

portation and logistics needs of agricultural producers and related rural businesses, including—

- (1) the transportation of biofuels; and
- (2) the export of agricultural products.

**(c) Selection criteria**

**(1) In general**

The Secretary shall award grants under this section on the basis of the transportation research, education, and outreach expertise of the applicant, as determined by the Secretary.

**(2) Priority**

In awarding grants under this section, the Secretary shall give priority to institutions of higher education for use in coordinating research and education activities with other institutions of higher education with similar agricultural and rural transportation research and education programs.

**(d) Diversification of research**

The Secretary shall award grants under this section in areas that are regionally diverse and broadly representative of the diversity of agricultural production and related transportation needs in the rural areas of the United States.

**(e) Matching funds requirement**

The Secretary shall require each recipient of a grant under this section to provide, from non-Federal sources, in cash or in kind, 50 percent of the cost of carrying out activities under the grant.

**(f) Grant review**

A grant shall be awarded under this section on a competitive, peer- and merit-reviewed basis in accordance with section 7613(a) of this title.

**(g) No duplication**

In awarding grants under this section, the Secretary shall ensure that activities funded under this section do not duplicate the efforts of the University Transportation Centers described in sections 5505 and 5506 of title 49.

**(h) Authorization of appropriations**

There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2008 through 2012.

(Pub. L. 110-234, title VII, §7529, May 22, 2008, 122 Stat. 1278; Pub. L. 110-246, §4(a), title VII, §7529, June 18, 2008, 122 Stat. 1664, 2040.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was enacted as part of the Food, Conservation, and Energy Act of 2008, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

**CHAPTER 89—PECAN PROMOTION AND RESEARCH**

Sec.	
6001.	Findings and declaration of policy.
6002.	Definitions.
6003.	Issuance of plans.
6004.	Regulations.
6005.	Required terms in plans.
6006.	Permissive terms in plans.
6007.	Assessments.
6008.	Petition and review.
6009.	Enforcement.
6010.	Investigations and power to subpoena.
6011.	Requirement of referendum.
6012.	Suspension or termination of plan.
6013.	Authorization of appropriations.

**§ 6001. Findings and declaration of policy**

**(a) Findings**

Congress finds that—

(1) pecans are a native American nut that is an important food, and is a valuable part of the human diet;

(2) the production of pecans plays a significant role in the economy of the United States in that pecans are produced by thousands of pecan producers, shelled and processed by numerous shellers and processors, and pecans produced in the United States are consumed by millions of people throughout the United States and foreign countries;

(3) pecans must be high quality, readily available, handled properly, and marketed efficiently to ensure that consumers have an adequate supply of pecans;

(4) the maintenance and expansion of existing markets and development of new markets for pecans are vital to the welfare of pecan producers and those concerned with marketing, using, and producing pecans, as well as to the general economy of the United States, and necessary to ensure the ready availability and efficient marketing of pecans;

(5) there exist established State organizations conducting pecan promotion, research, and industry and consumer education programs that are invaluable to the efforts of promoting the consumption of pecans;

(6) the cooperative development, financing, and implementation of a coordinated national program of pecan promotion, research, industry information, and consumer information are necessary to maintain and expand existing markets and develop new markets for pecans; and

(7) pecans move in interstate and foreign commerce, and pecans that do not move in such channels of commerce directly burden or affect interstate commerce in pecans.

**(b) Policy**

It is declared to be the policy of Congress that it is in the public interest to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for developing, financing (through adequate assessments on pecans produced or imported into the United States), and carrying out an effective, continuous, coordinated program of promotion, research, industry information, and consumer information designed to—

(1) strengthen the pecan industry’s position in the marketplace;

- (2) maintain and expand existing domestic and foreign markets and uses for pecans; and  
 (3) develop new markets and uses for pecans.

**(c) Construction**

Nothing in this chapter may be construed to provide for the control of production or otherwise limit the right of any person to produce pecans.

(Pub. L. 101-624, title XIX, §1906, Nov. 28, 1990, 104 Stat. 3838.)

SHORT TITLE

Section 1901 of title XIX of Pub. L. 101-624, as amended by Pub. L. 102-237, title VIII, §801, Dec. 13, 1991, 105 Stat. 1882, provided that: "This title [enacting this chapter and chapters 90 to 93 of this title and sections 2109, 2278, and 4610a of this title, amending sections 1787, 2101, 2106 to 2108, 2110, 2116, 2611 to 2614, 2617 to 2619, 2622 to 2624, 4602, 4606, 4608, and 4612 of this title, and enacting provisions set out as notes under sections 2101, 2611, 2625, 4601, and 4603 of this title] may be cited as the 'Agricultural Promotion Programs Act of 1990'."

Section 1905 of Pub. L. 101-624 provided that: "This subtitle [subtitle A (§§1905-1918) of title XIX of Pub. L. 101-624, enacting this chapter] may be cited as the 'Pecan Promotion and Research Act of 1990'."

**§ 6002. Definitions**

As used in this chapter—

**(1) Board**

The term "Board" means the Pecan Marketing Board established in section 6005(b) of this title.

**(2) Commerce**

The term "commerce" means interstate, foreign, or intrastate commerce.

**(3) Conflict of interest**

The term "conflict of interest" means a situation in which a member has a direct or indirect financial interest in a corporation, partnership, sole proprietorship, joint venture, or other business entity dealing directly or indirectly with the Board.

**(4) Consumer information**

The term "consumer information" means information and programs that will assist consumers and other persons in making evaluations and decisions regarding the purchase, preparation, and use of pecans.

**(5) Department**

The term "Department" means the Department of Agriculture.

**(6) District**

The term "district" means a geographical area of the United States, as determined by the Board and approved by the Secretary, in which there is produced approximately one-fourth of the volume of pecans produced in the United States.

**(7) First handler**

The term "first handler" means the first person who buys or takes possession of pecans from a grower for marketing. If a grower markets pecans directly to consumers, such grower shall be considered the first handler with respect to pecans grown by such grower.

**(8) Grower**

The term "grower" means any person engaged in the production and sale of pecans in the United States who owns, or who shares the ownership and risk of loss of, such pecans.

**(9) Grower-sheller**

The term "grower-sheller" means a person who—

(A) shells pecans, or has pecans shelled for such person, in the United States; and

(B) during the immediately previous year, grew 50 percent or more of the pecans such person shelled or had shelled for such person.

**(10) Handle**

The term "handle" means receipt of in-shell pecans by a sheller or first handler, including pecans produced by such sheller or first handler.

**(11) Importer**

The term "importer" means any person who imports pecans from outside of the United States for sale in the United States.

**(12) Industry information**

The term "industry information" means information and programs that will lead to the development of new markets and marketing strategies, increased efficiency, and activities to enhance the image of the pecan industry.

**(13) In-shell pecan**

The term "in-shell pecan" means a pecan that has a shell that has not been removed.

**(14) To market**

The term "to market" means to sell or offer to dispose of pecans in any channel of commerce.

**(15) Member**

The term "member" means a member of the Board.

**(16) Pecan**

The term "pecan" means the nut of the pecan tree *carya illinoensis*.

**(17) Person**

The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other entity.

**(18) Plan**

The term "plan" means a plan issued under section 6003 of this title.

**(19) Promotion**

The term "promotion" means any action taken by the Board, pursuant to this chapter, to present a favorable image of pecans to the public with the express intent of improving the competitive position of pecans in the marketplace and stimulating sales of pecans, including paid advertising.

**(20) Research**

The term "research" means any type of test, study, or analysis designed to advance the image, desirability, usage, marketability, production, product development, or quality of pecans.