

103^D CONGRESS
1ST SESSION

H. R. 1637

To amend the Egg Research and Consumer Information Act, to accomplish an expansion of exemption eligibility from assessments under this Act and to authorize increased assessment rates if approved by producers.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 1993

Mr. STENHOLM (for himself, Mr. BOEHNER, and Mr. HOLDEN) introduced the following bill; which was referred to the Committee on Agriculture

A BILL

To amend the Egg Research and Consumer Information Act, to accomplish an expansion of exemption eligibility from assessments under this Act and to authorize increased assessment rates if approved by producers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Egg Research and
5 Consumer Information Act Amendments of 1993”.

1 **SEC. 2. AMENDMENTS RELATING TO RATE OF ASSESSMENT.**

2 (a) AMENDMENTS TO SECTION 8.—Section 8(e) of
3 the Egg Research and Consumer Information Act (7
4 U.S.C. 2707(e)) is amended by—

5 (1) designating the first and second sentences
6 as paragraph (1);

7 (2) designating the fifth and sixth sentences as
8 paragraph (3); and

9 (3) striking out the third and fourth sentences
10 and inserting in lieu thereof the following new para-
11 graph: “(2) The rate of assessments shall be pre-
12 scribed by the order, and shall not exceed 30 cents
13 per case of commercial eggs or the equivalent there-
14 of. The order may be amended to change the rate
15 of assessment if recommended by the Egg Board
16 and approved by egg producers in a referendum con-
17 ducted under section 9(b).”.

18 (b) AMENDMENTS TO SECTION 9.—Section 9 of the
19 Egg Research and Consumer Information Act (7 U.S.C.
20 2708) is amended by—

21 (1) designating the first two sentences as sub-
22 section (a);

23 (2) designating the last sentence as subsection
24 (c); and

25 (3) inserting after subsection (a), as designated
26 under paragraph (1), the following new subsection:

1 “(b)(1) Whenever the Egg Board determines, based
2 on scientific studies, marketing analysis, or other similar
3 competent evidence, that an increase in assessment rate
4 is needed to ensure that assessments under the order are
5 set at an appropriate level to effectuate the declared policy
6 of this Act, the Egg Board may request that the Secretary
7 conduct a referendum, as provided in paragraph (2).

8 “(2) When requested by the Egg Board under para-
9 graph (1) or (3), the Secretary shall conduct a referendum
10 among egg producers not exempt hereunder who, during
11 a representative period determined by the Secretary, have
12 been engaged in the production of commercial eggs, for
13 the purpose of ascertaining whether such producers ap-
14 prove the change in the assessment rate proposed by the
15 Egg Board. The change in the assessment rate shall take
16 effect if approved or favored by not less than two-thirds
17 of the producers voting in such referendum, or by a major-
18 ity of the producers voting in such referendum if such ma-
19 jority produced not less than two-thirds of all the commer-
20 cial eggs produced by those voting during a representative
21 period defined by the Secretary.

22 “(3) With respect to the order in effect on the date
23 of the enactment of this subsection, the Egg Board shall
24 undertake to determine under paragraph (1), as soon as
25 practicable after such date of enactment, whether to re-

1 quest that the Secretary conduct a referendum under
2 paragraph (2). If the Egg Board makes such a request
3 on competent evidence, as provided in paragraph (1), the
4 Secretary shall conduct such referendum as soon as prac-
5 ticable, but not later than 3 months after receipt of such
6 request from the Egg Board.

7 “(4) Notwithstanding any other provision of this Act,
8 whenever an increase in the assessment rate and the au-
9 thority for additional increases is approved by producers
10 in a referendum under this subsection, the Secretary shall
11 amend the order as appropriate to reflect such vote of pro-
12 ducers; and such amendment to the order shall become
13 effective on the date it is issued.”.

14 **SEC. 3. AMENDMENT RELATING TO EXEMPT PRODUCERS.**

15 Section 12(a)(2) of the Egg Research and Consumer
16 Information Act (7 U.S.C. 2711) is amended by striking
17 out “30,000 laying hens” and inserting in lieu thereof
18 “50,000 laying hens”.

19 **SEC. 4. AMENDMENT TO EGG PROMOTION AND RESEARCH**
20 **ORDER.**

21 Notwithstanding any other provision of law:

22 (a) AMENDMENT.—The Secretary of Agriculture
23 shall issue amendments to the egg promotion and research
24 order issued under the Egg Research and Consumer Infor-
25 mation Act (7 U.S.C. 2701 et seq.) to implement the

1 amendments made by this Act. Such amendments shall
2 be issued after public notice and opportunity for comment
3 in accordance with section 553 of title 5, United States
4 Code, and without regard to sections 556 and 557 of such
5 title. The Secretary shall issue the proposed amendments
6 to such order not later than 30 days after the date of the
7 enactment of this Act.

8 (b) EFFECTIVE DATE.—The amendments to the egg
9 promotion and research order required by subsection (a)
10 shall become effective no later than 90 days after the date
11 of the enactment of this Act, and shall not be subject to
12 a referendum under the Egg Research and Consumer In-
13 formation Act.

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