

Public Law 100-575
100th Congress

An Act

To amend the Egg Research and Consumer Information Act to limit the total costs that may be incurred by the Egg Board in collecting producer assessments and having an administrative staff, to eliminate egg producer refunds, and to delay the conducting of any referendum by egg producers on the elimination of such refunds.

Oct. 31, 1988
[H.R. 5318]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Egg Research
and Consumer
Information Act
Amendments of
1988.
7 USC 2701 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Egg Research and Consumer Information Act Amendments of 1988".

SEC. 2. LIMITING CERTAIN COSTS INCURRED BY THE EGG BOARD.

Section 8 of the Egg Research and Consumer Information Act (7 U.S.C. 2707) is amended by adding at the end thereof the following:

"(j) Providing that the total costs incurred by the Egg Board for a fiscal year in collecting producer assessments and having an administrative staff shall not exceed an amount of the projected total assessments to be collected by the Egg Board for such fiscal year that the Secretary determines to be reasonable."

SEC. 3. EGG PRODUCER REFUND REFERENDUM.

Section 13 of the Egg Research and Consumer Information Act (7 U.S.C. 2712) is amended by—

(1) inserting "(a)" after "SEC. 13.";

(2) inserting "except as provided in subsection (b)" after "Notwithstanding any other provisions of this Act"; and

(3) adding at the end thereof the following:

"(b)(1) With regard to each order issued under this Act that provides for a producer refund, the Secretary shall amend such order to eliminate such refund.

"(2) Notwithstanding sections 9 and 11 of this Act, an amendment made by the Secretary pursuant to paragraph (1)—

"(A) shall take effect on the date that the Secretary issues the amendment; and

"(B) shall not be subject to a referendum under section 9 or 10(b) until the end of the 18-month period beginning on such effective date.

"(3) During the period prior to the referendum of an amendment issued pursuant to paragraph (1) and beginning on the effective date of such amendment, the Egg Board shall—

"(A) establish an escrow account to be used for assessment refunds; and

"(B) place funds in such account in accordance with paragraph (4).

"(4) The Egg Board shall place in such account, from assessments collected during the period referred to in paragraph (3), an amount equal to the product obtained by multiplying the total amount of assessments collected during such period by 10 percent.

Effective date.

“(5) Subject to paragraphs (6), (7), and (8), any producer shall have the right to demand and receive from the Egg Board a one-time refund of assessments collected from such producer during the period referred to in paragraph (3) if—

“(A) such producer is responsible for paying such assessments;

“(B) such producer does not support the program established under this Act; and

“(C) the amendment issued pursuant to paragraph (1) is not approved pursuant to a referendum under section 9 or 10(b).

“(6) Such demand shall be made in accordance with regulations, on a form, and within a time period prescribed by the Egg Board.

“(7) Such refund shall be made on submission of proof satisfactory to the Egg Board that such producer paid the assessment for which refund is demanded.

“(8) If the amount in the escrow account required to be established by paragraph (3) is not sufficient to refund the total amount of assessments demanded by all eligible producers under this subsection and the amendment issued pursuant to paragraph (1) is not approved pursuant to a referendum under section 9 or 10(b), the Egg Board shall prorate the amount of such refunds among all eligible producers who demand such refund.”.

Approved October 31, 1988.

LEGISLATIVE HISTORY—H.R. 5318:

HOUSE REPORTS: No. 100-1024 (Comm. on Agriculture).

CONGRESSIONAL RECORD, Vol. 134 (1988):

Oct. 3, 4, considered and passed House.

Oct. 11, considered and passed Senate.