

Public Law 92-466

October 6, 1972
[H. R. 14015]

AN ACT

To amend section 8c(2), section 8c(6), section 8c(7) (C), and section 8c(19) of the Agricultural Marketing Agreement Act of 1937, as amended.

Pears.
Marketing
orders.

68 Stat. 906;
75 Stat. 304;
Ante, p. 39.
7 USC 608c.
85 Stat. 340.

49 Stat. 757;
68 Stat. 907.

Producer refer-
endum.
75 Stat. 305.

68 Stat. 906.

Regulation rec-
ommendations,
concurrence re-
quirement.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Agricultural Adjustment Act of 1933, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is further amended as follows:

(1) Section 8c(2), as amended, is further amended by inserting "pears," after the words "canned or frozen" where they first appear and also before "olives" in subdivision (A) in the first sentence thereof.

(2) Subsection (I) of section 8c(6), as amended, is further amended by striking "fresh" immediately before "pears" in the proviso and by adding at the end thereof the following: "and when the handling of any commodity for canning or freezing is regulated, then any such projects may also deal with the commodity or its products in canned or frozen form".

(3) Section 8c(7) (C) of the Act is amended by inserting "or pears" immediately after "a marketing order applicable to grapefruit" and by replacing the period following "in such order" with a colon and adding: "Provided, That in a marketing order applicable to pears for canning or freezing the representation of processors and producers on such agency shall be equal."

(4) Section 8c(19) is amended by adding at the end thereof the following: "For the purpose of ascertaining whether the issuance of an order applicable to pears for canning or freezing is approved or favored by producers as required under the applicable provisions of this title, the Secretary shall conduct a referendum among producers in each State in which pears for canning or freezing are proposed to be included within the provisions of such marketing order and the requirements of approval or favor under any such provisions applicable to pears for canning or freezing shall be held to be complied with if, of the total number of producers, or the total volume of production, as the case may be, represented in such referendum, the percentage approving or favoring is equal to or in excess of 66 $\frac{2}{3}$ per centum except that in the event that pear producers in any State fail to approve or favor the issuance of any such marketing order, it shall not be made effective in such State."

(5) A new paragraph (J) is added to section 8c(6) to read as follows:

"(J) In the case of pears for canning or freezing, any order for a production area encompassing territory within two or more States or portions thereof shall provide that the grade, size, quality, maturity, and inspection regulation under the order applicable to pears grown within any such State or portion thereof may be recommended to the Secretary by the agency established to administer the order only if a majority of the representatives from that State on such agency concur in the recommendation each year."

Approved October 6, 1972.