

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 provi-

sion 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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4613 of this title.

§ 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.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4605, 4611, 4613 of this title.

§ 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 fol-

lows: "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."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 4611, 4613 of this title.

§ 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 performing their duties as members of the Committee.

(5) The Committee shall nominate the members and alternates of the Honey Board and submit such nominations to the Secretary. In making such nominations, the Committee shall meet annually, except that, when determined by the Chairman, the Committee may conduct its business by mail ballot in lieu of an annual meeting. In order to nominate members to the Honey Board, at least 50 percent of the members from the twenty leading honey producing States must vote. A majority of the National Honey Nominations Committee shall constitute a quorum for voting at an annual meeting. In the case of a mail ballot, votes must be received from a majority of the Committee.

(c) Honey Board; membership; terms; alternates; compensation; powers; duties

(1) The order described in subsection (a) of this section shall provide for the establishment and appointment by the Secretary of a Honey Board in accordance with this subsection.

(2) The membership of the Honey Board shall consist of—

(A) 7 members who are honey producers appointed from nominations submitted by the National Honey Nominations Committee, one from each of seven regions of the United States which shall be established by the Secretary on the basis of the production of honey in the different areas of the country;

(B) 2 members who are handlers appointed from nominations submitted by the Committee from recommendations made by qualified national organizations representing handler interests;

(C) if approved in a referendum conducted under this chapter, 2 members who—

(i) are handlers of honey;

(ii) during any 3 of the preceding 5 years, were also importers of record of at least 40,000 pounds of honey; and

(iii) are appointed from nominations submitted by the Committee from recommendations made by—

(I) qualified national organizations representing handler interests or qualified national organizations representing importer interests; or

(II) if the Secretary determines that there is not a qualified national organization representing handler interests or a qualified national organization representing importer interests, individual handlers or importers that have paid assessments to the Honey Board on imported honey or honey products;

(D) 2 members who are importers appointed from nominations submitted by the Committee from recommendations made by—

(i) qualified national organizations representing importer interests; or

(ii) if the Secretary determines that there is not a qualified national organization representing importer interests, individual importers that have paid assessments to the Honey Board on imported honey or honey products; and

(E) 1 member who is an officer, director, or employee of a national honey marketing cooperative appointed from nominations submitted by the Committee from recommendations made by qualified national honey marketing cooperatives.

(3) ALTERNATES.—The Committee shall submit nominations for an alternate for each member of the Honey Board described in paragraph (2). An alternate shall be appointed in the same manner as a member and shall serve when the member is absent from a meeting or is disqualified.

(4) RECONSTITUTION.—

(A) REVIEW.—If approved in a referendum conducted under this chapter and in accordance with rules issued by the Secretary, the Honey Board shall review, at times determined under subparagraph (E)—

(i) the geographic distribution of the quantities of domestically produced honey assessed under the order; and

(ii) changes in the annual average percentage of assessments owed by importers under the order relative to assessments owed by producers and handlers of domestic honey, including—