

the approval of the Secretary, for the development and carrying out of research, development, advertising, or promotion programs or projects, and the payment of the cost thereof with funds collected under this chapter.

**(k) Recordkeeping; accounting and audit reports**

The plan shall provide that the Board shall (1) maintain books and records, (2) prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it, and (3) cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

**(l) Certification**

The plan shall provide that the Board shall have the authority to establish rules for certifying whether a person meets the definition of a producer under section 4902(5) of this title.

(Pub. L. 99-198, title XVI, §1647, Dec. 23, 1985, 99 Stat. 1624; Pub. L. 103-189, §§4-7, 8(d)-(f), (k)(4), 9(b), Dec. 14, 1993, 107 Stat. 2260-2262, 2264.)

AMENDMENTS

1993—Subsec. (c). Pub. L. 103-189, §§4, 8(d), designated existing provisions as par. (1), substituted “other members of the Board” for “producer and handler members of the Board” in second sentence, and added pars. (2) and (3).

Subsec. (f). Pub. L. 103-189, §§5(1), 6, substituted “payment of the assessments to the Board.” for “collection of the assessments by the Board” and inserted at end “In fixing or changing the rate of assessment pursuant to the plan, the Secretary shall comply with the notice and comment procedures established under section 553 of title 5. Sections 556 and 557 of such title shall not apply with respect to fixing or changing the rate of assessment.”

Subsec. (g). Pub. L. 103-189, §8(k)(4)(A), substituted “the following:” for “that—” in introductory provisions.

Subsec. (g)(1). Pub. L. 103-189, §§5(2), 8(k)(4)(B), substituted “Funds received” for “funds collected” and a period for semicolon at end.

Subsec. (g)(2). Pub. L. 103-189, §8(k)(4)(C), substituted “No” for “no” and a period for semicolon at end.

Subsec. (g)(3). Pub. L. 103-189, §§5(2), 8(k)(4)(D), substituted “No” for “no”, “received” for “collected”, and a period for “; and” at end.

Subsec. (g)(4). Pub. L. 103-189, §8(e)(1), substituted “Assessments” for “assessments” and inserted “in the case of producers and handlers” after “such assessments”.

Subsec. (g)(5). Pub. L. 103-189, §8(e)(2), added par. (5).

Subsec. (h). Pub. L. 103-189, §§7, 8(f), designated existing provisions as par. (1), substituted “Except as provided in paragraph (2), the” for “The”, inserted “(or importer who is subject to the plan)” after “or handler” the first two places appearing, substituted “, handler, or importer paid the assessment” for “or handler paid the assessment”, and added pars. (2) and (3).

Subsec. (l). Pub. L. 103-189, §9(b), added subsec. (l).

**§ 4907. Permissive terms in plans**

**(a) Description of terms and provisions; prohibition**

Any plan issued under this chapter may contain one or more of the terms and provisions described in this section, but except as provided in section 4906 of this title no others.

**(b) Exemptions**

The plan may provide for the exemption, from the provisions of the plan, of watermelons used

for nonfood uses, and authority for the Board to establish satisfactory safeguards against improper use of such exemption.

**(c) Designation of different handler payment and reporting schedules for assessments**

The plan may provide for the designation of different handler payment and reporting schedules with respect to assessments, as provided for in sections 4906 and 4908 of this title, to recognize differences in marketing practices and procedures used in different production areas.

**(d) Advertising and sales promotion programs or projects**

The plan may provide for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and other sales promotion of watermelons and for the disbursement of necessary funds for such purposes. Any such program or project shall be directed toward increasing the general demand for watermelons, and promotional activities shall comply with the provisions of section 4906(g) of this title.

**(e) Marketing objectives of research and development projects and studies**

The plan may provide for establishing and carrying out research and development projects and studies to the end that the marketing and use of watermelons may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

**(f) Reserve funds; limitation**

The plan may provide authority for the accumulation of reserve funds from assessments collected under this chapter, to permit an effective and continuous coordinated program of research, development, advertising, and promotion in years when watermelon production and assessment income may be reduced, except that the total reserve fund may not exceed the amount budgeted for two years operation.

**(g) Foreign market sales**

The plan may provide for the use of funds from assessments collected under this chapter, with the approval of the Secretary, for the development and expansion of sales of watermelons in foreign markets.

**(h) Other terms and conditions**

The plan may contain terms and conditions incidental to and not inconsistent with the terms and conditions specified in this chapter and necessary to effectuate the other provisions of the plan.

(Pub. L. 99-198, title XVI, §1648, Dec. 23, 1985, 99 Stat. 1625.)

**§ 4908. Assessment procedures**

**(a) Persons responsible for remittance of assessments; recordkeeping; equal and unitary assessments**

(1) Each handler required to pay assessments under a plan, as provided for under section 4906(f) of this title, shall be responsible for payment to the Board, as it may direct, of the assessments. A handler also shall collect from any producer, or shall deduct from the proceeds paid