

(7) The term “plan” means an order issued by the Secretary under this chapter.

(8) The term “promotion” means any action taken by the Board, under this chapter, to present a favorable image for watermelons to the public with the express intent of improving the competitive position of watermelons in the marketplace and stimulating sales of watermelons, and shall include, but not be limited to, paid advertising.

(9) The term “Board” means the National Watermelon Promotion Board provided for in section 4906 of this title.

(10) The term “United States” means each of the several States and the District of Columbia.

(Pub. L. 99-198, title XVI, §1643, Dec. 23, 1985, 99 Stat. 1623; Pub. L. 103-189, §§3(a), 8(a), (k)(3), 9(a), Dec. 14, 1993, 107 Stat. 2259, 2261, 2263, 2264.)

#### AMENDMENTS

1993—Pub. L. 103-189, §8(k)(3)(A), substituted “chapter:” for “chapter—” in introductory provisions.

Pars. (1), (2). Pub. L. 103-189, §8(k)(3)(B), (C), substituted “The term” for “the term” and a period for semicolon at end.

Par. (3). Pub. L. 103-189, §8(a)(1), (k)(3)(B), substituted “The term” for “the term” and “or imported into the United States.” for the semicolon at end.

Pub. L. 103-189, §3(a)(1), struck out “the forty-eight contiguous States of” after “by producers in”.

Par. (4). Pub. L. 103-189, §8(k)(3)(B), (C), substituted “The term” for “the term” and a period for semicolon at end.

Par. (5). Pub. L. 103-189, §9(a), substituted “10” for “five”.

Pub. L. 103-189, §8(k)(3)(B), (C), substituted “The term” for “the term” and a period for semicolon at end.

Pars. (6), (7). Pub. L. 103-189, §8(a)(2), (3), added pars. (6) and (7) and redesignated former pars. (6) and (7) as (8) and (9), respectively.

Par. (8). Pub. L. 103-189, §8(a)(2), (k)(3)(D), redesignated par. (6) as (8) and substituted “The term” for “the term” and a period for “; and” at end.

Par. (9). Pub. L. 103-189, §8(a)(2), (k)(3)(E), redesignated par. (7) as (9) and substituted “The term” for “the term” and “4906” for “4903”.

Par. (10). Pub. L. 103-189, §3(a)(2), added par. (10).

### § 4903. Issuance of plans

To effectuate the declared policy of this chapter, the Secretary shall, under the provisions of this chapter, issue, and from time to time may amend, orders (applicable to producers, handlers, and importers of watermelons) authorizing the collection of assessments on watermelons under this chapter and the use of such funds to cover the costs of research, development, advertising, and promotion with respect to watermelons under this chapter. Any plan shall be applicable to watermelons produced in the United States or imported into the United States.

(Pub. L. 99-198, title XVI, §1644, Dec. 23, 1985, 99 Stat. 1623; Pub. L. 103-189, §§3(b), 8(b), Dec. 14, 1993, 107 Stat. 2259, 2261.)

#### AMENDMENTS

1993—Pub. L. 103-189, in first sentence, substituted “, handlers, and importers” for “and handlers”, struck out after first sentence “Any order issued by the Secretary under this chapter shall hereinafter in this chap-

ter be referred to as a ‘plan.’”, and in last sentence, struck out “the forty-eight contiguous States of” after “watermelons produced in”, and inserted “or imported into the United States” before period at end.

### § 4904. Notice and hearings

(a) When sufficient evidence, as determined by the Secretary, is presented to the Secretary by watermelon producers, handlers, and importers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this chapter, the Secretary shall give due notice and opportunity for a hearing on a proposed plan. Such hearing may be requested by watermelon producers, handlers, or importers or by any other interested person, including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

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

(Pub. L. 99-198, title XVI, §1645, Dec. 23, 1985, 99 Stat. 1623; Pub. L. 103-189, §8(c), Dec. 14, 1993, 107 Stat. 2261.)

#### AMENDMENTS

1993—Subsec. (a). Pub. L. 103-189 substituted “, handlers, and importers” for “and handlers” and “, handlers, or importers” for “or handlers”.

### § 4905. Regulations

The Secretary may issue such regulations as may be necessary to carry out the provisions of this chapter and the powers vested in the Secretary under this chapter.

(Pub. L. 99-198, title XVI, §1646, Dec. 23, 1985, 99 Stat. 1624.)

### § 4906. Required terms in plans

#### (a) Description of terms and provisions

Any plan issued under this chapter shall contain the terms and provisions described in this section.

#### (b) Establishment and powers of National Watermelon Promotion Board

The plan shall provide for the establishment by the Secretary of the National Watermelon Promotion Board and for defining its powers and duties, which shall include the powers to—

(1) administer the plan in accordance with its terms and conditions;

(2) make rules and regulations to effectuate the terms and conditions of the plan;

(3) receive, investigate, and report to the Secretary complaints of violations of the plan; and

(4) recommend to the Secretary amendments to the plan.

#### (c) Membership of Board; representation of interests; appointment; nomination; eligibility of producers; importer representation

(1) The plan shall provide that the Board shall be composed of representatives of producers and