

(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 to any producer, on whose watermelons a producer assessment is made, the assessments required to be paid by the producer. The handler shall remit producer assessments to the Board as the Board directs. Such handler shall maintain a separate record with respect to each producer for whom watermelons were handled. Such records shall indicate the total quantity of watermelons handled by the handler, including those handled for producers and for the handler, the total quantity of watermelons handled by the handler that are included under the terms of the plan, as well as those that are exempt under the plan, and such other information as may be prescribed by the Board. To facilitate the collection and payment of assessments, the Board may designate different handlers or classes of handlers to recognize differences in marketing practices or procedures used in any State or