River and 1 producer member and 2 importer members from the district west of the Mississippi River.

(3) Alternates

The Secretary shall appoint an alternate for each member of the Board. An alternate shall—

(A) be appointed in the same manner as the member for whom such individual is an alternate; and

(B) serve on the Board if such member is absent from a meeting or is disqualified under paragraph (5).

(4) Terms

The initial members of the Board appointed under the amended order shall serve a term of 30 months. Subsequent appointments to the Board shall be for a term of 3 years, except that—

(A) 2 members shall be appointed for a term of 1 year;

(B) 2 members shall be appointed for a term of 2 years; and

(C) 3 members shall be appointed for a term of 3 years;

as designated by the Secretary at the time of appointment.

(5) Replacement

If a member or alternate of the Board who was appointed as a producer, importer, or public representative ceases to belong to the group for which such member was appointed, such member or alternate shall be disqualified from serving on the Board.

(6) Compensation

Members and alternates of the Board shall serve without pay.

(7) Travel expenses

While away from their homes or regular places of business in the performance of duties