

the “Dairy Research Trust Fund” if the Institute is established under section 4532 of this title and a dairy products research order issued under section 4533 of this title is effective during such fiscal year.

**(b) Authorization of appropriations; transfer of moneys; investments**

(1) There is authorized to be appropriated to the Fund or transferred from moneys available to the Commodity Credit Corporation for deposit in the Fund, \$100,000,000.

(2) Moneys deposited in the Fund under paragraph (1) shall be invested by the Secretary of the Treasury in obligations of the United States or any agency thereof, in general obligations of any State or any political subdivision thereof, in any interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System, or in obligations fully guaranteed as to principal and interest by the United States. Interest, dividends, and other payments that accrue from such investments shall be deposited in the Fund and also shall be so invested, subject to subsection (c).

**(c) Availability of moneys for authorized and approved activities**

Moneys in the Fund, other than moneys appropriated or transferred under paragraph (1) of subsection (b), shall be available to the board, in such amounts, and for such activities authorized by this subchapter, as the Secretary may approve.

(Pub. L. 98-180, title I, §135, as added Pub. L. 99-198, title I, §121, Dec. 23, 1985, 99 Stat. 1371.)

**§ 4537. Termination of order, Institute, and Fund**

**(a) Termination or suspension of order**

The Secretary, whenever the Secretary finds that the order issued under this subchapter or any provision of such order obstructs or does not tend to facilitate the expansion of markets for milk and dairy products marketed in the United States, shall terminate or suspend the operation of the order or such provision.

**(b) Dissolution of Institute**

If the Secretary terminates the order, the Institute shall be dissolved 180 days after the termination of the order.

**(c) Disposal of moneys in Fund**

If the Institute is dissolved for any reason, the moneys remaining in the Fund shall be disposed of as shall be agreed to by the board and the Secretary.

(Pub. L. 98-180, title I, §136, as added Pub. L. 99-198, title I, §121, Dec. 23, 1985, 99 Stat. 1371.)

**§ 4538. Additional authority**

(a) No provision of this subchapter shall be construed to preempt or supersede any other program relating to milk or dairy products research organized and operated under the laws of the United States or any State.

(b) The provisions of this subchapter applicable to the order issued under section 4533(b) of this title shall be applicable to any amendment to the order.

(Pub. L. 98-180, title I, §137, as added Pub. L. 99-198, title I, §121, Dec. 23, 1985, 99 Stat. 1372.)

**CHAPTER 77—HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION**

Sec.	
4601.	Findings and purposes.
4602.	Definitions.
4603.	Honey research, promotion, and consumer information order.
4604.	Notice and hearing.
4605.	Findings and issuance of order.
4606.	Required terms of order.
4607.	Permissive terms and provisions.
4608.	Collection of assessments; refunds.
4609.	Petition and review.
4610.	Enforcement.
4610a.	Investigations and power to subpoena.
4611.	Requirements of referendum.
4612.	Termination or suspension.
4613.	Implementation of amendments made by Agricultural Research, Extension, and Education Reform Act of 1998.

**§ 4601. Findings and purposes**

**(a) Findings**

Congress makes the following findings:

(1) Honey is produced by many individual producers in every State in the United States.

(2) Honey and honey products move in large part in the channels of interstate and foreign commerce, and honey which does not move in such channels directly burdens or affects interstate commerce.

(3) In recent years, large quantities of low-cost, imported honey have been brought into the United States, replacing domestic honey in the normal trade channels.

(4) The maintenance and expansion of existing honey markets and the development of new or improved markets or uses are vital to the welfare of honey producers and those concerned with marketing, using, and processing honey, along with those engaged in general agricultural 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 designed 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

Pub. L. 98-590, §1, Oct. 30, 1984, 98 Stat. 3115, 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