

with the approval of the Department, after the first referendum is conducted as stated in § 1206.71(b). Persons failing to remit total assessments due in a timely manner may also be subject to actions under federal debt collection procedures as set forth in 7 CFR 3.1 through 3.36 for all research and promotion programs administered by USDA [60 FR 12533, March 7, 1995].

Sections 1206.50 through 1206.52 address programs, plans, and projects; require the Board to periodically conduct an independent review of its overall program; and address patents, copyrights, trademarks, information, publications, and product formulations developed through the use of assessment funds.

Sections 1206.60 through 1206.62 concern reporting and recordkeeping requirements for persons subject to the Order and protect the confidentiality of information from such books, records, or reports.

Sections 1206.70 through 1206.78 describe the rights of the Secretary of Agriculture (Secretary); address referenda; authorize the Secretary to suspend or terminate the Order when deemed appropriate; prescribe proceedings after suspension or termination; and address personal liability, separability, amendments, and the OMB control number.

In addition to adding a definition of foreign producer and changing the composition of the Board, the Department made minor changes to the Association's proposal which do not materially affect the program.

The Department has determined that this proposed Order is consistent with and will effectuate the purposes of the Act.

For the proposed Order to become effective, it must be approved by a majority of the eligible importers and first handlers voting in the referendum.

#### Referendum Order

It is hereby directed that a referendum be conducted among eligible mango importers and first handlers to determine whether they favor implementation of the Mango Promotion, Research, and Information Order.

The referendum shall be conducted from November 10, 2003 through November 28, 2003. Ballots will be mailed to all known mango importers and first handlers on or before October 27, 2003. First handlers and importers who handled or imported 500,000 pounds or more of fresh mangos, respectively, from January 1 through December 31, 2002, are eligible to vote. Eligible voters who do not receive a

ballot by mail should call the following toll-free telephone number to receive a ballot: 1 (888) 720-9917. All ballots will be subject to verification. Ballots must be received by the referendum agents no later than the close of business, Eastern daylight-standard time, November 28, 2003, to be counted.

Kathie M. Birdsell and Margaret B. Irby, Research and Promotion Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2535-S, Stop 0244, Washington, DC 20250-0244, are designated as the referendum agents of the Department to conduct the referendum. The Procedure for the Conduct of Referenda in connection with the Mango Promotion, Research, and Information Order, 7 CFR 1206.100-1206.108, which is being published separately in this issue of the **Federal Register**, shall be used to conduct the referendum.

#### List of Subjects in 7 CFR Part 1206

Administrative practice and procedure, Advertising, Consumer information, Mangos, Marketing agreements, Promotion, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that Title 7, Chapter XI of the Code of Federal Regulations be amended as follows:

1. The authority citation for part 1206 continues to read as follows:

**Authority:** 7 U.S.C. 7411-7425.

2. Subpart A is added Part 1206 to read as follows:

#### PART 1206—MANGO PROMOTION, RESEARCH, AND INFORMATION

##### Subpart A—Mango Promotion, Research, and Information Order Definitions

Sec.

- 1206.1 Act.
- 1206.2 Board.
- 1206.3 Conflict of interest.
- 1206.4 Customs.
- 1206.5 Department.
- 1206.6 First handler.
- 1206.7 Fiscal period.
- 1206.8 Foreign producer.
- 1206.9 Importer.
- 1206.10 Information.
- 1206.11 Mangos.
- 1206.12 Market or marketing.
- 1206.13 Order.
- 1206.14 Part and subpart.
- 1206.15 Person.
- 1206.16 Producer.
- 1206.17 Promotion.
- 1206.18 Research.
- 1206.19 Retailer.
- 1206.20 Secretary.
- 1206.21 Suspend.
- 1206.22 Terminate.
- 1206.23 United States.
- 1206.24 Wholesaler.

##### National Mango Promotion Board

- 1206.30 Establishment and membership.
- 1206.31 Nominations and appointments.
- 1206.32 Term of office.
- 1206.33 Vacancies.
- 1206.34 Procedure.
- 1206.35 Compensation and reimbursement.
- 1206.36 Powers and duties.
- 1206.37 Prohibited activities.

##### Expenses and Assessments

- 1206.40 Budget and expenses.
- 1206.41 Financial statements.
- 1206.42 Assessments.
- 1206.43 Exemptions.

##### Promotion, Research, and Information

- 1206.50 Programs, plans, and projects.
- 1206.51 Independent evaluation.
- 1206.52 Patents, copyrights, trademarks, information, publications, and product formulations.

##### Reports, Books, and Records

- 1206.60 Reports.
- 1206.61 Books and records.
- 1206.62 Confidential treatment.

##### Miscellaneous

- 1206.70 Right of the Secretary.
- 1206.71 Referenda.
- 1206.72 Suspension and termination.
- 1206.73 Proceedings after termination.
- 1206.74 Effect of termination or amendment.
- 1206.75 Personal liability.
- 1206.76 Separability.
- 1206.77 Amendments.
- 1206.78 OMB control number.

**Authority:** 7 U.S.C. 7411-7425.

#### Subpart A—Mango Promotion, Research, and Information Order Definitions

##### § 1206.1 Act.

*Act* means the Commodity Promotion, Research, and Information Act of 1996 (7 U.S.C. 7411-7425; Public Law 104-127; 110 Stat. 1029), or any amendments thereto.

##### § 1206.2 Board.

*Board* or National Mango Promotion Board means the administrative body established pursuant to § 1206.30, or such other name as recommended by the Board and approved by the Department.

##### § 1206.3 Conflict of interest.

*Conflict of interest* means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person who performs a service for, or enters into a contract with, the Board for anything of economic value.

##### § 1206.4 Customs.

*Customs* means the Customs and Border Protection of the U.S. Department of Homeland Security.