

carry out this section \$200,000,000, to remain available until expended under the conditions described in subparagraph (B).

**(B) Conditions on expenditure**

The Foundation may use the funds made available under subparagraph (A) to carry out the purposes of the Foundation only to the extent that the Foundation secures an equal amount of non-Federal matching funds for each expenditure.

**(C) Prohibition on construction**

None of the funds made available under subparagraph (A) may be used for construction.

**(2) Separation of funds**

The Executive Director shall ensure that any funds received under paragraph (1) are held in separate accounts from funds received from nongovernmental entities as described in subsection (f)(2)(A)(iii).

(Pub. L. 113–79, title VII, §7601, Feb. 7, 2014, 128 Stat. 904.)

REFERENCES IN TEXT

Section 109 of the Ethics in Government Act of 1978, referred to in subsec. (f)(4)(B)(ii), is section 109 of Pub. L. 95–521, which is set out in the Appendix to Title 5, Government Organization and Employees.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

**§ 5940. Legitimacy of industrial hemp research**

**(a) In general**

Notwithstanding the Controlled Substances Act (21 U.S.C. 801 et seq.), chapter 81 of title 41, or any other Federal law, an institution of higher education (as defined in section 1001 of title 20) or a State department of agriculture may grow or cultivate industrial hemp if—

- (1) the industrial hemp is grown or cultivated for purposes of research conducted under an agricultural pilot program or other agricultural or academic research; and
- (2) the growing or cultivating of industrial hemp is allowed under the laws of the State in which such institution of higher education or State department of agriculture is located and such research occurs.

**(b) Definitions**

In this section:

**(1) Agricultural pilot program**

The term “agricultural pilot program” means a pilot program to study the growth, cultivation, or marketing of industrial hemp—

- (A) in States that permit the growth or cultivation of industrial hemp under the laws of the State; and
- (B) in a manner that—
  - (i) ensures that only institutions of higher education and State departments of agriculture are used to grow or cultivate industrial hemp;
  - (ii) requires that sites used for growing or cultivating industrial hemp in a State

be certified by, and registered with, the State department of agriculture; and

(iii) authorizes State departments of agriculture to promulgate regulations to carry out the pilot program in the States in accordance with the purposes of this section.

**(2) Industrial hemp**

The term “industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.

**(3) State department of agriculture**

The term “State department of agriculture” means the agency, commission, or department of a State government responsible for agriculture within the State.

(Pub. L. 113–79, title VII, §7606, Feb. 7, 2014, 128 Stat. 912; Pub. L. 114–95, title IX, §9215(f), Dec. 10, 2015, 129 Stat. 2166.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in subsec. (a), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, which is classified principally to subchapter I (§801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 which comprises this subchapter.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95 struck out “the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7101 et seq.)” before “chapter 81” in introductory provisions.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of Title 20, Education.

**CHAPTER 89—PECAN PROMOTION AND RESEARCH**

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**§ 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;