

lating 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.”

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4906 of this title.

### § 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 Develop-

ment 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. <ol style="list-style-type: none"> <li>(a) In general.</li> <li>(b) Determination by Secretary.</li> <li>(c) Requirements of State mediation programs.</li> </ol>
5102.	Matching grants to States. <ol style="list-style-type: none"> <li>(a) Matching grants.</li> <li>(b) Amount of grant.</li> <li>(c) Use of grant.</li> <li>(d) Penalty.</li> </ol>
5103.	Participation of Federal agencies. <ol style="list-style-type: none"> <li>(a) Duties of Secretary of Agriculture.</li> <li>(b) Duties of Farm Credit Administration.</li> </ol>
5104.	Regulations.
5105.	Report.
5106.	Authorization of appropriations.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 6995 of this title.

### § 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 sec-

tion, the Secretary shall determine whether the State is a qualifying State.

**(c) Requirements of State mediation programs**

**(1) Issues covered**

To be certified as a qualifying State, the mediation program of the State must provide mediation services for the persons described in paragraph (2) who are involved in agricultural loans or agricultural loans and one or more of the following issues under the jurisdiction of the Department of Agriculture:

- (A) Wetlands determinations.
- (B) Compliance with farm programs, including conservation programs.
- (C) Agricultural credit.
- (D) Rural water loan programs.
- (E) Grazing on National Forest System lands.
- (F) Pesticides.
- (G) Such other issues as the Secretary considers appropriate.

**(2) Persons eligible for mediation**

The persons referred to in paragraph (1) are producers, their creditors (if applicable), and other persons directly affected by actions of the Department of Agriculture.

**(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.

(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.)

AMENDMENTS

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. (c). Text read as follows: “Within 15 days after the Secretary receives a description of a State agricultural loan mediation program, the Secretary shall certify the State as a qualifying State if the State program—

- “(1) provides for mediation services to be provided to producers, and their creditors, that, if decisions are reached, result in mediated, mutually agreeable

decisions between parties under an agricultural loan mediation program;

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

“(3) provides for the training of mediators;

“(4) provides that the mediation sessions shall be confidential; and

“(5) ensures that all lenders and borrowers of agricultural loans receive adequate notification of the mediation program.”

1988—Subsec. (b). Pub. L. 100-399 struck out comma after “Governor of a State”.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-399 effective as if enacted immediately after enactment of Pub. L. 100-233, which was approved Jan. 6, 1988, see section 1001(a) of Pub. L. 100-399, set out as a note under section 2002 of Title 12, Banks and Banking.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 5102, 5103 of this title.

**§ 5102. Matching grants to States**

**(a) Matching grants**

Within 60 days after the Secretary certifies the State as a qualifying State under section 5101(b) of this title, the Secretary shall provide financial assistance to the State, in accordance with subsection (b) of this section, for the operation and administration of the mediation program.

**(b) Amount of grant**

**(1) In general**

Subject to paragraph (2), the Secretary shall pay to a State under subsection (a) of this section not more than 70 percent of the cost of the operation and administration of the mediation program within the State.

**(2) Maximum amount**

The Secretary shall not pay more than \$500,000 per year to a single State under subsection (a) of this section.

**(c) Use of grant**

Each State that receives an amount paid under subsection (a) of this section shall use that amount only for the operation and administration of the mediation program of the State with respect to which the amount was paid.

**(d) Penalty**

If the Secretary determines that a State has not complied with subsection (c) of this section, such State shall not be eligible for additional financial assistance under this chapter.

(Pub. L. 100-233, title V, § 502, Jan. 6, 1988, 101 Stat. 1663; Pub. L. 102-554, § 22, Oct. 28, 1992, 106 Stat. 4161; Pub. L. 103-354, title II, § 282(f)(1)(A), Oct. 13, 1994, 108 Stat. 3235.)

AMENDMENTS

1994—Subsecs. (a), (b)(1), (c). Pub. L. 103-354 struck out “agricultural loan” before “mediation program”.

1992—Subsec. (b)(1). Pub. L. 102-554, § 22(1), substituted “70” for “50”.

Subsec. (c). Pub. L. 102-554, § 22(2), inserted before period at end “with respect to which the amount was paid”.

**§ 5103. Participation of Federal agencies****(a) Duties of Secretary of Agriculture****(1) In general**

The Secretary, with respect to each program or agency under the jurisdiction of the Secretary—

(A) shall prescribe rules requiring each such program or agency to participate in good faith in any State mediation program certified under section 5101 of this title;

(B) shall participate in mediation programs certified under section 5101 of this title; and

(C) shall—

(i) cooperate in good faith with requests for information or analysis of information made in the course of mediation under any mediation program certified under section 5101 of this title; and

(ii) if applicable, present and explore debt restructuring proposals advanced in the course of such mediation.

**(2) Nonbinding on Secretary**

The Secretary shall not be bound by any determination made in a program described in section 5101 of this title if the Secretary has not agreed to such determination.

**(b) Duties of Farm Credit Administration**

The Farm Credit Administration shall prescribe rules requiring the institutions of the Farm Credit System—

(1) to cooperate in good faith with requests for information or analysis of information made in the course of mediation under any mediation program described in section 5101 of this title; and

(2) to present and explore debt restructuring proposals advanced in the course of such mediation.

(Pub. L. 100-233, title V, § 503, Jan. 6, 1988, 101 Stat. 1663; Pub. L. 100-399, title V, § 502, Aug. 17, 1988, 102 Stat. 1005; Pub. L. 103-354, title II, § 282(b), Oct. 13, 1994, 108 Stat. 3234.)

## AMENDMENTS

1994—Subsec. (a)(1). Pub. L. 103-354, § 282(b)(2), in introductory provisions inserted “or agency” after “each program” and struck out “that makes, guarantees, or insures agricultural loans” after “of the Secretary”.

Subsec. (a)(1)(A). Pub. L. 103-354, § 282(b)(1), (3), inserted “or agency” after “such program”, struck out “agricultural loan” after “any State”, and inserted “certified under section 5101 of this title” after “mediation program”.

Subsec. (a)(1)(B). Pub. L. 103-354, § 282(b)(1), (4), struck out “, effective beginning on January 6, 1988,” after “shall”, and “agricultural loan” after “participate in”, and inserted “certified under section 5101 of this title” after “mediation programs”.

Subsec. (a)(1)(C)(i). Pub. L. 103-354, § 282(b)(1), (5)(A), struck out “agricultural loan” before “mediation program” and substituted “certified under” for “described in”.

Subsec. (a)(1)(C)(ii). Pub. L. 103-354, § 282(b)(5)(B), inserted “if applicable,” before “present”.

Subsec. (b)(1). Pub. L. 103-354, § 282(b)(1), struck out “agricultural loan” before “mediation program”.

1988—Subsec. (a)(1)(B). Pub. L. 100-399, § 502(a), inserted “effective beginning” before “on”.

Subsec. (a)(2). Pub. L. 100-399, § 502(b), substituted “section 5101 of this title” for “paragraph (1)”.

## EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-399 effective as if enacted immediately after enactment of Pub. L. 100-233, which was approved Jan. 6, 1988, see section 1001(a) of Pub. L. 100-399, set out as a note under section 2002 of Title 12, Banks and Banking.

**§ 5104. Regulations**

The Secretary and the Farm Credit Administration shall prescribe such regulations as may be necessary to carry out this chapter. The regulations prescribed by the Secretary shall require qualifying States to adequately train mediators to address all of the issues covered by the mediation program of the State.

(Pub. L. 100-233, title V, § 504, Jan. 6, 1988, 101 Stat. 1664; Pub. L. 103-354, title II, § 282(c), Oct. 13, 1994, 108 Stat. 3235.)

## AMENDMENTS

1994—Pub. L. 103-354 in first sentence substituted “The” for “Within 150 days after January 6, 1988, the” and inserted at end “The regulations prescribed by the Secretary shall require qualifying States to adequately train mediators to address all of the issues covered by the mediation program of the State.”

**§ 5105. Report**

Not later than January 1, 1998, the Secretary of Agriculture shall report to Congress on—

(1) the effectiveness of the State mediation programs receiving matching grants under this chapter;

(2) recommendations for improving the delivery of mediation services to producers; and

(3) the savings to the States as a result of having a mediation program.

(Pub. L. 100-233, title V, § 505, Jan. 6, 1988, 101 Stat. 1664; Pub. L. 103-354, title II, § 282(d), (f)(1), Oct. 13, 1994, 108 Stat. 3235.)

## AMENDMENTS

1994—Pub. L. 103-354 in introductory provisions substituted “1998” for “1990”, in par. (1) struck out “agricultural loan” before “mediation programs”, and in par. (3) substituted “a mediation” for “an agricultural loan mediation”.

**§ 5106. Authorization of appropriations**

There are authorized to be appropriated to carry out this chapter \$7,500,000 for each of the fiscal years 1988 through 2000.

(Pub. L. 100-233, title V, § 506, Jan. 6, 1988, 101 Stat. 1664; Pub. L. 101-624, title XVIII, § 1853, Nov. 28, 1990, 104 Stat. 3837; Pub. L. 103-354, title II, § 282(e), Oct. 13, 1994, 108 Stat. 3235.)

## AMENDMENTS

1994—Pub. L. 103-354 substituted “2000” for “1995”.

1990—Pub. L. 101-624 substituted “1995” for “1991”.

**CHAPTER 83—AGRICULTURAL  
COMPETITIVENESS AND TRADE****SUBCHAPTER I—FINDINGS, POLICY, AND  
PURPOSE**

Sec. 5201.	Findings.
5202.	Policy.
5203.	Purpose.