

sentence, substituted “the person” for “the handler or other person”.

#### § 4912. Requirement of referendum

(a) The Secretary shall conduct a referendum among producers, handlers, and importers not exempt under sections 4902(5) and 4907(b) of this title who, during a representative period determined by the Secretary, have been engaged in the production, handling, or importing of watermelons, for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers, handlers, and importers. The ballots and other information or reports that reveal or tend to reveal the vote of any producer, handler, or importer or the person’s volume of watermelons produced, handled, or imported shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall be subject to the penalties provided in section 4908(c) of this title.

(b) A plan issued under this chapter shall not take effect unless the Secretary determines that the issuance of the plan is approved or favored by a majority of the producers and handlers (and importers who are subject to the plan) voting in the referendum.

(Pub. L. 99-198, title XVI, §1653, Dec. 23, 1985, 99 Stat. 1629; Pub. L. 103-189, §§2, 8(i), Dec. 14, 1993, 107 Stat. 2259, 2262.)

#### AMENDMENTS

1993—Pub. L. 103-189 designated existing provisions as subsec. (a), added subsec. (b), and in subsec. (a) substituted “, handlers, and importers” for “and handlers” in two places and “, handling, or importing” for “or handling” in first sentence, substituted “, handler, or importer” for “or handler” and “, handled, or imported” for “or handled” in sentence beginning with “The ballots”, and struck out after first sentence “The referendum shall be conducted at the county extension offices. No plan issued under this chapter shall be effective unless the Secretary determines that the issuance of the plan is approved or favored by not less than two-thirds of the producers and handlers voting in such referendum, or by the producers and handlers of not less than two-thirds of the watermelons produced and handled during the representative period by producers and handlers voting in such referendum, and by not less than a majority of the producers and a majority of the handlers voting in the referendum.”

#### § 4913. Suspension or termination of plans

(a) Whenever the Secretary finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this chapter, the Secretary shall terminate or suspend the operation of the plan or provision.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or at least 10 percent of the combined total of the watermelon producers, handlers, and importers eligible to vote in a referendum, to determine if watermelon producers, handlers, and importers favor the termination or suspension of the plan. The Secretary shall terminate or suspend the plan at the end of the marketing year whenever the Secretary determines that the termination or suspension is favored by a majority of those voting in the referendum, and who produce, handle, or import

more than 50 per cent of the combined total of the volume of the watermelons produced by the producers, handled by the handlers, or imported by the importers voting in the referendum.

(Pub. L. 99-198, title XVI, §1654, Dec. 23, 1985, 99 Stat. 1630; Pub. L. 103-189, §8(j), Dec. 14, 1993, 107 Stat. 2263.)

#### AMENDMENTS

1993—Subsec. (b). Pub. L. 103-189, §8(j)(3), struck out at end “Any such referendum shall be conducted at county extension offices.”

Pub. L. 103-189, §8(j)(2)(C), which directed the substitution of “, handled by the handlers, or imported by the importers” for “or handled by the handlers,” in second sentence, was executed by making the substitution 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.
- 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).

(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), 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:

- (i) Wetlands determinations.
- (ii) Compliance with farm programs, including conservation programs and the national organic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).
- (iii) Agricultural credit.
- (iv) Rural water loan programs.
- (v) Grazing on National Forest System land.
- (vi) Pesticides.
- (vii) Lease issues, including land leases and equipment leases.
- (viii) Family farm transition.
- (ix) Farmer-neighbor disputes.
- (x) Such other issues as the Secretary or the head of the department of agriculture of each participating State considers appropriate for better serving the agricul-