



Agricultural Marketing Service

[Doc. No. AMS-CN-26-0166]

Cotton Research and Promotion Program: Request for Comments to be Used in a Review of 1990 Amendments to the Cotton Research and Promotion Act

AGENCY: Agricultural Marketing Service, Department of Agriculture (USDA).

ACTION: Notice and request for comments.

SUMMARY: As provided for by the Cotton Research and Promotion Act Amendments of 1990, the Agricultural Marketing Service (AMS) is announcing its intention to conduct a review to ascertain whether a referendum is needed to determine whether producers and importers favor continuation of five specific amendments to the Cotton Research and Promotion Order (Order). This notice invites all interested parties to submit written comments to the Department of Agriculture (USDA or Department). USDA will consider these comments in determining whether a referendum is warranted on the five specific amendments.

DATES: Comments must be received on or before **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]**.

ADDRESSES: Interested persons are invited to submit comments by using the electronic process available at <https://www.regulations.gov> or by sending them to the Cotton Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 3275 Appling Road, Memphis, TN 38133. All comments should reference the document number (AMS-CN-26-0166), the date, and the page number of this issue of the *Federal Register*. All comments received will be posted without change, including any personal information provided, at <https://www.regulations.gov> and will be included in the record and made available to the public. Please do not include personally identifiable information (such as name, address, or other contact information) or confidential business

information that you do not want publicly disclosed. Comments may be submitted anonymously.

FOR FURTHER INFORMATION CONTACT: Sue Coleman, Branch Chief, Research and Promotion, Cotton and Tobacco Program, AMS, USDA, 3275 Appling Road, Memphis, Tennessee, 38133; telephone (901) 384-3000; facsimile (901) 384-3033; or email at CottonRP@usda.gov.

SUPPLEMENTARY INFORMATION: The Cotton Research and Promotion Act of 1966 (7 U.S.C. 2101-2118) authorized a national industry-funded Cotton Research and Promotion Program that the Department oversees. The program's objective is to enable an effective and continuous coordinated program of research and promotion designed to strengthen cotton's competitive position and to maintain and expand markets and uses for cotton.

The program became effective on December 31, 1966, when the Cotton Research and Promotion Order (7 CFR part 1205) was issued. Assessments began with the 1967 cotton crop. The Order was amended and a supplemental assessment initiated, effective January 26, 1977.

The program is currently financed through assessments levied on domestic and imported cotton and cotton-containing products. Assessments under this program are used to fund advertising and sales promotion projects, as well as research and development projects and studies.

The Cotton Board, which has 37 members, 37 alternate members and three advisors, administers the program. Selected by the Secretary after nomination from eligible producer and importer organizations, the Cotton Board is composed of representatives of cotton producers and cotton importers, each of whom has an alternate. All members and their alternates serve terms of 3 years. The Cotton Board's administrative responsibilities include collecting funds; contracting with an organization

for the development and implementation of programs of research and promotion; reviewing and making recommendations to the Secretary of Agriculture on proposed programs and budgets; and making funds available for such programs with the Secretary's approval. The Act prohibits the Cotton Board from participating in any matters influencing governmental policies or action except making recommendations for amendments to the Order.

Congress amended the Act in subtitle G of title XIX of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. 101-624, 104 Stat. 3909, November 28, 1990). The five amendments provided for: (1) importer representation on the Cotton Board; (2) the assessment of imported cotton and cotton products; (3) increasing the amount the Secretary of Agriculture can be reimbursed for conduct of a referendum from \$200,000 to \$300,000; (4) reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and (5) terminating the right of a producer to demand a refund of assessments. In a referendum conducted July 17-26, 1991, a majority (60 percent) of importers and producers approved the amendments of 1990, as the Act required. Results of this referendum were announced in a nationally distributed press release dated August 2, 1991. The amendments to the Order were promulgated in final rules published in the *Federal Register* at 56 FR 64470 on December 10, 1991—with a minor correction at 56 FR 66670 on December 24, 1991.

Every 5 years after the July 1991 referendum, the Cotton Research and Promotion Act Amendment of 1990, section 8(c)(1), requires that the Secretary of Agriculture conduct a review to ascertain whether a referendum is needed to determine whether producers and importers favor continuation of the 1990 amendments. If a referendum is held, producers and importers would vote on the continuation of the five specific amendments to the Order provided for in the Cotton Research and Promotion Act Amendments of 1990.

The results of the most recent review report of the Cotton Research and Promotion Program was issued on December 18, 2020, and the Department found no compelling reason to conduct a referendum (85 FR 82426). But, consistent with section 8(c)(2) of the Act, the Department provided notice of the opportunity for all eligible persons to request a continuance referendum on the 1991 amendments by making such a request during a sign-up period. During the period of June 21, 2021, through July 2, 2021, and October 18, 2021, through October 29, 2021, the Department conducted a sign-up period for all eligible persons to request a continuance referendum on the 1990 Act amendments. The results from the sign-up period (86 FR 72203) did not meet the statutory criteria for a referendum. Therefore, the Department did not conduct a referendum.

In 2026, the Secretary of Agriculture will conduct its review of the Cotton Research and Promotion Program Act amendments to ascertain whether a referendum is needed to determine whether producers and importers support continuation of the five specific amendments to the Order, as provided for by the 1990 Act amendments. The Secretary of Agriculture will make a public announcement of the results of the review. Pursuant to the Act, if the Secretary of Agriculture determines that a referendum is needed, the Secretary of Agriculture will conduct the referendum within 12 months after a public announcement of the determination to conduct the referendum.

If the Secretary determines that a referendum is not warranted, a sign-up period to request such a referendum will be made available to cotton producers and importers. A referendum will be held if requested by 10 percent or more of those voting in the most recent referendum as long as not more than 20 percent are from any one State or importers of cotton. This sign-up period will be announced in the *Federal Register*.

A 60-day comment period is provided for interested persons to provide comments to be used by the Department in its review. All interested persons are invited to submit written comments on the following five specific amendments:

- (1) Importer representation on the Cotton Board;
- (2) The assessment of imported cotton and cotton products;
- (3) Increasing the amount the Secretary of Agriculture can be reimbursed for conduct of a referendum from \$200,000 to \$300,000;
- (4) Reimbursing government agencies who assist in administering the collection of assessments on imported cotton and cotton products; and
- (5) Terminating the right of a producer to demand a refund of assessments.

Authority: 7 U.S.C. 2101-2118.

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Agricultural Marketing Service.
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