

“(ii) In order to claim an exemption under this subparagraph, a person shall submit an application to the Honey Board stating the basis on which the person claims the exemption for such year.

“(iii) If, after a person claims an exemption from assessments for any year under this subparagraph, such person no longer meets the requirements of this subparagraph for an exemption, such person shall file a report with the Honey Board in the form and manner prescribed by the Board and pay an assessment on or before March 15 of the subsequent year on all honey produced or imported by such person during the year for which the person claimed the exemption.”

Subsec. (e)(5). Pub. L. 105-185, § 605(f)(3)(A), (D), redesignated par. (3) as (5), inserted “handler,” after “producer-packer” in two places, substituted “paragraph (4)” for “paragraph (2)”, and inserted “, handler,” after “considered a producer”.

Subsec. (f). Pub. L. 105-185, § 605(f)(4), inserted heading, designated first sentence as par. (1), inserted par. heading, struck out “from the assessments” before “shall be used”, added par. (2), designated second sentence as par. (3), and added par. heading.

Subsec. (g). Pub. L. 105-185, § 605(f)(5), substituted “by the Honey Board” for “with assessments collected”.

Subsec. (h). Pub. L. 105-185, § 605(f)(6), substituted “by the Honey Board under” for “through assessments authorized by”.

1990—Subsec. (c)(2). Pub. L. 101-624, § 1983(1)(B), (C), in concluding provisions, substituted “submit nominations for an alternate” for “nominate an alternate or alternates” and inserted at end “However, no producer-packer who, during any three of the preceding five years, purchased for resale more honey than such producer-packer produced shall be eligible for nomination or appointment to the Honey Board as a producer described in subparagraph (A) or as an alternate to such producer.”

Subsec. (c)(2)(C). Pub. L. 101-624, § 1983(1)(A), added subpar. (C) and struck out former subpar. (C) which read as follows: “two members who are importers appointed from nominations submitted by the Committee from recommendations made by industry organizations representing importer interests;”.

Subsec. (c)(4). Pub. L. 101-624, § 1983(1)(D), inserted before period at end “, except that if, as a result of the adjustment of the boundaries of the regions established under paragraph (2)(A), a producer member or alternate is no longer from the region from which such person was appointed, such member or alternate may serve out the term for which such person was appointed”.

Subsec. (e)(1). Pub. L. 101-624, § 1984(a)(1), substituted new second sentence for “For the first year in which the plan is in effect, the assessment rate shall be \$0.01 per pound, with payment to be made in the manner described in section 4608 of this title. After the first year, the Honey Board may submit to the Secretary a request for an increase in the assessment rate not to exceed 0.5 cent per year, but at no time may the total assessment rate exceed \$0.04 per pound.”

Subsec. (e)(2), (3). Pub. L. 101-624, § 1984(a)(2), added pars. (2) and (3) and struck out former par. (2) which read as follows: “A producer or producer-packer who produces, or handles, or produces and handles less than six thousand pounds of honey per year or an importer who imports less than six thousand pounds of honey per year shall be exempt from the assessment. In order to claim such an exemption, a person shall submit an application to the Honey Board stating that their production, handling, or importation of honey shall not exceed six thousand pounds for the year for which the exemption is claimed.”

Subsec. (k). Pub. L. 101-624, § 1983(2), added subsec. (k).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the 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.