

er 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.

**(21) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(22) Shell**

The term “shell” means to remove the shell from an in-shell pecan.

**(23) Shelled pecan**

The term “shelled pecan” means a pecan kernel, or portion of a kernel, after the pecan shell has been removed.

**(24) Sheller**

The term “sheller” means any person who—

(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.