

103^D CONGRESS
1ST SESSION

S. 717

To amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, MARCH 3), 1993

Mr. PRYOR (for himself, Mr. HEFLIN, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Egg Research and Consumer Information Act to modify the provisions governing the rate of assessment, to expand the exemption of egg producers from such Act, and for other purposes.

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 Improvement Act of 1993”.

1 **SEC. 2. RATE OF ASSESSMENT.**

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

5 (1) by designating the first and second sen-
6 tences as paragraph (1);

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

9 (3) by striking the third and fourth sentences
10 and inserting the following new paragraph:

11 “(2) The rate of assessment shall be prescribed by
12 the order. The rate shall not exceed 30 cents per case of
13 commercial eggs or the equivalent of a case. Subject to
14 the preceding sentence, the order may be amended to
15 change the rate of assessment if the change is rec-
16 ommended by the Egg Board and approved by egg produc-
17 ers in a referendum conducted under section 9(b).”.

18 (b) REFERENDUM.—Section 9 of such Act (7 U.S.C.
19 2708) is amended—

20 (1) by designating the first and second sen-
21 tences as subsection (a);

22 (2) by designating the third sentence as sub-
23 section (c); and

24 (3) by inserting after subsection (a) (as des-
25 igned by paragraph (1) of this subsection) the fol-
26 lowing new subsection:

1 “(b)(1) If the Egg Board determines, based on a sci-
2 entific study, marketing analysis, or other similar com-
3 petent evidence, that an increase in the rate of assessment
4 is needed to ensure that the assessment under the order
5 is established at an appropriate level to effectuate the de-
6 clared policy of this Act, the Egg Board may request that
7 the Secretary conduct a referendum, as provided in para-
8 graph (2).

9 “(2) If the Egg Board requests the Secretary to con-
10 duct a referendum under paragraph (1) or (4), the Sec-
11 retary shall conduct a referendum among egg producers
12 who are not exempt from this Act and who, during a rep-
13 resentative period determined by the Secretary, have been
14 engaged in the production of commercial eggs, for the pur-
15 pose of ascertaining whether the producers approve the
16 change in the rate of assessment proposed by the Egg
17 Board.

18 “(3) The change in the assessment rate shall become
19 effective if the change is approved or favored by—

20 “(A) not less than two-thirds of the producers
21 voting in the referendum; or

22 “(B) a majority of the producers voting in the
23 referendum, if the majority produced not less than
24 two-thirds of all the commercial eggs produced by

1 the producers voting during a representative period
2 defined by the Secretary.

3 “(4) In the case of the order in effect on the date
4 of the enactment of this subsection, the Egg Board shall
5 determine under paragraph (1), as soon as practicable
6 after such date of enactment, whether to request that the
7 Secretary conduct a referendum under paragraph (2). If
8 the Egg Board makes such a request on competent evi-
9 dence, as provided in paragraph (1), the Secretary shall
10 conduct the referendum as soon as practicable, but not
11 later than 90 days after receipt of the request from the
12 Egg Board.

13 “(5) Notwithstanding any other provision of this Act,
14 if an increase in the assessment rate and the authority
15 for additional increases is approved by producers in a ref-
16 erendum conducted under this subsection, the Secretary
17 shall amend the order to reflect the vote of the producers.
18 The amendment to the order shall become effective on the
19 date of issuance.”.

20 **SEC. 3. EXEMPTED EGG PRODUCERS.**

21 Section 12(a)(1) of the Egg Research and Consumer
22 Information Act (7 U.S.C. 2711(a)(1)) is amended by
23 striking “30,000 laying hens” and inserting “50,000 -lay-
24 ing hens”.

1 **SEC. 4. AMENDMENTS TO ORDER.**

2 (a) IN GENERAL.—The Secretary of Agriculture shall
3 issue amendments to the order issued pursuant to the Egg
4 Research and Consumer Information Act (7 U.S.C. 2701
5 et seq.) to implement the amendments made by this Act.
6 The amendments shall be issued after public notice and
7 opportunity for comment in accordance with section 553
8 of title 5, United States Code, and without regard to sec-
9 tions 556 and 557 of such title. The Secretary shall issue
10 the proposed amendments to the order not later than 30
11 days after the date of the enactment of this Act.

12 (b) EFFECTIVE DATE.—The amendments to the
13 order required by subsection (a) shall become effective not
14 later than 90 days, as determined by the Secretary, after
15 the date of the enactment of this Act. The amendments
16 shall not be subject to a referendum conducted under the
17 Egg Research and Consumer Information Act.

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