

ricultural endeavors requiring bees for pollinating purposes.

(5) The honey production industry within the United States is comprised mainly of small- and medium-sized businesses.

(6) The development and implementation of coordinated programs of research, promotion, consumer education, and industry information necessary for the maintenance of markets and the development of new markets have been inadequate.

(7) Without cooperative action in providing for and financing such programs, honey producers, honey handlers, wholesalers, and retailers are unable to implement programs of research, promotion, consumer education, and industry information necessary to maintain and improve markets for these products.

(8) The ability to develop and maintain purity standards for honey and honey products is critical to maintaining the consumer confidence, safety, and trust that are essential components of any undertaking to maintain and develop markets for honey and honey products.

(9) Research directed at improving the cost effectiveness and efficiency of beekeeping, as well as developing better means of dealing with pest and disease problems, is essential to keeping honey and honey product prices competitive and facilitating market growth as well as maintaining the financial well-being of the honey industry.

(10) Research involving the quality, safety, and image of honey and honey products and how that quality, safety, and image may be affected during the extraction, processing, packaging, marketing, and other stages of the honey and honey product production and distribution process, is highly important to building and maintaining markets for honey and honey products.

(b) Purposes

The purposes of this chapter are—

(1) to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective, continuous, and nationally coordinated program of promotion, research, consumer education, and industry information designed to—

(A) strengthen the position of the honey industry in the marketplace;

(B) maintain, develop, and expand domestic and foreign markets and uses for honey and honey products;

(C) maintain and improve the competitiveness and efficiency of the honey industry; and

(D) sponsor research to develop better means of dealing with pest and disease problems;

(2) to maintain and expand the markets for all honey and honey products in a manner that—

(A) is not designed to maintain or expand any individual producer's, importer's, or handler's share of the market; and

(B) does not compete with or replace individual advertising or promotion efforts de-

signed to promote individual brand name or trade name honey or honey products; and

(3) to authorize and fund programs that result in government speech promoting government objectives.

(c) Administration

Nothing in this chapter—

(1) prohibits the sale of various grades of honey;

(2) provides for control of honey production;

(3) limits the right of the individual honey producer to produce honey; or

(4) creates a trade barrier to honey or honey products produced in a foreign country.

(Pub. L. 98-590, §2, Oct. 30, 1984, 98 Stat. 3115; Pub. L. 105-185, title VI, §605(a), June 23, 1998, 112 Stat. 587.)

AMENDMENTS

1998—Pub. L. 105-185, §605(a)(1), added section catchline and struck out former section catchline, designated introductory provisions and pars. (1) to (7) as subsec. (a), inserted heading, and substituted “Congress makes the following findings” for “The Congress finds that” in introductory provisions.

Subsec. (a)(6), (7). Pub. L. 105-185, §605(a)(2)(A), substituted “consumer education, and industry information” for “and consumer education”.

Subsec. (a)(8) to (10). Pub. L. 105-185, §605(a)(2)(B), added pars. (8) to (10).

Subsecs. (b), (c). Pub. L. 105-185, §605(a)(3), added subsecs. (b) and (c) and struck out former subsec. (b) which read as follows:

“(b)(1) It is, therefore, the purpose of this chapter to authorize the establishment of an orderly procedure for the development and financing, through an adequate assessment, of an effective and coordinated program of research, promotion, and consumer education designed to strengthen the position of the honey industry in the marketplace and maintain, develop, and expand markets for honey and honey products.

“(2) Nothing in this chapter may be construed to dictate quality standards for honey, provide for control of its production, or otherwise limit the right of the individual honey producer to produce honey. This chapter treats foreign producers equitably, and nothing in this chapter may be construed as a trade barrier to honey produced in foreign countries.”

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-624, title XIX, §1981, Nov. 28, 1990, 104 Stat. 3904, provided that: “This chapter [chapter 1 (§§ 1981-1987) of subtitle F of title XIX of Pub. L. 101-624, enacting section 4610a of this title, amending sections 4602, 4606, 4608, and 4612 of this title, and enacting provisions set out as a note under section 4603 of this title] may be cited as the ‘Honey Research, Promotion, and Consumer Information Act Amendments of 1990’.”

SHORT TITLE

Section 1 of Pub. L. 98-590 provided that: “This Act [enacting this chapter] may be cited as the ‘Honey Research, Promotion, and Consumer Information Act’.”

§ 4602. Definitions

As used in this chapter:

(1) The term “Committee” means the National Honey Nominations Committee provided for under section 4606(b) of this title.

(2) The term “consumer education” means any action to provide information on the usage and care of honey or honey products.

(3) DEPARTMENT.—The term “Department” means the Department of Agriculture.

(4) The term “exporter” means any person who exports honey or honey products from the United States.

(5) HANDLE.—

(A) IN GENERAL.—The term “handle” means to process, package, sell, transport, purchase, or in any other way place or cause to be placed in commerce, honey or a honey product.

(B) INCLUSION.—The term “handle” includes selling unprocessed honey that will be consumed or used without further processing or packaging.

(C) EXCLUSIONS.—The term “handle” does not include—

(i) the transportation of unprocessed honey by a producer to a handler;

(ii) the transportation by a commercial carrier of honey, whether processed or unprocessed, for a handler or producer; or

(iii) the purchase of honey or a honey product by a consumer or other end-user of the honey or honey product.

(6) The term “handler” means any person who handles honey.

(7) The term “honey” means the nectar and saccharine exudations of plants which are gathered, modified, and stored in the comb by honey bees.

(8) The term “Honey Board” means the board provided for under section 4606(c) of this title.

(9) HONEY PRODUCTION.—The term “honey production” means all beekeeping operations related to—

(A) managing honey bee colonies to produce honey;

(B) harvesting honey from the colonies;

(C) extracting honey from the honeycombs; and

(D) preparing honey for sale for further processing.

(10) The term “honey products” means products produced, in whole or part, from honey.

(11) The term “importer” means any person who imports honey or honey products into the United States or acts as an agent, broker, or consignee for any person or nation that produces honey outside of the United States for sale in the United States and who is listed in the import records as the importer of record for such honey or honey products.

(12) INDUSTRY INFORMATION.—The term “industry information” means information or a program that will lead to the development of new markets, new marketing strategies, or increased efficiency for the honey industry, or an activity to enhance the image of honey and honey products and of the honey industry.

(13) The term “marketing” means the sale or other disposition in commerce of honey or honey products.

(14) NATIONAL HONEY MARKETING COOPERATIVE.—The term “national honey marketing cooperative” means a cooperative that markets its products in at least 2 of the following 4 regions of the United States, as determined by the Secretary:

(A) The Atlantic Coast, including the District of Columbia and the Commonwealth of Puerto Rico.

(B) The Mideast.

(C) The Midwest.

(D) The Pacific, including the States of Alaska and Hawaii.

(15) The term “person” means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

(16) The term “producer” means any person who produces honey in the United States for sale in commerce.

(17) The term “producer-packer” means any person who is both a producer and handler of honey.

(18) The term “promotion” means any action, including paid advertising, pursuant to this chapter, to present a favorable image for honey or honey products to the public with the express intent of improving the competitive position and stimulating sales of honey or honey products.

(19) QUALIFIED NATIONAL ORGANIZATION REPRESENTING HANDLER INTERESTS.—The term “qualified national organization representing handler interests” means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee handler, handler-importer, alternate handler, and alternate handler-importer members of the Honey Board under section 4606(b) of this title.

(20) QUALIFIED NATIONAL ORGANIZATION REPRESENTING IMPORTER INTERESTS.—The term “qualified national organization representing importer interests” means an organization that the Secretary certifies as being eligible to recommend nominations for the Committee importer, handler-importer, alternate importer, and alternate handler-importer members of the Honey Board under section 4606(b) of this title.

(21) The term “research” means any type of research designed to advance the image, desirability, usage, marketability, production, or quality of honey or honey products.

(22) The term “Secretary” means the Secretary of Agriculture.

(23) The term “State” means any of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

(24) The term “State association” means that organization of beekeepers in a State which is generally recognized as representing the beekeepers of that State.

(Pub. L. 98-590, § 3, Oct. 30, 1984, 98 Stat. 3116; Pub. L. 101-624, title XIX, § 1982, Nov. 28, 1990, 104 Stat. 3904; Pub. L. 105-185, title VI, § 605(b), June 23, 1998, 112 Stat. 588.)

AMENDMENTS

1998—Pars. (1) to (5). Pub. L. 105-185, § 605(b)(3), redesignated pars. (14), (12), (19), (18), and (7) as (1) to (5), respectively. Former pars. (1) to (5) redesignated (7), (10), (22), (15), and (16), respectively.

Par. (7). Pub. L. 105-185, § 605(b)(3), redesignated par. (1) as (7). Former par. (7) redesignated (5).

Pub. L. 105-185, § 605(b)(1), added par. (7) and struck out former par. (7) which read as follows: “The term ‘handle’ means to sell, package, or process honey.”

Pars. (8) to (12). Pub. L. 105-185, § 605(b)(3), redesignated pars. (15), (20), (2), (8), and (21) as (8) to (12), respectively. Former pars. (8) to (12) redesignated (11), (17), (18), (21), and (2), respectively.

Pars. (14) to (18). Pub. L. 105-185, §605(b)(3), redesignated pars. (22), (4), (5), (9), and (10) as (14) to (18), respectively. Former pars. (14) to (18) redesignated (1), (8), (24), (23), and (4), respectively.

Pars. (19) to (24). Pub. L. 105-185, §605(b)(3), redesignated pars. (23), (24), (11), (3), (17), and (16) as (19) to (24), respectively. Former pars. (19) to (24) redesignated (3), (9), (12), (14), (19), and (20), respectively.

Pub. L. 105-185, §605(b)(2), added pars. (19) to (24).

1990—Par. (8). Pub. L. 101-624, §1982(1), substituted “or acts” for “or who acts”, and inserted before period at end “and who is listed in the import records as the importer of record for such honey or honey products”.

Par. (18). Pub. L. 101-624, §1982(2), added par. (18).

§ 4603. Honey research, promotion, and consumer information order

To effectuate the declared policy of this chapter, the Secretary shall, subject to the provisions of this chapter, issue and, from time to time, amend orders and regulations applicable to persons engaged in the production, sale, or handling of honey and honey products in the United States and the importation of honey and honey products into the United States.

(Pub. L. 98-590, §4, Oct. 30, 1984, 98 Stat. 3116; Pub. L. 105-185, title VI, §605(c), June 23, 1998, 112 Stat. 589.)

AMENDMENTS

1998—Pub. L. 105-185 inserted “and regulations” after “orders”.

CONFORMING AMENDMENT TO ORDER

Pub. L. 101-624, title XIX, §1987, Nov. 28, 1990, 104 Stat. 3908, provided that: “Notwithstanding any provision of the Honey Research, Promotion, and Consumer Information Act (7 U.S.C. 4601 et seq.), the Secretary of Agriculture, after notice and opportunity for public comment, shall issue an amendment to the order in effect under such Act on the date of the enactment of this Act [Nov. 28, 1990] to conform such order to the amendments made by this subtitle [subtitle F (§§1981-1989) of title XIX of Pub. L. 101-624, enacting section 4610a of this title and amending sections 1787, 4602, 4606, 4608, and 4612 of this title], which shall become effective on the date of the publication of such amendment to the order in the Federal Register without a referendum thereon (except for the referendum specifically provided for under section 1985 [amending section 4612 of this title]). The Secretary shall issue such amendment to the order in final form not later than 150 days after the date of the enactment of this Act.”

§ 4604. Notice and hearing

(a) Notice and comment

In issuing an order under this chapter, an amendment to an order, or a regulation to carry out this chapter, the Secretary shall comply with section 553 of title 5.

(b) Formal agency action

Sections 556 and 557 of that title shall not apply with respect to the issuance of an order, an amendment to an order, or a regulation under this chapter.

(c) Proposal of an order

A proposal for an order may be submitted to the Secretary by any organization or interested person affected by this chapter.

(Pub. L. 98-590, §5, Oct. 30, 1984, 98 Stat. 3117; Pub. L. 105-185, title VI, §605(d), June 23, 1998, 112 Stat. 589.)

AMENDMENTS

1998—Pub. L. 105-185 reenacted section catchline without change and amended text generally. Prior to amendment, text read as follows: “Whenever the Secretary has reason to believe that the issuance of an order will assist in carrying out the purpose of this chapter, the Secretary shall provide due notice of and opportunity for a hearing upon a proposed order. Such hearing may be requested and a proposal for an order submitted by any organization or interested person affected by the provisions of this chapter.”

§ 4605. Findings and issuance of order

After notice and opportunity for comment has been provided in accordance with section 4604(a) of this title, the Secretary shall issue an order, an amendment to an order, or a regulation under this chapter, if the Secretary finds, and specifies in the order, amendment, or regulation, that the issuance of the order, amendment, or regulation will assist in carrying out the purposes of this chapter.

(Pub. L. 98-590, §6, Oct. 30, 1984, 98 Stat. 3117; Pub. L. 105-185, title VI, §605(e), June 23, 1998, 112 Stat. 589.)

AMENDMENTS

1998—Pub. L. 105-185 amended section catchline and text generally. Prior to amendment, text read as follows: “After notice of and opportunity for a hearing has been provided in accordance with section 4604 of this title, the Secretary shall issue an order if the Secretary finds, and sets forth in such order, that, upon the evidence introduced at such hearing, the issuance of such order and all the terms and conditions thereof will assist in carrying out the purpose of this chapter.”

§ 4606. Required terms of order

(a) Terms and conditions of order

Any order issued by the Secretary under this chapter shall contain the terms and conditions described in this section and, except as provided in section 4607 of this title, no others.

(b) National Honey Nominations Committee; composition; nominations; terms; Chairman; compensation; meetings; voting

(1) Such order shall provide for the establishment and appointment by the Secretary of a National Honey Nominations Committee which shall consist of not more than one member from each State, from nominations submitted by each State association. If a State association does not submit a nomination, the Secretary may provide for nominations from that State to be made in a different manner, except that if a State which is not one of the top twenty honey-producing States in the United States (as determined by the Secretary) does not submit a nomination, such State shall not be represented on the Committee.

(2) Members of the Committee shall serve for three-year terms with no member serving more than two consecutive three-year terms, except that the term of appointments to the Committee may be staggered periodically, as determined by the Secretary.

(3) The Committee shall select its Chairman by a majority vote.

(4) The members of the Committee shall serve without compensation but shall be reimbursed for their reasonable expenses incurred in per-