

lating the plan, together with a statement of the particular provisions of the plan violated by such person.

**(4) Availability of information**

**(A) Exception**

Except as provided in this chapter, information obtained under this chapter may be made available to another agency of the Federal Government for a civil or criminal law enforcement activity if the activity is authorized by law and if the head of the agency has made a written request to the Secretary specifying the particular information desired and the law enforcement activity for which the information is sought.

**(B) Penalty**

Any person knowingly violating this subsection, on conviction, shall be subject to a fine of not more than \$1,000 or to imprisonment for not more than 1 year, or both, and if an officer or employee of the Board or the Department, shall be removed from office.

**(5) Withholding information**

Nothing in this chapter shall be construed to authorize the withholding of information from Congress.

**(i) Use of assessments**

The plan shall provide that the assessments collected under section 6007 of this title shall be used for payment of the expenses in implementing and administering this chapter, with provision for a reasonable reserve, and to cover those administrative costs incurred by the Secretary in implementing and administering this chapter, except for the salaries of Government employees incurred in conducting referenda.

**(j) Other terms and conditions**

The plan also shall contain such terms and conditions, not inconsistent with this chapter, as determined necessary by the Secretary to effectuate this chapter.

(Pub. L. 101-624, title XIX, §1910, Nov. 28, 1990, 104 Stat. 3841; Pub. L. 102-237, title VIII, §802(2), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Subsec. (b)(8)(G). Pub. L. 102-237 substituted “subparagraphs (A), (B), and (C) of paragraph (3),” for “paragraph 3(A), (B), and (C),” and “subparagraphs (D) and (E) of paragraph (3)” for “paragraph (3)(D) and (E)”.

**§ 6006. Permissive terms in plans**

**(a) In general**

A plan issued pursuant to this chapter may contain one or more of the terms and conditions contained in this section.

**(b) Exemptions**

The plan may provide authority to exempt from the plan pecans used for nonfood uses and authority for the Board to require satisfactory safeguards against improper uses of such exemptions.

**(c) Different payment and reporting schedules**

The plan may provide authority to designate different payment and reporting schedules for

growers, grower-shellers, first handlers and importers to recognize differences in marketing practices and procedures utilized in different production areas.

**(d) Promotion**

The plan may provide for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the promotion of pecans and for the disbursement of necessary funds for such purposes, except that—

(1) any such program or project shall be directed toward increasing the general demand for pecans; and

(2) such promotional activities shall comply with other restrictions on the use of funds that are established under this chapter.

**(e) Research and information**

The plan may provide for establishing and carrying on research, consumer information, and industry information projects and studies to the end that the marketing and utilization of pecans may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

**(f) Reserve funds**

The plan may provide authority to accumulate reserve funds from assessments collected pursuant to this chapter, to permit an effective and continuous coordinated program of research, consumer information, industry information and promotion in years when the production and assessment income may be reduced, except that the total reserve fund may not exceed the amount budgeted for the operation of the plan for 2 years.

**(g) Foreign markets**

The plan may provide authority to use funds collected under this chapter, with the approval of the Secretary, for the development and expansion of pecan sales in foreign markets.

(Pub. L. 101-624, title XIX, §1911, Nov. 28, 1990, 104 Stat. 3847.)

**§ 6007. Assessments**

**(a) In general**

During the effective period of a plan issued pursuant to this chapter, assessments shall be—

(1) levied on all pecans produced in, and all pecans imported into, the United States and marketed; and

(2) deducted from the payment made to a grower for all pecans sold to a first handler.

**(b) Limitation on assessments**

No more than one assessment may be assessed under subsection (a) of this section on a grower (as remitted by a first handler), grower-sheller, or importer, for any lot of pecans handled or imported.

**(c) Remitting assessments**

**(1) In general**

Assessments required under subsection (a) of this section shall be remitted to the Board by—

(A) a first handler; and

(B) an importer.