

mulgated under this chapter), the Secretary may assess, on the record after an opportunity for a hearing, a civil penalty—

(1) of not more than \$25,000 per violation, if an agricultural product is not involved in the violation; or

(2) of not more than 100 percent of the value of the agricultural product, if an agricultural product is involved in the violation.

(Aug. 11, 1916, ch. 313, pt. C, §15, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

PRIOR PROVISIONS

A prior section 254, act Aug. 11, 1916, ch. 313, pt. C, §13, 39 Stat. 488, prohibited discrimination by warehousemen, prior to the general amendment of this chapter by Pub. L. 106-472. See section 247 of this title.

A prior section 15 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 256 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§ 255. Jurisdiction and arbitration

(a) Federal jurisdiction

A district court of the United States shall have exclusive jurisdiction over any action brought under this chapter without regard to the amount in controversy or the citizenship of the parties.

(b) Arbitration

Nothing in this chapter prevents the enforceability of an agreement to arbitrate that would otherwise be enforceable under chapter 1 of title 9.

(Aug. 11, 1916, ch. 313, pt. C, §16, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

PRIOR PROVISIONS

A prior section 255, act Aug. 11, 1916, ch. 313, pt. C, §14, 39 Stat. 488, deemed deposit of products in a licensed warehouse as deposit subject to this chapter, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 16 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 258 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

§ 256. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Aug. 11, 1916, ch. 313, pt. C, §17, as added Pub. L. 106-472, title II, §201, Nov. 9, 2000, 114 Stat. 2068.)

PRIOR PROVISIONS

A prior section 256, acts Aug. 11, 1916, ch. 313, pt. C, §15, 39 Stat. 488; Feb. 23, 1923, ch. 106, 42 Stat. 1283, related to inspection and grading of products stored, prior to the general amendment of this chapter by Pub. L. 106-472.

A prior section 17 of act Aug. 11, 1916, ch. 313, pt. C, was classified to section 259 of this title, prior to the general amendment of this chapter by Pub. L. 106-472.

Prior sections 257 to 273 were omitted in the general amendment of this chapter by Pub. L. 106-472.

Section 257, acts Aug. 11, 1916, ch. 313, pt. C, §19, 39 Stat. 489; Feb. 23, 1923, ch. 106, 42 Stat. 1284, authorized Secretary to promulgate standards for agricultural products. See section 244 of this title.

Section 258, act Aug. 11, 1916, ch. 313, pt. C, §16, 39 Stat. 488, related to mingling of stored products. See section 248 of this title.

Section 259, acts Aug. 11, 1916, ch. 313, pt. C, §17, 39 Stat. 488; Pub. L. 99-260, §14, Mar. 20, 1986, 100 Stat. 54;

Pub. L. 101-624, title V, §508(a), Nov. 28, 1990, 104 Stat. 3441; Pub. L. 102-237, title X, §1009, Dec. 13, 1991, 105 Stat. 1898; Pub. L. 102-553, §1, Oct. 28, 1992, 106 Stat. 4140, required issuance of receipts for products stored and set forth provisions relating to central filing system and transfer of stored products. See sections 249 and 250 of this title.

Section 260, acts Aug. 11, 1916, ch. 313, pt. C, §18, 39 Stat. 488; July 24, 1919, ch. 26, 41 Stat. 266; Feb. 23, 1923, ch. 106, 42 Stat. 1284, related to contents of receipts. See section 250 of this title.

Section 261, act Aug. 11, 1916, ch. 313, pt. C, §20, 39 Stat. 489, related to issuance of further receipt with original outstanding. See section 250 of this title.

Section 262, act Aug. 11, 1916, ch. 313, pt. C, §21, 39 Stat. 489, required delivery on demand of products stored and set forth conditions to delivery. See section 251 of this title.

Section 263, act Aug. 11, 1916, ch. 313, pt. C, §22, 39 Stat. 490, related to cancellation of receipt upon delivery of product stored. See section 251 of this title.

Section 264, act Aug. 11, 1916, ch. 313, pt. C, §23, 39 Stat. 490, related to recording and reporting requirements and directed compliance with this chapter and regulations. See section 246 of this title.

Section 265, act Aug. 11, 1916, ch. 313, pt. C, §24, 39 Stat. 490, authorized Secretary to examine stored products and publish findings. See sections 242 and 253 of this title.

Section 266, act Aug. 11, 1916, ch. 313, pt. C, §26, 39 Stat. 490, authorized publication of investigation results, list of terminated licenses, and names and locations of bonded warehouses. See section 253 of this title.

Section 267, act Aug. 11, 1916, ch. 313, pt. C, §27, 39 Stat. 490, authorized examination of books and records of warehousemen. See section 242 of this title.

Section 268, act Aug. 11, 1916, ch. 313, pt. C, §28, 39 Stat. 490, authorized rules and regulations.

Section 269, acts Aug. 11, 1916, ch. 313, pt. C, §29, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, §9, 46 Stat. 1465, related to cooperation with States, exclusivity of Secretary's authority, and preemption of laws. See section 242 of this title.

Section 270, acts Aug. 11, 1916, ch. 313, pt. C, §30, 39 Stat. 490; Feb. 23, 1923, ch. 106, 42 Stat. 1285; Mar. 2, 1931, ch. 366, §10, 46 Stat. 1465; Pub. L. 101-624, title V, §508(b), Nov. 28, 1990, 104 Stat. 3443, set forth punishment for violations of this chapter. See section 254 of this title.

Section 271, acts Aug. 11, 1916, ch. 313, pt. C, §31, 39 Stat. 491; Pub. L. 97-35, title I, §158(a)(2), Aug. 13, 1981, 95 Stat. 376, authorized appropriations and employment of temporary personnel. See section 256 of this title.

Section 272, act Aug. 11, 1916, ch. 313, pt. C, §32, 39 Stat. 491, related to separability of provisions.

Section 273, act Aug. 11, 1916, ch. 313, pt. C, §33, 39 Stat. 491, reserved right to amend, alter, or repeal this chapter.

CHAPTER 11—HONEYBEES

Sec.	
281.	Honeybee importation.
282.	Punishment for unlawful importation.
283.	Propagation of stock and release of germ plasm.
284.	Eradication and control of undesirable species and subspecies.
285.	Uses of funds.
286.	Authorization of appropriations.

§ 281. Honeybee importation

(a) In general

The Secretary of Agriculture is authorized to prohibit or restrict the importation or entry of honeybees and honeybee semen into or through the United States in order to prevent the intro-

duction and spread of diseases and parasites harmful to honeybees, the introduction of genetically undesirable germ plasm of honeybees, or the introduction and spread of undesirable species or subspecies of honeybees and the semen of honeybees.

(b) Regulations

The Secretary of Agriculture and the Secretary of the Treasury are each authorized to prescribe such regulations as the respective Secretary determines necessary to carry out this section.

(c) Enforcement

Honeybees or honeybee semen offered for importation into, intercepted entering, or having entered the United States, other than in accordance with regulations promulgated by the Secretary of Agriculture and the Secretary of the Treasury, shall be destroyed or immediately exported.

(d) "Honeybee" defined

As used in this chapter, the term "honeybee" means all life stages and the germ plasm of honeybees of the genus *Apis*, except honeybee semen.

(Aug. 31, 1922, ch. 301, §1, 42 Stat. 833; Pub. L. 87-539, §1, July 19, 1962, 76 Stat. 169; Pub. L. 94-319, §1, June 25, 1976, 90 Stat. 709; Pub. L. 103-182, title III, §361(d)(2), Dec. 8, 1993, 107 Stat. 2123; Pub. L. 103-465, title IV, §431(e), Dec. 8, 1994, 108 Stat. 4968.)

AMENDMENTS

1994—Pub. L. 103-465 amended section generally, substituting present provisions for former subsecs. (a) to (e) restricting importation of honeybees and honeybee semen into United States, providing for promulgation of rules and regulations as to such importation, providing for destruction or immediate exportation of non-accepted honeybees or honeybee semen offered for import or intercepted, and defining "honeybee".

1993—Subsec. (a)(3). Pub. L. 103-182, §361(d)(2)(A), added par. (3).

Subsec. (b). Pub. L. 103-182, §361(d)(2)(B), inserted "(1)" after "only from" and added cl. (2).

1976—Pub. L. 94-319 incorporated existing provisions, which related only to honeybees, into subsecs. (a) to (e) relating to honeybees and honeybee semen, making honeybee provisions applicable to all life stages and the germ plasm of honeybees instead of only to honeybees in the adult stage, restating purpose of prohibiting importation of honeybees and restating conditions to be determined by Secretary of Agriculture with respect to countries from which honeybees may be imported.

1962—Pub. L. 87-539 enlarged prohibition against importation of honeybees to include the honeybee of the genus *Apis* instead of only the honeybee *Apis mellifica* and restricted permission to import the honeybee to countries which take adequate precautions to prevent importation of honeybees from countries where dangerous diseases exist.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

SHORT TITLE

Act Aug. 31, 1922, as amended, which is classified to this chapter, is popularly known as the "Honeybee Act".

TRANSFER OF FUNCTIONS

For transfer of functions of the Secretary of Agriculture relating to agricultural import and entry inspection activities under this section to the Secretary of Homeland Security, and for treatment of related references, see sections 231, 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 282. Punishment for unlawful importation

Any person who violates any provision of section 281 of this title or any regulation issued under it is guilty of an offense against the United States and shall, upon conviction, be fined not more than \$1,000, or imprisoned for not more than one year, or both.

(Aug. 31, 1922, ch. 301, §2, 42 Stat. 834; Pub. L. 94-319, §2, June 25, 1976, 90 Stat. 709.)

AMENDMENTS

1976—Pub. L. 94-319 inserted reference to regulations, substituted characterization of violation as offense against the United States for characterization as a misdemeanor, increased maximum fine to \$1,000 from \$500 and struck out provision relating to discretion of the court.

§ 283. Propagation of stock and release of germ plasm

The Secretary of Agriculture may propagate bee-breeding stock and may release bee germ plasm to the public.

(Sept. 21, 1944, ch. 412, title I, §103, 58 Stat. 735; Oct. 31, 1951, ch. 654, §3(1), 65 Stat. 708; Pub. L. 97-98, title XI, §1120, Dec. 22, 1981, 95 Stat. 1273.)

CODIFICATION

This section was not enacted as part of act Aug. 31, 1922, which comprises this chapter.

Provisions similar to this section were contained in the following prior Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 439.

July 12, 1943, ch. 215, 57 Stat. 407.

AMENDMENTS

1981—Pub. L. 97-98 inserted "and may release bee germ plasm to the public".

1951—Act Oct. 31, 1951, struck out provisions relating to sale of surplus bee-breeding stock, and the fixing of rates and disposition of proceeds in connection therewith.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-98 effective on Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of this title.

§ 284. Eradication and control of undesirable species and subspecies

(a) Operations in United States

The Secretary of Agriculture either independently or in cooperation with States or political subdivisions thereof, farmers' associations, and similar organizations and individuals, is authorized to carry out operations or measures in the United States to eradicate, suppress, control, and to prevent or retard the spread of undesirable species and subspecies of honeybees.