

(A) shells pecans or has pecans shelled for the account of such person; and

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

**(25) State**

The term “State” means any of the several States, the District of Columbia and the Commonwealth of Puerto Rico.

**(26) United States**

The term “United States” means collectively the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(Pub. L. 101-624, title XIX, §1907, Nov. 28, 1990, 104 Stat. 3839; Pub. L. 102-237, title VIII, §802(1), Dec. 13, 1991, 105 Stat. 1882.)

AMENDMENTS

1991—Par. (22). Pub. L. 102-237 substituted “in-shell” for “inshell”.

**§ 6003. Issuance of plans**

**(a) In general**

To effectuate the declared policy of section 6001(b) of this title, the Secretary shall, subject to this chapter, issue and from time to time amend, plans applicable to growers, grower-shellers, shellers, first handlers, and importers of pecans. Any such plan shall be national in scope. Not more than one plan shall be in effect under this chapter at any one time.

**(b) Procedure**

**(1) Proposal for issuance of plan**

The Secretary may propose the issuance of a plan under this chapter, or an association of pecan growers or grower-shellers or any other person that will be affected by this chapter may request the issuance of, and submit a proposal for, such a plan.

**(2) Proposed plan**

Not later than 60 days after the receipt of a request and proposal by an interested person for a plan, or when the Secretary determines to propose a plan, the Secretary shall publish a proposed plan and give due notice and opportunity for public comment on the proposed plan.

**(3) Issuance of plan**

After notice and opportunity for public comment are given, as provided in paragraph (2), the Secretary shall issue a plan, taking into consideration the comments received and including in the plan provisions necessary to ensure that the plan is in conformity with the requirements of this chapter.

**(4) Effective date of plan**

Such plan shall be issued and become effective not later than 150 days following publication of the proposed plan.

**(c) Amendments**

The Secretary, from time to time, may amend any plan issued under this section. The provisions of this chapter applicable to a plan shall be applicable to amendments to a plan.

(Pub. L. 101-624, title XIX, §1908, Nov. 28, 1990, 104 Stat. 3841.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6002, 6007, 6011 of this title.

**§ 6004. Regulations**

The Secretary may issue such regulations as are necessary to carry out this chapter.

(Pub. L. 101-624, title XIX, §1909, Nov. 28, 1990, 104 Stat. 3841.)

**§ 6005. Required terms in plans**

**(a) In general**

Each plan issued under this chapter shall contain the terms and conditions prescribed in this section.

**(b) Pecan Marketing Board**

**(1) Establishment**

The plan shall establish a Pecan Marketing Board to carry out the program referred to in section 6001(b) of this title.

**(2) Service to entire industry**

The Board shall carry out programs and projects that will provide maximum benefit to the pecan industry in all parts of the United States and only generically promote pecans.

**(3) Board membership**

The Board shall consist of 15 members, including—

(A) 8 members who are growers;

(B) 4 members who are shellers;

(C) one member who is a first handler and who derives over 50 percent of the member's gross income from buying and selling pecans;

(D) one member who is an importer of pecans into the United States, nominated by the Board;

(E) one member representing the general public, nominated by the Board; and

(F) at the option of the Board, a consultant or advisor representing the views of pecan producers in a country other than the United States who may be chosen to attend Board functions as a nonvoting member.

**(4) Representation of members**

**(A) Grower representatives**

Of the growers referred to in paragraph (3)(A), 2 members shall be from each district.

**(B) Sheller representatives**

Of the shellers referred to in paragraph (3)(B)—

(i) 2 members shall be selected from among shellers whose place of residence is east of the Mississippi River; and

(ii) 2 members shall be selected from among shellers whose place of residence is west of the Mississippi River.

**(C) First handler representative**

The first handler representative on the Board referred to in paragraph (3)(C) shall be selected from among first handlers whose place of residence is in a district.