

date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1998 AMENDMENT

Amendment by Pub. L. 105-277 effective June 23, 1998, see section 101(a) [title VII, §753(f)] of Pub. L. 105-277, set out as a note under section 343 of this title.

§ 4607. Permissive terms and provisions

(a) In general

On the recommendation of the Honey Board, and with the approval of the Secretary, an order issued pursuant to this chapter may contain one or more of the following provisions:

(1) Providing authority to exempt from the provisions of the order honey used for exporting and providing authority for the Honey Board to require satisfactory safeguards against improper use of such exemption.

(2) Providing that in a State with an existing marketing order with respect to honey, the objectives of which the Secretary determines are comparable to the program established under this chapter, there shall be paid to the Honey Board as provided in section 4608 of this title that portion of the national assessment which is above the State assessment, if any, actually paid on such honey.

(3) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures.

(4) Providing that the Honey Board may convene from time to time working groups drawn from producers, honey handlers, importers, exporters, members of the wholesale or retail outlets for honey, or other members of the public to assist in the development of research and marketing programs for honey.

(5) Providing for authority to accumulate reserve funds from assessments collected pursuant to this chapter to permit an effective and continuous coordinated program of research, promotion, and consumer information, in years when the production and assessment income may be reduced, but the total reserve fund may not exceed the amount budgeted for one year's operation.

(6) Providing for the authority to use funds collected under this chapter with the approval of the Secretary for the development and expansion of honey and honey product sales in foreign markets.

(7) Providing for terms and conditions incidental to, and not inconsistent with, the terms and conditions specified in this chapter and necessary to effectuate the other provisions of such an order.

(8) If approved in a referendum conducted under this chapter, providing authority for the development of programs and related rules and regulations that will, with the approval of the Secretary, establish minimum purity standards for honey and honey products that are designed to maintain a positive and wholesome marketing image for honey and honey products.

(b) Inspection and monitoring system

(1) Inspection

Any program, rule, or regulation under subsection (a)(8) may provide for the inspection,

by the Secretary, of honey and honey products being sold for domestic consumption in, or for export from, the United States.

(2) Monitoring system

The Honey Board may develop and recommend to the Secretary a system for monitoring the purity of honey and honey products being sold for domestic consumption in, or for export from, the United States, including a system for identifying adulterated honey.

(3) Coordination with other Federal agencies

The Secretary may coordinate, to the maximum extent practicable, with the head of any other Federal agency that has authority to ensure compliance with labeling or other requirements relating to the purity of honey and honey products concerning an enforcement action against any person that does not comply with a rule or regulation issued by any other Federal agency concerning the labeling or purity requirements of honey and honey products.

(4) Authority to issue regulations

The Secretary may issue such rules and regulations as are necessary to carry out this subsection.

(c) Voluntary quality assurance program

(1) In general

In addition to or independent of any program, rule, or regulation under subsection (b), the Honey Board, with the approval of the Secretary, may establish and carry out a voluntary quality assurance program concerning purity standards for honey and honey products.

(2) Components

The program may include—

(A) the establishment of an official Honey Board seal of approval to be displayed on honey and honey products of producers, handlers, and importers that participate in the voluntary program and are found to meet such standards of purity as are established under the program;

(B) actions to encourage producers, handlers, and importers to participate in the program;

(C) actions to encourage consumers to purchase honey and honey products bearing the official seal of approval; and

(D) periodic inspections by the Secretary, or other parties approved by the Secretary, of honey and honey products of producers, handlers, and importers that participate in the voluntary program.

(3) Display of seal of approval

To be eligible to display the official seal of approval established under paragraph (2)(A) on a honey or honey product, a producer, handler, or importer shall participate in the voluntary program under this subsection.

(d) Authority of Secretary

Notwithstanding any other provision of this chapter, the Secretary shall have the authority to approve or disapprove the establishment of

minimum purity standards, the inspection and monitoring system under subsection (b), and the voluntary quality assurance program under subsection (c).

(Pub. L. 98-590, §8, Oct. 30, 1984, 98 Stat. 3119; Pub. L. 105-185, title VI, §605(g), June 23, 1998, 112 Stat. 596.)

AMENDMENTS

1998—Pub. L. 105-185 designated existing provisions as subsec. (a), inserted heading, and added par. (8) and subsecs. (b) to (d).

§ 4608. Collection of assessments; refunds

(a) Handlers

Except as otherwise provided in this section, a first handler of honey shall be responsible, at the time of first purchase—

(1) for the collection, and payment to the Honey Board, of the assessment payable by a producer under section 4606(e)(2)(A) of this title or, if approved in a referendum conducted under this chapter, under section 4606(e)(3)(A)(i) of this title; and

(2) if approved in a referendum conducted under this chapter, for the payment to the Honey Board of an additional assessment payable by the handler under section 4606(e)(3)(A)(ii) of this title.

(b) Records

The first handler shall maintain a separate record on each producer's honey so handled, including honey owned by the handler.

(c) Importers

Except as otherwise provided in this section, at the time of entry of honey and honey products into the United States, an importer shall remit to the Honey Board through the United States Customs Service—

(1) the assessment on the imported honey and honey products required under section 4606(e)(2)(B) of this title; or

(2) if approved in a referendum conducted under this chapter, the assessment on the imported honey and honey products required under section 4606(e)(3)(B) of this title, of which the amount payable under section 4606(e)(3)(A)(ii) of this title represents the assessment due from the handler to be paid by the importer on behalf of the handler.

(d) Loan and loan deficiency payments; deduction from disbursement of loan funds or loan deficiency payment made to producer

In any case in which a loan, or a loan deficiency payment is made with respect to honey under the honey price support loan program established under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.], or successor statute, the Secretary shall provide for the assessment to be deducted from the disbursement of any loan funds or from the loan deficiency payment made to the producer and for the amount of such assessment to be forwarded to the Honey Board. The Secretary shall provide for the producer to receive a statement of the amount of the assessment deducted from the loan funds or loan deficiency payment promptly after each occasion when an assessment is deducted from any such loan funds or payment under this subsection.

(e) Producer-packers

Except as otherwise provided in this section, a producer-packer shall be responsible for the collection, and payment to the Honey Board, of—

(1) the assessment payable by the producer-packer under section 4606(e)(2)(A) of this title or, if approved in a referendum conducted under this chapter, under section 4606(e)(3)(A)(i) of this title on honey produced by the producer-packer;

(2) at the time of first purchase, the assessment payable by a producer under section 4606(e)(2)(A) of this title or, if approved in a referendum conducted under this chapter, under section 4606(e)(3)(A)(i) of this title on honey purchased by the producer-packer as a first handler; and

(3) if approved in a referendum conducted under this chapter, an additional assessment payable by the producer-packer under section 4606(e)(3)(A)(ii) of this title.

(f) Inspection; books and records

(1) In general

To make available to the Secretary and the Honey Board such information and data as are necessary to carry out this chapter (including an order or regulation issued under this chapter), a handler, importer, producer, or producer-packer responsible for payment of an assessment under this chapter, and a person receiving an exemption from an assessment under section 4606(e)(4) of this title, shall—

(A) maintain and make available for inspection by the Secretary and the Honey Board such books and records as are required by the order and regulations issued under this chapter; and

(B) file reports at the times, in the manner, and having the content prescribed by the order and regulations, which reports shall include the total number of bee colonies maintained, the quantity of honey produced, and the quantity of honey and honey products handled or imported.

(2) Employee or agent

To conduct an inspection or review a report of a handler, importer, producer, or producer-packer under paragraph (1), an individual shall be an employee or agent of the Department or the Honey Board, and shall not be a member or alternate member of the Honey Board.

(3) Confidentiality

An employee or agent described in paragraph (2) shall be subject to the confidentiality requirements of subsection (g).

(g) Confidentiality of information; disclosure

(1) In general

All information obtained under subsection (f) shall be kept confidential by all officers, employees, and agents of the Department or of the Honey Board.

(2) Disclosure

Information subject to paragraph (1) may be disclosed—

(A) only in a suit or administrative hearing brought at the request of the Secretary, or to which the Secretary or any officer of