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) 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. (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.

§ 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

(1) In general

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.

(2) Operation and administration expenses

For purposes of paragraph (1), operation and administration expenses for which a grant may be used include—

(A) salaries;

(B) reasonable fees and costs of mediators;

(C) office rent and expenses, such as utilities and equipment rental;

(D) office supplies;

(E) administrative costs, such as workers' compensation, liability insurance, the employer's share of Social Security, and necessary travel;

(F) education and training;

(G) security systems necessary to ensure the confidentiality of mediation sessions and records of mediation sessions;

(H) costs associated with publicity and promotion of the mediation program;

(I) preparation of the parties for mediation; and

(J) financial advisory and counseling services for parties requesting mediation.

(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; Pub. L. 106–472, title III, § 306(b), Nov. 9, 2000, 114 Stat. 2072.)

AMENDMENTS

2000—Subsec. (c). Pub. L. 106–472 designated existing provisions as par. (1), inserted heading, and added par. (2).

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 ''agri-

cultural 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 2010.

(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; Pub. L. 106–472, title III, § 306(c), Nov. 9, 2000, 114 Stat. 2073; Pub. L. 109–17, § 1, June 29, 2005, 119 Stat. 339.)

AMENDMENTS

2005—Pub. L. 109–17 substituted ''2010'' for ''2005''.
2000—Pub. L. 106–472 substituted ''2005'' for ''2000''.
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.

SUBCHAPTER II—AGRICULTURAL TRADE INITIATIVES

PART A—GENERAL PROVISIONS

5211, 5212. Repealed.
5213. Joint development assistance agreements with certain trading partners.
5214. Reorganization evaluation.
5215, 5216. Repealed.

PART B—FOREIGN AGRICULTURAL SERVICE

5231 to 5233. Repealed.
5234. Cooperator organizations.
5235. Authorization of additional appropriations.

SUBCHAPTER I—FINDINGS, POLICY, AND PURPOSE

§ 5201. Findings

Congress finds that—

(1) United States agricultural exports have declined by more than 36 percent since 1981, from $43,800,000,000 in 1981 to $27,900,000,000 in 1987;

(2) the United States share of the world market for agricultural commodities and products has dropped by 20 percent during the last 6 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of $1,000,000,000 in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms and the economic well-being of rural communities in the United States;

(6) factors contributing to the loss of United States agricultural exports include changes in world agricultural markets such as—

(A) the addition of new exporting nations;

(B) innovations in agricultural technology;

(C) increased use of export subsidies designed to lower the price of commodities on the world market;

(D) the existence of barriers to agricultural trade;

(E) the slowdown in the growth of world food demand in the 1980's due to cyclical economic factors, including currency fluctuations and a debt-related slowdown in the economic growth of agricultural markets in certain developing countries; and

(F) the rapid buildup of surplus stocks as a consequence of favorable weather for agricultural production during the 1980's;

(7) increasing the volume and value of exports is important to the financial well-being of the farm sector in the United States and to increasing farm income in the United States;

(8) in order to increase agricultural exports and improve prices for farmers and ranchers in the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including programs established under the Food for Peace Act (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(9) greater use should be made by the Secretary of Agriculture of the authorities established under section 4[1] of the Food for Peace Act of 1966 (7 U.S.C. 1707a), the Food for Peace Act (7 U.S.C. 1691 et seq.), section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431), and the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) to provide intermediate credit financing and other assistance for the establishment of facilities in importing countries to—

(A) improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) increase livestock production to enhance the demand for United States feed grains;

(10) food aid and export assistance programs in developing countries stimulate economic activity which causes incomes to rise, and, as incomes rise, diets improve and the demand for and ability to purchase food increases;

(11) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs; and

(12) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives—

(A) provides communities with health care, credit systems, and tools for development; and

(B) establishes the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products.

[1] See References in Text note below.