

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6402 of this title.

§ 6413. Requirement of initial referendum**(a) In general**

Within the 60-day period immediately preceding the effective date of an order issued under section 6405(a) of this title, the Secretary shall conduct a referendum among fluid milk processors to ascertain whether the order shall go into effect.

(b) Implementation

If, as a result of the referendum conducted under subsection (a) of this section, the Secretary determines that implementation of the order is favored—

(1) by at least 50 percent of fluid milk processors voting in the referendum; and

(2) by fluid milk processors voting in the referendum that marketed during the representative period, as determined by the Secretary, 60 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the referendum;

the order shall become effective as provided in section 6405(b) of this title.

(c) Costs of referendum

The Secretary shall be reimbursed from any assessments collected by the Board for any expenses incurred by the Department in connection with the conduct of any referendum under this chapter.

(d) Manner**(1) In general**

Referenda conducted pursuant to this chapter shall be conducted in a manner determined by the Secretary.

(2) Advance registration

A fluid milk processor who chooses to vote in any referendum conducted under this chapter shall register with the Secretary prior to the voting period, after receiving notice from the Secretary concerning the referendum under paragraph (4).

(3) Voting

A fluid milk processor who votes in any referendum conducted under this chapter shall vote in accordance with procedures established by the Secretary. The ballots and other information or reports that reveal or tend to reveal the vote of any processor shall be held strictly confidential.

(4) Notice

The Secretary shall notify all processors at least 30 days prior to a referendum conducted under this chapter. The notice shall explain the procedure established under this subsection.

(Pub. L. 101-624, title XIX, §1999N, Nov. 28, 1990, 104 Stat. 3924; Pub. L. 104-127, title I, §146(d)(1), Apr. 4, 1996, 110 Stat. 919.)

AMENDMENTS

1996—Subsec. (b)(2). Pub. L. 104-127 substituted “fluid milk processors voting in the referendum;” for “all processors;”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6405, 6414, 6415 of this title.

§ 6414. Suspension or termination of orders**(a) Suspension or termination by Secretary**

The Secretary shall, whenever the Secretary finds that the order or any provision of the order obstructs or does not tend to effectuate the declared policy of this chapter, terminate or suspend the operation of the order or provision.

(b) Other referenda**(1) In general**

The Secretary may conduct at any time a referendum of persons who, during a representative period as determined by the Secretary, have been fluid milk processors on whether to suspend or terminate the order, and shall hold such a referendum on request of the Board or any group of such processors that among them marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the preceding referendum.

(2) Suspension or termination

If the Secretary determines that the suspension or termination is favored—

(A) by at least 50 percent of fluid milk processors voting in the referendum; and

(B) by fluid milk processors voting in the referendum that marketed during a representative period, as determined by the Secretary, 40 percent or more of the volume of fluid milk products marketed by fluid milk processors voting in the referendum;

the Secretary shall, within 6 months after making the determination, suspend or terminate, as appropriate, collection of assessments under the order, and suspend or terminate, as appropriate, activities under the order in an orderly manner as soon as practicable.

(3) Costs; manner

Subsections (c) and (d) of section 6413 of this title shall apply to a referendum conducted under this subsection.

(Pub. L. 101-624, title XIX, §1999O, Nov. 28, 1990, 104 Stat. 3925; Pub. L. 104-127, title I, §146(d)(2), (e), Apr. 4, 1996, 110 Stat. 919; Pub. L. 107-171, title I, §1506(c), May 13, 2002, 116 Stat. 210.)

AMENDMENTS

2002—Pub. L. 107-171 redesignated subsecs. (b) and (c) as (a) and (b), respectively, and struck out heading and text of former subsec. (a). Text read as follows: “Any order effective under this chapter shall be terminated December 31, 2002. The Secretary shall—

“(1) terminate the collection of assessments under the order upon such date; and

“(2) terminate activities under the order in an orderly manner as soon as practicable after such date.” 1996—Subsec. (a). Pub. L. 104-127, §146(e), substituted “2002” for “1996” in introductory provisions.

Subsec. (c)(1). Pub. L. 104-127, §146(d)(2)(A), substituted “fluid milk processors voting in the preceding referendum” for “all processors”.

Subsec. (c)(2)(B). Pub. L. 104-127, §146(d)(2)(B), substituted “fluid milk processors voting in the referendum;” for “all processors;”.

§ 6415. Amendments**(a) Amendments to order**

Subject to subsection (b) of this section, the Secretary may issue such amendments to an order as may be necessary to carry out this chapter.

(b) Amendment to assessment rates**(1) In general**

The Secretary may conduct at any time a referendum of persons who, during a representative period as determined by the Secretary, have been fluid milk processors on adjusting the assessment rate under the order issued under this chapter then in effect, and shall hold such a referendum on request of the Board or any group of such processors that among them marketed during a representative period, as determined by the Secretary, 10 percent or more of the volume of fluid milk products marketed by all processors.

(2) Adjustment to assessment rate

The Secretary shall adjust the assessment rate under the order whenever the Secretary determines that the adjustment is favored—

(A) by at least 50 percent of fluid milk processors voting in the referendum; and

(B) by fluid milk processors that marketed during a representative period, as determined by the Secretary, 60 percent or more of the volume of fluid milk products marketed by all processors;

In no event shall the rate of assessment prescribed by the order exceed 20 cents per hundredweight.

(3) Effective date

The adjusted assessment rate shall be effective on a date, as determined by the Secretary, after the results of the referendum are known, but not later than 30 days after the referendum.

(4) Costs; manner

Subsections (c) and (d) of section 6413 of this title shall apply to a referendum conducted under this subsection.

(Pub. L. 101-624, title XIX, §1999P, Nov. 28, 1990, 104 Stat. 3926.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 6409 of this title.

§ 6416. Independent evaluation of programs**(a) Review and evaluation**

The Comptroller General of the United States shall review and evaluate the order to—

(1) determine the effectiveness of the promotion program conducted under this chapter on fluid milk sales;

(2) determine if the assessments for the program have been passed back to milk producers by fluid milk processors; and

(3) make recommendations for future funding and assessment levels for the program.

(b) Report to Congress

The Comptroller General shall submit a report to the Committee on Agriculture of the House of

Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on the valuations made under this section no later than January 1, 1995.

(Pub. L. 101-624, title XIX, §1999Q, Nov. 28, 1990, 104 Stat. 3926.)

§ 6417. Authorization of appropriations**(a) In general**

There are authorized to be appropriated for each fiscal year such funds as are necessary to carry out this chapter.

(b) Administrative expenses

The funds so appropriated shall not be available for payment of the expenses or expenditures of the Board in administering any provision of any order issued under this chapter.

(Pub. L. 101-624, title XIX, §1999R, Nov. 28, 1990, 104 Stat. 3926.)

CHAPTER 94—ORGANIC CERTIFICATION

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