

tution in text which did not contain a comma after the word “handlers”, to reflect the probable intent of Congress.

Pub. L. 103-189, §8(j)(1)-(2)(B), in first sentence, substituted “at least 10 percent of the combined total” for “10 per centum or more” and “, handlers, and importers” for “and handlers” in two places, and in second sentence, substituted “, handle, or import” for “or handle” and “50 percent of the combined total” for “50 per centum”.

§ 4914. Amendment procedure

(a) In general

Before a plan issued by the Secretary under this chapter may be amended, the Secretary shall publish the proposed amendments for public comment and conduct a referendum in accordance with section 4912 of this title.

(b) Separate consideration of amendments

(1) In general

The amendments described in paragraph (2) that are required to be made by the Secretary to a plan as a result of the amendments made by the Watermelon Research and Promotion Improvement Act of 1993 shall be subject to separate line item voting and approval in a referendum conducted pursuant to section 4912 of this title before the Secretary alters the plan as in effect on the day before December 14, 1993.

(2) Amendments

The amendments referred to in paragraph (1) are the amendments to a plan required under—

(A) section 7 of the Watermelon Research and Promotion Improvement Act of 1993 relating to the elimination of the assessment refund; and

(B) section 8 of such Act relating to subjecting importers to the terms and conditions of the plan.

(3) Importers

When conducting the referendum relating to subjecting importers to the terms and conditions of a plan, the Secretary shall include as eligible voters in the referendum producers, handlers, and importers who would be subject to the plan if the amendments to a plan were approved.

(Pub. L. 99-198, title XVI, §1655, Dec. 23, 1985, 99 Stat. 1630; Pub. L. 103-189, §10, Dec. 14, 1993, 107 Stat. 2264.)

REFERENCES IN TEXT

The Watermelon Research and Promotion Improvement Act of 1993, referred to in subsec. (b)(1), (2), is Pub. L. 103-189, Dec. 14, 1993, 107 Stat. 2259, which amended this section and sections 4901 to 4904, 4906, 4908, and 4911 to 4913 of this title, and enacted provisions set out as a note under section 4901 of this title. Section 7 of the Act amended section 4906 of this title. Section 8 of the Act amended sections 4901 to 4904, 4906, 4908, and 4911 to 4913 of this title. For complete classification of this Act to the Code, see Short Title of 1993 Amendment note set out under section 4901 of this title and Tables.

AMENDMENTS

1993—Pub. L. 103-189 amended section generally. Prior to amendment, section read as follows: “The provisions

of this chapter applicable to plans shall be applicable to amendments to plans.”

§ 4915. Separability

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

(Pub. L. 99-198, title XVI, §1656, Dec. 23, 1985, 99 Stat. 1630.)

§ 4916. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out the provisions of this chapter, except that the funds so appropriated shall not be available for the payment of any expenses or expenditures of the Board in administering any provision of any plan issued under authority of this chapter.

(Pub. L. 99-198, title XVI, §1657, Dec. 23, 1985, 99 Stat. 1630.)

CHAPTER 81—NATIONAL COMMISSION ON AGRICULTURE AND RURAL DEVELOPMENT POLICY

§§ 5001 to 5007. Omitted

CODIFICATION

Sections 5001 to 5007 were omitted pursuant to section 5007 which provided that this chapter and the National Commission on Agriculture and Rural Development Policy established by this chapter terminated 5 years after Dec. 23, 1985.

Section 5001, Pub. L. 99-198, title XVII, §1722, Dec. 23, 1985, 99 Stat. 1637; Pub. L. 100-71, title V, §519(a)(2), July 11, 1987, 101 Stat. 475, defined “Commission”, “Governor”, and “State”.

Section 5002, Pub. L. 99-198, title XVII, §1723, Dec. 23, 1985, 99 Stat. 1637; Pub. L. 100-71, title V, §519(a)(2), July 11, 1987, 101 Stat. 475, provided for establishment of the Commission, appointment of its members by President, election of Chairman, and meetings of the Commission.

Section 5003, Pub. L. 99-198, title XVII, §1724, Dec. 23, 1985, 99 Stat. 1638, related to studies to be conducted by the Commission.

Section 5004, Pub. L. 99-198, title XVII, §1725, Dec. 23, 1985, 99 Stat. 1639, provided for annual reports to President and Congress.

Section 5005, Pub. L. 99-198, title XVII, §1726, Dec. 23, 1985, 99 Stat. 1639, provided for administrative operations of the Commission, member compensation, appointment and compensation of director and staff, and maintenance of records.

Section 5006, Pub. L. 99-198, title XVII, §1727, Dec. 23, 1985, 99 Stat. 1640, authorized appropriations to carry out chapter.

Section 5007, Pub. L. 99-198, title XVII, §1728, Dec. 23, 1985, 99 Stat. 1640, provided that this chapter and the Commission terminate five years after Dec. 23, 1985.

SHORT TITLE

Section 1721 of subtitle C (§§1721-1728) of title XVII of Pub. L. 99-198, as amended by Pub. L. 100-71, title V, §519(a)(1), July 11, 1987, 101 Stat. 475, provided that this subtitle, which enacted this chapter, could be cited as the “National Commission on Agriculture and Rural Development Policy Act of 1985”.

CHAPTER 82—STATE AGRICULTURAL LOAN MEDIATION PROGRAMS

Sec. 5101. Qualifying States.

Sec.	
5102.	Matching grants to States.
5103.	Participation of Federal agencies.
5104.	Regulations.
5105.	Report.
5106.	Authorization of appropriations.

§ 5101. Qualifying States

(a) In general

A State is a qualifying State if the Secretary of Agriculture (hereinafter in this chapter referred to as the “Secretary”) determines that the State has in effect a mediation program that meets the requirements of subsection (c) of this section.

(b) Determination by Secretary

Within 15 days after the Secretary receives from the Governor of a State a description of the mediation program of the State and a statement certifying that the State has met all of the requirements of subsection (c) of this section, the Secretary shall determine whether the State is a qualifying State.

(c) Requirements of State mediation programs

(1) Issues covered

(A) In general

To be certified as a qualifying State, the mediation program of the State must provide mediation services to persons described in paragraph (2) that are involved in agricultural loans (regardless of whether the loans are made or guaranteed by the Secretary or made by a third party).

(B) Other issues

The mediation program of a qualifying State may provide mediation services to persons described in paragraph (2) that are involved in one or more of the following issues under the jurisdiction of the Department of Agriculture:

- (i) Wetlands determinations.
- (ii) Compliance with farm programs, including conservation programs.
- (iii) Agricultural credit.
- (iv) Rural water loan programs.
- (v) Grazing on National Forest System land.
- (vi) Pesticides.
- (vii) Such other issues as the Secretary considers appropriate.

(2) Persons eligible for mediation

(A) In general

Subject to subparagraph (B), the persons referred to in paragraph (1) include—

- (i) agricultural producers;
- (ii) creditors of producers (as applicable); and
- (iii) persons directly affected by actions of the Department of Agriculture.

(B) Voluntary participation

(i) In general

Subject to clause (ii) and section 5103 of this title, a person may not be compelled to participate in mediation services provided under this Act.

(ii) State laws

Clause (i) shall not affect a State law requiring mediation before foreclosure on agricultural land or property.

(3) Certification conditions

The Secretary shall certify a State as a qualifying State with respect to the issues proposed to be covered by the mediation program of the State if the mediation program—

(A) provides for mediation services that, if decisions are reached, result in mediated, mutually agreeable decisions between the parties to the mediation;

(B) is authorized or administered by an agency of the State government or by the Governor of the State;

(C) provides for the training of mediators;

(D) provides that the mediation sessions shall be confidential;

(E) ensures, in the case of agricultural loans, that all lenders and borrowers of agricultural loans receive adequate notification of the mediation program; and

(F) ensures, in the case of other issues covered by the mediation program, that persons directly affected by actions of the Department of Agriculture receive adequate notification of the mediation program.

(d) Definition of mediation services

In this section, the term “mediation services”, with respect to mediation or a request for mediation, may include all activities related to—

- (1) the intake and scheduling of cases;
- (2) the provision of background and selected information regarding the mediation process;
- (3) financial advisory and counseling services (as appropriate) performed by a person other than a State mediation program mediator; and
- (4) the mediation session.

(Pub. L. 100-233, title V, §501, Jan. 6, 1988, 101 Stat. 1662; Pub. L. 100-399, title V, §501, Aug. 17, 1988, 102 Stat. 1005; Pub. L. 103-354, title II, §282(a), Oct. 13, 1994, 108 Stat. 3233; Pub. L. 106-472, title III, §306(a), Nov. 9, 2000, 114 Stat. 2072.)

REFERENCES IN TEXT

This Act, referred to in subsec. (c)(2)(B)(i), is Pub. L. 100-233, Jan. 6, 1988, 101 Stat. 1568, as amended, known as the Agricultural Credit Act of 1987. Provisions relating to mediation services are contained in title V of the Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Tables.

AMENDMENTS

2000—Subsec. (c)(1), (2). Pub. L. 106-472, §306(a)(1), added pars. (1) and (2) and struck out former pars. (1) and (2), which required State mediation program to provide services for producers, their creditors, and other persons involved in agricultural loans, or involved in agricultural loans and such issues as wetlands determinations, compliance with farm programs, agricultural credit, rural water loan programs, grazing on National Forest System lands, pesticides, or such other issues considered appropriate.

Subsec. (d). Pub. L. 106-472, §306(a)(2), added subsec. (d).

1994—Subsec. (a). Pub. L. 103-354, §282(a)(1), substituted “a mediation program” for “an agricultural loan mediation program”.

Subsec. (b). Pub. L. 103-354, §282(a)(2), struck out “agricultural loan” before “mediation program”.

Subsec. (c). Pub. L. 103-354, §282(a)(3), added subsec. (c) and struck out heading and text of former subsec.