

and agricultural sciences and to each specific subject area for which grant funds under this section are to be used.

(2) The Secretary of Agriculture may require that any grant awarded under this section contain provisions that require funds to be targeted to meet the needs identified in section 3101 of this title.

**(e)<sup>1</sup> Authorization of appropriations**

There are authorized to be appropriated such sums as are necessary for each of the fiscal years 2002 through 2007 to carry out this section. (Pub. L. 95-113, title XIV, § 1491, as added Pub. L. 107-171, title VII, § 7503, May 13, 2002, 116 Stat. 465.)

**CHAPTER 65—WHEAT AND WHEAT FOODS RESEARCH AND NUTRITION EDUCATION**

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<sup>1</sup> So in original. No subssecs. (c) and (d) have been enacted.

Sec.	
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**§ 3401. Congressional findings and declaration of policy**

(a) Wheat is basic to the American diet and the American economy. It is grown by thousands of farmers and consumed, in various forms, by millions of people in the United States.

(b) The size of the American wheat crop and how it is marketed and ultimately consumed determines whether many Americans receive adequate nourishment. Wheat has a strong impact on the Nation's well-being. Additional research on the optimal use of wheat products can improve the American diet. Consumer education about the nutritional value and economic use of wheat products can enhance the national welfare.

(c) It has long been recognized that it is in the national interest to have a regular, adequate, and high quality wheat supply. It would be extremely difficult, without an effective coordinated research and nutrition education effort, to accomplish this objective. A programed effort of research and nutrition education is of great importance to wheat producers, processors, end product manufacturers, and consumers.

(d) It is the purpose of this chapter and in the public interest to authorize and enable the creation of an orderly procedure, adequately financed through an assessment, for the development and initiation of an effective and continuous coordinated program of research and nutrition education, designed to improve and enhance the quality, and make the most efficient use, of American wheat, processed wheat, and wheat end products to ensure an adequate diet for the people of the United States. The maximum rate of assessment authorized hereunder represents an infinitesimal proportion of the overall cost of manufacturing wheat end products. Therefore, such assessment will not significantly affect the retail prices of those products. Furthermore, any price effect will be more than offset by the increased efficiency in end product manufacture and increased consumer acceptance, due to nutritional improvements in wheat products, which may be expected to follow from adoption of a plan under this chapter. Nothing in this chapter shall be construed to provide for control of production or otherwise limit the right of individual wheat producers to produce wheat.

(Pub. L. 95-113, title XVII, § 1702, Sept. 29, 1977, 91 Stat. 1031.)

**EFFECTIVE DATE**

Chapter effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

**SHORT TITLE**

Section 1701 of title XVII of Pub. L. 95-113 provided that: "This title [enacting this chapter] may be cited as the 'Wheat and Wheat Foods Research and Nutrition Education Act'."

**SEPARABILITY**

Section 1718 of Pub. L. 95-113 provided that: "If any provision of this title [this chapter] or the application

thereof to any person or circumstances is held invalid, the validity of the remainder of the title and of the application of such provision to other persons and circumstances shall not be affected thereby.”

### § 3402. Definitions

For the purposes of this chapter:

(a) The term “wheat” means all classes of wheat grains grown in the United States.

(b) The term “processed wheat” means the wheat-derived content of any substance (such as cake mix or flour) produced for use as an ingredient of an end product by changing wheat grown within the United States in form or character by any mechanical, chemical, or other means.

(c) The term “end product” means any product which contains processed wheat as an ingredient and which is intended, as produced, for consumption as human food, notwithstanding any additional incidental preparation which may be necessary by the ultimate consumer.

(d) The term “wheat producer” means any person who grows wheat within the United States for market.

(e) The term “processor” means any person who commercially produces processed wheat within the United States.

(f) The term “end product manufacturer” means any person who commercially produces an end product within the United States, but such term shall not include such persons to the extent that they produce end products on the premises where such end products are to be consumed by an ultimate consumer, including, but not limited to, hotels, restaurants, and institutions, nor shall such term include persons who produce end products for their own personal, family, or household use.

(g) The term “research” means any type of research to advance the nutritional quality, marketability, production, or other qualities of wheat, processed wheat, or end products.

(h) The term “nutrition education” means any action to disseminate to the public information resulting from research concerning the economic value or nutritional benefits of wheat, processed wheat, and end products.

(i) The term “Council” means the Wheat Industry Council established pursuant to section 3405 of this title.

(j) The term “Department” means the United States Department of Agriculture.

(k) The term “Secretary” means the Secretary of Agriculture of the United States.

(l) The term “person” means any individual, partnership, corporation, association, or other entity.

(m) The term “United States” means the several States and the District of Columbia, including any territory or possession.

(Pub. L. 95–113, title XVII, §1703, Sept. 29, 1977, 91 Stat. 1032.)

### § 3403. Issuance of orders

#### (a) Notice and hearing

Whenever the Secretary has reason to believe that the issuance of an order will tend to effectuate the declared policy of this chapter, the Secretary shall give due notice and opportunity

for hearing upon a proposed order. Such hearing may be requested and proposal for an order submitted by an organization certified pursuant to section 3413 of this title, or by any interested person affected by the provisions of this chapter, including the Secretary.

#### (b) Effectuation of Congressional policy

After notice and opportunity for hearing as provided in subsection (a) of this section, the Secretary shall issue an order if the Secretary finds, and sets forth in such order, upon the evidence introduced at such hearing that the issuance of such order and all the terms and conditions thereof will tend to effectuate the declared policy of this chapter.

(Pub. L. 95–113, title XVII, §1704, Sept. 29, 1977, 91 Stat. 1033.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3413 of this title.

### § 3404. Permissive terms and conditions of orders

Any order issued pursuant to this chapter shall contain one or more of the following terms and conditions, and, except as provided in section 3405 of this title, no others:

#### (a) Nutrition education plans

providing for the establishment, issuance, effectuation, and administration of appropriate plans or projects for nutrition education, both within the United States and in international markets with respect to wheat, processed wheat, and end products, and for the disbursement of necessary funds for such purposes: *Provided*, That in carrying out any such plan or project, no reference to a private brand or trade name shall be made if the Secretary determines that such reference will result in undue discrimination against wheat, processed wheat, and end products of other person: *Provided further*, That no such plans or projects shall make use of unfair or deceptive acts or practices in behalf of wheat, processed wheat, and end products or unfair or deceptive acts or practices with respect to quality, value, or use of any competing product;

#### (b) Research and studies

providing for the establishment and conduct of research or studies with respect to sale, distribution, marketing, utilization, or production of wheat, processed wheat, and end products and the creation of new products thereof to the end that the marketing and utilization of wheat, processed wheat, and end products may be encouraged, expanded, improved, or made more acceptable, and for the disbursement of necessary funds for such purposes;

#### (c) Records and reports; confidential information; penalties

providing that processors, distributors of processed wheat, and end product manufacturers shall maintain and make available for inspection by the Secretary or the Council such books and records as may be required by any order issued pursuant to this title and for the filing of reports by such persons at the time, in the manner, and having the content prescribed by the order, to the end that information shall be made