

aggregate form that does not allow the identification of the person who supplied or is the subject of the particular information.

**(2) Exception**

Paragraph (1) shall not prohibit the disclosure by an officer or employee of the Federal Government of information described in paragraph (1)(B) as otherwise directed by the Secretary or the Attorney General for enforcement purposes.

**(i) Funding**

**(1) Authorization of appropriations**

In addition to the amount made available under paragraph (2), there is authorized to be appropriated to carry out this section \$1,000,000 for each of fiscal years 2023 through 2027.

**(2) Direct funding**

**(A) Rescission**

There is rescinded \$4,100,000 of the unobligated balance of amounts made available by section 1003 of the American Rescue Plan Act of 2021 (Public Law 117-2).

**(B) Appropriation**

If such unobligated amounts are available to execute the rescission under subparagraph (A), on the day after the execution of the rescission, there is appropriated to the Secretary, out of amounts in the Treasury not otherwise appropriated, \$4,100,000 to carry out this section to remain available for fiscal years 2023 through 2027.

**(3) Prohibition**

None of the funds of the Commodity Credit Corporation shall be used to carry out this section.

**(j) Rule of construction**

Nothing in this section shall be construed to provide authority to the Secretary for the establishment or operation of a Federal market through which agriculture or forestry credits may be bought or sold.

(Pub. L. 117-328, div. HH, title I, §201, Dec. 29, 2022, 136 Stat. 5971.)

**Editorial Notes**

REFERENCES IN TEXT

Act of August 30, 1890, referred to in subsec. (f)(2)(C)(vi), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§321 et seq.) of chapter 13 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 321 of this title and Tables.

The Federal Advisory Committee Act, referred to in subsec. (f)(7), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which was set out in the Appendix to Title 5, Government Organization and Employees, and was substantially repealed and restated in chapter 10 (§1001 et seq.) of Title 5 by Pub. L. 117-286, §§3(a), 7, Dec. 27, 2022, 136 Stat. 4197, 4361. Section 14 of the Act was repealed and restated as section 1013 of Title 5. For disposition of sections of the Act into chapter 10 of Title 5, see Disposition Table preceding section 101 of Title 5.

Section 1003 of the American Rescue Plan Act of 2021, referred to in subsec. (i)(2)(A), is section 1003 of Pub. L.

117-2, title I, Mar. 11, 2021, 135 Stat. 12, which is not classified to the Code.

CODIFICATION

Section was enacted as part of the Consolidated Appropriations Act, 2023, and not as part of the Global Climate Change Prevention Act of 1990 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of Agriculture, see section 101 of div. HH of Pub. L. 117-328, set out as a note under section 2016a of this title.

**CHAPTER 97—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION**

Sec.	
6801.	Findings and declaration of policy.
6802.	Definitions.
6803.	Issuance of orders.
6804.	Required terms in orders.
6805.	Exclusion; determinations.
6806.	Referenda.
6807.	Petition and review.
6808.	Enforcement.
6809.	Investigations and power to subpoena.
6810.	Confidentiality.
6811.	Authority for Secretary to suspend or terminate order.
6812.	Construction.
6813.	Regulations.
6814.	Authorization of appropriations.

**§ 6801. Findings and declaration of policy**

**(a) Findings**

Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment;

(2)(A) cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses; and

(B) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers—

(A) purchase most of the cut flowers and cut greens marketed by producers;

(B) prepare the cut flowers and cut greens for retail consumption;

(C) serve as an intermediary between the source of the product and the retailer;

(D) otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce; and

(E) add efficiencies to the market process that ensure the availability of a much greater variety of the product to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(5)(A) cut flowers and cut greens move in interstate and foreign commerce; and

(B) cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in cut flowers and cut greens;

(6) the maintenance and expansion of markets in existence on December 14, 1993, and the development of new or improved markets or uses for cut flowers and cut greens, are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of markets in existence on December 14, 1993, and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this chapter in that the program will enhance the market development efforts of the programs for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for cut flowers and cut greens; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point at which the flowers and greens are sold by handlers into the retail market.

**(b) Policy and purpose**

It is the policy of Congress that it is in the public interest, and it is the purpose of this chapter, to authorize the establishment,

through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of the cut flowers and cut greens industry in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

(Pub. L. 103-190, § 2, Dec. 14, 1993, 107 Stat. 2266.)

**Statutory Notes and Related Subsidiaries**

SHORT TITLE

Pub. L. 103-190, § 1(a), Dec. 14, 1993, 107 Stat. 2266, provided that: "This Act [enacting this chapter] may be cited as the 'Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993'."

**§ 6802. Definitions**

As used in this chapter:

**(1) Consumer information**

The term "consumer information" means any action or program that provides information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

**(2) Cut flowers and cut greens**

**(A) In general**

**(i) Cut flowers**

The term "cut flowers" includes all flowers cut from growing plants that are used as fresh-cut flowers and that are produced under cover or in field operations.

**(ii) Cut greens**

The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants that are used as fresh-cut decorative foliage (except Christmas trees) and that are produced under cover or in field operations.

**(iii) Exclusions**

The terms "cut flowers" and "cut greens" do not include a foliage plant, floral supply, or flowering plant.

**(B) Substantial portion**

In any case in which a handler packages cut flowers or cut greens with hard goods in an article (such as a gift basket or similar presentation) for sale to a retailer, the PromoFlor Council may determine, under procedures specified in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on the determination, the article shall not be treated as an article of cut flowers or cut greens subject to assessment under the order.

**(3) Gross sales price**

The term "gross sales price" means the total amount of the transaction in a sale of cut flowers or cut greens from a handler to a retailer or exempt handler.