

Subsec. (a)(2)(A), (B)(i), (C), (D). Pub. L. 113-79, §12104(b)(2)(B), substituted “goat, or venison” for “or goat”.

Subsec. (a)(2)(E). Pub. L. 113-79, §12104(b)(2)(C), substituted “goat, and venison” for “and goat” in heading and “ground goat, or ground venison” for “or ground goat” wherever appearing in text.

2008—Subsec. (a)(2) to (4). Pub. L. 110-246, §11002(2)(A), added pars. (2) to (4) and struck out former pars. (2) and (3) which related to designation of United States as country of origin for beef, lamb, pork, fish, perishable agricultural commodities, and peanuts, and requirement that notice of country of origin for fish shall distinguish between wild and farm-raised fish.

Subsec. (d). Pub. L. 110-246, §11002(2)(B), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: “The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to verify compliance with this subchapter (including the regulations promulgated under section 1638c(b) of this title).”

2002—Subsec. (a)(2)(D). Pub. L. 107-206 amended subpar. (D) generally. Prior to amendment, subpar. (D) read as follows: “in the case of wild fish, is—

“(i) harvested in waters of the United States, a territory of the United States, or a State; and

“(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof; and”.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 1638b. Enforcement

##### (a) Warnings

If the Secretary determines that a retailer or person engaged in the business of supplying a covered commodity to a retailer is in violation of section 1638a of this title, the Secretary shall—

(1) notify the retailer<sup>1</sup> of the determination of the Secretary; and

(2) provide the retailer<sup>1</sup> a 30-day period, beginning on the date on which the retailer<sup>1</sup> receives the notice under paragraph (1) from the Secretary, during which the retailer<sup>1</sup> may take necessary steps to comply with section 1638a of this title.

##### (b) Fines

If, on completion of the 30-day period described in subsection (a)(2), the Secretary determines that the retailer or person engaged in the business of supplying a covered commodity to a retailer has—

(1) not made a good faith effort to comply with section 1638a of this title, and

(2) continues to willfully violate section 1638a of this title with respect to the violation about which the retailer or person received notification under subsection (a)(1),

after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer or

person in an amount of not more than \$1,000 for each violation.

(Aug. 14, 1946, ch. 966, title II, §283, as added Pub. L. 107-171, title X, §10816, May 13, 2002, 116 Stat. 535; amended Pub. L. 110-234, title XI, §11002(3), May 22, 2008, 122 Stat. 1354; Pub. L. 110-246, §4(a), title XI, §11002(3), June 18, 2008, 122 Stat. 1664, 2116.)

#### Editorial Notes

##### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

##### AMENDMENTS

2008—Pub. L. 110-246, §11002(3), redesignated subsec. (b) as (a) and substituted “retailer or person engaged in the business of supplying a covered commodity to a retailer” for “retailer” in introductory provisions, added subsec. (b), and struck out former subsecs. (a) and (c) which related to applicability of section 1636b of this title to a violation of this subchapter and fine for violation of section 1638a of this title. The substitution in subsec. (a) was made for “retailer” the first time appearing to reflect the probable intent of Congress.

#### Statutory Notes and Related Subsidiaries

##### 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.

#### § 1638c. Regulations

##### (a) Guidelines

Not later than September 30, 2002, the Secretary shall issue guidelines for the voluntary country of origin labeling of covered commodities based on the requirements of section 1638a of this title.

##### (b) Regulations

Not later than September 30, 2004, the Secretary shall promulgate such regulations as are necessary to implement this subchapter.

##### (c) Partnerships with States

In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States with enforcement infrastructure to assist in the administration of this subchapter.

(Aug. 14, 1946, ch. 966, title II, §284, as added Pub. L. 107-171, title X, §10816, May 13, 2002, 116 Stat. 535.)

#### § 1638d. Applicability

This subchapter shall apply to the retail sale of a covered commodity beginning September 30, 2008, except for “farm-raised fish” and “wild fish” which shall be September 30, 2004.

(Aug. 14, 1946, ch. 966, title II, §285, as added Pub. L. 107-171, title X, §10816, May 13, 2002, 116 Stat. 535; amended Pub. L. 108-199, div. A, title VII, §749, Jan. 23, 2004, 118 Stat. 37; Pub. L. 109-97, title VII, §792, Nov. 10, 2005, 119 Stat. 2164.)

<sup>1</sup> So in original. Probably should be “retailer or person”.