ers pool as long as necessary to effectuate purposes of former provisions of this subchapter and use of funds for payment of expenses.

Section 1406, act Feb. 16, 1938, ch. 30, title IV, § 406, 52 Stat. 71, prohibited purchase of certificates after expiration of time limit.

Section 1407, acts Feb. 16, 1938, ch. 30, title IV, § 407, 52 Stat. 71; Apr. 7, 1938, ch. 107, § 15, 52 Stat. 204, provided for payment by assignee of certificate transferred subsequent to May 1, 1937, limited to the purchase price paid by the assignee, with interest at rate of four per centum from date of purchase, not exceeding an amount of $1 per bale, payment to be based upon affidavit of assignee.

INAPPLICABILITY OF SUBCHAPTER

Subchapter, with the exception of former sections 1404a and 1404b, inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(a)(4) of this title.

Subchapter, with the exception of former sections 1404a and 1404b, inapplicable to 1996 through 2001 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(a)(1)(I) of this title.

SETTLEMENT OF CERTAIN CLAIMS AND ACCOUNTS

Act June 5, 1942, ch. 349, §§ 2, 3, 56 Stat. 324, authorized Comptroller General to relieve disbursing and certifying officers from liability for payments made under former provisions of this subchapter upon certificate of Secretary of Agriculture that such payments were made in good faith, and also provided that no action should be taken to recover such excess payments, if the Secretary of Agriculture should further certify that, in view of the good faith of the parties or other circumstances of the case, such attempt to recover them would be inadvisable or inequitable.

CHAPTER 35A—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

SUBCHAPTER I—GENERAL PROVISIONS

Sec.
1421. Price support.
1421a. Financial impact study.
1421b. Costs of production.
1421c. Repealed.
1421d. Commodity reports.
1422. Increase of price support levels.
1423. Adjustments of support prices.
1424. Utilization of services and facilities of Commodity Credit Corporation.
1425. Producer rights and liabilities.
1425a. Producers of honey; loan obligations and liabilities.
1426. Repealed.
1427. Commodity Credit Corporation sales price restrictions.
1427–1. Quality requirements for Commodity Credit Corporation owned grain.
1427a. Reserve inventories for alleviation of distress of natural disaster.
1428. Definitions.
1429. Determinations of Secretary as final and conclusive.
1430. Retroactive effect.
1431. Disposition of commodities to prevent waste.
1431a. Cotton donations to educational institutions.
1431b. Distribution of surplus commodities to other United States areas.
1431c. Enrichment and packaging of cornmeal, grits, rice, and white flour available for distribution.
1431d. Donations for school feeding programs abroad; student financing; priorities.
1431e. Distribution of surplus commodities to special nutrition projects; reprocessing agreements with private companies.
1431f. Assistance to foreign countries to mitigate effects of HIV and AIDS.
1432. Extension of price support on long staple cotton seeds and products.
1433. Repealed.
1433a. Forgiveness of violations; determinations.
1433b. Processing of surplus agricultural commodities into liquid fuels and agricultural commodity byproducts.
1433c. Advance recourse commodity loans.
1433c–1. Advance recourse loans.
1433d to 1433f. Omitted or Repealed.
1434. Encouragement of production of crops of which United States is a net importer and for which price support programs are not in effect; authority to plant on set-aside acreage with no reduction in payment rate.
1435. Production of commodities for conversion into alcohol or hydrocarbons for use as motor fuels or other fuels; terms and conditions; determinations; payments, etc., for program.

SUBCHAPTER II—BASIC AGRICULTURAL COMMODITIES

1441. Price support levels.
1441–1. Omitted.
1441–1a. Marketing certificates for rice.
1441–2. Repealed.
1441a. Cost of production study and establishment of current national weighted average cost of production.
1442. Price support and acreage requirements for corn and other feed grains.
1443. Omitted.
1444. Cotton price support levels.
1444–1, 1444–2. Omitted or Repealed.
1444a. Corn and feed grains and cotton programs.
1444b. Feed grains; price support program.
1444c to 1444e. Repealed or Omitted.
1444e–1. Loans and purchases for 1986 through 1996 crops of corn.
1444f to 1445–2. Repealed.
1445–3. Purchase of inventory stock.
1445a. Wheat price support levels; ''cooperator'' defined.
1445b to 1445c–3. Repealed, Transferred, or Omitted.
1445d. Special wheat acreage grazing and hay program for 1978 through 1990 crop years.
1445e. Farmer owned reserve program.
1445f. International Emergency Food Reserve.
1445g. Production of commodities for conversion into industrial hydrocarbons; terms and conditions; incentive payments; regulations; appropriations; effective date.
1445h. Repealed.
1445i. Multiyear set-aside contracts for 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice.
1445j. Deficiency and land diversion payments.
1445k. Payments in commodities.

SUBCHAPTER III—NONBASIC AGRICULTURAL COMMODITIES

1446. Price support levels for designated nonbasic agricultural commodities.
1446a. Dairy products; availability through Commodity Credit Corporation.
1446a–1. Use of Commodity Credit Corporation funds for purchases of dairy products requirements for school and other programs.

Sec.
1446b. Policy with regard to dairy products.
1446c. Domestic disposal programs for dairy products.
1446c–1. Reduction of dairy product inventories.
1446c–2. Domestic casein industry.
1446d to 1446i. Omitted or Repealed.
1447. Price support levels for other nonbasic agricultural commodities.
1448. Price support levels for storable nonbasic agricultural commodities.
1449. Determination of price support level.
1450. Repealed.

SUBCHAPTER IV—ACREAGE BASE AND YIELD SYSTEM

1461 to 1469. Omitted.

SUBCHAPTER V—EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988

1471. Definitions.
1471a. Emergency livestock assistance.
1471b. Determination of need for assistance.
1471c. Eligible producers.
1471d. Assistance programs.
1471e. Additional assistance.
1471f. Use of Commodity Credit Corporation.
1471g. Benefits limitation.
1471h. Ineligibility.
1471i. Administration.
1471j. Penalties.
1472. Assistance for livestock producers.

SUBCHAPTER I—GENERAL PROVISIONS

§ 1421. Price support

(a) Source

The Secretary shall provide the price support authorized or required herein through the Commodity Credit Corporation and other means available to him.

(b) Authority of Secretary; factors considered

Except as otherwise provided in this Act, the amounts, terms, and conditions of price support operations and the extent to which such operations are carried out, shall be determined or approved by the Secretary. The following factors shall be taken into consideration in determining, in the case of any commodity for which price support is discretionary, whether a price-support operation shall be undertaken and the level of such support and, in the case of any commodity for which price support is mandatory, the level of support in excess of the minimum level prescribed for such commodity: (1) the supply of the commodity in relation to the demand therefor, (2) the price levels at which other commodities are being supported and, in the case of feed grains, the feed values of such grains in relation to corn, (3) the availability of funds, (4) the perishability of the commodity, (5) the importance of the commodity to agriculture and the national economy, (6) the ability to dispose of stocks acquired through a price-support operation, (7) the need for offsetting temporary losses of export markets, (8) the ability and willingness of producers to keep supplies in line with demand and (9), in the case of upland cotton, changes in the cost of producing such cotton.

(c) Compliance by producer; program for diverted acres

Compliance by the producer with acreage allotments, production goals and marketing practices (including marketing quotas when authorized by law), prescribed by the Secretary, may be required as a condition of eligibility for price support. In administering any program for diverted acres the Secretary may make his regulations applicable on an appropriate geographical basis. Such regulations shall be administered (1) in semiarid or other areas where good husbandry requires maintenance of a prudent feed reserve in such manner as to permit, to the extent so required by good husbandry, the production of forage crops for storage and subsequent use either on the farm or in feeding operations of the farm operator, and (2) in areas declared to be disaster areas by the President under the Disaster Relief and Emergency Assistance Act [42 U.S.C. 5121 et seq.], in such manner as will most quickly restore the normal pattern of their agriculture.

(d) Time of determining levels

The level of price support for any commodity shall be determined upon the basis of its parity price as of the beginning of the marketing year or season in the case of any commodity marketed on a marketing year or season basis and as of January 1 in the case of any other commodity.

(e) Processors' assurances; payment if assurances inadequate

(1) Whenever any price support or surplus removal operation for any agricultural commodity is carried out through purchases from or loans or payments to processors, the Secretary shall, to the extent practicable, obtain from the processors such assurances as he deems adequate that the producers of the agricultural commodity involved have received or will receive maximum benefits from the price support or surplus removal operation.

(2)(A) If the assurances under paragraph (1) are not adequate to cause the producers of sugar beets and sugarcane, because of the bankruptcy or other insolvency of the processor, to receive maximum benefits from the price support program within 30 days after the final settlement date provided for in the contract between such producers and processor, the Secretary, on demand made by such producers and on such assurances as to nonpayment as the Secretary shall require, shall pay such producers such maximum benefits less benefits previously received by such producers.

(B) On such payment, the Secretary shall—

(i) be subrogated to all claims of such producers against the processor and other persons responsible for nonpayment; and

(ii) have authority to pursue such claims as necessary to recover the benefits not paid to the producers.

(C) The Secretary shall carry out this paragraph through the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title IV, § 401, 63 Stat. 1054; Aug. 28, 1954, ch. 1041, title II, §§ 206, 207, 68 Stat. 901; Pub. L. 88–297, title I, § 103(c), Apr. 11, 1964, 78 Stat. 175; Pub. L. 99–198, title IX, § 903(a), Dec. 23, 1985, 99 Stat. 1444; Pub. L. 100–707, title I, 109(a)(1), Nov. 23, 1988, 102 Stat. 4708.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricul-

tural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note below and Tables.

The Disaster Relief and Emergency Assistance Act, referred to in subsec. (c), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, known as the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

AMENDMENTS

1988—Subsec. (c). Pub. L. 100–707, substituted ''the Disaster Relief and Emergency Assistance Act'' for ''Public Law 875, Eighty-first Congress''.

1985—Subsec. (e). Pub. L. 99–198 designated existing provisions as par. (1) and added par. (2).

1964—Subsec. (b)(9). Pub. L. 88–297 added cl. (9).

1954—Subsec. (c). Act Aug. 28, 1954, § 206, provided a program for diverted acres.

Subsec. (e). Act Aug. 28, 1954, § 207, added subsec. (e).

EFFECTIVE DATE OF 1996 AMENDMENT

Pub. L. 104–127, title II, § 263(c), Apr. 4, 1996, 110 Stat. 974, provided that: ''The amendments made by this section [repealing provisions set out as notes under this section and section 1446 of this title] shall be effective beginning with the 1996 crops of wheat, feed grains, upland cotton, and rice.''

EFFECTIVE DATE OF 1991 AMENDMENT

Pub. L. 102–237, title XI, § 1101, Dec. 13, 1991, 105 Stat. 1906, as amended by Pub. L. 110–234, title IV, § 4002(b)(1)(B), (D), (2)(NN), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110–246, § 4(a), title IV, § 4002(b)(1)(B), (D), (2)(NN), June 18, 2008, 122 Stat. 1664, 1857, 1859, provided that:

''(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act [see Tables for classification] shall take effect on the date of enactment of this Act [Dec. 13, 1991].

''(b) INCLUSION IN FOOD, AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990.—The amendments made by the following provisions of this Act shall take effect as if included in the provision of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101–624) to which the amendment relates:

''(1) Section 201 [amending sections 5403, 5503, 5505, 5506, and 5822 of this title and provisions set out as a note under section 4201 of this title] (other than section 201(h) [enacting section 3125c of this title]).

''(2) Section 307 [amending section 1736bb–6 of this title].

''(3) Subsections (a) through (c), (e), (h), and (i) of section 501 [amending sections 1924, 1942, 1981, 1983, 2001, and 2006e of this title].

''(4) Subsections (a), (b), (f) through (i), and (*l*) of section 502 [amending sections 2019, 2071, 2129, 2214, 2252, 2271, and 2278a–2 of Title 12, Banks and Banking].

''(5) Section 602(c) [amending provisions set out as a note below].

''(6) Section 701 [amending sections 1926, 1926c, 1932, 1981, 1994, 2000, 2006f, 2008, 2008a, and 2008b of this title] (except as provided in subsection (c) of this section).

''(7) Section 702 [amending sections 950aaa–1, 1926–1, 1991, 1994, 2007a, and 2007c to 2007e of this title and provisions set out as a note under section 2006f of this title].

''(8) Section 703(c) [amending section 950aa of this title].

''(c) MISCELLANEOUS AMENDMENTS TO CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.—The amendments made by section 701(h) of this Act [amending sections 1926, 1932, 1981, 1994, and 2000 of this title] to any provision specified therein shall take effect as if such amendments had been included in the Act that added the provision so specified at the time such Act became law.

''(d) FOOD AND NUTRITION PROGRAMS.—

''(1) IN GENERAL.—Except as otherwise provided in this subsection, title IX of this Act [amending sections 1431e, 2012, 2014, 2015, 2017, 2018, 2020, 2025, 2026, 2028, 2029, and 2031 of this title, enacting provisions set out as notes under sections 2015, 2016, 2026, and 5930 of this title, and amending provisions set out as notes under sections 612c and 2012 of this title], and the amendments made by title IX of this Act, shall take effect and be implemented no later than February 1, 1992.

''(2) PASS ACCOUNTS EXCLUSION.—

''(A) IN GENERAL.—The amendment made by section 903(3) of this Act [amending section 2014 of this title] shall take effect on the earlier of—

''(i) the date of enactment of this Act [Dec. 13, 1991];

''(ii) October 1, 1990, for supplemental nutrition assistance program benefits households for which the State agency knew, or had notice, that a member of the household had a plan for achieving self-support as provided under section 1612(b)(4)(B)(iv) of the Social Security Act (42 U.S.C. 1382a(b)(4)(B)(iv)); or

''(iii) beginning on the date that a fair hearing was requested under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) contesting the denial of an exclusion for supplemental nutrition assistance program benefits purposes for amounts necessary for the fulfillment of such a plan for achieving self-support.

''(B) LIMITATION ON APPLICATION OF SECTION.—Notwithstanding section 11(b) of the Food and Nutrition Act of 2008 [section 2020(b) of this title] (as redesignated by section 941(6) of this Act), no State agency shall be required to search its files for cases to which the amendment made by section 903(3) of this Act [amending section 2014 of this title] applies, except where the excludability of amounts described in section 5(d)(16) of the Food and Nutrition Act of 2008 [section 2014(d)(16) of this title] (as added by section 903(3) of this Act) was raised with the State agency prior to the date of enactment of the Act [Dec. 13, 1991].

''(3) PERFORMANCE STANDARDS FOR EMPLOYMENT AND TRAINING PROGRAMS.—The amendments made by section 908 [907, amending section 2015 of this title] of this Act shall take effect on September 30, 1991.

''(4) RECOVERY OF CLAIMS CAUSED BY NONFRAUDULENT HOUSEHOLD ERRORS.—The amendment made by section 911 of this Act [amending section 2022 of this title] shall take effect on the date of enactment of this Act [Dec. 13, 1991].

''(5) DEFINITION OF RETAIL FOOD STORE.—The amendment made by section 913 of this Act [amending provisions set out as a note under section 2012 of this title] shall take effect on October 1, 1990, and shall not apply with respect to any period occurring before such date.''

EFFECTIVE DATE OF 1990 AMENDMENT

Pub. L. 101–624, title XI, § 1171, Nov. 28, 1990, 104 Stat. 3521, provided that:

''(a) IN GENERAL.—Except as otherwise specifically provided in title I through this title [see Tables for classification], such titles and the amendments made by such titles shall become effective beginning with the 1991 crop of an agricultural commodity.

''(b) PRIOR CROPS.—Except as otherwise specifically provided and notwithstanding any other provision of law, title I through this title, and the amendments made by such titles, shall not affect the authority of the Secretary of Agriculture to carry out a price support or production adjustment program for any of the 1986 through 1990 crops of an agricultural commodity established under a provision of law in effect immediately before the effective date prescribed by subsection (a).''

EFFECTIVE DATE OF 1985 AMENDMENT

Section 903(b) of Pub. L. 99–198 provided that: ''The amendments made by this section [amending this section] shall apply to nonpayments occurring after January 1, 1985.''

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–66, title I, § 1001(a), Aug. 10, 1993, 107 Stat. 312, provided that: ''This title [enacting sections 936c and 1314i of this title and section 460*l*–6c of Title 16, Conservation, amending sections 511r, 608b, 1308, 1308–3, 1314c, 1314e, 1358–1, 1359a, 1359bb, 1441–2, 1444–2, 1444f, 1445, 1445–1, 1445–2, 1445b–3a, 1445c–3, 1445j, 1446e, 1446f, 1446g, 1446h, 1463, 1465, 1469, 1506, 1508, 1508a, 1782, 1783, 1785, 5623, and 5641 of this title and sections 3830, 3831, and 3837 of Title 16, enacting provisions set out as notes under sections 936c, 1446e, 1506, and 5623 of this title, and amending provisions set out as notes under this section and sections 608c and 1445b–3a of this title] may be cited as the 'Agricultural Reconciliation Act of 1993'.''

SHORT TITLE OF 1991 AMENDMENT

Pub. L. 102–237, § 1, Dec. 13, 1991, 105 Stat. 1818, provided that: ''This Act [see Tables for classification] may be cited as the 'Food, Agriculture, Conservation, and Trade Act Amendments of 1991'.''

SHORT TITLE OF 1990 AMENDMENTS

Pub. L. 101–624, § 1(a), Nov. 28, 1990, 104 Stat. 3359, provided that: ''This Act [see Tables for classification] may be cited as the 'Food, Agriculture, Conservation, and Trade Act of 1990'.''

Pub. L. 101–508, title I, § 1001(a), Nov. 5, 1990, 104 Stat. 1388, provided that: ''This title [enacting section 940d of this title, amending sections 511r, 1441–2, 1444–2, 1444f, 1445, 1445b–3a, 1445c–3, 1445j, 1446e, 1446f to 1446h, 1722, 1736, 1736a, 1783, 1994, 1999, and 5822 of this title and section 136a of Title 21, Food and Drugs, enacting provisions set out as notes under this section and sections 136w, 511r, and 1445b–3a of this title, and amending provisions set out as a note under this section] may be cited as the 'Agricultural Reconciliation Act of 1990'.''

SHORT TITLE OF 1989 AMENDMENTS

Pub. L. 101–239, title I, § 1001(a), Dec. 19, 1989, 103 Stat. 2106, provided that: ''This title [enacting section 1433d of this title, amending sections 1444e, 1445b–2, 1446, 1464, and 1736s of this title, enacting provisions set out as notes under sections 1433d, 1444e, 1445b–2, 1446, and 1464 of this title and section 2278b–9 of Title 12, Banks and Banking, and amending provisions set out as a note under this section] may be cited as the 'Agricultural Reconciliation Act of 1989'.''

Pub. L. 101–82, § 1(a), Aug. 14, 1989, 103 Stat. 564, provided that: ''This Act [enacting sections 1508a and 1926a of this title and section 493 of Title 25, Indians, amending sections 1359, 1464, 1471d, and 1471e of this title and section 2202 of Title 16, Conservation, enacting provisions set out as notes under this section and sections 1359, 1464, 1926a, 1929a, 1941, and 1961 of this title and sections 2202 and 2203 of Title 16, and amending provisions set out as a note under this section] may be cited as the 'Disaster Assistance Act of 1989'.''

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100–418, title II, § 2221, Aug. 23, 1988, 102 Stat. 1336, provided that: ''This part [part II (§§ 2221–2227) of subtitle B of title II of Pub. L. 100–418, which amended section 1431 of this title and enacted provisions set out as notes under section 1431 of this title] may be cited as the 'American Aid to Poland Act of 1988'.''

Pub. L. 100–387, § 1, Aug. 11, 1988, 102 Stat. 924, provided: ''That this Act [see Tables for classification] may be cited as the 'Disaster Assistance Act of 1988'.''

Section 601 of title VI of act Oct. 31, 1949, ch. 792, as added Aug. 11, 1988, Pub. L. 100–387, title I, § 101(a), 102 Stat. 925, provided that: ''This title [enacting sections 1471 to 1471j of this title] may be cited as the 'Emergency Livestock Feed Assistance Act of 1988'.''

SHORT TITLE OF 1987 AMENDMENTS

Pub. L. 100–203, title I, § 1001(a), Dec. 22, 1987, 101 Stat. 1330, provided that: ''This title [enacting sections 940b, 940c, 944a, 1308–1 to 1308–3, and 2030 of this title, amending sections 608c, 946, 948, 1308, 1308–1, 1314b, 1314c, 1423, 1431, 1441–1, 1444, 1444–1, 1444e, 1445, 1445b–2, 1445b–3, 1445c–2, 1446, 1466, 1782, 1932, and 2371 of this title and section 713a–11 of Title 15, Commerce and Trade, enacting provisions set out as notes under sections 936a, 948, 1308 to 1308–3, 1441–1, 1444, 1444–1, 1444e, 1445, 1445b–2, 1445b–3, 1445c–2, 1446, 1466, and 1508 of this title, sections 713a–11 and 714b of Title 15, and section 7545 of Title 42, The Public Health and Welfare, and amending provisions set out as a note under this section] may be cited as the 'Agricultural Reconciliation Act of 1987'.''

Pub. L. 100–45, § 1, May 27, 1987, 101 Stat. 318, provided: ''That this Act [amending sections 1441–1, 1444–1, 1444e, 1445b–3, and 1446 of this title and section 701n of Title 33, Navigation and Navigable Waters, and enacting provisions set out as notes under sections 1441–1, 1444–1, 1444e, 1445b–3, and 1446 of this title and section 3835 of Title 16, Conservation] may be cited as the 'Farm Disaster Assistance Act of 1987'.''

SHORT TITLE OF 1984 AMENDMENT

Pub. L. 98–258, § 1, Apr. 10, 1984, 98 Stat. 130, provided: ''That this Act [enacting section 1981b of this title, amending sections 1431, 1441, 1444, 1444d, 1445b–1, 1943, 1946, 1961, 1964, 1986, and 1994 of this title, enacting provisions set out as notes under sections 1921, 1961, and 1981 of this title, and amending provisions set out as a note preceding section 1961 of this title] may be cited as the 'Agricultural Programs Adjustment Act of 1984'.''

SHORT TITLE OF 1983 AMENDMENTS

Pub. L. 98–180, § 1, Nov. 29, 1983, 97 Stat. 1128, provided: ''That this Act [enacting sections 511r, 4501 to 4514, and 4531 to 4538 of this title, amending section 608c, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1379, 1445, 1445–1, 1445–2, and 1446 of this title, and enacting provisions set out as notes under this section and sections 1314b, 1314c, 1314e, 1427, 1445, 1446, and 1727g of this title] may be cited as the 'Dairy and Tobacco Adjustment Act of 1983'.''

Pub. L. 98–180, title I, § 101, Nov. 29, 1983, 97 Stat. 1128, provided that: ''This title [enacting sections 4501 to 4513 of this title, amending section 1446 of this title, and enacting provisions set out as notes under section 1446 of this title] may be cited as the 'Dairy Production Stabilization Act of 1983'.''

Pub. L. 98–180, title II, § 201, Nov. 29, 1983, 97 Stat. 1143, provided that: ''This title [enacting section 511r of this title, amending sections 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314e, 1379, 1445, 1445–1, and 1445–2 of this title, and enacting provisions set out as notes under sections 1314b, 1314c, 1314e, and 1445 of this title] may be cited as the 'Tobacco Adjustment Act of 1983'.''

Pub. L. 98–88, § 1, Aug. 26, 1983, 97 Stat. 494, provided: ''That this Act [amending sections 1308, 1427, 1441, and 1444 of this title, repealing section 1347 of this title, and enacting provisions set out as notes under sections 1342, 1347, and 1444 of this title] may be cited as the 'Extra Long Staple Cotton Act of 1983'.''

SHORT TITLE OF 1982 AMENDMENT

Pub. L. 97–358, § 1, Oct. 21, 1982, 96 Stat. 1714, provided: ''That this Act [enacting section 1433b of this title] may be cited as the 'Surplus Agricultural Commodities Disposal Act of 1982'.''

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96–213, § 1, Mar. 18, 1980, 94 Stat. 119, provided: ''That this Act [amending sections 1308, 1309, 1441, 1444, 1444c, and 1445b of this title, and enacting provisions set out as notes under sections 1308 and 1309 of this

title] may be cited as the 'Agricultural Adjustment Act of 1980'.''

SHORT TITLE

Section 1 of act Oct. 31, 1949, provided that: ''This Act [enacting this section and sections 1422 to 1431, 1432, 1433, 1441, 1443 to 1445a, 1446, 1446a, 1446d, 1447 to 1449, and 1461 to 1468 of this title, amending sections 612c, 1301, 1322, 1328, 1343, 1344, 1345, and 1353 to 1356 of this title, and repealing section 1302 of this title; amending sections 1134c and 1134j of Title 12, Banks and Banking, section 713a–4 of Title 15, Commerce and Trade, section 410 of Title 42, The Public Health and Welfare] may be cited as the 'Agricultural Act of 1949'.''

REPEALS

Section 414 of act Oct. 31, 1949, provided in part that: ''any provision of law in conflict with the provisions of this Act [see Short Title note set out above] are hereby repealed.''

REGULATIONS

Pub. L. 106–224, title II, § 263, June 20, 2000, 114 Stat. 427, provided that:

''(a) PROMULGATION.—As soon as practicable after the date of the enactment of this Act [June 20, 2000], the Secretary and the Commodity Credit Corporation, as appropriate, shall promulgate such regulations as are necessary to implement this title and the amendments made by this title [see Tables for classification]. The promulgation of the regulations and administration of this title shall be made without regard to—

''(1) the notice and comment provisions of section 553 of title 5, United States Code;

''(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

''(3) chapter 35 of title 44, United States Code (commonly known as the 'Paperwork Reduction Act').

''(b) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.''

SEPARABILITY PROVISION FOR PUB. L. 101–624

Pub. L. 101–624, title XXV, § 2518, formerly § 2519, Nov. 28, 1990, 104 Stat. 4078; renumbered § 2518 by Pub. L. 104–66, title I, § 1101(h), Dec. 21, 1995, 109 Stat. 710, provided that: ''If any provision of this Act [see Short Title of 1990 Amendment note above] or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without regard to the invalid provision or application, and to this end the provisions of this Act are severable.''

SEPARABILITY PROVISION FOR PUB. L. 98–180

Pub. L. 98–180, title III, § 305, Nov. 29, 1983, 97 Stat. 1152, provided that: ''Except as otherwise provided in this Act [see Short Title of 1983 Amendment note above], if any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this Act and of the application of such provision to other persons and circumstances shall not be affected thereby.''

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

CROP AND PASTURE FLOOD COMPENSATION PROGRAM

Pub. L. 106–224, title II, § 257(a)–(d), June 20, 2000, 114 Stat. 424, 425, limited the per-person and total amounts payable from the Commodity Credit Corporation to compensate producers with covered land with respect to losses from long-term flooding during the 2000 crop year.

RESTORATION OF ELIGIBILITY FOR CROP LOSS ASSISTANCE

Pub. L. 106–224, title II, § 259, June 20, 2000, 114 Stat. 426, as amended by Pub. L. 106–472, title III, § 315, Nov. 9, 2000, 114 Stat. 2081, restored the eligibility of individuals otherwise eligible for disaster assistance under section 1102(c) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (as contained in section 101(a) of division A of Public Law 105–277; formerly 7 U.S.C. 1421 note), but deemed ineligible solely because the individual or entity changed the legal structure of the individual's or entity's farming operation.

EMERGENCY AND DISASTER ASSISTANCE FOR PRODUCERS

Pub. L. 106–224, title II, subtitle A, June 20, 2000, 114 Stat. 398, as amended by Pub. L. 106–387, § 1(a) [title VIII, § 816], Oct. 28, 2000, 114 Stat. 1549, 1549A–57, provided emergency and disaster assistance to farm owners and producers of various farm products in the 1999 marketing year and the 2000 crop year and provided payments in lieu of loan deficiency payments for producers of certain crops in the 2001 crop year.

Pub. L. 106–113, div. B, § 1000(a)(5) [title I], Nov. 29, 1999, 113 Stat. 1536, 1501A–290, provided for an additional amount for specialty crop assistance authorized by section 803(c)(1) of Public Law 106–78, formerly set out in a note below.

Pub. L. 106–113, div. B, § 1000(a)(5) [title I], Nov. 29, 1999, 113 Stat. 1536, 1501A–290, as amended by Pub. L. 106–387, § 1(a) [title VIII, § 802], Oct. 28, 2000, 114 Stat. 1549, 1549A–49, provided for an additional amount for livestock assistance authorized by section 805 of Public Law 106–78, formerly set out in a note below.

Pub. L. 106–78, title VIII, Oct. 22, 1999, 113 Stat. 1175, as amended by Pub. L. 106–113, div. B, § 1000(a)(5) [title I, § 102], Nov. 29, 1999, 113 Stat. 1536, 1501A–291, provided for emergency market loss payments and other disaster assistance to producers of crops and livestock in 1999.

Pub. L. 106–31, title I, § 101, May 21, 1999, 113 Stat. 61, provided for crop loss assistance for multiyear losses due to disasters in two crop years during the five-crop year period beginning with the 1994 crop year.

Pub. L. 106–31, title I, § 104, May 21, 1999, 113 Stat. 62, provided an additional amount for the Livestock Assistance Program under Pub. L. 105–277 (see section 101(a) [title XI] of Pub. L. 105–277, formerly set out as a note below).

Pub. L. 105–277, div. A, § 101(a) [title XI], Oct. 21, 1998, 112 Stat. 2681, 2681–42, as amended by Pub. L. 106–31, title III, § 3018, May 21, 1999, 113 Stat. 99; Pub. L. 106–78, title VIII, § 817(a)(2), title IX, § 913(b), Oct. 22, 1999, 113 Stat. 1184, 1205; Pub. L. 106–387, § 1(a) [title VII, § 754], Oct. 28, 2000, 114 Stat. 1549, 1549A–42; Pub. L. 107–25, § 9, Aug. 13, 2001, 115 Stat. 203, provided emergency assistance for crop and livestock feed losses, for market loss assistance, and for other assistance to agricultural producers who incurred losses in the 1998 crop year due to

disaster or who incurred multiyear losses in the period including 1998 and preceding crop years.

PROGRAMS FOR FARMERS AND RANCHERS WHO WERE ACTIVATED RESERVISTS DURING PERSIAN GULF CONFLICT

Pub. L. 102–25, title III, §§381–388, Apr. 6, 1991, 105 Stat. 95–98, as amended by Pub. L. 110–234, title IV, §4002(b)(1)(B), (D), (J), (2)(MM), May 22, 2008, 122 Stat. 1096, 1098; Pub. L. 110–246, §4(a), title IV, §4002(b)(1)(B), (D), (J), (2)(MM), June 18, 2008, 122 Stat. 1664, 1857, 1859, established programs for farmers and ranchers who were activated reservists during Persian Gulf conflict to provide for protection of producer's crop acreage base for any program crop, waiver of minimum planting requirement, temporary waiver of conservation requirements, relief for borrowers under farm credit provisions, and authority of a spouse or close relative to participate in programs administered by Secretary of Agriculture on behalf of activated reservists.

SURVEY OF PROGRAM PARTICIPANTS

Pub. L. 101–624, title XI, §1148, Nov. 28, 1990, 104 Stat. 3517, directed Secretary of Agriculture to require producers, during sign-up period for commodity programs under section 1421 et seq. of this title in the 1992 calendar year, to complete survey regarding preference of producers, either to increase efficiency of their farming operation or to assist in meeting conservation requirements for farm, for redistribution of any crop acreage bases on each producer's farm, to compile and analyze data collected from survey to determine potential increases and decreases in State, regional, and national acreage that would be planted to various program crops, potential commodity program costs or savings, and potential impact of such redistribution on competitiveness of United States agriculture in world markets, and, not later than Jan. 31, 1993, to submit to Congress results of survey.

OPTIONS PILOT PROGRAM

Pub. L. 101–624, title XI, subtitle E, Nov. 28, 1990, 104 Stat. 3518, as amended by Pub. L. 102–237, title I, §114(a)(2), Dec. 13, 1991, 105 Stat. 1838, known as Options Pilot Program Act of 1990, authorized Secretary of Agriculture to conduct pilot program for each of the 1991 through 1995 crops of corn and for each of the 1993 through 1995 crops of wheat and soybeans, to determine whether regulated agricultural commodity options trading could be used by producers to obtain protection from fluctuations in market prices of commodities produced and impact of such trading on prices of the commodities, authorized terms and conditions for participation in pilot program, provided for consultation with representatives of commodity futures trading industry, and provided that the pilot program was to be carried out by and through the Commodity Credit Corporation, prior to repeal by Pub. L. 104–127, title I, §191(i), Apr. 4, 1996, 110 Stat. 942.

HURRICANE HUGO FORESTRY ASSISTANCE; COST-SHARE ASSISTANCE

Pub. L. 101–624, title XXII, §2235(b), Nov. 28, 1990, 104 Stat. 3960, directed Secretary of Agriculture to develop and implement cost-share program to provide financial assistance to owners of private timber stands that were damaged in 1989 by Hurricane Hugo.

APPROPRIATIONS FOR FORESTRY ASSISTANCE AND DOUBLE CROPPING ON DISASTER AREAS

Pub. L. 101–624, title XXII, §2235(c), Nov. 28, 1990, 104 Stat. 3961, provided that benefits or assistance provided under section 2235 of Pub. L. 101–624 or amendments made by such that (enacting provisions set out above and amending provisions set out below) were to be provided only to extent provided for in advance by appropriation acts and authorized appropriations for fiscal years 1991 through 1995.

SCARCE FEDERAL RESOURCES

Pub. L. 101–624, title XXV, §2515, Nov. 28, 1990, 104 Stat. 4075, authorized Secretary of Agriculture, after concurrence of certain Members of Congress, to rank by priority studies or reports authorized by Pub. L. 101–624 and determine which of those studies or reports was to be completed, but directed Secretary to complete at least 12 of the studies or reports.

RECORDKEEPING IMPROVEMENT

Pub. L. 101–624, title XXV, §2516, Nov. 28, 1990, 104 Stat. 4075, which provided that section could be cited as ''Agricultural Program Reporting and Recordkeeping Improvement Act of 1990'', directed Secretary of Agriculture, not later than 240 days after Nov. 28, 1990, to submit to Congress a report containing specific proposals for reducing and simplifying recordkeeping and other paperwork required of producers participating in programs administered by Secretary and directed Secretary to take appropriate action to integrate various data bases of Department relating to agricultural program data, and to facilitate sharing of relevant data among various agencies of Department.

READJUSTMENT OF SUPPORT LEVELS

Pub. L. 101–508, title I, §1302, Nov. 5, 1990, 104 Stat. 1388–12, as amended by Pub. L. 103–66, title I, §1301(b), Aug. 10, 1993, 107 Stat. 330, provided that, if by June 30, 1992, and by June 30, 1993, the United States had not entered into agricultural trade agreement in Uruguay Round of multilateral trade negotiations under General Agreement on Tariffs and Trade (GATT) the Secretary of Agriculture was to reconsider and adjust agricultural acreage limitation and price support and production adjustment programs and export promotion levels, as appropriate to protect interests of American agricultural producers and ensure international competitiveness of United States agriculture and that such provisions were to cease to be effective if President certified to Congress that failure to enter into such agreement was result in whole or in part of provisions of 19 U.S.C. 2191, or essentially similar provisions, not applying or in effect not applying during period ending May 31, 1991 (or during period June 1, 1991, through May 31, 1993, if condition of 19 U.S.C. 2903(b)(1)(B)(i) was satisfied) to implementing bills submitted with respect to such an agreement entered into during applicable period under 19 U.S.C. 2902(b), prior to repeal by Pub. L. 104–127, title II, §263(a), Apr. 4, 1996, 110 Stat. 974.

REPAYMENT OF ADVANCE DEFICIENCY PAYMENTS

Pub. L. 101–220, §14, Dec. 12, 1989, 103 Stat. 1885, provided that effective only for the 1988 crops of wheat, feed grains, upland cotton, and rice, produced by producers that qualified for assistance under section 201(a) of Pub. L. 100–387 or section 101(a) of Pub. L. 101–82 (set out below), if the Secretary of Agriculture determines that any portion of the advance deficiency payment made to producers for such crop under section 1445b–2 of this title had to be refunded, such refund could not be required to be made prior to July 31, 1990.

PILOT PROJECT ON CLEAN GRAIN PREMIUMS

Pub. L. 100–518, §3, Oct. 24, 1988, 102 Stat. 2587, directed Secretary of Agriculture to conduct study of schedule of premiums and discounts applied to loans made in accordance with this chapter to determine how premiums and discounts could be used to encourage production, marketing, and exporting of high quality, clean grain, to submit, not later than May 1, 1989, to Congress report on results of such study, to include recommendations with respect to schedule of premiums and discounts in such report, and to establish pilot project for 1989 crops of wheat, soybeans, and feed grains to test effectiveness of such recommendations, and to submit report describing result of project, not later than 180 days after end of 1989 marketing year for feed grains.

EMERGENCY CROP LOSS ASSISTANCE

Pub. L. 102–229, title I, Dec. 12, 1991, 105 Stat. 1712, as amended by Pub. L. 102–368, title VI, Sept. 23, 1992, 106 Stat. 1130, appropriated an additional $1,750,000,000, to remain available until expended, for losses associated with 1990 crops as authorized by Pub. L. 101–624, formerly set out below, and for losses associated with 1991 and 1992 crops under same terms and conditions.

Pub. L. 101–624, title XXII, §§ 2241–2272, Nov. 28, 1990, 104 Stat. 3962–3977, as amended by Pub. L. 101–508, title I, § 1204(d), Nov. 5, 1990, 104 Stat. 1388–12; Pub. L. 102–237, title I, § 114(a)(4)–(16), Dec. 13, 1991, 105 Stat. 1838, 1839, related to emergency crop loss assistance for the 1990 crop of wheat, feed grains, upland cotton, extra long staple cotton, and rice, for orchards, and for forest crops, prior to repeal by Pub. L. 103–354, title I, § 119(c), Oct. 13, 1994, 108 Stat. 3208. Similar provisions for prior crop years were contained in:

Pub. L. 101–82, title I, Aug. 14, 1989, 103 Stat. 565, as amended by Pub. L. 101–134, § 1, Oct. 30, 1989, 103 Stat. 780; Pub. L. 101–220, § 9(a)–(c), Dec. 12, 1989, 103 Stat. 1882; Pub. L. 101–624, title XXII, §§ 2231, 2232, 2235(a), Nov. 28, 1990, 104 Stat. 3958, 3959; Pub. L. 102–237, title VI, § 602(a), (c), Dec. 13, 1991, 105 Stat. 1878.

Pub. L. 100–387, title II, Aug. 11, 1988, 102 Stat. 933, as amended by Pub. L. 101–82, title VI, § 602, Aug. 14, 1989, 103 Stat. 587; Pub. L. 101–239, title I, § 1004(a), Dec. 19, 1989, 103 Stat. 2108.

SPECIAL STUDY AND PILOT PROJECTS ON FUTURES TRADING

Pub. L. 99–198, title XVII, subtitle E, §§ 1741–1743, Dec. 23, 1985, 99 Stat. 1643, 1644, as amended by Pub. L. 100–203, title I, § 1502, Dec. 22, 1987, 101 Stat. 1330–27, directed Secretary of Agriculture to conduct study to determine manner in which commodity futures markets and commodity options markets might be used by producers of commodities traded on such markets to provide price stability and income protection, extent of price stability and income protection producers might reasonably expect to receive from such participation, and Federal budgetary impact of such participation compared with cost of applicable established price support programs, to report results of study to Congress on or before Dec. 31, 1989, and in connection with such study, to conduct pilot program with respect to crops of wheat, feed grains, soybean, and cotton.

FARM INCOME PROTECTION INSURANCE PROGRAM TASK FORCE, STUDY, AND REPORT

Pub. L. 97–98, title XI, § 1112, Dec. 22, 1981, 95 Stat. 1267, directed Secretary of Agriculture to appoint a special task force to study and report to Congress, not later than 18 months after Dec. 22, 1981, as to whether farm income protection insurance would provide the basis for an acceptable alternative to the commodity price support, income maintenance, and disaster assistance programs currently administered by the Department of Agriculture for the benefit of farmers.

STUDIES IN RICE PRICE SUPPORT; REPORT TO CONGRESS; TERMINATION DATE

Section 315 of act Aug. 28, 1954, directed Secretary of Agriculture to study various two-price systems of price support and marketing which could be made applicable to rice and to submit to Congress on or before Mar. 1, 1955, a detailed report thereon.

§ 1421a. Financial impact study

(a) Study

The Secretary of Agriculture shall conduct an annual study of the financial impact of the support levels established and announced by the Secretary under programs contained in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] (hereafter in this section referred to as ''programs''), including a study of the effect of the support levels on the ability of producers to meet their financial obligations (with special emphasis on borrowers from the Farmers Home Administration and the Farm Credit System).

(b) Report

The Secretary shall annually prepare a report containing the results of the study and submit the report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, not later than the date of the final announcement for the programs by the Secretary for any 1 year.

(c) Informational purposes

The study under this section (including the study of the effect of the support levels on the ability of producers to meet their financial obligations) shall be only for informational purposes and for Congressional oversight and shall not give rise to any cause of action, be a basis for, or be used as evidence in support of, any claim or right of any person, including farmers and borrowers, in any administrative or judicial proceeding.

(Pub. L. 101–624, title XI, § 1147, Nov. 28, 1990, 104 Stat. 3516.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

EFFECTIVE DATE

Section effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

§ 1421b. Costs of production

Congress finds that, to improve the accuracy of commodity program benefit forecasts, the Secretary of Agriculture should designate a single organization to manage its commodity program forecasting and establish a quality control program to—

(1) systematically identify the source of forecasting errors;

(2) maintain records of data used for supply and demand forecasts;

(3) document its forecasting methods; and

(4) correct weaknesses in its various forecasting components.

(Pub. L. 101–624, title XXV, § 2512, Nov. 28, 1990, 104 Stat. 4073; Pub. L. 104–66, title I, § 1011(b), Dec. 21, 1995, 109 Stat. 709.)

CODIFICATION

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of

the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1995—Pub. L. 104–66 struck out subsec. (a) designation and heading ''Improving accuracy of commodity program budget forecasts'' before ''Congress finds that'', and struck out subsec. (b) ''Return on assets'' which read as follows: ''The Secretary of Agriculture shall annually publish a report analyzing the return on assets resulting from the production of upland cotton, rice, wheat, corn, oats, barley, grain sorghum, soybeans, peanuts, sugar from sugar beets, and raw sugar from sugar cane. In conducting this analysis, the Secretary shall consider returns from agricultural price support programs, the effects of agricultural price support programs on cost of production, the factors currently used in Department of Agriculture cost of production data, current value of land, and any other information that he considers necessary to reflect accurately return on the production of such crops.''

§ 1421c. Repealed. Pub. L. 104–66, title I, § 1011(c), Dec. 21, 1995, 109 Stat. 709

Section, Pub. L. 101–624, title XXV, § 2513, Nov. 28, 1990, 104 Stat. 4074, directed Secretary of Agriculture to develop system for informing consumers of farm value of agricultural products and to submit annual reports on such information to Congress.

§ 1421d. Commodity reports

(a) Crop reports

The Secretary of Agriculture (hereafter in this section referred to as the ''Secretary'') shall gather data from producers to be used to develop crop reports to be distributed by the Secretary during the growing season. The report shall contain statements of the conditions of those crops by State, with such explanations, comparisons, and information as may be useful for illustrating such reports.

(b) Special reports

(1) In general

In addition to the reports compiled pursuant to subsection (a) of this section, the Secretary shall annually survey producers for information for reports regarding supply, acreage, production, disposition, and prices for the following commodities as determined by the Secretary:

(A) 25 fresh market vegetables;
(B) 3 processing vegetables;
(C) 6 fruits and nuts;
(D) 17 forage and turf seeds;
(E) 50 vegetable seeds; and
(F) maple syrup.

(2) Administrative

The Secretary shall annually prepare a report containing results of the surveys described in paragraph (1) in such States as determined by the Secretary. Such reports shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published.

(c) Tree inventories

The Secretary shall survey producers for information for reports regarding fruit and nut tree inventories. Such surveys and reports shall be conducted, printed, and distributed on a regular basis every 3 to 5 years as determined by the Secretary. Reports shall be submitted to and officially approved by the Secretary before being issued or published.

(d) Omitted

(e) Authorization

There are authorized to be appropriated such sums as may be necessary to carry out this section.

(Pub. L. 101–624, title XXV, § 2514, Nov. 28, 1990, 104 Stat. 4074.)

CODIFICATION

Section was enacted as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section is comprised of section 2514 of Pub. L. 101–624. Subsec. (d) of section 2514 of Pub. L. 101–624 repealed section 411a of this title.

§ 1422. Increase of price support levels

(a) Notwithstanding any other provision of this Act, price support at a level in excess of the maximum level of price support otherwise prescribed in this Act may be made available for any agricultural commodity if the Secretary determines, after a public hearing of which reasonable notice has been given, that price support at such increased level is necessary in order to prevent or alleviate a shortage in the supply of any agricultural commodity essential to the national welfare or in order to increase or maintain the production of any agricultural commodity in the interest of national security. The Secretary's determination and the record of the hearing shall be available to the public.

(b) Effective only for the 1991 through 1995 crops of wheat, feed grains, cotton, and rice, the Secretary of Agriculture may provide for annual adjustments in the established prices for such program crops to reflect any change during the last calendar year ending before the beginning of each such crop year in the index of prices paid by farmers for production items, interest, taxes, and wage rates in such calendar year.

(Oct. 31, 1949, ch. 792, title IV, § 402, 63 Stat. 1054; Pub. L. 101–624, title XI, § 1127, Nov. 28, 1990, 104 Stat. 3508.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1990—Pub. L. 101–624 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1423. Adjustments of support prices

(a) In general

The Secretary may make appropriate adjustments in the support price for any commodity (excluding cotton) for differences in grade, type, quality, location and other factors. The adjustments shall, so far as practicable, be made in such manner that the average support price for the commodity will, on the basis of the anticipated incidence of such factors be equal to the level of support determined as provided in this Act. Beginning with the 1991 crops of wheat, feed grains, and soybeans for which price support is provided under this Act, the Secretary shall establish premiums and discounts related to cleanliness factors in addition to any other premiums or discounts related to quality.

(b) Adjustment in support prices for cotton

The Secretary may make appropriate adjustments in the support price for cotton for differences in quality factors and location. Beginning with the 1991 crop, the quality differences (premiums and discounts for quality factors) for the upland cotton loan program shall be established by the Secretary by giving equal weight to (1) loan differences for the preceding crop, and (2) market differences for such crop in the designated United States spot markets.

(c) Limitation on adjustments for wheat and feed grains

Notwithstanding any other provision of this section, for each of the 1990 through 1995 crops of wheat and feed grains, no adjustment in the loan rate applicable to a particular region, State, or county for the purpose of reflecting transportation differentials may increase or decrease the regional, State, or county loan rate from the level established for the previous year by more than the percentage change in the national average loan rate plus or minus 3 percent.

(Oct. 31, 1949, ch. 792, title IV, §403, 63 Stat. 1054; Pub. L. 85–835, title I, §§108, 111, Aug. 28, 1958, 72 Stat. 993; Pub. L. 89–321, title VIII, §802, Nov. 3, 1965, 79 Stat. 1213; Pub. L. 97–98, title V, §507, Dec. 22, 1981, 95 Stat. 1241; Pub. L. 100–203, title I, §1105, Dec. 22, 1987, 101 Stat. 1330–5; Pub. L. 101–624, title XI, §1128, title XX, §2011, Nov. 28, 1990, 104 Stat. 3508, 3932.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1990—Pub. L. 101–624, §2011, inserted at end of subsec. (a) ''Beginning with the 1991 crops of wheat, feed grains, and soybeans for which price support is provided under this Act, the Secretary shall establish premiums and discounts related to cleanliness factors in addition to any other premiums or discounts related to quality.''

Pub. L. 101–624, §1128, in amending section generally, designated part of existing text as subsecs. (a), (b), and (c), and in subsec. (a) inserted provisions excluding cotton, in subsec. (b) substituted reference to 1991 crop for reference to 1982 crop, and substituted reference to quality factors for reference to grade, staple and micronaire, and in subsec. (c) substituted reference to 1990 through 1995 crops for reference to 1988 through 1990 crops, substituted reference to 3 percent for reference to 2 percent, and struck out provisions relating to establishment and duties of a study committee and authority of Secretary to review and revise procedures and criteria for establishing values of premiums and discounts for grade, staple and micronaire for upland cotton program.

1987—Pub. L. 100–203 inserted at end ''Notwithstanding the preceding provisions of this section, for each of the 1988 through 1990 crops of wheat and feed grains, no adjustment in the loan rate applicable to a particular region, State, or county for the purpose of reflecting transportation differentials may increase or decrease such regional, State, or county loan rate from the level established for the previous year by more than the percentage change in the national average loan rate plus or minus 2 percent.''

1981—Pub. L. 97–98 inserted provision directing that beginning with 1982 crop of upland cotton, the quality differences for the loan program be established by giving equal weight to the loan differences for the preceding crop and to the market differences for the crop in the nine designated United States spot markets and authorizing the Secretary to establish a study committee to study and report on alternative methods of establishing values of premiums and discounts for grade, staple, and micronaire for the upland cotton loan program that accurately represent true relative market values and reflect actual market demand for upland cotton produced in the United States and to review procedures and criteria for determining quality differences, prior to the announcement of the loan rate differences for the 1982 crop of upland cotton, and based on such review, revise such procedures and criteria to actually reflect the actual market value of upland cotton produced in the United States.

1965—Pub. L. 89–321 provided that, in determining support prices for 1966 and 1967 rice crops, the Secretary shall use head and broken rice value factors for the various varieties which are not lower than those with respect to the 1965 crop and which do not differ as between any two varieties by a greater amount than the value factors used with respect to the 1965 crop for such two varieties differed.

1958—Pub. L. 85–835 provided for support of split grades, and repealed, effective with the 1961 crop, sentence prescribing standard cotton grade for parity and price support purposes.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1128 of Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1424. Utilization of services and facilities of Commodity Credit Corporation

The Secretary, in carrying out programs under section 612c of this title and section 1755 of title 42, may utilize the services and facilities of the Commodity Credit Corporation (including but not limited to procurement by contract), and make advance payments to it.

(Oct. 31, 1949, ch. 792, title IV, § 404, 63 Stat. 1054; Pub. L. 106–78, title VII, § 752(b)(2), Oct. 22, 1999, 113 Stat. 1169.)

AMENDMENTS

1999—Pub. L. 106–78 made technical amendment to reference in original act which appears in text as reference to section 1755 of title 42.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 1425. Producer rights and liabilities

(a) Liability for deficiencies

Except as otherwise provided in section 1425a of this title, no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any loan made under authority of this Act unless such loan was obtained through fraudulent representations by the producer. This provision shall not, however, be construed to prevent the Commodity Credit Corporation or the Secretary from requiring producers to assume liability for deficiencies in the grade, quality, or quantity of commodities stored on the farm or delivered by them, for failure properly to care for and preserve commodities, or for failure or refusal to deliver commodities in accordance with the requirements of the program. There is authorized to be included in the terms and conditions of any such nonrecourse loan a provision whereby on and after the maturity of the loan or any extension thereof Commodity Credit Corporation shall have the right to acquire title to the unredeemed collateral without obligation to pay for any market value which such collateral may have in excess of the loan indebtedness.

(b) Sugarcane and sugar beets

The security interests obtained by the Commodity Credit Corporation as a result of the execution of security agreements by the processors of sugarcane and sugar beets shall be superior to all statutory and common law liens on raw cane sugar and refined beet sugar in favor of the producers of sugarcane and sugar beets and all prior recorded and unrecorded liens on the crops of sugarcane and sugar beets from which the sugar was derived. The preceding sentence shall not affect the application of section 1421(e)(2) of this title.

(Oct. 31, 1949, ch. 792, title IV, § 405, 63 Stat. 1054; Pub. L. 85–835, title V, § 502, Aug. 28, 1958, 72 Stat. 996; Pub. L. 99–198, title X, § 1004, Dec. 23, 1985, 99 Stat. 1447; Pub. L. 100–460, title VI, § 634(a), Oct. 1, 1988, 102 Stat. 2263; Pub. L. 102–237, title I, § 111(b), Dec. 13, 1991, 105 Stat. 1830.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1991—Subsec. (b). Pub. L. 102–237 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows:

"(1) Notwithstanding any other provision of law, the Secretary may provide a negotiable certificate to any producer who repays, together with interest, a price support loan made available to such producer under any of the annual programs, for wheat, feed grains, upland cotton, or rice established under this Act.

"(2) The amount of such certificates shall be equal to the amount of the interest paid by the producer on such loan.

"(3) Such certificate shall be redeemable in wheat, feed grains, upland cotton, or rice, as the case may be, owned by the Commodity Credit Corporation.

"(4) The issuance of such certificate shall be subject to the availability of commodities owned by the Corporation."

1988—Subsec. (a). Pub. L. 100–460 substituted "Except as otherwise provided in section 1425a of this title, no producer" for "No producer".

1985—Pub. L. 99–198 temporarily designated existing provisions as subsec. (a) and added subsec. (b). See Effective and Termination Dates of 1985 Amendment note below.

1958—Pub. L. 85–835 authorized the Commodity Credit Corporation to acquire title to agricultural commodities on which nonrecourse price-support loans have been made without the necessity of computing and making payments to the farmer.

EFFECTIVE DATE OF 1988 AMENDMENT

Section 634(a) of Pub. L. 100–460 provided that the amendment made by that section is effective beginning with 1989 crop year for honey.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Section 1004 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1986 through 1990 crops.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1425a. Producers of honey; loan obligations and liabilities

(a) Loan forfeiture limitation

A producer of honey may satisfy the producer's obligation to repay a loan, or a portion of a loan, made to the producer under section 1446h[1] of this title by forfeiting the collateral for the loan, or portion of the loan, only if the value of the collateral forfeited, when taken together with the value of the collateral forfeited on any other loan or loans of the person for such crop of honey under section 1446h[1] of this title, does not exceed $200,000 in the 1991 crop year, $175,000 in the 1992 crop year, $150,000 in the 1993 crop year, and $125,000 in each of the 1994 and subsequent crop years: *Provided*, *however*, That the loan forfeiture limitation provided by this section shall not be applicable for any crop year for which the Secretary does not permit producers of honey to repay the price support loans at a level determined under section 1446h(b)(2)[1] of this title.

(b) Liability for nonforfeitable part of obligation

The producer of honey shall be personally liable for the repayment of a loan or loans made to the producer under the program for the crop of honey involved, with respect to that portion of the loan or loans for which satisfaction of the loan by forfeiture, as provided in subsection (a) of this section, is prohibited.

(c) Extent of personal liability

The loan contracts of the Commodity Credit Corporation entered into with producers of honey shall clearly indicate the extent to which a producer of honey may be personally liable for repayment of a loan under this section.

(d) Promulgation of regulations

The Commodity Credit Corporation may issue such regulations as the Corporation deems necessary to carry out this section. The regulations shall provide for the attribution of the value of collateral forfeited on loans described in subsection (a) of this section.

(Oct. 31, 1949, ch. 792, title IV, §405A, as added Pub. L. 100–460, title VI, §634(b), Oct. 1, 1988, 102 Stat. 2263; amended Pub. L. 101–624, title X, §1002, title XI, §1161(d), Nov. 28, 1990, 104 Stat. 3490, 3521.)

REFERENCES IN TEXT

Section 1446h of this title, referred to in subsec. (a), was repealed by Pub. L. 104–127, title I, §171(b)(2)(H), Apr. 4, 1996, 110 Stat. 938.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–624, §1161(d), substituted references to sections 1446h and 1446h(b)(2) of this title for references to sections 1446(b) and 1446(b)(2)(B) of this title, respectively.

Pub. L. 101–624, §1002(1), substituted "person for such crop of honey under section 1446h of this title, does not exceed $200,000 in the 1991 crop year, $175,000 in the 1992 crop year, $150,000 in the 1993 crop year, and $125,000 in each of the 1994 and subsequent crop years" for "producer for such crop of honey under section 1446(b) of this title, does not exceed $250,000".

Subsec. (d). Pub. L. 101–624, §1002(2), inserted provisions requiring that the regulations issued pursuant to this subsection provide for the attribution of the value of collateral forfeited on loans described in subsec. (a).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES

Pub. L. 104–37, title VII, §718, Oct. 21, 1995, 109 Stat. 331, provided that none of the funds appropriated or otherwise made available by Pub. L. 104–37 were to be used by the Secretary of Agriculture to provide total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under this section or former section 1446h of this title in excess of zero dollars in the 1994, 1995, and 1996 crop years.

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 103–330, title VII, §723, Sept. 30, 1994, 108 Stat. 2469.

Pub. L. 103–111, title VII, §728, Oct. 21, 1993, 107 Stat. 1081.

§ 1426. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(I), Apr. 4, 1996, 110 Stat. 938

Section, acts Oct. 31, 1949, ch. 792, title IV, §406, 63 Stat. 1055; Dec. 23, 1985, Pub. L. 99–198, title X, §1016, 99 Stat. 1457; Nov. 28, 1990, Pub. L. 101–624, title XI, §1129, 104 Stat. 3508; Dec. 13, 1991, Pub. L. 102–237, title I, §113(11), 105 Stat. 1838, provided for advance announcement of price support levels.

§ 1427. Commodity Credit Corporation sales price restrictions

(a) In general

The Commodity Credit Corporation may sell any farm commodity owned or controlled by the

[1] See References in Text note below.

Corporation at any price not prohibited by this section.

(b) Inventories

In determining sales policies for basic agricultural commodities or storable nonbasic commodities, the Corporation should consider the establishment of such policies with respect to prices, terms, and conditions as the Corporation determines will not discourage or deter manufacturers, processors, and dealers from acquiring and carrying normal inventories of the commodity of the current crop.

(c) Sales price restrictions

(1) In general

Except as otherwise provided in this section, the Corporation shall not sell any basic agricultural commodity or storable nonbasic commodity at less than 115 percent of the lower of—

(A) the current national average price support loan rate for the commodity adjusted for the current market differentials reflecting grade, quality, location, reasonable carrying charges, and other factors determined appropriate by the Corporation; or

(B) the loan repayment level.

(2) Extra long staple cotton

The Corporation may sell extra long staple cotton for unrestricted use at such price as the Corporation determines is appropriate to maintain and expand export and domestic markets.

(3) Oilseeds

The Corporation shall not sell oilseeds at less than the lower of—

(A) 105 percent of the current national average price support loan rate for the oilseed, adjusted for the current market differentials reflecting grade, quality, location, reasonable carrying charges, and other factors determined appropriate by the Corporation; or

(B) 115 percent of the loan repayment level.

(4) Wheat and feed grains

Whenever the producer reserve program for wheat and feed grains established under section 1445e of this title is in effect, the Corporation may not sell any of its stocks of wheat or feed grains at a level that is less than 150 percent of the then current loan rate for wheat or feed grains.

(5) Upland cotton

The Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same price the Corporation sells upland cotton for export, but in no event at less than the amount provided for in paragraph (1).

(d) Nonapplication of sales price restrictions

The foregoing restrictions of this section shall not apply to—

(1) sales for new or byproduct uses;

(2) sales of peanuts and oilseeds for the extraction of oil;

(3) sales for seed or feed if the sales will not substantially impair any price support program;

(4) sales of commodities that have substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;

(5) sales for the purpose of establishing claims arising out of contract or against persons who have committed fraud, misrepresentation, or other wrongful acts with respect to the commodity;

(6) sales for export (excluding sales of upland cotton for export);

(7) sales of wool; and

(8) sales for other than primary uses.

(e) Distress, disaster, and livestock emergency areas

(1) In general

Notwithstanding the foregoing provisions of this section, the Corporation, on such terms and conditions as the Secretary may consider in the public interest, may—

(A) make available any farm commodity or product thereof owned or controlled by the Corporation for use in relieving distress—

(i) in any area in the United States (including the Virgin Islands) declared by the President to be an acute distress area because of unemployment or other economic cause, if the President finds that the use will not displace or interfere with normal marketing of agricultural commodities; and

(ii) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

(B) donate or sell commodities in accordance with subchapter V of this chapter.

(2) Costs

Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making the commodity available under this subsection beyond the cost of the commodities to the Corporation in—

(A) the storage of the commodity; and

(B) the handling and transportation costs in making delivery of the commodity to designated agencies at one or more central locations in each State or other area.

(f) Efficient operations

(1) In general

Subject to paragraph (2), the foregoing restrictions of this section shall not apply to sales of commodities the disposition of which is desirable in the interest of the effective and efficient conduct of the operations of the Corporation because of the small quantities involved, or because of age, location or questionable continued storability of the commodity.

(2) Offsets

The sales shall be offset (if necessary) by the purchases of commodities as the Corporation determines is appropriate to prevent the sales from substantially impairing any price support program or unduly affecting market

prices, except that the purchase price shall not exceed the Corporation's minimum sales price for the commodities for unrestricted use.

(3) Competitive bid basis

Subject to the sales price restrictions contained in this section, the Corporation may sell any basic agricultural commodity or storable nonbasic commodity on a competitive bid basis, if the sale is determined to be appropriate by the Secretary.

(g) Sales for export

For the purposes of this section, sales for export shall include—

(1) sales made on condition that the identical commodities sold be exported; and

(2) sales made on condition that commodities of the same kind and of comparable value or quantity be exported, either in raw or processed form.

(Oct. 31, 1949, ch. 792, title IV, § 407, 63 Stat. 1055; July 10, 1954, ch. 469, title III, § 308, formerly § 301, 68 Stat. 458, renumbered § 308, Pub. L. 95–88, title II, § 211(a)(1), Aug. 3, 1977, 91 Stat. 548; amended July 29, 1954, ch. 643, 68 Stat. 583; Jan. 28, 1956, ch. 14, 70 Stat. 6; Pub. L. 85–835, title I, § 109, Aug. 28, 1958, 72 Stat. 993; Pub. L. 87–127, Aug. 7, 1961, 75 Stat. 293; Pub. L. 87–703, title III, § 325(2), title IV, § 404, Sept. 27, 1962, 76 Stat. 631, 632; Pub. L. 88–297, title I, § 104, title II, § 204, Apr. 11, 1964, 78 Stat. 175, 183; Pub. L. 88–585, § 1, Sept. 11, 1964, 78 Stat. 927; Pub. L. 89–321, title IV, § 404, Nov. 3, 1965, 79 Stat. 1197; Pub. L. 89–808, § 3(e), Nov. 11, 1966, 80 Stat. 1538; Pub. L. 90–475, § 7, Aug. 11, 1968, 82 Stat. 703; Pub. L. 90–559, § 1(5), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91–524, title IV, § 409, title VI, § 603, Nov. 30, 1970, 84 Stat. 1367, 1377; Pub. L. 95–113, title IV, § 408, title VI, § 603, Sept. 29, 1977, 91 Stat. 927, 939; Pub. L. 97–98, title V, § 503, title XI, §§ 1103, 1111(a), Dec. 22, 1981, 95 Stat. 1240, 1264, 1267; Pub. L. 98–88, § 5, Aug. 26, 1983, 97 Stat. 499; Pub. L. 99–198, title V, § 503, title X, § 1007, title XVII, § 1763(b), Dec. 23, 1985, 99 Stat. 1418, 1451, 1651; Pub. L. 100–387, title I, § 101(b)(2), Aug. 11, 1988, 102 Stat. 931; Pub. L. 100–707, title I, § 109(a)(2), Nov. 23, 1988, 102 Stat. 4708; Pub. L. 101–624, title XI, § 1130, Nov. 28, 1990, 104 Stat. 3509.)

REFERENCES IN TEXT

The Disaster Relief and Emergency Assistance Act, referred to in subsec. (e)(1)(A)(ii), is Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, known as the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

PRIOR PROVISIONS

A prior section 308 of act July 10, 1954, ch. 469, title III, as added Sept. 21, 1959, Pub. L. 86–341, title I, § 13, 73 Stat. 609; amended Sept. 27, 1962, Pub. L. 87–703, title II, § 203, 76 Stat. 611, cited as a credit to this section, which enacted section 1697 of this title, was repealed by Pub. L. 89–808, § 2(D), Nov. 11, 1966, 80 Stat. 1535.

AMENDMENTS

1990—Pub. L. 101–624 amended section generally, designating part of existing text as subsecs. (a) to (g), and as so designated, in subsec. (c), substituting provisions restricting sales of nonbasic or agricultural commodities at less than 115 percent of the levels of the current national price support level or the loan repayment level for provisions restricting such sales at less than 5 percent above the current support price, substituting provisions authorizing the sale of extra long staple cotton at any price determined appropriate for provisions that it sell at not less than 15 percent above the current support price, adding provisions relating to oilseeds, and wheat and feed grains, deleting provisions relating to sales of extra long staple cotton for unrestricted use and the authority of Secretary in carrying out this section.

1988—Pub. L. 100–707, substituted "the Disaster Relief and Emergency Assistance Act" for "Public Law 875, Eighty-first Congress, as amended (42 U.S.C. 1855)".

Pub. L. 100–387 substituted provision authorizing the Commodity Credit Corporation to donate or sell commodities in accordance with subchapter V of this chapter for provision authorizing the Commodity Credit Corporation to make feed for livestock available to certain persons in certain areas during emergencies.

1985—Pub. L. 99–198, § 1007, temporarily reenacted substantially without change the amendments made in 1981 by section 1103 of Pub. L. 97–98, which had established a floor for sales of wheat and feed grains in inventory for unrestricted use at 115 per centum of the current national average loan rate for the commodity adjusted for current market differentials reflecting grade, quality, location, and other value factors, plus reasonable carrying charges; designated such provisions as thus reenacted as cl. (A) of the proviso involved and added cl. (B) relating to the Secretary's permitting the repayment of loans at a loan rate less than the loan level determined for such crop; and reenacted, also without change, the amendments by Pub. L. 97–98 which had the price at which purchases had to be made to offset sales in the interest of the efficient conduct of the Corporation's operations to an amount not exceeding the minimum sales price for the commodity for unrestricted use. See Effective and Termination Dates of 1985 Amendment note below.

Pub. L. 99–198, § 1763(b), inserted provision giving the Commodity Credit Corporation authority to (1) make available feed for livestock to certain persons during emergencies in areas in which feed grains are normally produced and normally available for feed purposes, but in which they are unavailable because of a catastrophe described in the fourth sentence of this section, (2) make such feed available to such persons through feed dealers in the areas, (3) make such feed available at a price not less than the price prescribed in the fourth sentence of this section, and (4) bear any expenses incurred in connection with making such feed available to such persons under this sentence, including transportation and handling costs.

Pub. L. 99–198, § 503, temporarily reenacted substantially without change the amendments made in 1981 by section 503 of Pub. L. 97–98, which provided that the Commodity Credit Corporation sell upland cotton for unrestricted use at the same prices as it sells cotton for export, but in no event at less than 115 per centum of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton, micronaire 3.5 through 4.9, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, and substituted "as it sells upland cotton" for "as it sells cotton" and "percent" for "per centum"; designated such provisions as thus reenacted as cl. (A), and added cl. (B) relating to the Secretary's permitting the repayment of loans at a loan rate less than the loan level determined for such crop. See Effective and Termination Dates of 1985 Amendment note below.

1983—Pub. L. 98–88 inserted provision that, beginning Aug. 26, 1983, the Commodity Credit Corporation may sell extra long staple cotton for unrestricted use at such price levels as the Secretary determines appropriate to maintain and expand export and domestic markets for such cotton.

1981—Pub. L. 97–98 temporarily reenacted without change the amendments made in 1977 by section 408 of Pub. L. 95–113, which had established a floor for sales of wheat and feed grains in inventory for unrestricted use at 115 per centum of the current national average loan rate for the commodity adjusted for current market differentials reflecting grade, quality, location, and other value factors, plus reasonable carrying charges, and which had changed the price at which purchases had to be made to offset sales in the interest of the efficient conduct of the Corporation's operations to an amount not exceeding the minimum sales price for the commodity for unrestricted use, and the amendment made in 1977 by section 603 of Pub. L. 95–113, which provided that the Commodity Credit Corporation sell upland cotton for unrestricted use at the same prices as it sells cotton for export, but in no event at less than 115 per centum of the loan rate for Strict Middling one and one-sixteenth inch upland cotton, micronaire 3.5 through 4.9, adjusted for such current market differentials reflecting grade, quality, location, and other value factors as the Secretary determines appropriate plus reasonable carrying charges, and substituted ''may make available'' for ''shall make available'' and ''may make feed'' for ''shall make feed''. See Effective and Termination Dates of 1981 Amendment note below.

1977—Pub. L. 95–113 temporarily reenacted without change the amendments made in 1970 by section 409 of Pub. L. 91–524 which had established a floor for sales of wheat and feed grains in inventory for unrestricted use at 115 per centum of the current national average loan rate for the commodity adjusted for current market differentials reflecting grade, quality, location, and other value factors, plus reasonable carrying charges, and which had changed the price at which purchases had to be made to offset sales in the interest of the efficient conduct of the Corporation's operations to an amount not exceeding the minimum sales price for the commodity for unrestricted use, and reenacted the amendment made in 1970 by section 603 of Pub. L. 91–524 with regard to the sale of upland cotton by the Corporation with the single change of substituting ''at less than 115 per centum of the loan rate for Strict Low Middling one and one-sixteenth inch upland cotton'' for ''at less than 110 per centum of the loan rate for Middling one-inch upland cotton'' in provisions setting the minimum price at which the Corporation shall sell upland cotton for unrestricted use. See Effective and Termination Dates of 1977 Amendment note below.

1970—Pub. L. 91–524 temporarily established a floor for sales of wheat and feed grains in inventory for unrestricted use at 115 per centum of the current national average loan rate for the commodity adjusted for current market differentials reflecting grade, quality, location, and other value factors, plus reasonable carrying charges, changed the price at which purchases must be made to offset sales in the interest of the efficient conduct of the Corporation's operations to an amount not exceeding the minimum sales price for the commodity for unrestricted use, and provided for sale of upland cotton by the Corporation for unrestricted use at the same prices as it sold for export, in no event, however, at less than 110 percent of the loan rate for Middling one-inch cotton (micronaire 3.5 through 4.9) adjusted for such current market differentials reflecting grade, quality, location, and other value factors as deemed appropriate by the Secretary, plus reasonable carrying charges. See Effective and Termination Dates of 1970 Amendment note below.

1968—Pub. L. 90–559 extended termination date for sale of upland cotton from July 31, 1970, to July 31, 1971.

Pub. L. 90–475 required that notwithstanding any other provision of this section, effective Aug. 1, 1968, the Commodity Credit Corporation make available for sale for unrestricted use at current market prices a quantity of American grown extra long staple cotton equal to the specified amount, with the proviso that beginning with the marketing year for which the national marketing quota is not established pursuant to section 1347(b)(3) of this title, no sales shall be made at less than 115 percent of the loan rate for extra long staple cotton under section 1441(f) of this title, and required the Secretary to make adjustments in the quantities of cotton to be made available.

1966—Pub. L. 89–808 inserted proviso to third sentence prohibiting, whenever carryover at end of any marketing year of a price supported agricultural commodity for which a voluntary adjustment program is in effect will be less than 25 per centum (35 per centum in the case of wheat) of the estimated export and domestic consumption of such commodity during such marketing year, sale of CCC stocks of such commodity during such year for unrestricted use at less than 115 per centum (120 per centum in the case of wheat whenever its carryover will be less than 25 per centum of such estimated export and domestic consumption) of the current price support loan plus reasonable carrying charges.

1965—Pub. L. 89–321 required that notwithstanding any other provision of this section, for the period August 1, 1966, through July 31, 1970, (1) the Commodity Credit Corporation shall sell upland cotton for unrestricted use at the same prices as it sells cotton for export, in no event, however, at less than 110 per centum of the loan rate, and (2) the Commodity Credit Corporation shall sell or make available for unrestricted use at current market prices in each marketing year a quantity of upland cotton equal to the amount by which the production of upland cotton is less than the estimated requirements for domestic use and for export for such marketing year, permitted the Secretary to make such estimates and adjustments therein at such times as he determines will best effectuate the provisions of part (2) of the foregoing sentence, and required such quantities of cotton as are required to be sold under such sentence to be offered for sale in an orderly manner and so as not to affect market prices unduly.

1964—Pub. L. 88–585 provided that the Corporation, in providing feed to distressed areas, may charge not less than 75 percent of the current basic county support rate including the value of any applicable price support payment in kind, included the Virgin Islands within those areas where such feed can be made obtainable, authorized the Secretary to provide feed by feed dealers under such arrangement that the feed so furnished would be replaced with feed owned or controlled by the Corporation and sold to such persons, and inserted ''or other area'' after ''one or more central locations in each State''.

Pub. L. 88–297, § 104, inserted proviso that beginning Aug. 1, 1964, the Corporation may sell upland cotton for unrestricted use at not less than 105 per centum of the current loan rate for such cotton under section 1444(a) of this title plus reasonable carrying charges.

Pub. L. 88–297, § 204, temporarily substituted proviso that if wheat marketing allocation program is in effect, the current price for wheat shall be the support price for wheat not accompanied by marketing certificates for proviso prescribing support price for wheat accompanied by marketing certificate and sale of wheat to be accompanied by marketing certificate, respectively. See Effective and Termination Dates of 1964 Amendment note below.

1962—Pub. L. 87–703 prescribed that a marketing certificate accompany the support price for wheat and wheat sold and authorized the Secretary to make Commodity Credit Corporation feed available, prior to Dec. 31, 1963, to milk producers to assure supply free of radioactive fallout contamination, respectively.

1961—Pub. L. 87–127 empowered Corporation to sell, at not less than 75 percent of the current support price, feed owned or controlled by it to assist in the preservation and maintenance of foundation herds of cattle, sheep, and goats in such areas where the Secretary determines an emergency exists warranting such assistance.

1958—Pub. L. 85–835 required Corporation to sell cotton for unrestricted use at not less than 15 per centum above support price plus reasonable carrying charges, and authorized Corporation to sell at market price a number of bales equal to that by which the national

marketing quota is less than domestic consumption and exports.

1956—Act Jan. 28, 1956, included as ''sales for export'' sales made on condition that like commodities of comparable value or quantity be exported in raw or processed form.

1954—Act July 29, 1954, exempted from the minimum price requirement any sales where disposition is desirable in the interest of effective and efficient conduct of the Corporation's operations because of the small quantities involved or because of age, location, or questionable storability.

Act July 10, 1954, inserted provisions relating to use of farm commodities and products in relieving distress.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Section 101(c) of Pub. L. 100–387 provided that:

''(1) This section and the amendments made by this section [enacting sections 1471 to 1471j of this title, amending this section, repealing sections 1433 and 2267 of this title, enacting provisions set out as a note under section 1421 of this title, and repealing provisions set out as notes under this section] shall become effective 15 days after the date of the enactment of this Act [Aug. 11, 1988].

''(2) The provisions of section 604(d), 605(c), 606(a)(2)(A), 606(e), 609(c), and 609(d) of the Agricultural Act of 1949, as added by subsection (a) [7 U.S.C. 1471b(d), 1471c(c), 1471d(a)(2)(A), (e), 1471g(c), (d)], shall apply only with respect to any livestock emergency in 1988.''

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Section 503 of Pub. L. 99–198 provided that the amendment made by that section [with respect to Commodity Credit Corporation sales price restrictions for upland cotton] is effective only with respect to period beginning Aug. 1, 1978, and ending July 31, 1991.

Section 1007 of Pub. L. 99–198 provided that the amendment made by that section [with respect to Commodity Credit Corporation sales price restrictions for wheat and feed grains] is effective only for marketing years for 1986 through 1990 crops.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Section 503 of Pub. L. 97–98 provided that the amendment made by that section [with respect to Commodity Credit Corporation sales price restrictions for upland cotton] is effective only with respect to period beginning Aug. 1, 1978, and ending July 31, 1986.

Section 1103 of Pub. L. 97–98 provided that the amendment made by that section [with respect to Commodity Credit Corporation sales restrictions for wheat and feed grains] is effective only for marketing years for 1982 through 1985 crops.

Amendment by § 1111(a) of Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Section 408 of Pub. L. 95–113 provided that the amendment made by that section [which reenacted without change the amendment first made by section 409 of Pub. L. 91–524 establishing a floor for sales of wheat and feed grains and changing price at which purchases must be made to offset sales in interest of efficient conduct of Corporation's operations] is effective only with respect to marketing years for 1978 through 1981 crops.

Section 603 of Pub. L. 95–113 provided that the amendment made by that section [which reenacted with some changes (see 1977 Amendment note above) the amendment first made by section 603 of Pub. L. 91–524 relating to sale of upland cotton by Corporation] is effective only with respect to period beginning Aug. 1, 1978, and ending July 31, 1982.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Section 409 of Pub. L. 91–524, as amended by Pub. L. 93–86, § 1(16), Aug. 10, 1973, 87 Stat. 230, provided that the amendment made by that section [establishing a floor for sales of wheat and feed grains and changing price at which purchases must be made to offset sales in interest of efficient conduct of Corporation's operations] is effective only with respect to marketing years for 1971 through 1977 crops.

Section 603 of Pub. L. 91–524, as amended by Pub. L. 93–86, § 1(21), Aug. 10, 1973, 87 Stat. 235, provided that the amendment made by that section [covering sale of upland cotton by Corporation] is effective only with respect to period beginning Aug. 1, 1971, and ending July 31, 1978.

EFFECTIVE DATE OF 1966 AMENDMENT

Amendment by Pub. L. 89–808 effective Jan. 1, 1967, see section 5 of Pub. L. 89–808, set out as a note under section 1691 of this title.

EFFECTIVE AND TERMINATION DATES OF 1964 AMENDMENT

Section 204 of Pub. L. 88–297, as amended by Pub. L. 89–321, title V, § 503(3), Nov. 3, 1965, 79 Stat. 1203; Pub. L. 90–559, § 1(1), Oct. 11, 1968, 82 Stat. 996, provided that the amendment made by that section is effective only with respect to marketing years beginning in calendar years 1964 through 1970.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

SALE OF CORN TO ETHANOL PRODUCERS

Section 332 of Pub. L. 100–387 provided that:

''(a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding section 110(f) of the Agricultural Act of 1949 (7 U.S.C. 1445e(f)) or any other provision of law, if, during any month commencing after July 31, 1988, the average corn price (as determined under subsection (d)) exceeds the fuel conversion price (as defined in section 212 of the Agricultural Trade Suspension Adjustment Act of 1980 (7 U.S.C. 4005)), the Secretary of Agriculture may make available for sale to domestic producers of ethanol fuel, for the production of ethanol, not more than 12,000,000 bushels per month of corn owned by the Commodity Credit Corporation.

''(b) PRICE.—Corn shall be sold under this section at a price that is not more than such fuel conversion price, except that such price shall not be less than 110 percent of the basic county loan rate for corn, prior to

any adjustment made under section 105C(a)(3) of the Agricultural Act of 1949 (7 U.S.C. 1444e(a)(3)).

''(c) MAXIMUM AMOUNT.—The total quantity of corn sold to any ethanol producer under this section may not exceed 2,000,000 bushels per month.

''(d) AVERAGE CORN PRICE.—The average corn price under this section shall be determined by the Secretary based on the average corn price in markets used for determinations made under clause (5) of the third sentence of section 110(b) of the Agricultural Act of 1949 (7 U.S.C. 1445e(b)).

''(e) TERMS.—(1) The Secretary may not make corn or other commodities available under this section to any domestic producer of ethanol that uses in excess of 30,000,000 bushels of corn or comparable commodity annually in producing ethanol.

''(2) Domestic producers of ethanol fuel purchasing corn under this section shall agree not to resell such corn and to make available a quantity of feed byproducts equivalent to the quantity processed from such corn for sale to domestic livestock producers and feeders in a manner and subject to such terms and conditions as are approved by the Secretary.

''(f) TERMINATION.—The Secretary shall terminate any program established under this section no later than September 1, 1989. The Secretary shall terminate the program on an earlier date if the Secretary determines that—

''(1) such program is no longer necessary to maintain the economic viability of the ethanol industry; or

''(2) a sufficient supply of corn otherwise would not be available to fulfill estimated obligations of the Commodity Credit Corporation under emergency livestock feeding programs during the subsequent 180-day period.

''(g) OTHER COMMODITIES.—The Secretary may, at the request of a domestic producer of ethanol, substitute other feed grains (such as grain sorghum) for corn on an equitable basis, taking into account variations in the value of such commodities in the production of ethanol.''

EMERGENCY FEED ASSISTANCE

Pub. L. 98–180, title III, § 303, Nov. 29, 1983, 97 Stat. 1151, which authorized Secretary of Agriculture to make damaged corn available to assist eligible farmers and ranchers in areas adversely affected by drought, hot weather, or related disaster to preserve and maintain foundation herds of livestock and poultry, which corn was to be available until Sept. 30, 1984, or date, as determined by the Secretary, on which emergency no longer exists, was repealed by Pub. L. 100–387, title I, § 101(b)(5), Aug. 11, 1988, 102 Stat. 932, eff. 15 days after Aug. 11, 1988.

SALE OF FEED FOR LIVESTOCK IN EMERGENCY AREAS; DESIGNATION OF EMERGENCY AREA; CONDITIONS; PENALTY

Pub. L. 86–299, Sept. 21, 1959, 73 Stat. 574, as amended by Pub. L. 88–585, § 3, Sept. 11, 1964, 78 Stat. 927, which authorized Secretary of Agriculture to sell feed grains to provide feed for livestock in any area determined by Secretary to be an emergency area, and provided penalty for any person disposing of such feed other than by feeding livestock owned by him, was repealed by Pub. L. 100–387, title I, § 101(b)(4), Aug. 11, 1988, 102 Stat. 931, eff. 15 days after Aug. 11, 1988.

FEED GRAIN; SALE BY CCC; TERMINATION DATE

Act Aug. 28, 1954, ch. 1041, title II, § 208, 68 Stat. 901, authorized the Commodity Credit Corporation until March 1, 1955, to sell at the point of storage any feed grain owned by the Corporation at 10 per centum above the current support price for the commodity.

AUTHORIZATION FOR COMMODITY CREDIT CORPORATION TO SELL WHEAT AND CORN

Pub. L. 85–683, Aug. 19, 1958, 72 Stat. 635, as authorizing Commodity Credit Corporation to purchase flour and cornmeal for donation and to sell, without regard to this section, an equivalent amount of wheat and corn, see note set out under section 1431 of this title.

SALE OF COMMODITIES FOR FOREIGN CURRENCIES

Sale of surplus agricultural commodities for foreign currencies, see section 1691 et seq., of this title.

EX. ORD. NO. 11336. DELEGATION OF AUTHORITY RELATING TO EMERGENCY LIVESTOCK FEED

Ex. Ord. No. 11336, Mar. 22, 1967, 32 F.R. 4489, provided:

By virtue of the authority vested in me by section 301 of Title 3 of the United States Code, and as President of the United States, it is ordered as follows:

SECTION 1. (a) The Secretary of Agriculture is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by clause (1) of the fifth sentence of section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), to the extent prescribed in subsection (b) of this section.

(b) Whenever the Secretary of Agriculture determines that the chronic economic distress of the needy members of an Indian tribe is materially increased by severe drought, flood, hurricane, blizzard, or other uncontrollable catastrophe affecting any reservation or other land designated for Indian use which is utilized by members of such tribe for grazing livestock, he may, under subsection (a) of this section, declare such reservation or other land to be an acute distress area because of unemployment or other economic reasons if he finds that the use of farm commodities or the products thereof made available by the Commodity Credit Corporation for livestock feed in that area will not displace or interfere with normal marketing of agricultural commodities.

SEC. 2. Federal assistance in relieving distress, extended as a result of action by the Secretary of Agriculture under the authority delegated by section 1 of this order, shall terminate in each instance upon notice by the Secretary of Agriculture.

SEC. 3. In carrying out the provisions of this order the Secretary of Agriculture shall maintain liaison with the Secretary of the Interior and shall consult with the latter as may be appropriate.

SEC. 4. The declaration contained in the letter of the President to the Secretary of Agriculture, dated February 1, 1965, that reservation lands in Arizona, Utah and New Mexico, which are grazed in common by Indian tribes, are an acute distress area shall continue in effect until January 1, 1968, or until such earlier date as may be fixed by notice of the Secretary of Agriculture published in the Federal Register.

LYNDON B. JOHNSON.

§ 1427–1. Quality requirements for Commodity Credit Corporation owned grain

(a) Establishment of minimum standards

Notwithstanding any other provision of law, the Secretary shall establish minimum quality standards that shall apply to grain that is deposited for storage for the account of the Commodity Credit Corporation. In establishing such standards, the Secretary shall take into consideration factors related to the ability of grain to withstand storage and assurance of acceptable end-use performance.

(b) Inspection of grain acquisitions

The Commodity Credit Corporation shall utilize Federal Grain Inspection Service approved procedures to inspect and evaluate the condition of the grain it acquires from producers. In no case shall this section require the use of an official inspection unless the producer so requests.

(Oct. 31, 1949, ch. 792, title IV, § 407A, as added Pub. L. 101–624, title XX, § 2012, Nov. 28, 1990, 104 Stat. 3933.)

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1427a. Reserve inventories for alleviation of distress of natural disaster

(a) Establishment, maintenance and disposal by Secretary; amount and nature of reserve

Notwithstanding any other provision of law, the Secretary of Agriculture may under the provisions of this Act establish, maintain, and dispose of a separate reserve of inventories of not to exceed 75 million bushels of wheat, feed grains, and soybeans for the purpose of alleviating distress caused by a natural disaster.

Such reserve inventories may include such quantities of grain that the Secretary deems needed to provide for the alleviation of distress as the result of a natural disaster.

(b) Acquisition of commodities through price support program

The Secretary may acquire such commodities through the price support program. However, if the Secretary determines that no wheat, feed grains, or soybeans are available through the price support program at locations where they may be economically utilized to alleviate distress caused by a natural disaster, the Secretary is authorized to purchase through the facilities of the Commodity Credit Corporation such wheat, feed grains, soybeans, hay, or other livestock forages as the Secretary deems necessary for disposition in accordance with the authority provided in subsection (d) of this section. The Secretary may acquire wheat, feed grains, soybeans, hay, or other livestock forages at such locations, at such times, and in such quantities as the Secretary finds necessary and appropriate and may pay such transportation and other costs as may be required to permit disposition of such wheat, feed grains, soybeans, hay, and other livestock forages under subsection (d) of this section.

(c) Prerequisites for sale or disposition of commodities in reserve

Except when a state of emergency has been proclaimed by the President or by concurrent resolution of Congress declaring that such reserves should be disposed of, the Secretary shall not offer any commodity in the reserve for sale or disposition.

(d) Additional authorization for disposition of commodities to relieve distress or for civil defense emergencies

The Secretary is also authorized to dispose of such commodities only for (1) use in relieving distress (A) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States, (B) in connection with any major disaster or emergency determined by the President to warrant assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act (88 Stat. 143, as amended; 42 U.S.C. 5121), and (C) in connection with any emergency determined by the Secretary to warrant assistance under section 1427 of this title, the Act of September 21, 1959 (73 Stat. 574, as amended; 7 U.S.C. 1427 note), or section 2267[1] of this title; or (2) use in connection with a state of civil defense emergency as proclaimed by the President or by concurrent resolution of the Congress in accordance with title VI of The[2] Robert T. Stafford Disaster Relief and Emergency Assistance Act [42 U.S.C. 5195 et seq.].

(e) Sale at equivalent prices for maintenance of reserve

The Secretary may sell at an equivalent price, allowing for the customary location and grade price differentials, substantially equivalent quantities in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate such reserve.

(f) Utilization of Commodity Credit Corporation and usual and customary channels, etc., of trade and commerce

The Secretary may use the Commodity Credit Corporation to the extent feasible to fulfill the purposes of this section; and to the maximum extent practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

(g) Rules and regulations

The Secretary may issue such rules and regulations as may be necessary to carry out the provisions of this section.

(h) Authorization of appropriations

There is hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(Pub. L. 91–524, title VIII, § 813, as added Pub. L. 93–86, § 1(27)(B), Aug. 10, 1973, 87 Stat. 239; amended Pub. L. 95–113, title XI, § 1103, Sept. 29, 1977, 91 Stat. 953; Pub. L. 97–98, title X, § 1003, Dec. 22, 1981, 95 Stat. 1260; Pub. L. 100–707, title I, § 109(b), Nov. 23, 1988, 102 Stat. 4708; Pub. L. 103–337, div. C, title XXXIV, § 3412(b)(3), Oct. 5, 1994, 108 Stat. 3111.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a), is Pub. L. 91–524, Nov. 30, 1970, 84 Stat. 1358, known as the Agricultural Act of 1970. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1281 of this title and Tables.

The Disaster Relief and Emergency Assistance Act and the Robert T. Stafford Disaster Relief and Emergency Assistance Act, referred to in subsec. (d), are Pub. L. 93–288, May 22, 1974, 88 Stat. 143, as amended, which is classified principally to chapter 68 (§ 5121 et seq.) of Title 42, The Public Health and Welfare. Title VI of the Act is classified generally to subchapter IV–B (§ 5195 et seq.) of chapter 68 of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 5121 of Title 42 and Tables.

Act of September 21, 1959, referred to in subsec. (d), is Pub. L. 86–299, Sept. 21, 1959, 73 Stat. 574, as amended,

[1] See References in Text note below.

[2] So in original. Probably should not be capitalized.

which is set out as a note under section 1427 of this title.

Section 2267 of this title, referred to in subsec. (d), was repealed by Pub. L. 100–387, title I, § 101(b)(1), Aug. 11, 1988, 102 Stat. 931.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1994—Subsec. (d). Pub. L. 103–337 substituted ''title VI of The Robert T. Stafford Disaster Relief and Emergency Assistance Act'' for ''the provisions of the Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297)''.

1988—Subsec. (d). Pub. L. 100–707 substituted ''and Emergency Assistance Act'' for ''Act of 1974''.

1981—Subsec. (a). Pub. L. 97–98 substituted ''may'' for ''shall'' wherever appearing.

Subsec. (b). Pub. L. 97–98 substituted ''Secretary may acquire such commodities'' for ''Secretary shall acquire such commodities''.

1977—Subsec. (b). Pub. L. 95–113, § 1103(a), inserted provisions authorizing Secretary to act if it is determined that no wheat, feed grains, or soybeans are available through the price support program at locations where they can be economically utilized to alleviate distress caused by a natural disaster.

Subsec. (d). Pub. L. 95–113, § 1103(b), substituted ''(A) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands of the United States, (B) in connection with any major disaster or emergency determined by the President to warrant assistance by the Federal Government under the Disaster Relief Act of 1974, and (C) in connection with any emergency determined by the Secretary to warrant assistance under section 1427 of this title, the Act of September 21, 1959, or section 2267 of this title'' for ''(a) in any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands and (b) in connection with any major disaster determined by the President to warrant assistance by the Federal Government under Public Law 875, Eighty-first Congress, as amended''.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

COMMODITY CREDIT CORPORATION FUND; DISASTER RESERVE ASSISTANCE PROGRAM

Pub. L. 105–18, title II, June 12, 1997, 111 Stat. 170, provided in part: ''That notwithstanding any other provision of law, beginning on October 1, 1997, grain in the disaster reserve established in the Agricultural Act of 1970 [see Short Title of 1970 Amendment note set out under section 1281 of this title] shall not exceed 20 million bushels''.

§ 1428. Definitions

For the purposes of this Act—

(a) A commodity shall be considered storable upon determination by the Secretary that, in normal trade practice, it is stored for substantial periods of time and that it can be stored under the price-support program without excessive loss through deterioration or spoilage or without excessive cost for storage for such periods as will permit its disposition without substantial impairment of the effectiveness of the price-support program.

(b) A ''cooperator'' with respect to any basic agricultural commodity shall be a producer on whose farm the acreage planted to the commodity does not exceed the farm acreage allotment for the commodity under subchapter II of chapter 35 of this title, or in the case of price support for corn or wheat to a producer outside the commercial corn-producing or wheat-producing area, a producer who complies with conditions of eligibility prescribed by the Secretary: *Provided*, That for upland cotton a cooperator shall be a producer on whose farm the acreage planted to such cotton does not exceed the cooperator percentage, which shall be in the case of the 1966 crop, 87.5 per centum of such farm acreage allotment and, in the case of each of the 1967 through 1970 crops, such percentage, not less than 87.5 or more than 100 per centum, of such farm acreage allotment as the Secretary may specify for such crop, except that in the case of small farms (i.e. farms on which the acreage allotment is 10 acres or less, or on which the projected farm yield times the acreage allotment is 3,600 pounds or less, and the acreage allotment has not been reduced under section 1344(m) of this title) the acreage of cotton on the farm shall not be required to be reduced below the farm acreage allotment: *And provided*, That for the 1971 through 1977 crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 1444(e) of this title: *Provided further*, That for the 1976 through 1981 crops of rice, a cooperator shall be a person who produces rice on a farm for which a farm acreage allotment has been established or to which a producer acreage allotment has been allocated and, if a set-aside is in effect, who has set aside any acreage required under section 1441(g) of this title. *Provided further*, That for the 1978 through 1981 crops of upland cotton, a cooperator shall be a producer on a farm who has set aside the acreage required under section 1444(f) of this title. For the purpose of this subsection, a producer shall not be deemed to have exceeded his farm acreage allotment unless such producer knowingly exceeded such allotment.

(c) A ''basic agricultural commodity'' shall mean corn, cotton, rice, and wheat, respectively.

(d) A ''nonbasic agricultural commodity'' shall mean any agricultural commodity other than a basic agricultural commodity.

(e) The ''supply percentage'' as to any commodity shall be the percentage which the estimated total supply is of the normal supply as determined by the Secretary from the latest available statistics of the Department of Agriculture as of the beginning of the marketing year for the commodity.

(f) ''Total supply'' of any nonbasic agricultural commodity for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year be-

gins and the estimated imports of the commodity into the United States during such marketing year.

(g) ''Carry-over'' of any nonbasic agricultural commodity for any marketing year shall be the quantity of the commodity on hand in the United States at the beginning of such marketing year, not including any part of the crop or production of such commodity which was produced in the United States during the calendar year then current. The carryover of any such commodity may also include the quantity of such commodity in processed form on hand in the United States at the beginning of such marketing year, if the Secretary determines that the inclusion of such processed quantity of the commodity is necessary to effectuate the purposes of this Act.

(h) ''Normal supply'' of any nonbasic agricultural commodity for any marketing year shall be (1) the estimated domestic consumption of the commodity for the marketing year for which such normal supply is being determined, plus (2) the estimated exports of the commodity for such marketing year, plus (3) an allowance for carry-over. The allowance for carry-over shall be the average carry-over of the commodity for the five marketing years immediately preceding the marketing year in which such normal supply is determined, adjusted for surpluses or deficiencies caused by abnormal conditions, changes in marketing conditions, or the operation of any agricultural program. In determining normal supply, the Secretary shall make such adjustments for current trends in consumption and for unusual conditions as he may deem necessary.

(i) ''Marketing year'' for any nonbasic agricultural commodity means any period determined by the Secretary during which substantially all of a crop or production of such commodity is normally marketed by the producers thereof.

(j) Any term defined in the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.], shall have the same meaning when used in this Act.

(k)(1) Reference made in sections 1422, 1423, 1426, 1427, and 1431 of this title to the terms ''support price'', ''level of support'', and ''level of price support'' shall be considered to apply as well to the loan and purchase level for wheat, feed grains, upland cotton, extra long staple cotton, honey, oilseeds and rice under this Act.

(2) References made to the terms ''price support'', ''price support operations'', and ''price support program'' in such sections and in section 1421(a) of this title shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, extra long staple cotton, honey, oilseeds and rice under this Act.

(3) Notwithstanding any other provision of law, this subsection shall be effective only for the 1991 through 1995 crops of wheat, feed grains, upland cotton, extra long staple cotton, honey, oilseeds and rice.

(*l*) ''Producer'' shall include a person growing hybrid seed under contract. In determining the interest of a grower of hybrid seed in a crop, the Secretary shall not take into consideration the existence of a hybrid seed contract.

(Oct. 31, 1949, ch. 792, title IV, § 408, 63 Stat. 1055; Aug. 28, 1954, ch. 1041, title II, § 209, 68 Stat. 901; Pub. L. 89–321, title IV, § 402(b), Nov. 3, 1965, 79 Stat. 1197; Pub. L. 90–559, § 1(4), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91–524, title IV, § 408, title VI, §§ 604, 607, Nov. 30, 1970, 84 Stat. 1367, 1378; Pub. L. 93–86, § 1(22), Aug. 10, 1973, 87 Stat. 235; Pub. L. 94–214, title III, §§ 303, 304, Feb. 16, 1976, 90 Stat. 187, 188; Pub. L. 95–113, title IV, § 407, title VI, § 604(a), (b), title VII, §§ 704, 705, Sept. 29, 1977, 91 Stat. 927, 939, 944; Pub. L. 97–98, title XI, § 1104, Dec. 22, 1981, 95 Stat. 1264; Pub. L. 99–198, title X, § 1018, Dec. 23, 1985, 99 Stat. 1459; Pub. L. 101–624, title XI, § 1131, Nov. 28, 1990, 104 Stat. 3511; Pub. L. 107–171, title I, § 1310(a)(2)(B), May 13, 2002, 116 Stat. 182; Pub. L. 108–357, title VI, § 612(c), Oct. 22, 2004, 118 Stat. 1524.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section 1441(g) of this title, referred to in subsec. (b), was omitted from the Code.

The Agricultural Adjustment Act of 1938, referred to in subsec. (j), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108–357 struck out ''tobacco,'' before ''and wheat''.

2002—Subsec. (c). Pub. L. 107–171 struck out ''peanuts,'' before ''rice,''.

1990—Subsec. (k). Pub. L. 101–624, § 1131(a), amended subsec. (k) generally. Prior to amendment, subsec. (k) read as follows:

''(1) Reference made in sections 1422, 1423, 1426, 1427, and 1431 of this title to the terms 'support price', 'level of support', and 'level of price support' shall be considered to apply as well to the loan and purchase level for wheat, feed grains, upland cotton, and rice under this Act.

''(2) References made to the terms 'price support', 'price support operations', and 'price support program' in such sections and in section 1421(a) of this title shall be considered as applying as well to loan and purchase operations for wheat, feed grains, upland cotton, and rice under this Act.''

Subsecs. (*l*), (m). Pub. L. 101–624, § 1131(b), added subsec. (*l*) and struck out former subsecs. (*l*) and (m). See 1977 Amendment note below.

1985—Subsec. (k). Pub. L. 99–198 temporarily amended subsec. (k) generally, designating provisions before the semicolon as par. (1) and substituting ''loan and purchase level'' for ''level of loans and purchases'', and designating provisions after the semicolon as par. (2). See Effective and Termination Dates of 1985 Amendment note below.

1981—Subsec. (k). Pub. L. 97–98 temporarily substituted ''Reference made'' for ''References made'' and inserted reference to section 1427 of this title and to upland cotton and rice. See Effective and Termination Dates of 1981 Amendment note below.

1977—Subsec. (b). Pub. L. 95–113, §§ 604(a), 704, inserted proviso defining cooperator for purposes of the 1978 through 1981 crops of upland cotton as a producer on a farm who has set aside the acreage required under section 1444(f) of this title and substituted ''1976 through 1981 crops of rice'' for ''1976 and 1977 crops of rice'' in proviso defining cooperator for purposes of specific crops of rice.

Subsecs. (k) to (m). Pub. L. 95–113, §§ 407, 604(b), 705, temporarily amended subsecs. (k) to (m) generally. See

Effective and Termination Dates of 1977 Amendment note below.

1976—Subsec. (b). Pub. L. 94–214, § 303, inserted proviso defining ''cooperator'' for 1976 and 1977 crops of rice.

Subsec. (m). Pub. L. 94–214, § 304, temporarily added subsec. (m). See Effective and Termination Dates of 1976 Amendment note below.

1973—Subsec. (b). Pub. L. 93–86 substituted ''1971 through 1977'' for ''1971, 1972, and 1973'' in proviso requiring that for such designated crops of upland cotton a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 1444(e) of this title.

1970—Subsec. (b). Pub. L. 91–524, § 604, inserted proviso that, for the 1971, 1972, and 1973 crops of upland cotton, a cooperator shall be a producer on a farm on which a farm base acreage allotment has been established who has set aside the acreage required under section 1444(e) of this title.

Subsecs. (k), (*l*). Pub. L. 91–524, §§ 408, 607, temporarily added subsecs. (k) and (*l*). See Effective and Termination Dates of 1970 Amendment note below.

1968—Subsec. (b). Pub. L. 90–559 provided for a one year extension, substituting ''1967 through 1970'' for ''1967, 1968, and 1969''.

1965—Subsec. (b). Pub. L. 89–321 temporarily inserted proviso. See Effective and Termination Dates of 1965 Amendment note below.

1954—Subsec. (b). Act Aug. 28, 1954, inserted ''or wheat'' after ''corn'', and ''or wheat-producing'' after ''corn producing''.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–357 applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108–357, set out as an Effective Date note under section 518 of this title.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Section 1018 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Section 1104 of Pub. L. 97–98 provided that the amendment made by that section is effective only for 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Sections 407, 604(b), and 705 of Pub. L. 95–113 provided that the amendments made by those sections are effective for 1978 through 1981 crops.

EFFECTIVE AND TERMINATION DATES OF 1976 AMENDMENT

Section 304 of Pub. L. 94–214 provided that the amendment made by that section is effective only with respect to 1976 and 1977 crops of rice.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Sections 408 and 607 of Pub. L. 91–524, as amended by section 1(15), (22) of Pub. L. 93–86, provided that the amendments made by those sections are effective only with respect to 1971 through 1977 crops.

EFFECTIVE AND TERMINATION DATES OF 1965 AMENDMENT

Section 402(b) of Pub. L. 89–321, as amended by Pub. L. 90–559, § 1(1), Oct. 11, 1968, 82 Stat. 996, provided that the amendment made by that section is effective only for 1966 through 1970 crops.

SAVINGS PROVISION

Amendment by sections 611 to 614 of Pub. L. 108–357 not to affect the liability of any person under any provision of law so amended with respect to the 2004 or an earlier crop of tobacco, see section 614 of Pub. L. 108–357, set out as a note under section 515 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1429. Determinations of Secretary as final and conclusive

Determinations made by the Secretary under this Act shall be final and conclusive: *Provided*, That the scope and nature of such determinations shall not be inconsistent with the provisions of the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.].

(Oct. 31, 1949, ch. 792, title IV, § 412, 63 Stat. 1057.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in text, is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§ 714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

§ 1430. Retroactive effect

This Act shall not be effective with respect to price support operations for any agricultural commodity for any marketing year or season commencing prior to January 1, 1950, except to the extent that the Secretary of Agriculture shall, without reducing price support theretofore undertaken or announced, elect to apply the provisions of this Act.

(Oct. 31, 1949, ch. 792, title IV, § 413, 63 Stat. 1057.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to

milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1431. Disposition of commodities to prevent waste

(a) Eligible recipients; barter; estimates; reprocessing and other charges

In order to prevent the waste of commodities whether in private stocks or acquired through price-support operations by the Commodity Credit Corporation before they can be disposed of in normal domestic channels without impairment of the price-support program or sold abroad at competitive world prices, the Commodity Credit Corporation is authorized, on such terms and under such regulations as the Secretary of Agriculture may deem in the public interest: (1) upon application, to make such commodities available to any Federal agency for use in making payment for commodities not produced in the United States; (2) to barter or exchange such commodities for strategic or other materials as authorized by law; (3) in the case of food commodities to donate such commodities to the Bureau of Indian Affairs and to such State, Federal, or private agency or agencies as may be designated by the proper State or Federal authority and approved by the Secretary, for use in the United States in nonprofit school-lunch programs, in nonprofit summer camps for children, in the assistance of needy persons, and in charitable institutions, including hospitals and facilities, to the extent that they serve needy persons (including infants and children). In the case of clause (3) the Secretary shall obtain such assurance as he deems necessary that the recipients thereof will not diminish their normal expenditures for food by reason of such donation. In order to facilitate the appropriate disposal of such commodities, the Secretary may from time to time estimate and announce the quantity of such commodities which he anticipates will become available for distribution under clause (3). The Commodity Credit Corporation may pay, with respect to commodities disposed of under this subsection, reprocessing, packaging, transporting, handling, and other charges accruing up to the time of their delivery to a Federal agency, or to the designated State or private agency. In addition, in the case of food commodities disposed of under this subsection, the Commodity Credit Corporation may pay the cost of processing such commodities into a form suitable for home or institutional use, such processing to be accomplished through private trade facilities to the greatest extent possible. For the purpose of this subsection the terms ''State'' and ''United States'' include the District of Columbia and any Territory or possession of the United States. Dairy products acquired by the Commodity Credit Corporation through price support operations may, insofar as they can be used in the United States in nonprofit school lunch and other nonprofit child feeding programs, in the assistance of needy persons, and in charitable institutions, including hospitals, to the extent that needy persons are served, be donated for any such use prior to any other use or disposition. Notwithstanding any other provision of law, such dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965 [42 U.S.C. 3001 et seq.].

(b) Furnishing of eligible commodities for carrying out programs of assistance in developing and friendly countries; availability of eligible commodities for nonprofit and voluntary agencies and cooperatives

(1) The Secretary, subject to the requirements of paragraph (10), may furnish eligible commodities for carrying out programs of assistance in developing countries and friendly countries under titles II and III of the Food for Peace Act [7 U.S.C. 1721 et seq., 1727 et seq.] and under the Food for Progress Act of 1985 [7 U.S.C. 1736*o*], as approved by the Secretary, and for such purposes as are approved by the Secretary. To ensure that the furnishing of commodities under this subsection is coordinated with and complements other United States foreign assistance, assistance under this subsection shall be coordinated through the mechanism designated by the President to coordinate assistance under the Food for Peace Act [7 U.S.C. 1691 et seq.].

(2) As used in this subsection, the term ''eligible commodities'' means—

(A) dairy products, wheat, rice, feed grains, and oilseeds acquired by the Commodity Credit Corporation through price support operations, and the products thereof, that the Secretary determines meet the criteria specified in subsection (a) of this section; and

(B) such other edible agricultural commodities as may be acquired by the Secretary or the Commodity Credit Corporation in the normal course of operations and that are available for disposition under this subsection, except that no such commodities may be acquired for the purpose of their use under this subsection.

(3)(A) Commodities may not be made available for disposition under this subsection in amounts that (i) will, in any way, reduce the amounts of commodities that traditionally are made available through donations to domestic feeding programs or agencies, or (ii) will prevent the Secretary from fulfilling any agreement entered into by the Secretary under a payment-in-kind program under this Act or other Acts administered by the Secretary.

(B)(i) The requirements of section 403(a) of the Food for Peace Act [7 U.S.C. 1733(a)] shall apply with respect to commodities furnished under this subsection. Commodities may not be furnished for disposition to any country under this subsection except on determinations by the Secretary that—

(I) the receiving country has the absorptive capacity to use the commodities efficiently and effectively; and

(II) such disposition of the commodities will not interfere with usual marketings of the United States, nor disrupt world prices of agricultural commodities and normal patterns of commercial trade with developing countries.

(ii) The requirement for safeguarding usual marketings of the United States shall not be used to prevent the furnishing under this sub-

section of any eligible commodity for use in countries that—

(I) have not traditionally purchased the commodity from the United States; or

(II) do not have adequate financial resources to acquire the commodity from the United States through commercial sources or through concessional sales arrangements.

(C) The Secretary shall take reasonable precautions to ensure that—

(i) commodities furnished under this subsection will not displace or interfere with sales that otherwise might be made; and

(ii) sales or barter under paragraph (7) will not unduly disrupt world prices of agricultural commodities nor normal patterns of commercial trade with friendly countries.

(D) If eligible commodities are made available under this subsection to a friendly country, nonprofit and voluntary agencies and cooperatives shall also be eligible to receive commodities for food aid programs in the country.

(4) Agreements may be entered into under this subsection to provide eligible commodities in installments over an extended period of time. In agreements with recipients of eligible commodities under this subsection (including nonprofit and voluntary agencies or cooperatives), subject to the availability of commodities each fiscal year, the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection.

(5)(A) Section 406 of the Food for Peace Act [7 U.S.C. 1736] shall apply to the commodities furnished under this subsection.

(B) The Commodity Credit Corporation may pay the processing and domestic handling costs incurred, as authorized under this subsection, in the form of eligible commodities, as defined in paragraph (2)(A), if the Secretary determines that such in-kind payment will not disrupt domestic markets.

(6) The cost of commodities furnished under this subsection, and expenses incurred under section 406 of the Food for Peace Act [7 U.S.C. 1736] in connection with those commodities, shall be in addition to the level of assistance programmed under that Act [7 U.S.C. 1691 et seq.] and shall not be considered expenditures for international affairs and finance.

(7) Eligible commodities furnished under this subsection may be sold or bartered only with the approval of the Secretary and solely as follows:

(A) Sales and barter that are incidental to the donation of the commodities or products.

(B) Sales and barter to finance the distribution, handling, and processing costs of the donated commodities or products in the importing country or in a country through which such commodities or products must be transshipped, or other activities in the importing country that are consistent with providing food assistance to needy people.

(C) Sales and barter of commodities and products furnished to intergovernmental agencies or organizations, insofar as they are consistent with normal programming procedures in the distribution of commodities by those agencies or organizations.

(D)(i) Sales of commodities and products furnished to nonprofit and voluntary agencies, or cooperatives, for food assistance under agreements that provide for the use, by the agency or cooperative, of proceeds generated from such sale of commodities or products for the purposes established in clause (ii) of this subparagraph.

(ii) Proceeds generated from partial or full sales or barter of commodities by a nonprofit and voluntary agency or cooperative shall be used—

(I) to transport, store, distribute, and otherwise enhance the effectiveness of the use of commodities and the products thereof donated under this section; and

(II) to implement income generating, community development, health, nutrition, cooperative development, agricultural programs, and other developmental activities.

In addition, proceeds generated in Poland may also be used by governmental and nongovernmental agencies or cooperatives for eligible activities approved by the joint commission established pursuant to section 2226 of the American Aid to Poland Act of 1988 and by the United States chief of diplomatic mission in Poland that would improve the quality of life of the Polish people and would strengthen and support the activities of governmental or private, nongovernmental independent institutions in Poland. Activities eligible under the preceding sentence include—

(I) any project undertaken in Poland under the auspices of the Charitable Commission of the Polish Catholic Episcopate for the benefit of handicapped or orphaned children;

(II) any project for the reconstruction, renovation, or maintenance of the Research Center on Jewish History and Culture of the Jagiellonian University of Krakow, Poland, established for the study of events related to the Holocaust in Poland;

(III) any other project or activity which strengthens and supports private and independent sectors of the Polish economy, especially independent farming and agriculture; and

(IV) the Polish Catholic Episcopate's Rural Water Supply Foundation.

(iii) Except as otherwise provided in clause (v), such agreements, taken together for each fiscal year, shall provide for sales of commodities and products for proceeds in amounts that are, in the aggregate, not less than 10 percent of the aggregate value of all commodities and products furnished, or the minimum tonnage required, whichever is greater, for carrying out programs of assistance under this subsection in such fiscal year. The minimum allocation requirements of this clause apply with respect to commodities and products made available under this subsection for carrying out programs of assistance under titles II and III of the Food for Peace Act [7 U.S.C. 1721 et seq., 1727 et seq.], and not with respect to commodities and products made available to carry out the Food for Progress Act of 1985 [7 U.S.C. 1736*o*].

(iv) Proceeds generated from the sale of commodities or products under this subpara-

graph shall be expended within the country of origin within a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin as necessary to expedite the transportation of commodities and products furnished under this subsection, or to otherwise carry out the purposes of this subsection.

(v) The provisions of clause (iii) of this subparagraph establishing minimum annual allocations for sales and use of proceeds shall not apply to the extent that there have not been sufficient requests for such sales and use of proceeds nor to the extent required under paragraph (3).

(E) Sales and barter to cover expenses incurred under paragraph (5)(a).

(F) The provisions of sections 403(i) and 407(c)[1] of the Food for Peace Act [7 U.S.C. 1733(i), 1736a(c)] shall apply to donations, sales and barters of eligible commodities under this subsection.

The Secretary may approve the use of proceeds or services realized from the sale or barter of a commodity furnished under this subsection by a nonprofit voluntary agency, cooperative, or intergovernmental agency or organization to meet administrative expenses incurred in connection with activities undertaken under this subsection.

(8) ADMINISTRATIVE PROVISIONS.—

(A) EXPEDITED PROCEDURES.—To the maximum extent practicable, expedited procedures shall be used in the implementation of this subsection.

(B) ESTIMATE OF COMMODITIES.—The Secretary shall publish in the Federal Register, not later than October 31 of each fiscal year, an estimate of the types and quantities of commodities and products that will be available under this section for the fiscal year.

(C) FINALIZATION OF AGREEMENTS.—The Secretary is encouraged to finalize program agreements under this section not later than December 31 of each fiscal year.

(D) REGULATIONS.—The Secretary shall be responsible for regulations governing sales and barter, and the use of foreign currency proceeds, under paragraph (7) of this subsection that will provide reasonable safeguards to prevent the occurrence of abuses in the conduct of activities provided for in paragraph (7).

(9)(A) Each recipient of commodities and products approved for sale or barter under paragraph (7) shall report to the Secretary information with respect to the items required to be included in the Secretary's report pursuant to clauses (i) through (iv) of subparagraph (B). Reports pursuant to this subparagraph shall be submitted in accordance with regulations of the Secretary. Such regulations shall require at least one report annually, to be submitted not later than December 31 following the end of the fiscal year in which the commodities and products are received; except that a report shall not be required with respect to fiscal year 1985.

(B) Omitted.

[1] See References in Text note below.

(10) SALE PROCEDURE.—In approving sales of commodities under this subsection, the Secretary shall follow the sale procedure described in section 403(*l*) of the Food for Peace Act [7 U.S.C. 1733(*l*)].

(11) REQUIREMENTS.—

(A) IN GENERAL.—Not later than 270 days after May 13, 2002, the Secretary shall review and, as necessary, make changes in regulations and internal procedures designed to streamline, improve, and clarify the application, approval, and implementation processes pertaining to agreements under this section.

(B) CONSIDERATIONS.—In conducting the review, the Secretary shall consider—

(i) revising procedures for submitting proposals;

(ii) developing criteria for program approval that separately address the objectives of the program;

(iii) pre-screening organizations and proposals to ensure that the minimum qualifications are met;

(iv) implementing e-government initiatives and otherwise improving the efficiency of the proposal submission and approval processes;

(v) upgrading information management systems;

(vi) improving commodity and transportation procurement processes; and

(vii) ensuring that evaluation and monitoring methods are sufficient.

(C) CONSULTATIONS.—Not later than 1 year after May 13, 2002, the Secretary shall consult with the Committee on Agriculture, and the Committee on International Relations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on changes made in regulations and procedures under this paragraph.

(Oct. 31, 1949, ch. 792, title IV, § 416, 63 Stat. 1058; July 10, 1954, ch. 469, title III, § 309, formerly § 302, 68 Stat. 458, renumbered § 309, Pub. L. 95–88, title II, § 211(a)(1), Aug. 3, 1977, 91 Stat. 548; amended May 28, 1956, ch. 327, title II, § 212, 70 Stat. 203; Pub. L. 85–483, § 1, July 2, 1958, 72 Stat. 286; Aug. 26, 1954, ch. 937, title IV, § 402, 68 Stat. 843, as amended Pub. L. 86–108, ch. II, § 205(c), July 24, 1959, 73 Stat. 250; Pub. L. 87–703, title II, § 202, Sept. 27, 1962, 76 Stat. 611; Pub. L. 88–638, § 4, Oct. 8, 1964, 78 Stat. 1038; Pub. L. 89–808, § 3(c), Nov. 11, 1966, 80 Stat. 1538; Pub. L. 91–233, Apr. 17, 1970, 84 Stat. 199; Pub. L. 92–603, title IV, § 411(g), Oct. 30, 1972, 86 Stat. 1492; Pub. L. 95–113, title XIII, § 1302(a)(2), Sept. 29, 1977, 91 Stat. 979; Pub. L. 97–253, title I, § 110, Sept. 8, 1982, 96 Stat. 766; Pub. L. 98–258, title V, § 502, Apr. 10, 1984, 98 Stat. 137; Pub. L. 99–83, title X, § 1007, Aug. 8, 1985, 99 Stat. 271; Pub. L. 99–198, title XI, §§ 1109, 1129, Dec. 23, 1985, 99 Stat. 1467, 1486; Pub. L. 99–260, § 16, Mar. 20, 1986, 100 Stat. 55; Pub. L. 100–203, title I, § 1503, Dec. 22, 1987, 101 Stat. 1330–28; Pub. L. 100–277, §§ 1–5, Apr. 4, 1988, 102 Stat. 67, 68; Pub. L. 100–418, title II, § 2225, Aug. 23, 1988, 102 Stat. 1337; Pub. L. 101–513, title V, § 562 (part), Nov. 5, 1990, 104 Stat. 2032; Pub. L. 101–624, title XV, §§ 1514, 1575, title XVII, § 1771(b)(2), Nov. 28, 1990, 104 Stat. 3662, 3702, 3807; Pub. L. 102–237, title III, § 333, Dec. 13, 1991, 105 Stat. 1859; Pub. L. 102–289,

§ 1, May 20, 1992, 106 Stat. 176; Pub. L. 103–306, title V, § 576(c), Aug. 23, 1994, 108 Stat. 1654; Pub. L. 104–127, title II, § 264, Apr. 4, 1996, 110 Stat. 974; Pub. L. 107–171, title III, §§ 3009(b)(1), 3201, May 13, 2002, 116 Stat. 283, 299; Pub. L. 107–206, title I, § 105, Aug. 2, 2002, 116 Stat. 824; Pub. L. 110–246, title III, § 3001(b)(1)(A), (2)(B), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

The Older Americans Act of 1965, referred to in subsec. (a), is Pub. L. 89–73, July 14, 1965, 79 Stat. 218, which is classified generally to chapter 35 (§ 3001 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

The Food for Peace Act, referred to in subsec. (b)(1), (6), (7)(D)(iii), is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. Titles II and III of the Act are classified generally to subchapters III (§ 1721 et seq.) and III–A (§ 1727 et seq.), respectively, of chapter 41 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

The Food for Progress Act of 1985, referred to in subsec. (b)(1), (7)(D)(iii), is Pub. L. 99–198, title XI, § 1110, Dec. 23, 1985, 99 Stat. 1472, which is classified to section 1736*o* of this title.

This Act, referred to in subsec. (b)(3)(A), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Section 2226 of the American Aid to Poland Act of 1988, referred to in subsec. (b)(7)(D)(ii), is section 2226 of Pub. L. 100–418, which is set out as a note below.

Section 407(c) of the Food for Peace Act [7 U.S.C. 1736a(c)], referred to in subsec. (b)(7)(F), was redesignated section 407(b) of that Act [7 U.S.C. 1736a(b)] by Pub. L. 104–66, title I, § 1011(e)(2), Dec. 21, 1995, 109 Stat. 709.

CODIFICATION

Subsection (b)(9)(B), which required the Secretary to submit an annual report to Congress on sales and barter, and use of foreign currency proceeds, under subsection (b)(7) of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 46 of House Document No. 103–7.

AMENDMENTS

2008—Subsec. (b). Pub. L. 110–246 substituted ''Food for Peace Act'' for ''Agricultural Trade Development and Assistance Act of 1954'' wherever appearing.

2002—Subsec. (b)(7)(D)(i). Pub. L. 107–171, § 3201(a)(1), struck out ''foreign currency'' before ''proceeds generated from such sale''.

Subsec. (b)(7)(D)(ii). Pub. L. 107–171, § 3201(a)(2), substituted ''Proceeds'' for ''Foreign currencies'' in introductory provisions and struck out ''foreign currency'' before ''proceeds generated in Poland'' in concluding provisions.

Subsec. (b)(7)(D)(iii). Pub. L. 107–171, § 3201(a)(1), struck out ''foreign currency'' before ''proceeds in amounts''.

Subsec. (b)(7)(D)(iv). Pub. L. 107–206 substituted ''subsection, or to otherwise carry out the purposes of this subsection.'' for ''subsection.''

Pub. L. 107–171, § 3201(a)(3), substituted ''Proceeds generated'' for ''Foreign currency proceeds generated'', ''country of origin as necessary to expedite'' for ''country of origin—

''(I) as necessary to expedite'',

and a period for ''; or'' after ''this subsection'', and struck out subcl. (II) which read as follows: ''if the proceeds are generated in a currency generally accepted in the other country.''

Subsec. (b)(8). Pub. L. 107–171, § 3201(b)(1), inserted heading, added subpars. (A) to (C), redesignated former subpar. (B) as (D) and inserted heading, and struck out former subpar. (A) which read as follows: ''To the maximum extent practicable, expedited procedures shall be used in the implementation of this subsection.''

Subsec. (b)(10). Pub. L. 107–171, § 3009(b)(1), added par. (10).

Subsec. (b)(11). Pub. L. 107–171, § 3201(b)(2), added par. (11).

1996—Subsec. (b)(7). Pub. L. 104–127, § 264(1)(A)(ii), inserted concluding provisions and struck out former concluding provisions which read as follows: ''No portion of the proceeds or services realized from sales or barter under this paragraph may be used to meet operating and overhead expenses, except as otherwise provided in subparagraph (C) and except for personnel and administrative costs incurred by local cooperatives.''

Subsec. (b)(7)(D)(iv). Pub. L. 104–127, § 264(1)(A)(i), substituted ''a reasonable length of time, as determined by the Secretary, except that the Secretary may permit the use of proceeds in a country other than the country of origin—'' and subcls. (I) and (II) for ''one year of acquisition of such currency, except that the Secretary may permit the use of such proceeds (I) in countries other than the country of origin as necessary to expedite the transportation of commodities and products furnished under this subsection, (II) after one year of acquisition as appropriate to achieve the purposes of clause (i), and (III) in a country other than the country of origin, if such proceeds are generated in a currency generally accepted in such other country.''

Subsec. (b)(8)(C). Pub. L. 104–127, § 264(1)(B), struck out subpar. (C), which related to proposals by nonprofit and voluntary agencies or cooperatives to make eligible commodities available, notice and comment on issuance of final guidelines, and transmission of orders to Commodity Credit Corporation.

Subsec. (b)(10) to (12). Pub. L. 104–127, § 264(1)(C), struck out pars. (10) to (12) which, in par. (10), authorized Secretary to make available for disposition in each of fiscal years 1986 through 1990 not less than specified minimum quantities of eligible commodities, in par. (11), authorized Secretary to furnish eligible commodities in connection with concessional sales agreements entered into under title I of the Agricultural Trade Development and Assistance Act of 1954 or other statutes, or agricultural export bonus or promotion programs carried out under the Commodity Credit Corporation Charter Act or other statutes, and, in par. (12), authorized funding for fiscal year 1988 for technical assistance for sale or barter of commodities under paragraph (7) to strengthen nonprofit private organizations and cooperatives in the Philippines.

Subsec. (c). Pub. L. 104–127, § 264(2), struck out subsec. (c), which established 2 year pilot program relating to barter or exchange of dairy products for ultra-high temperature processed fluid milk, and required reports to Congress.

1994—Subsec. (b)(7)(D)(ii)(IV). Pub. L. 103–306 added subcl. (IV).

1992—Subsec. (b)(7)(D)(iv). Pub. L. 102–289 substituted ''(II)'' for ''and (II)'' and inserted before period at end '', and (III) in a country other than the country of origin, if such proceeds are generated in a currency generally accepted in such other country''.

1991—Subsec. (b)(7)(F). Pub. L. 102–237 made technical amendment to directory language of Pub. L. 101–624, § 1514(5)(B). See 1990 Amendment note below.

1990—Subsec. (a)(3). Pub. L. 101–624, § 1771(b)(2), substituted ''hospitals and facilities, to the extent that they serve needy persons (including infants and children)'' for ''hospitals, to the extent that needy persons are served''.

Subsec. (b)(1). Pub. L. 101–624, § 1514(1), inserted reference to title III of Agricultural Trade Development and Assistance Act of 1954.

Subsec. (b)(3)(B)(i). Pub. L. 101–624, § 1514(2), substituted reference to section 403(a) of Agricultural

Trade Development and Assistance Act of 1954 for reference to section 401(b) of such Act.

Subsec. (b)(5)(A). Pub. L. 101–624, § 1514(3), substituted reference to section 406 of Agricultural Trade Development and Assistance Act of 1954 for reference to section 203 of such Act.

Subsec. (b)(6). Pub. L. 101–624, § 1514(4), substituted reference to section 406 of Agricultural Trade Development and Assistance Act of 1954 for reference to section 203 of such Act.

Subsec. (b)(7)(D)(ii). Pub. L. 101–513 substituted ''governmental and nongovernmental'' for ''such'' and inserted ''governmental or'' after ''activities of''.

Subsec. (b)(7)(D)(iii). Pub. L. 101–624, § 1514(5)(A), inserted reference to title III of Agricultural Trade Development and Assistance Act of 1954.

Subsec. (b)(7)(F). Pub. L. 101–624, § 1514(5)(B), as amended by Pub. L. 102–237, added subpar. (F).

Subsec. (d). Pub. L. 101–624, § 1575, struck out subsec. (d) which established pilot program for barter of agricultural commodities for strategic materials not produced in sufficient amounts domestically and for which national stockpile or reserve goals are unmet.

1988—Subsec. (b)(2)(A). Pub. L. 100–277, § 1(a), substituted ''wheat, rice, feed grains'' for ''grains'' and inserted '', and the products thereof,'' after ''price support operations''.

Subsec. (b)(3)(D). Pub. L. 100–277, § 2, added subpar. (D).

Subsec. (b)(4). Pub. L. 100–277, § 3, inserted at end ''In agreements with recipients of eligible commodities under this subsection (including nonprofit and voluntary agencies or cooperatives), subject to the availability of commodities each fiscal year, the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this subsection.''

Subsec. (b)(7). Pub. L. 100–277, § 1(b)(2), in introductory provisions struck out '', and products thereof,'' after ''commodities''.

Subsec. (b)(7)(D)(ii). Pub. L. 100–418 inserted provisions respecting use of foreign currency proceeds generated in Poland and describing activities eligible for such funds.

Pub. L. 100–277, § 4(a), amended cl. (ii) generally. Prior to amendment, cl. (ii) read as follows: ''Foreign currency proceeds generated from the sales of commodities and products under this subparagraph shall be used by nonprofit and voluntary agencies, or cooperatives, for activities carried out by the agency or cooperative that will enhance the effectiveness of transportation, distribution, and use of commodities and products donated under this subsection, including food for work programs and cooperative and agricultural projects.''

Subsec. (b)(7)(D)(iii). Pub. L. 100–277, § 4(b), substituted ''10 percent'' for ''5 percent'' and inserted '', or the minimum tonnage required, whichever is greater,'' after ''furnished''.

Subsec. (b)(8)(C). Pub. L. 100–277, § 5, added subpar. (C).

Subsec. (b)(10)(B)(i). Pub. L. 100–277, § 1(b)(1), substituted ''wheat, rice, feed grains,'' for ''grains'' in two places.

1987—Subsec. (b)(12). Pub. L. 100–203 added par. (12).

1986—Subsec. (b)(10)(B). Pub. L. 99–260 inserted ''or, in the case of fiscal year 1986, prior to March 31, 1986'' in two places.

1985—Subsec. (a). Pub. L. 99–198, § 1109(1), struck out provisions that such dairy products could also be donated through foreign governments and public and nonprofit private humanitarian organizations for assistance of needy persons outside the United States, that Commodity Credit Corporation could pay, with respect to commodities so donated, reprocessing, packaging, transporting, handling, and other charges, including cost of overseas delivery, and that in order to assure that any such donations for use outside the United States were coordinated with and would complement other United States foreign assistance, such donations had to be coordinated through mechanism designated by President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and were to be in addition to level of assistance programmed under that Act.

Subsec. (b). Pub. L. 99–198, § 1109(2), in amending subsec. (b) generally, substituted provisions relating to furnishing of eligible commodities for purpose of carrying out programs of assistance in developing and friendly countries under title II of the Agricultural Trade Development and Assistance Act of 1954 and section 1736*o* of this title for provisions relating to furnishing of dairy products, rice and wheat (which had been acquired by Commodity Credit Corporation through price support operations) for purpose of carrying out title II of that Act.

Pub. L. 99–83 added applicability to rice acquired by the Commodity Credit Corporation through price support operations.

Subsec. (d). Pub. L. 99–198, § 1129, added subsec. (d).

1984—Pub. L. 98–258 designated existing provisions as subsec. (a), substituted ''subsection'' for ''section'' wherever appearing, and added subsecs. (b) and (c).

1982—Pub. L. 97–253 inserted provision that notwithstanding any other provision of law, dairy products may be donated for distribution to needy households in the United States and to meet the needs of persons receiving nutrition assistance under the Older Americans Act of 1965, and that such dairy products may also be donated through foreign governments and public and nonprofit private humanitarian organizations for the assistance of needy persons outside the United States, and the Commodity Credit Corporation may pay, with respect to commodities so donated, reprocessing, packaging, transporting, handling, and other charges, including the cost of overseas delivery, and that in order to assure that any such donations for use outside the United States are coordinated with and complement other United States foreign assistance, such donations shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 and shall be in addition to the level of assistance programmed under that Act.

1977—Pub. L. 95–113 struck out provision that no person who is eligible (or upon application would be eligible) to receive supplemental security income under title XVI of the Social Security Act shall be eligible, with certain exceptions, to participate in any program conducted under this section.

1972—Pub. L. 92–603 inserted provision that persons eligible to receive supplemental security income under title XVI of the Social Security Act [42 U.S.C. 1381 et seq.] shall not be eligible to participate in programs conducted under this section, with certain exceptions.

1970—Pub. L. 91–233 changed priorities for sales over donations in the disposition of food commodities acquired under support programs insofar as dairy products, so acquired, are concerned by giving preference to the use of such products in nonprofit school lunch and similar feeding programs.

1966—Pub. L. 89–808 struck out provisions of cl. (4) for donations of excess food commodities to nonprofit voluntary agencies registered with the Committee on Voluntary Foreign Aid of the Foreign Operations Administration or other appropriate Federal agencies and intergovernmental organizations for use in assistance of needy persons and in nonprofit lunch programs outside the United States provisions for payment of charges in case of commodities made available for use within the United States, or their delivery free alongside ship or free on board export carrier at point of export, in the case of commodities made available for use outside the United States, and that assistance to needy persons provided in such cl. (4) be directed toward community and other self-help activities designed to alleviate the causes for the need for such assistance. See section 1721 et seq. of this title.

1964—Pub. L. 88–638 directed that assistance to needy persons, insofar as practicable, be directed toward com-

munity and other self-help activities designed to alleviate the causes of the need.

1962—Pub. L. 87–703 inserted ''and in nonprofit school lunch programs'' after ''needy persons'' in cl. (4).

1959—Pub. L. 86–108 substituted ''waste of commodities whether in private stocks or acquired through price-support operations'' for ''waste of commodities acquired through price-support operations''.

1958—Pub. L. 85–483 permitted donation of food commodities for use in nonprofit summer camps for children.

1956—Act May 28, 1956, authorized payment of cost of processing commodities into a form suitable for home or institutional use.

1954—Act July 10, 1954, amended section generally to eliminate its applicability only to ''food'' commodities; to eliminate the necessity for a finding that commodities are in danger of a loss through ''deterioration or spoilage''; to establish barter as a disposal method; and to expand the list of eligible domestic recipients.

CHANGE OF NAME

Committee on International Relations of House of Representatives changed to Committee on Foreign Affairs of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Section 576(d) of Pub. L. 103–306 provided that: ''The amendments made by this section [amending this section and provisions set out below] shall take effect October 1, 1994.''

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99–83 effective Oct. 1, 1985, see section 1301 of Pub. L. 99–83, set out as a note under section 2151–1 of Title 22, Foreign Relations and Intercourse.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1302(b) of Pub. L. 95–113, set out as a note under section 2012 of this title.

EFFECTIVE DATE OF 1972 AMENDMENT

Section 411(g) of Pub. L. 92–603 provided that the amendment made by that section is effective Jan. 1, 1974.

Pub. L. 93–233, § 8(b)(2), Dec. 31, 1973, 87 Stat. 956, as amended by Pub. L. 93–335, § 1(b), July 8, 1974, 88 Stat. 291; Pub. L. 94–44, § 3(b), June 28, 1975, 89 Stat. 235; Pub. L. 94–365, § 2(2), July 14, 1976, 90 Stat. 990; Pub. L. 95–59, § 3(2), June 30, 1977, 915 Stat. 255, provided that: ''The last sentence of section 416 of the Act of October 31, 1949 [this section] (as added by section 411(g) of Public Law 92–603) [see 1972 Amendment Note above] shall not be effective for the period ending September 30, 1978.''

[Amendment by Pub. L. 93–335, effective July 1, 1974, see section 1(c) of Pub. L. 93–335, set out as a note under section 1382 of Title 42, The Public Health and Welfare. Section 3 of Pub. L. 95–59 provided in part that the amendment of section 8 of Pub. L. 93–233 by section 3(2) of Pub. L. 95–59 is effective July 1, 1977.]

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3(c) of Pub. L. 89–808 provided that the amendment made by that section is effective Jan. 1, 1967.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer, or entity of, under, or subject to supervision of said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, effective June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

DONATION OF SURPLUS AGRICULTURAL COMMODITIES

Section 2223 of Pub. L. 100–418, as amended by Pub. L. 101–513, title V, § 562(part), Nov. 5, 1990, 104 Stat. 2032; Pub. L. 103–306, title V, § 576(a), (b), Aug. 23, 1994, 108 Stat. 1654, provided that:

''(a) AUTHORITY TO DONATE.—Notwithstanding any other provision of law, if the Secretary of Agriculture determines for each fiscal year that (1) a donation under this section would not limit the Secretary's ability to meet urgent humanitarian needs for agricultural commodities, and (2) such donation would not cause a reduction in the price of the same or similar agricultural commodities produced in Poland[,] the Secretary of Agriculture shall donate, under the applicable provisions of section 416(b) of the Agricultural Act of 1949 [7 U.S.C. 1431(b)], for each of the fiscal years 1995 through 1999, 8,000 metric tons of uncommitted stocks of eligible commodities of the Commodity Credit Corporation under an agreement with the Government of Poland that the Government of Poland will sell such commodities and that all the proceeds from such sales will be used by governmental and nongovernmental agencies for eligible activities in Poland described in section 416(b)(7)(D)(ii) of that Act (as amended by section 2225 of this Act) that have been approved, upon application, by the joint commission described in section 2226 [of Pub. L. 100–418, set out below] and by the United States chief of diplomatic mission in Poland.

''(b) DEFINITIONS.—For purposes of this section—

''(1) the term 'eligible commodities' has the same meaning as is given such term in section 416(b)(2) of the Agricultural Act of 1949 [7 U.S.C. 1431(b)(2)] and, in addition, includes feed grains, soybeans, and soybean products; and

''(2) the term 'nongovernmental agencies' includes nonprofit voluntary agencies, cooperatives, intergovernmental agencies such as the World Food Program, and other multilateral organizations.''

USE OF POLISH CURRENCIES

Pub. L. 100–418, title II, § 2224, Aug. 23, 1988, 102 Stat. 1337, provided that nonconvertible Polish currencies held by the United States on Aug. 23, 1988, pursuant to an agreement with the Government of Poland under the Agricultural Trade Development and Assistance Act of 1954 [7 U.S.C. 1691 et seq.] which were not assets of the Commodity Credit Corporation would be made available, to the extent and in such amounts as had been provided in advance in appropriation Acts, for eligible activities in Poland described in section 1431(b)(7)(D)(ii) of this title and approved, upon application, by the joint commission described in section 2226 of Pub. L. 100–418, set out below, and by the United States chief of diplomatic mission in Poland.

JOINT COMMISSION

Section 2226 of Pub. L. 100–418 provided that:

''(a) ESTABLISHMENT.—The joint commission referred to in sections 2223 and 2224 [of Pub. L. 100–418, set out above] and in section 416(b)(7)(D)(ii) of the Agricultural Act of 1949 [7 U.S.C. 1431(b)(7)(D)(ii)] (as amended by section 2225 of this Act) shall be established under an agreement between the United States Government, the Government of Poland, and nongovernmental agencies (as defined in section 2223) operating in Poland.

''(b) MEMBERSHIP.—The joint commission shall be composed of—

''(1) appropriate representatives of the Government of Poland;

''(2) appropriate representatives of nongovernmental agencies which are parties to the agreement described in subsection (a); and

''(3) representatives from the United States diplomatic mission in Poland, which may include a representative of the Foreign Agricultural Service.''

BARTER OF AGRICULTURAL COMMODITIES

Section 4309 of Pub. L. 100–418 provided that: ''In recognition of the importance of barter programs in expanding agricultural trade, it is the sense of Congress that the Secretary of Agriculture should expedite the implementation of section 416(d) of the Agricultural Act of 1949 (7 U.S.C. 1431(d)) and section 1167 of the Food Security Act of 1985 (7 U.S.C. 1727g note and 1736aa), relating to the barter of agricultural commodities.''

Pub. L. 98–180, title III, § 302, Nov. 29, 1983, 97 Stat. 1151, as amended by Pub. L. 110–246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided that:

''(a) It is the sense of Congress that the Secretary of Agriculture should exchange or barter, to the maximum extent practicable under the provisions of law specified in subsection (b), commodities (especially dairy products) owned by the Commodity Credit Corporation for materials, goods, and equipment produced in foreign countries.

''(b) The provisions of law referred to in subsection (a) are—

''(1) section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)),

''(2) section 310 of the Food for Peace Act (7 U.S.C. 1692) [7 U.S.C. 1727g], and

''(3) section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431).''

MINIMUM LEVEL OF FOOD ASSISTANCE

Annual minimum of food assistance made available to foreign countries to be not less than one-third of total amount of foreign economic assistance provided for each fiscal year, see section 4310 of Pub. L. 100–418, set out as a note under section 1691 of this title.

ADDITIONAL LEVELS OF FLOUR, CORNMEAL, WHEAT, SOYBEANS, AND DAIRY PRODUCTS FOR FRIENDLY COUNTRIES IN FISCAL YEARS 1987, 1988, AND 1989

Pub. L. 99–500, § 101(a) [title VI, § 646], Oct. 18, 1986, 100 Stat. 1783, 1783–36, and Pub. L. 99–591, § 101(a) [title VI, § 646], Oct. 30, 1986, 100 Stat. 3341, 3341–36, directed the Secretary of Agriculture, during the three-year period beginning with the fiscal year ending Sept. 30, 1987, through the fiscal year ending Sept. 30, 1989, to make available, in addition to the traditional level of assistance made available to friendly countries, specified additional tonnage of flour, cornmeal, wheat, soybeans, and dairy products, subject to certain conditions.

COMMODITY DISTRIBUTION PROGRAM; PURCHASE OF AGRICULTURAL COMMODITIES WITH UNEXPECTED OR AVAILABLE FUNDS; PROHIBITION ON FURNISHING COMMODITIES TO SUMMER CAMPS; PARTICIPATION IN PROGRAM OF INDIVIDUAL RECEIVING SUPPLEMENTAL SECURITY INCOME BENEFITS

Authority of Secretary to purchase and furnish agricultural commodities under commodity distribution programs and participation of individuals receiving supplemental security income benefits in such programs, see section 4 of Pub. L. 93–86, Aug. 10, 1973, 87 Stat. 249, set out as a note under section 612c of this title.

HOME ECONOMICS TRAINING

Pub. L. 86–756, Sept. 13, 1960, 74 Stat. 899, as amended by Pub. L. 87–179, Aug. 30, 1961, 75 Stat. 411, provided: ''That schools receiving surplus foods pursuant to clause (3) of section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) [clause (3) of this section] or section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) are authorized to use such foods in training students in home economics, including college students if the same facilities and instructors are used for training both high school and college students in home economics courses.''

AUTHORIZATION FOR COMMODITY CREDIT CORPORATION TO PURCHASE AND DONATE FLOUR, CORNMEAL AND PROCESSED FOOD GRAIN PRODUCTS

Pub. L. 85–683, Aug. 19, 1958, 72 Stat. 635, as amended by Pub. L. 88–550, Aug. 31, 1964, 78 Stat. 755; Pub. L. 97–98, title XII, § 1209, Dec. 22, 1981, 95 Stat. 1280; Pub. L. 106–387, § 1(a) [title VII, § 758], Oct. 28, 2000, 114 Stat. 1549, 1549A–43; Pub. L. 110–246, title III, § 3001(c), June 18, 2008, 122 Stat. 1821, provided: ''That at any time Commodity Credit Corporation has any grain available for donation pursuant to the Food for Progress Act of 1985 [7 U.S.C. 1736*o*], section 416 of the Agricultural Act of 1949, as amended [this section], section 210 of the Agricultural Act of 1956 [section 1859 of this title], or title II of the Food for Peace Act, as amended [sections 1721 to 1726 of this title], the Corporation, in lieu of processing all or any part of such grain into human food products, may purchase such processed food products in quantities not to exceed the equivalent of the respective grain available for donation on the date of such purchase and donate such processed food products pursuant to the Food for Progress Act of 1985, such section 416, and to such section 210, and make such processed food products available pursuant to such title II, and may sell, without regard to the provisions of section 407 of the Agricultural Act of 1949, as amended [section 1427 of this title], a quantity of the grain equivalent to the processed food products so purchased: *Provided*, That no food product purchased pursuant to the authority contained herein shall constitute less than 50 per centum by weight of the grain from which processed (except that this limitation does not apply in the case of the protein byproduct resulting from the production of fuel alcohol from agricultural commodities), or contain any additive other than for normal vitamin enrichment, preservative, and bleaching purposes.''

IRISH POTATOES ACQUIRED UNDER 1949 PRICE SUPPORT PROGRAM

Section 3 of act Mar. 31, 1950, ch. 81, 64 Stat. 41, made Irish potatoes acquired under the 1949 price support program available to school-lunch programs, the Bureau of Indian Affairs, Federal, State, or local public welfare organizations, private or international nonprofit welfare organizations, penal institutions, and nonprofit hospitals.

BARTERING AUTHORITY OF SECRETARY

Bartering authority of Secretary of Agriculture, exchange of agricultural commodities for strategic materials and materials for other purposes, cooperation of agencies, and assistance to cooperatives, see section 1692 of this title.

§ 1431a. Cotton donations to educational institutions

Commodity Credit Corporation is authorized, on such terms as the Secretary of Agriculture may approve, to donate cotton acquired through its price support operations to educational institutions for use in the training of students in the processing and manufacture of cotton into textiles.

(Pub. L. 85–835, title V, § 505, Aug. 28, 1958, 72 Stat. 996.)

CODIFICATION

Section was enacted as part of the Agricultural Act of 1958, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1431b. Distribution of surplus commodities to other United States areas

Notwithstanding any other provision of law those areas under the jurisdiction or administration of the United States are authorized to receive from the Department of Agriculture for distribution on the same basis as domestic distribution in any State, Territory, or possession of the United States, without exchange of funds, such surplus commodities as may be available pursuant to clause (2) of section 612c of this title and section 1431 of this title.

(Pub. L. 85–931, § 9, Sept. 6, 1958, 72 Stat. 1792; Pub. L. 87–703, title II, § 204, Sept. 27, 1962, 76 Stat. 611; Pub. L. 89–808, § 3(a), Nov. 11, 1966, 80 Stat. 1538.)

CODIFICATION

Section was not enacted as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1966—Pub. L. 89–808 struck out special authority of the Commodity Credit Corporation for purchase of fats and oils for donation abroad, now included in the general authority provided by section 1721 et seq. of this title.

1962—Pub. L. 87–703 inserted ''and in nonprofit school lunch programs'' after ''needy persons''.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3(a) of Pub. L. 89–808 provided that the amendment made by that section is effective Jan. 1, 1967.

§ 1431c. Enrichment and packaging of cornmeal, grits, rice, and white flour available for distribution

(a) In order to insure the nutritional value of cornmeal, grits, rice, and white flour when such foods are made available for distribution under section 1431(3)[1] of this title or for distribution to schools under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.] or any other Act, such foods shall be enriched so as to meet the standards for enriched cornmeal, enriched corn grits, enriched rice, or enriched flour, as the case may be, prescribed in regulations promulgated under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.]; and in order to protect the nutritional value and sanitary quality of such enriched foods during transportation and storage such foods shall be packaged in sanitary containers. For convenience and ease in handling, the weight of any sanitary container when filled shall not exceed fifty pounds unless a larger container is requested by the recipient agency. Nothing in this section shall prohibit the distribution of fortified parboiled rice which is substantially equal in nutritional value to that of enriched rice.

(b) The term ''sanitary container'' means any container of such material and construction as (1) will not permit the infiltration of foreign matter into the contents of such container under ordinary conditions of shipping and handling, and (2) will not, for a period of at least one year, disintegrate so as to contaminate the contents of the container, necessitating the washing of the contents prior to use.

(Pub. L. 86–341, title II, § 201, Sept. 21, 1959, 73 Stat. 610; Pub. L. 87–803, Oct. 11, 1962, 76 Stat. 910; Pub. L. 106–78, title VII, § 752(b)(3), Oct. 22, 1999, 113 Stat. 1169.)

REFERENCES IN TEXT

Section 1431(3) of this title, referred to in subsec. (a), was redesignated as section 1431(a)(3) of this title by Pub. L. 98–258, title V, § 502(1), Apr. 10, 1984, 98 Stat. 137.

The Richard B. Russell National School Lunch Act, referred to in subsec. (a), is act June 4, 1946, ch. 281, 60 Stat. 230, as amended, which is classified generally to chapter 13 (§ 1751 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1751 of Title 42 and Tables.

The Federal Food, Drug, and Cosmetic Act, referred to in subsec. (a), is act June 25, 1938, ch. 675, 52 Stat. 1040, as amended, which is classified generally to chapter 9 (§ 301 et seq.) of Title 21, Food and Drugs. For complete classification of this Act to the Code, see section 301 of Title 21 and Tables.

CODIFICATION

Section was not enacted as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1999—Subsec. (a). Pub. L. 106–78 substituted ''Richard B. Russell National School Lunch Act'' for ''National School Lunch Act''.

1962—Subsec. (a). Pub. L. 87–803 inserted provisions requiring the enrichment of rice to meet the standards for enriched rice, empowered recipient agencies to request containers larger than 50 pounds, and provided that nothing in this section shall prohibit the distribution of fortified parboiled rice which is substantially equal in nutritional value to that of enriched rice.

§ 1431d. Donations for school feeding programs abroad; student financing; priorities

In any school feeding programs undertaken on and after September 27, 1962 outside the United States pursuant to section 1431 of this title, section 308 of Public Law 480 (83d Congress), as amended, and section 1431b of this title, the Secretary shall receive assurances satisfactory to him that, insofar as practicable, there will be student participation in the financing of such programs on the basis of ability to pay, and such programs shall be undertaken with the understanding that commodities will be available for those programs only in accordance with the provisions of such statutes and that commodities made available under section 1431 of this title will be available only in accordance with the priorities established in such section.

(Pub. L. 87–703, title II, § 205, Sept. 27, 1962, 76 Stat. 611.)

REFERENCES IN TEXT

Section 308 of Public Law 480 (83d Congress), referred to in text, which was classified to section 1697 of this title, was repealed by Pub. L. 89–808, § 2(D), Nov. 11, 1966, 80 Stat. 1535.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1962, and not as part of the Agricultural

[1] See References in Text note below.

Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1431e. Distribution of surplus commodities to special nutrition projects; reprocessing agreements with private companies

(1) Notwithstanding any other provision of law, whenever Government stocks of commodities are acquired under the price support programs and are not likely to be sold by the Commodity Credit Corporation or otherwise used in programs of commodity sale or distribution, such commodities shall be made available without charge or credit to nutrition projects under the authority of the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), to child nutrition programs providing food service, and to food banks participating in the special nutrition projects established under section 4004 of this title. Such distribution may include bulk distribution to congregate nutrition sites and to providers of home delivered meals under the Older Americans Act of 1965. The Commodity Credit Corporation is authorized to use available funds to operate the program under this subsection and to further process products to facilitate bonus commodity use. Commodities made available under this section shall include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal.

(2)(A) For each of fiscal years 2008 through 2012, whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of such commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies. The expense of reprocessing shall be paid by such eligible recipient agencies.

(B) To maintain eligibility to enter into, and to continue, any agreement with the Secretary of Agriculture under subparagraph (A), a private company shall annually settle all accounts with the Secretary and any appropriate State agency regarding commodities processed under such agreements.

(C) Whenever commodities are made available to agencies pursuant to section 311(a)(4)[1] of the Older Americans Act of 1965, the Secretary shall encourage access to processed end products containing the commodities when in the Secretary's judgment it is cost effective. The requirements of this subparagraph shall be met in the most efficient and effective way possible. The Secretary may, among other alternatives, use direct purchase, State option contracts authorized under section 3A of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100–237; 7 U.S.C. 612c note), State processing programs, and (beginning in fiscal year 1994) agreements with private companies operated as a part of the national commodity processing program.

(D) In each of fiscal years 1992, 1993, and 1994, the Secretary shall conduct a pilot project in not more than three States under which any commodity made available to agencies pursuant to section 311(a)(4)[1] of the Older Americans Act of 1965 that the Secretary determines to be appropriate for reprocessing is made available to the agencies as reprocessed end products. The reprocessing shall be performed pursuant to agreements with private companies, at the expense of the agencies, and operated as part of the national commodity processing program established under subparagraph (A). In determining the appropriateness of the commodities to be reprocessed under the pilot project, the Secretary shall consider the common needs of the agencies and the availability of processors.

(Pub. L. 97–98, title XI, § 1114(a), Dec. 22, 1981, 95 Stat. 1269; Pub. L. 99–198, title XV, § 1567(a), (b), Dec. 23, 1985, 99 Stat. 1591, 1592; Pub. L. 100–237, § 6, Jan. 8, 1988, 101 Stat. 1740; Pub. L. 101–624, title XVII, § 1775, Nov. 28, 1990, 104 Stat. 3813; Pub. L. 102–237, title IX, § 921, Dec. 13, 1991, 105 Stat. 1887; Pub. L. 104–127, title IV, § 405, Apr. 4, 1996, 110 Stat. 1029; Pub. L. 107–171, title IV, § 4203, May 13, 2002, 116 Stat. 330; Pub. L. 110–234, title IV, § 4406(b)(4), May 22, 2008, 122 Stat. 1142; Pub. L. 110–246, § 4(a), title IV, § 4406(b)(4), June 18, 2008, 122 Stat. 1664, 1903.)

References in Text

The Older Americans Act of 1965, referred to in text, is Pub. L. 89–73, July 14, 1965, 79 Stat. 218, as amended, which is classified generally to chapter 35 (§ 3001 et seq.) of Title 42, The Public Health and Welfare. Section 311 of the Act, which is classified to section 3030a of Title 42, was amended by Pub. L. 106–501, title III, § 309, Nov. 13, 2000, 114 Stat. 2246, and, as so amended, provisions which formerly appeared in subsec. (a)(4) were struck out. For complete classification of this Act to the Code, see Short Title note set out under section 3001 of Title 42 and Tables.

Codification

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

Amendments

2008—Par. (2)(A). Pub. L. 110–246, § 4406(b)(4), substituted ''For each of fiscal years 2008 through 2012'' for ''Effective through September 30, 2007''.

2002—Par. (2)(A). Pub. L. 107–171 substituted ''2007'' for ''2002''.

1996—Par. (2)(A). Pub. L. 104–127 substituted ''2002'' for ''1995''.

1991—Par. (2)(D). Pub. L. 102–237 substituted ''1992, 1993, and 1994'' for ''1992 and 1993''.

1990—Par. (2)(A). Pub. L. 101–624, § 1775(a), substituted ''1995'' for ''1990''.

Par. (2)(C), (D). Pub. L. 101–624, § 1775(b), added subpars. (C) and (D).

1988—Par. (2)(A). Pub. L. 100–237 substituted ''September 30, 1990'' for ''June 30, 1987''.

1985—Pub. L. 99–198 designated existing provisions as par. (1), inserted provision directing that commodities made available under this section include, but not be limited to, dairy products, wheat or the products thereof, rice, honey, and cornmeal, and added par. (2).

Effective Date of 2008 Amendment

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the

[1] See References in Text note below.

date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 4406(b)(4) of Pub. L. 110–246 effective Oct. 1, 2008, see section 4407 of Pub. L. 110–246, set out as a note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–171 effective Oct. 1, 2002, except as otherwise provided, see section 4405 of Pub. L. 107–171, set out as an Effective Date note under section 1161 of Title 2, The Congress.

EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102–237 effective and to be implemented no later than Feb. 1, 1992, see section 1101(d)(1) of Pub. L. 102–237, set out as a note under section 1421 of this title.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as a note under section 4301 of this title.

NATIONAL DONATED COMMODITY PROCESSING PROGRAMS

Pub. L. 99–500, title III, § 364, Oct. 18, 1986, 100 Stat. 1783–368, and Pub. L. 99–591, title III, § 364, Oct. 30, 1986, 100 Stat. 3341–371; Pub. L. 99–661, div. D, title IV, § 4404, Nov. 14, 1986, 100 Stat. 4079, provided that: ''In accordance with the terms and conditions of section 1114(a)(2) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(a)(2)), whenever a commodity is made available without charge or credit under any nutrition program administered by the Secretary of Agriculture, the Secretary shall encourage consumption of the commodity through agreements with private companies under which the commodity is reprocessed into end-food products for use by eligible recipient agencies.''

§ 1431f. Assistance to foreign countries to mitigate effects of HIV and AIDS

On and after November 10, 2005, of any shipments of commodities made pursuant to section 1431(b) of this title, the Secretary of Agriculture shall, to the extent practicable, direct that tonnage equal in value to not more than $25,000,000 shall be made available to foreign countries to assist in mitigating the effects of the Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome on communities, including the provision of—

(1) agricultural commodities to—

(A) individuals with Human Immunodeficiency Virus or Acquired Immune Deficiency Syndrome in the communities; and

(B) households in the communities, particularly individuals caring for orphaned children; and

(2) agricultural commodities monetized to provide other assistance (including assistance under microcredit and microenterprise programs) to create or restore sustainable livelihoods among individuals in the communities, particularly individuals caring for orphaned children.

(Pub. L. 109–97, title VII, § 725, Nov. 10, 2005, 119 Stat. 2153.)

CODIFICATION

Section was enacted as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2006, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

Pub. L. 108–447, div. A, title VII, § 728, Dec. 8, 2004, 118 Stat. 2843.

Pub. L. 108–199, div. A, title VII, § 725, Jan. 23, 2004, 118 Stat. 34.

Pub. L. 108–7, div. A, title VII, § 725, Feb. 20, 2003, 117 Stat. 42.

Pub. L. 107—76, title VII, § 727, Nov. 28, 2001, 115 Stat. 735.

Pub. L. 106—387, § 1(a) [title VII, § 743], Oct. 28, 2000, 114 Stat. 1549, 1549A–35.

§ 1432. Extension of price support on long staple cotton seeds and products

Any price support program in effect on cottonseed or any of its products shall be extended to the same seed and products of the cottons defined under section 1347(a) of this title.

(Oct. 31, 1949, ch. 792, title IV, § 420, as added July 17, 1952, ch. 933, § 3(2), 66 Stat. 759.)

REFERENCES IN TEXT

Section 1347 of this title, referred to in text, was repealed by Pub. L. 98–88, § 2, Aug. 26, 1983, 97 Stat. 494.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1433. Repealed. Pub. L. 100–387, title I, § 101(b)(3), Aug. 11, 1988, 102 Stat. 931

Section, act Oct. 31, 1949, ch. 792, title IV, § 421, as added Sept. 11, 1964, Pub. L. 88–585, § 2, 78 Stat. 927, related to penalties for misuse of feed intended to relieve distress or preserve foundation herds. See section 1471j of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

§ 1433a. Forgiveness of violations; determinations

Notwithstanding any other provision of law, whenever a producer samples, turns, moves, or replaces grain or any other commodity which is security for a Commodity Credit Corporation producer loan or is held under a producer reserve program, and does so in violation of law or regulation, the appropriate county committee established under section 590h(b) of title 16 may forgive some or all of the penalties and requirements that would normally be imposed on the producer by reason of the violation, if such committee determines that (1) the violation occurred inadvertently or accidentally, because of lack of knowledge or understanding of the law or regulation, or because the producer or the producer's agent acted to prevent spoilage of the

commodity, and (2) the violation did not result in harm or damage to the rights or interests of any person. The county committee shall furnish a copy of its determination to the Administrator of the Agricultural Stabilization and Conservation Service and the appropriate State committee established under section 590h(b) of title 16. The determination may be disapproved by either the Administrator or the State committee within sixty days after receipt of a copy of the determination. Any determination not disapproved by the Administrator or such State committee within such sixty-day period shall be considered approved.

(Oct. 31, 1949, ch. 792, title IV, § 422, as added Pub. L. 97–98, title X, § 1002, Dec. 22, 1981, 95 Stat. 1260.)

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as a note under section 4301 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1433b. Processing of surplus agricultural commodities into liquid fuels and agricultural commodity byproducts

(a) Authority of Commodity Credit Corporation; terms and conditions established by Secretary; fuel prices

Notwithstanding any other provision of law, in order to prevent the accumulation of excessive stocks of agricultural commodities through the price support and stabilization operations of the Commodity Credit Corporation[1] the Corporation may, under terms and conditions established by the Secretary, make its accumulated stocks of agricultural commodities available, at no cost or reduced cost, to encourage the purchase of such commodities for the production of liquid fuels and agricultural commodity byproducts. In carrying out the program established by this section, the Secretary shall ensure, insofar as possible, that any use of agricultural commodities made available be made in such manner as to encourage increased use and avoid displacing usual marketings of agricultural commodities.

(b) Feasibility of processing

In determining the feasibility of providing for the processing of Commodity Credit Corporation stocks of commodities under subsection (a) of this section, the Secretary shall consider the nature of the commodities, and the acquisition, transportation, handling, storage, interest, and other costs associated with acquiring and maintaining such stocks, including the effect of such stocks in depressing commodity prices, as well as the value and utility of such stocks when processed into liquid fuels and agricultural commodity byproducts.

[1] So in original. Probably should be followed by a comma.

(Oct. 31, 1949, ch. 792, title IV, § 423, as added Pub. L. 97–358, § 2, Oct. 21, 1982, 96 Stat. 1714; amended Pub. L. 99–198, title X, § 1024, Dec. 23, 1985, 99 Stat. 1460.)

CODIFICATION

Subsection (c), which required the Secretary to report annually to Congress on the operation of this section, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, page 46 of House Document No. 103–7.

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–198 substituted provision authorizing the Corporation to make its accumulated agricultural commodities stocks available at no cost or reduced cost to encourage the purchase thereof for the production of liquid fuels and commodity byproducts, with any use of such commodities to be made in such a manner as to encourage increased use and avoid displacing usual marketings of such commodities for provision authorizing the Corporation to provide for processing of its accumulated stock into liquid fuels and commodity byproducts to be either made available to Federal agencies to meet their regular or emergency needs or to be sold commercially by the Corporation, at a price determined by the Secretary notwithstanding any other provisions of law and in a manner so as not to disrupt the prices in commercial markets of agriculturally-derived liquid fuel.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1433c. Advance recourse commodity loans

Notwithstanding any other provision of this Act, the Secretary may make advance recourse loans available to producers of the commodities of the 1986 through 1990 crops for which nonrecourse loans are made available under this Act if the Secretary finds that such action is necessary to ensure that adequate operating credit is available to producers. Such recourse loans may be made available under such reasonable terms and conditions as the Secretary may prescribe, except that the Secretary shall require that a producer obtain crop insurance for the crop as a condition of eligibility for a loan.

(Oct. 31, 1949, ch. 792, title IV, § 424, as added Pub. L. 99–198, title X, § 1003, Dec. 23, 1985, 99 Stat. 1447.)

REFERENCES IN TEXT

This Act, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

EFFECTIVE AND TERMINATION DATES

Section 1003 of Pub. L. 99–198 provided that this section is effective for the 1986 through 1990 crops.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable

to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(10) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(J) of this title.

§ 1433c–1. Advance recourse loans

(a) Availability; due date; procedures for repayment; applicability; security; limitation

It is the sense of Congress that the Secretary of Agriculture carry out a program authorized by section 424 of the Agricultural Act of 1949 [7 U.S.C. 1433c]. Such program, if implemented, shall provide for the following:

(1) Advance recourse loans shall be made available only to those producers of a commodity who are unable to obtain sufficient credit elsewhere to finance the production of the 1986 crop of that commodity, taking into consideration prevailing private and cooperative rates and terms for loans for similar purposes (as determined by the Secretary) in the community in or near which the applicant resides. A producer who has received a commitment or been furnished sufficient credit or a loan for production of the 1986 crop of a commodity shall not be eligible for an advance recourse loan to finance the production of that commodity for such crop year.

(2) Advance recourse loans shall be made available to producers of a commodity at the applicable nonrecourse loan rate for the commodity (as determined by the Secretary). Within the limits set out in paragraphs (5) and (7), advance recourse loans shall be available—

(A) to producers of wheat, feed grains, cotton, and rice who agree to participate in the program announced for the commodity on an amount of the commodity equal to one-half of the farm program yield for the commodity multiplied by the farm program acreage intended to be planted to the commodity for harvest in 1986, as determined by the Secretary;

(B) to producers of peanuts who are on a farm for which a marketing quota or poundage quota has been established on an amount of the commodity equal to one-half of the farm marketing quota or poundage quota for the commodity, as determined by the Secretary; and

(C) to producers of other commodities on an amount of the commodity equal to one-half of the farm yield for the commodity multiplied by the farm acreage intended to be planted to the commodity for harvest in 1986, as determined by the Secretary.

(3) An advance recourse loan under section 424 [7 U.S.C. 1433c] shall come due at such time immediately following harvest as the Secretary determines appropriate. Each loan contract entered into under section 424 shall specify the date on which the loan is to come due.

(4)(A) The Secretary shall establish procedures, when practicable, under which a producer, simultaneously with repayment of his recourse loan, may obtain a nonrecourse loan on his crop (as otherwise provided for in the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.]) in an amount sufficient to repay his recourse loan.

(B) In cases in which nonrecourse loans under such Act are not normally made available directly to producers, the Secretary shall establish procedures under which a producer may repay a recourse loan at the same time the producer receives advances or other payment from the producer's disposition of his crop.

(5) Advance recourse loans shall be made available as needed solely to cover costs involved in the production of the 1986 crop that are incurred or are outstanding on or after March 20, 1986.

(6) To obtain an advance recourse loan, the producer on a farm must—

(A) provide as security for the loan a first lien on the crop covered by the loan or provide such other security as may be available to the producer and determined by the Secretary to be adequate to protect the Government's interests; and

(B) obtain multiperil crop insurance, if available, to protect the crop that serves as security for the loan.

If a producer does not have multiperil crop insurance and is located in a county in which the signup period for multiperil crop insurance has expired, the producer shall be required to obtain other crop insurance, if available.

(7) The total amount in advance recourse loans that may be made to a producer under section 424 [7 U.S.C. 1433c] may not exceed $50,000.

(8) An advance recourse loan may be made available only to a producer who agrees to comply with such other terms and conditions determined appropriate by the Secretary and consistent with the provisions of section 424 [7 U.S.C. 1433c].

(b) Use of Commodity Credit Corporation, Agricultural Stabilization and Conservation Service, and county committees

The Secretary shall carry out the program provided for under section 424 [7 U.S.C. 1433c] through the Commodity Credit Corporation, using the services of the Agricultural Stabilization and Conservation Service and the county committees established under section 590h(b) of title 16 to make determinations of eligibility with respect to the credit test under subsection (a)(1) of this section, and determinations as to the sufficiency of security under subsection (a)(6) of this section. The Secretary may use such committees for such other purposes as the Secretary determines appropriate in carrying out section 424.

(c) Regulations

It is further the sense of Congress that the Secretary of Agriculture issue or, as appropriate, amend regulations to implement any program established under section 424 [7 U.S.C. 1433c] as soon as practicable, but not later than 15 days after March 20, 1986. Loans and other assistance provided under such program shall be made available beginning on the date such regulations are issued or amended.

(Pub. L. 99–260, § 13, Mar. 20, 1986, 100 Stat. 53; Pub. L. 108–357, title VI, § 611(q), Oct. 22, 2004, 118 Stat. 1523.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (a)(4), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food Security Improvements Act of 1986, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

2004—Subsec. (a)(2)(B). Pub. L. 108–357 struck out ''tobacco and'' before ''peanuts''.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–357 applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108–357, set out as an Effective Date note under section 518 of this title.

SAVINGS PROVISION

Amendment by sections 611 to 614 of Pub. L. 108–357 not to affect the liability of any person under any provision of law so amended with respect to the 2004 or an earlier crop of tobacco, see section 614 of Pub. L. 108–357, set out as a note under section 515 of this title.

§ 1433d. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title IV, § 425, as added Dec. 19, 1989, Pub. L. 101–239, title I, § 1003(a), 103 Stat. 2108, related to reduction of deficiency payments. See Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 1003(a) of Pub. L. 101–239 provided that this section is effective only for the 1990 crops.

§ 1433e. Repealed. Pub. L. 103–354, title II, § 281(b), Oct. 13, 1994, 108 Stat. 3233

Section, act Oct. 31, 1949, ch. 792, title IV, § 426, as added Nov. 28, 1990, Pub. L. 101–624, title XI, § 1132(a), 104 Stat. 3512; amended Dec. 13, 1991, Pub. L. 102–237, title I, § 113(12), 105 Stat. 1838, related to appeals from determinations by State and county committees under Agricultural Act of 1949 and other Acts administered by Agricultural Stabilization and Conservation Service. See section 6991 et seq. of this title.

§ 1433f. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(I), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title IV, § 427, as added Oct. 13, 1994, Pub. L. 103–354, title I, § 119(a)(1), 108 Stat. 3207, required producer to obtain at least catastrophic risk protection insurance coverage as condition of receiving any benefit (including payments) for each of 1995 and subsequent crops of tobacco, rice, extra long staple cotton, upland cotton, feed grains, wheat, peanuts, oilseeds, and sugar.

§ 1434. Encouragement of production of crops of which United States is a net importer and for which price support programs are not in effect; authority to plant on set-aside acreage with no reduction in payment rate

Notwithstanding any other provisions of this Act, the Secretary shall encourage the production of any crop of which the United States is a net importer and for which a price support program is not in effect by permitting the planting of such crop on set-aside acreage and with no reduction in the rate of payment for the commodity.

(Pub. L. 91–524, title VIII, § 814, as added Pub. L. 93–86, § 1(27)(B), Aug. 10, 1973, 87 Stat. 240.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 91–524, Nov. 30, 1970, 84 Stat. 1358, known as the Agricultural Act of 1970. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1435. Production of commodities for conversion into alcohol or hydrocarbons for use as motor fuels or other fuels; terms and conditions; determinations; payments, etc., for program

(a) The Secretary of Agriculture shall permit, subject to such terms and conditions as the Secretary shall prescribe, all or any part of the acreage set aside or diverted under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] from the production of a commodity for any crop year to be devoted to the production of any commodity for conversion into alcohol or hydrocarbons for use as motor fuel or other fuel, if the Secretary of Agriculture determines that such production is desirable in order to provide an adequate supply of commodities for such conversion, is not likely to increase the cost of price support programs, and will not adversely affect farm income.

(b)(1) During any year in which no set-aside or diversion of acreage is in effect under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] the Secretary of Agriculture may formulate and administer a program for the production, subject to such terms and conditions as he may prescribe, of commodities for conversion into alcohol or hydrocarbons for use as motor fuel or other fuel. Under such program, producers of wheat, feed grains, upland cotton, and rice shall be paid incentive payments to devote a portion of their acreage to such production.

(2) The payments under this subsection shall be made at such rate or rates as the Secretary of Agriculture determines to be fair and reasonable, taking into consideration the participation necessary to ensure an adequate supply of commodities for such conversion.

(3) The Secretary may issue any regulations necessary to carry out the provisions of this subsection.

(4) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(Pub. L. 95–113, title XX, § 2001, as added Pub. L. 96–294, title II, § 260(a), June 30, 1980, 94 Stat. 709.)

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsecs. (a) and (b)(1), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977 as added by the Biomass Energy and Alcohol Fuels Act of 1980 which is title II of the Energy and Security Act, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

SUBCHAPTER II—BASIC AGRICULTURAL COMMODITIES

§ 1441. Price support levels

The Secretary of Agriculture (hereinafter called the ''Secretary'') is authorized and directed to make available through loans, purchases, or other operations, price support to cooperators for any crop of any basic agricultural commodity, if producers have not disapproved marketing quotas for such crop, at a level not in excess of 90 per centum of the parity price of the commodity nor less than the level provided in subsections (a) to (c) of this section as follows:

(a) For corn and wheat, if the supply percentage as of the beginning of the marketing year is:	The level of support shall be not less than the following percentage of the parity price:
Not more than 102	90
More than 102 but not more than 104	89
More than 104 but not more than 106	88
More than 106 but not more than 108	87
More than 108 but not more than 110	86
More than 110 but not more than 112	85
More than 112 but not more than 114	84
More than 114 but not more than 116	83
More than 116 but not more than 118	82
More than 118 but not more than 120	81
More than 120 but not more than 122	80
More than 122 but not more than 124	79
More than 124 but not more than 126	78
More than 126 but not more than 128	77
More than 128 but not more than 130	76
More than 130	75

For rice of the 1959 and 1960 crops, the level of support shall be not less than 75 per centum of the parity price. For rice of the 1961 crop the level of support shall be not less than 70 per centum of the parity price. For the 1962 and subsequent crops of rice the level of support shall be not less than 65 per centum of the parity price.

(b) For cotton, if the supply percentage as of the beginning of the marketing year is:	The level of support shall be not less than the following percentage of the parity price:
Not more than 108	90
More than 108 but not more than 110	89
More than 110 but not more than 112	88
More than 112 but not more than 114	87
More than 114 but not more than 116	86
More than 116 but not more than 118	85
More than 118 but not more than 120	84
More than 120 but not more than 122	83
More than 122 but not more than 124	82
More than 124 but not more than 125	81
More than 125 but not more than 126	80
More than 126 but not more than 127	79
More than 127 but not more than 128	78
More than 128 but not more than 129	77
More than 129 but not more than 130	76
More than 130	75

(c) Notwithstanding the foregoing provisions of this section—

(1) if producers have not disapproved marketing quotas for such crop, the level of support to cooperators shall be 90 per centum of the parity price for the 1950 crop of any basic agricultural commodity for which marketing quotas or acreage allotments are in effect;

(2) if producers have not disapproved marketing quotas for such crop, the level of support to cooperators shall be not less than 80 per centum of the parity price for the 1951 crop of any basic agricultural commodity for which marketing quotas or acreage allotments are in effect;

(3) the level of price support to cooperators for any crop of a basic agricultural commodity for which marketing quotas have been disapproved by producers shall be 50 per centum of the parity price of such commodity;

(4) Repealed. Oct. 31, 1949, ch. 792, title I, § 104(b)(3), as added Aug. 28, 1958, Pub. L. 85–835, title II, § 201, 72 Stat. 994.

(5) the price support may be made available to noncooperators at such levels, not in excess of the level of price support to cooperators, as the Secretary determines will facilitate the effective operation of the program;

(6) except as provided in subsection (c) of this section and section 1422 of this title, the level of support to cooperators shall be not more than 90 per centum and not less than 82½ per centum of the parity price for the 1955 crop of any basic agricultural commodity with respect to which producers have not disapproved marketing quotas; within such limits, the minimum level of support shall be fixed as provided in subsections (a) and (b) of this section;

(7) Where a State is designated under section 1335(e) of this title, as outside the commercial wheat-producing area for any crop of wheat, the level of price support for wheat to cooperators in such State for such crop of wheat shall be 75 per centum of the level of price support to cooperators in the commercial wheat-producing area.

(d) RICE.—The Secretary shall make available to producers of each crop of rice on a farm price support at a level that is not less than 50 percent, or more than 90 percent of the parity price for rice as the Secretary determines will not result in increasing stocks of rice to the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title I, §§ 101, 104(b)(3), 63 Stat. 1051; July 17, 1952, ch. 933, §§ 2, 3(1), 66 Stat. 759; Aug. 28, 1954, ch. 1041, title II, §§ 201, 202, 68 Stat. 899; Pub. L. 85–28, Apr. 25, 1957, 71 Stat. 27; Pub. L. 85–497, July 2, 1958, 72 Stat. 296; Pub. L. 85–835, title II, § 201, title III, § 302(a), Aug. 28,

1958, 72 Stat. 993, 994; Pub. L. 86–389, § 2, Feb. 20, 1960, 74 Stat. 7; Pub. L. 90–475, § 5, Aug. 11, 1968, 82 Stat. 702; Pub. L. 94–214, title I, § 102, Feb. 16, 1976, 90 Stat. 183; Pub. L. 95–113, title VI, § 607, title VII, § 702, Sept. 29, 1977, 91 Stat. 940; Pub. L. 96–176, Dec. 31, 1979, 93 Stat. 1290; Pub. L. 96–213, § 4(a), Mar. 18, 1980, 94 Stat. 119; Pub. L. 96–365, title II, § 201(a), Sept. 26, 1980, 94 Stat. 1319; Pub. L. 97–98, title V, § 508, title VI, § 602, Dec. 22, 1981, 95 Stat. 1242; Pub. L. 97–253, title I, § 125, Sept. 8, 1982, 96 Stat. 771; Pub. L. 98–88, § 2, Aug. 26, 1983, 97 Stat. 494; Pub. L. 98–258, title IV, §§ 401, 402, Apr. 10, 1984, 98 Stat. 135; Pub. L. 99–198, title VI, § 602, Dec. 23, 1985, 99 Stat. 1427; Pub. L. 104–127, title I, § 171(b)(3), Apr. 4, 1996, 110 Stat. 938; Pub. L. 107–171, title I, § 1310(a)(2)(A), May 13, 2002, 116 Stat. 182; Pub. L. 108–357, title VI, § 612(b), Oct. 22, 2004, 118 Stat. 1523.)

REFERENCES IN TEXT

Subsec. (e) of section 1335 of this title, referred to in subsec. (c)(7), was eliminated and other provisions substituted by Pub. L. 87–703, title III, § 315, Sept. 27, 1962, 76 Stat. 621.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108–357, § 612(b)(1), substituted ''corn'' for ''tobacco (except as otherwise provided herein), corn,'' in first sentence.

Subsec. (c). Pub. L. 108–357, § 612(b)(2), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c), which related to level of support for tobacco if marketing quotas are in effect.

Subsec. (d). Pub. L. 108–357, § 612(b)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(3). Pub. L. 108–357, § 612(b)(3), struck out '', except tobacco,'' after ''agricultural commodity'' and ''and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;'' at end.

Subsec. (e). Pub. L. 108–357, § 612(b)(4), redesignated subsec. (e) as (d).

Subsecs. (g) to (i). Pub. L. 108–357, § 612(b)(2), directed the repeal of subsecs. (g) to (i), which related to temporary programs for 1976 and 1977 crops of rice, 1978 through 1981 crops of rice, and 1982 through 1985 crops of rice, respectively. See 1976, 1977, and 1981 Amendment notes below.

2002—Subsec. (b). Pub. L. 107–171 struck out ''and peanuts'' after ''cotton''.

1996—Subsec. (e). Pub. L. 104–127 added subsec. (e).

1985—Subsec. (i)(1). Pub. L. 99–198 temporarily redesignated existing provisions as subpar. (A) and added subpars. (B) to (D). See Effective and Termination Dates of 1985 Amendment note below.

1984—Subsec. (i)(2)(C). Pub. L. 98–258, § 401, substituted ''and $11.90 per hundredweight for the 1984 and 1985 crops'' for ''$11.90 per hundredweight for the 1984 crop, and $12.40 per hundredweight for the 1985 crop''.

Subsec. (i)(5)(A). Pub. L. 98–258, § 402(1), substituted ''third, fourth, and fifth'' for ''third and fourth'' after ''Notwithstanding any other provision of law, except as provided in the''.

Pub. L. 98–258, § 402(2), inserted sentence providing: ''For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.''

Pub. L. 98–258, § 402(3), substituted ''1983 and 1985 crops of rice'' for ''1983 crop of rice'' after ''As a condition of eligibility for loans, purchases, and payments on the''.

Subsec. (i)(5)(B). Pub. L. 98–258, § 402(4), inserted sentence providing that if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.

Pub. L. 98–258, § 402(5), substituted ''Diversion payments made to producers under this subparagraph shall be made in an amount computed by multiplying'' for ''Such payments shall be made in an amount computed by multiplying''.

Pub. L. 98–258, § 402(6), substituted ''$3.00 per hundredweight for the 1983 crop of rice, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate, and at not less than $2.70 per hundredweight for the 1985 crop of rice'' for ''$3.00 per hundredweight, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate'' after ''The diversion payment rate shall be established by the Secretary at not less than'' and inserted a proviso that if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed (I) thirty-five million hundredweight, such rate shall be established by the Secretary at not less than $3.25 per hundredweight, and (II) forty-two million five hundred thousand hundredweight, such rate shall be established by the Secretary at not less than $3.50 per hundredweight.

Pub. L. 98–258, § 402(7), substituted ''1983 and 1985 crops'' for ''1983 crop'' after ''The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the''.

1983—Subsec. (f). Pub. L. 98–88 struck out subsec. (f) which read as follows: ''The provisions of this Act relating to price support for cotton shall apply severally to (1) American upland cotton and (2) extra long staple cotton described in subsection (a) of this section and ginned as required by subsection (e) of section 1347 of this title, except that, notwithstanding any other provision of this Act, price support shall be made available for the 1982 and each subsequent crop of extra long staple cotton through nonrecourse loans as provided in this subsection. If producers have not disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which is not less than 75 per centum or more than 125 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. If producers have disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which shall be 50 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. Nothing contained herein

shall affect the authority of the Secretary to make price support available for extra long staple cotton in accordance with section 1422 of this title.'' See section 1444(h) of this title.

1982—Subsec. (i)(5)(A). Pub. L. 97–253, § 125(1)–(3), substituted ''Notwithstanding any other provision of law, except as provided in the third and fourth sentences of this paragraph, the'' for ''Notwithstanding any other provision of this subsection, the'', following second sentence, inserted provision that for the 1983 crop of rice, the Secretary shall provide for a combination of (i) an acreage limitation program as described under this subparagraph and (ii) a diversion program as described under subpar. (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program, and that as a condition of eligibility for loans, purchases, and payments on the 1983 crop of rice, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and diversion program, and, following ninth sentence, inserted provision that notwithstanding the other provisions of this subparagraph, the acreage base to be used for the farm under the program for the 1983 crop of rice shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

Subsec. (i)(5)(B). Pub. L. 97–253, § 125(4), inserted provision requiring the Secretary to implement a land diversion program for the 1983 crop of rice under which the Secretary shall make crop retirement and conservation payments to producers making a reduction additional to that required under subpar. (A) and devoting an equivalent acreage of cropland to conservation purposes, and provisions for the computation of payments, and establishment of payment rates by the Secretary, as well as payment by the Secretary of not less than 50 per centum of any payments under this subparagraph to 1983 crop producers as soon as practicable after any such producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to Oct. 1, 1982, and repayment of advances, with interest, in the event of noncompliance by such producer with such contract.

1981—Subsec. (f). Pub. L. 97–98, § 508, substituted provisions authorizing price support for extra long staple cotton for the 1982 crop and each subsequent crop through nonrecourse loans as provided in this subsection and prescribing the level of price support loans available to cooperators if producers have not, or have, disapproved marketing quotas for any crop of extra long staple cotton as specified percentages of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton, micronaire 3.5 through 4.9, of such crop at average location in the United States for provisions authorizing price support for extra long staple cotton to cooperators for the 1980 crop and each subsequent crop based on the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton and adjusted by the specified factors, provisions determining the computation of acreage allotments of extra long staple cotton, provisions authorizing the Secretary to establish the price-support payment factor, provisions authorizing the manner and mode of payments authorized under this section, and provisions making operative subsec. (d)(3) of this section upon the disapproval by producers of the national marketing quota established pursuant to section 1347 of this title.

Subsec. (i). Pub. L. 97–98, § 602, temporarily added subsec. (i). See Effective and Termination Dates of 1981 Amendment note below.

1980—Subsec. (h)(4)(B). Pub. L. 96–365, § 201(a)(1), substituted ''Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice'' for ''Effective only with respect to the 1978, 1979, and 1980 crops of rice''.

Pub. L. 96–213, § 4(a)(1), substituted ''1978, 1979, and 1980 crops of rice'' for ''1978 and 1979 crops of rice''.

Subsec. (h)(4)(C). Pub. L. 96–365, § 201(a)(2), substituted ''Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice'' for ''Effective only with respect to the 1978, 1979, and 1980 crops of rice''.

Pub. L. 96–213, § 4(a)(2), substituted ''1978, 1979, and 1980 crops of rice'' for ''1978 and 1979 crops of rice''.

Subsec. (h)(4)(D), (E). Pub. L. 96–365, § 201(a)(3), added subpar. (D) and redesignated former subpar. (D) as (E).

1979—Subsec. (f). Pub. L. 96–176 substituted ''1980'' for ''1968'', ''85'' for ''50'', ''135'' for ''100'', and ''55'' for ''65''.

1977—Subsec. (f). Pub. L. 95–113, § 607, substituted ''Strict Low Middling one and one-sixteenth inch'' for ''Middling one-inch''.

Subsec. (h). Pub. L. 95–113, § 702, temporarily added subsec. (h). See Effective and Termination Dates of 1977 Amendment note below.

1976—Subsec. (g). Pub. L. 94–214 temporarily added subsec. (g). See Effective and Termination Dates of 1976 Amendment note below.

1968—Subsec. (f). Pub. L. 90–475 substituted provisions authorizing price support for extra long staple cotton for the 1968 crop and each subsequent crop based on the loan level established for Middling one-inch upland cotton and adjusted by the specified factors, provisions determining the computation of acreage allotments of extra long staple cotton, provisions authorizing the Secretary to establish the price-support payment factor, and provisions authorizing the manner and mode of payments authorized under this section, for provisions authorizing price support for extra long staple cotton for the 1957 crop and each subsequent crop based on the parity price for the 1956 crop and adjusted by certain specified factors, with a minimum price support level of not less than 60 percent of the parity price, and provisions making operative subsec. (d)(3) of this section upon the disapproval by producers of the national marketing quota established pursuant to section 1347 of this title.

1960—Subsec. (e). Pub. L. 86–389 repealed subsec. (e) which provided that: ''Notwithstanding any of the provisions of this Act, section 2 of the Act of July 28, 1945 (59 Stat. 506) shall continue in effect.''

1958—Subsec. (a). Pub. L. 85–835, § 302(a), substituted ''and wheat'' for ''wheat, and rice'' and added par. requiring rice price support levels to be not less than 75, 70, and 65 per centum of parity for 1959 and 1960, 1961, and 1962 and subsequent crop years, respectively.

Subsec. (d)(4). Act Oct. 31, 1949, § 104(b)(3), as added Pub. L. 85–835, § 201, repealed par. (4) which provided for price support level for corn to cooperators outside the commercial corn-producing area at 75 per centum of the level of price support to cooperators in the commercial corn-producing area.

Subsec. (f). Pub. L. 85–497 provided that the level of support for crops of extra long staple cotton shall not exceed the same per centum of the parity price as for the 1956 crop, required such level to be determined after consideration of the factors specified in section 1421(b) of this title and the price levels for similar qualities of cotton produced outside the United States, and established a minimum of not less than 60 per centum of the parity price as the level for extra long staple cotton.

1957—Subsec. (f). Pub. L. 85–28 set the price support for extra long staple cotton for 1957 and each subsequent crop at same per centum of parity price as for 1956 crop.

1954—Subsec. (d)(6). Act Aug. 28, 1954, § 201(a), provided for flexible price supports.

Subsec. (d)(7). Act Aug. 28, 1954, § 201(b), added par. (7).

Subsec. (f). Act Aug. 28, 1954, § 202, set the price support for long staple cotton at the minimum determined in accordance with the schedule in subsec. (b) of this section.

1952—Subsec. (d)(6). Act July 17, 1952, § 2, added par. (6).

Subsec. (f). Act July 17, 1952, § 3(1), added subsec. (f).

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108–357 applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108–357, set out as an Effective Date note under section 518 of this title.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Section 602 of Pub. L. 99–198 provided that the amendment made by that section is effective for 1985 crop of rice.

EFFECTIVE DATE OF 1983 AMENDMENT

Section 2 of Pub. L. 98–88 provided that the amendment made by that section is effective beginning with 1984 crop of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Section 508 of Pub. L. 97–98 provided that the amendment made by that section is effective beginning with 1982 crop of extra long staple cotton.

Section 602 of Pub. L. 97–98 provided that the amendment made by that section is effective only for 1982 through 1985 crops of rice.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96–176 provided that the amendment made by that section is effective with respect to 1980 and subsequent crops of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Section 702 of Pub. L. 95–113 provided that the amendment made by that section is effective only for 1978 through 1981 crops of rice.

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, except as otherwise provided, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

EFFECTIVE AND TERMINATION DATES OF 1976 AMENDMENT

Section 102 of Pub. L. 94–214 provided that the amendment made by that section is effective for 1976 and 1977 crops of rice.

EFFECTIVE DATE OF 1958 AMENDMENT

Section 104(b)(3) of act Oct. 31, 1949, as added by section 201 of Pub. L. 85–835, provided for repeal of subsec. (d)(4) of this section effective with 1959 crop, to be operative as provided in section 1444a(b) of this title. See 1958 Referendum for Selection of Alternative Corn Program and Operative Status of Certain Provisions note set out under section 1444a of this title.

Section 302(a) of Pub. L. 85–835 provided in part that the amendment by Pub. L. 85–835 [amending this section] is effective beginning with the 1959 crop.

SAVINGS PROVISION

Amendment by sections 611 to 614 of Pub. L. 108–357 not to affect the liability of any person under any provision of law so amended with respect to the 2004 or an earlier crop of tobacco, see section 614 of Pub. L. 108–357, set out as a note under section 515 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(1) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(A) of this title.

Pub. L. 101–624, title VIII, § 808, Nov. 28, 1990, 104 Stat. 3478, provided that: ''Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1991 through 1995 crops of peanuts.''

Section 707 of Pub. L. 99–198 provided that: ''Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1986 through 1990 crops of peanuts.''

Section 707 of Pub. L. 97–98 provided that: ''Section 101 of the Agricultural Act of 1949 [this section] shall not be applicable to the 1982 through 1985 crops of peanuts.''

REPORT ON TRADING OF RICE FUTURES

Section 603 of Pub. L. 97–98 required Secretary of Agriculture to submit a report to Congress evaluating the trading of rice futures on commodity exchanges by July 31, 1983.

EXEMPTION OF DISASTER PAYMENT LIMITATIONS RESPECTING 1977 CROPS OF WHEAT, FEED GRAINS, UPLAND COTTON, AND RICE

Term ''payments'' as used in subsec. (g)(13) of this section shall not include any part of any payment which is determined by the Secretary of Agriculture to represent compensation for disaster loss with respect to 1977 crops of wheat, feed grains, upland cotton, and rice, see Pub. L. 95–156, set out as a note under section 1307 of this title.

1963 WHEAT CROP

Pub. L. 87–703, title III, § 306, Sept. 27, 1962, 76 Stat. 615, required that price support for 1963 crop of wheat be made available as provided in section 1441 of this title with certain exceptions.

1962 WHEAT CROP

Pub. L. 87–128, title I, § 123, Aug. 8, 1961, 75 Stat. 297, required that price support for 1962 crop of wheat be made available as provided in section 1441 of this title with certain exceptions.

§ 1441–1. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 101A, as added Dec. 23, 1985, Pub. L. 99–198, title VI, § 601, 99 Stat. 1419; amended Mar. 20, 1986, Pub. L. 99–260, § 2(d), 100 Stat. 47; May 27, 1987, Pub. L. 100–45, § 5, 101 Stat. 320; Dec. 22, 1987, Pub. L. 100–203, title I, §§ 1101(e), 1102(d), 1113(d), 101 Stat. 1330–2, 1330–3, 1330–10, related to loan rates, target prices, disaster payments, acreage limitation program, and land diversion. See Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 601 of Pub. L. 99–198 provided that this section is effective only for 1986 through 1990 crops of rice.

§ 1441–1a. Marketing certificates for rice

(a) Authority of Commodity Credit Corporation to issue negotiable marketing certificates

Notwithstanding any other provision of law, whenever, during the period beginning August 1, 1986, and ending July 31, 1991, the world price for a class of rice (adjusted to United States qualities and location), as determined by the Secretary of Agriculture, is below the current loan repayment rate for that class of rice, to make United States rice competitive in world markets and to maintain and expand exports of rice produced in the United States, the Commodity Credit Corporation, under such regulations as the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to persons who have entered into an agreement with the Commodity Credit

Corporation to participate in the program established under this section. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make rice produced in the United States available at competitive prices consistent with the purposes of this section, including such payments as may be necessary to make rice in inventory on August 1, 1986, available on the same basis.

(b) Determination of value of certificates

The value of each certificate issued under subsection (a) of this section shall be based on the difference between—

(1) the loan repayment rate for the class of rice; and

(2) the prevailing world market price for the class of rice, as determined by the Secretary of Agriculture under a published formula submitted for public comment before its adoption.

(c) Commodity Credit Corporation assistance in redemption, marketing, or exchange of certificates

The Commodity Credit Corporation, under regulations prescribed by the Secretary of Agriculture, may assist any person receiving marketing certificates under this section in the redemption of certificates for cash, or marketing or exchange of such certificates for (1) rice owned by the Commodity Credit Corporation or (2) (if the Secretary and the person agree) other agricultural commodities or the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price levels as the Secretary determines will best effectuate the purposes of the program established under this section. Notwithstanding any other provision of law, any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this section.

(d) Exchange of certificates for commodities and products

Insofar as practicable, the Secretary shall permit owners of certificates to designate the commodities and the products thereof, including storage sites thereof, such owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of such certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

(e) Prevention of adverse effects

The Secretary of Agriculture shall take such measures as may be necessary to prevent the marketing or exchange of agricultural commodities and the products thereof for certificates under this section from adversely affecting the income of producers of such commodities or products.

(f) Transfer of certificates

Under regulations prescribed by the Secretary of Agriculture, certificates issued to rice exporters under this section may be transferred to other exporters and persons approved by the Secretary.

(Pub. L. 99–198, title VI, § 603, Dec. 23, 1985, 99 Stat. 1429.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1441–2. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(A), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 101B, as added Nov. 28, 1990, Pub. L. 101–624, title VI, § 601, 104 Stat. 3443; amended Nov. 5, 1990, Pub. L. 101–508, title I, §§ 1101(d), 1102(c), 104 Stat. 1388–1, 1388–2; Dec. 13, 1991, Pub. L. 102–237, title I, §§ 102(a), 104, 106(a), 113(1), 105 Stat. 1821, 1823, 1824, 1837; Aug. 10, 1993, Pub. L. 103–66, title I, § 1104, 107 Stat. 316; May 6, 1994, Pub. L. 103–247, § 1(a), 108 Stat. 618; Oct. 13, 1994, Pub. L. 103–354, title I, § 119(a)(2), 108 Stat. 3207, related to loans, payments, and acreage reduction programs for 1991 through 1995 crops of rice.

§ 1441a. Cost of production study and establishment of current national weighted average cost of production

The Secretary of Agriculture, in cooperation with the land grant colleges, commodity organizations, general farm organizations, and individual farmers, shall conduct a cost of production study of the wheat, feed grain, cotton, and dairy commodities under the various production practices and establish a current national weighted average cost of production. This study shall be updated annually and shall include all typical variable costs, including interest costs, a return on fixed costs, and a return for management.

(Pub. L. 91–524, title VIII, § 808, as added Pub. L. 93–86, § 1(27)(B), Aug. 10, 1973, 87 Stat. 237; amended Pub. L. 97–98, title XI, § 1117, Dec. 22, 1981, 95 Stat. 1271.)

CODIFICATION

Section was enacted as part of the Agricultural Act of 1970 as added by the Agriculture and Consumer Protection Act of 1973, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1981—Pub. L. 97–98 inserted ''including interest costs,'' after ''variable costs,'', substituted '', and a return for management'' for ''equal to the existing interest rates charged by the Federal Land Bank, and return for management comparable to the normal management fees charged by other comparable industries'', and struck out provision that these studies be based upon the size unit that requires one man to farm on a full-time basis.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

§ 1442. Price support and acreage requirements for corn and other feed grains

(a) Conditions of eligibility

Notwithstanding any other provision of law, whenever base acreages are in effect for corn, the Secretary shall require, as a condition of eligibility for price support on corn, that the producer (1) devote an acreage of cropland (tilled in normal rotation), at the option of the producer, to either the acreage reserve program for corn or the conservation reserve program, equal to 15 per centum of such producer's farm base acreage for corn, and (2) not exceed such farm base acreage for corn: *Provided*, That price support may be made available to any producer who does not meet the foregoing requirements at such level, not in excess of the level of price support to producers who meet such requirements, as the Secretary determines will facilitate the effective operation of the price support program. Corn acreage allotments shall not be effective for the 1956 crop.

(b) Referendum of producers of corn

Not later than December 15, 1956, the Secretary shall conduct a referendum of producers of corn in 1956 in the commercial corn-producing area to determine whether such producers favor a price-support program as provided in subsection (c) of this section for the 1957 and subsequent crops in lieu of acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended [7 U.S.C. 1281 et seq.], and price support as provided in section 1441 of this title.

(c) Restriction on acreage allotment of corn; price support level

Notwithstanding any other provision of law, if two-thirds or more of the producers voting in the referendum conducted pursuant to subsection (b) of this section favor a price-support program as provided in this subsection, no acreage allotment of corn shall be established for the commercial corn-producing area for any county, or for any farm, with respect to the 1957 and subsequent crops, and price support made available for such crops by Commodity Credit Corporation shall be at such level as the Secretary determines will assist producers in marketing corn in the normal channels of trade but not encourage the uneconomic production of corn.

(d) Price support level for 1956 and 1957 crops of grain sorghums, barley, rye, oats, and corn

Notwithstanding any other provision of law, (1) the level of price support for the 1956 crop of grain sorghums, barley, rye, and oats, respectively, shall be 76 per centum of the parity price for the commodity as of May 1, 1956, (2) the level of price support for corn produced outside the commercial corn-producing area, for any crop for which base acreages are in effect (except as provided in (3) below), shall be 82½ per centum of the level of price support for corn in the commercial corn-producing area to producers complying with acreage limitations, and (3) if price support is made available for the 1957 crop of corn in the commercial corn-producing area to producers not complying with acreage limitations, price support shall be made available for the 1957 crop of grain sorghums, barley, rye, oats, and corn produced outside the commercial corn-producing area, respectively, at a level, not less than 70 per centum of the parity price as of the beginning of the marketing year, determined by the Secretary to be fair and reasonable in relation to the level at which price support is made available for corn in the commercial corn-producing area to producers not complying with acreage limitations, taking into consideration the normal price relationships between such commodity and corn in the commercial area, the feed value of such commodity in relation to corn, the supply of such commodity in relation to the demand therefor, and the ability to dispose of stocks of such commodity acquired through price support programs.

(May 28, 1956, ch. 327, title III, § 308, 70 Stat. 206.)

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, as amended, referred to in subsec. (b), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1956, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

REFERENDUM OF PRODUCERS OF CORN

The referendum provided for in subsec. (b) of this section was held on Dec. 11, 1956, and the required two-thirds vote was not obtained in favor of the price support program provided for in subsec. (c) of this section. See 22 F.R. 480.

§ 1443. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 102, as added Aug. 28, 1958, Pub. L. 85–835, title I, § 101, 72 Stat. 988, related to acreage allotment and price support levels for the 1959 and 1960 crops of upland cotton.

§ 1444. Cotton price support levels

(a) Basic support levels for 1961 and subsequent years

Notwithstanding the provisions of section 1441 of this title, price support to cooperators for each crop of upland cotton, beginning with the 1961 crop, for which producers have not disapproved marketing quotas shall be at such level not more than 90 per centum of the parity price therefor nor less than the minimum level prescribed below as the Secretary determines appropriate after consideration of the factors specified in section 1421(b) of this title. For the 1961 crop the minimum level shall be 70 per centum of the parity price therefor, and for each subsequent crop the minimum level shall be 65 per centum of the parity price therefor: *Provided*, That the price support for the 1965 crop shall be a national average support price which reflects 30 cents per pound for Middling one-inch cotton. Price support in the case of noncooperators and in case marketing quotas are dis-

approved shall be as provided in section 1441(d)(3) and (5)[1] of this title.

(b) Additional support levels for 1964 and 1965

If producers have not disapproved marketing quotas, the Secretary shall provide additional price support on the 1964 and 1965 crops of upland cotton to cooperators on whose farms the acreage planted to upland cotton for harvest does not exceed the farm domestic allotment established under section 1350 of this title. Such additional support shall be at a level up to 15 per centum in excess of the basic level of support established under subsection (a) of this section and shall be provided on the normal yield of the acreage planted for harvest within the farm domestic allotment. For purposes of this subsection, an acreage on the farm which the Secretary finds was not planted to cotton in 1965 because of flood, drought, or other natural disaster shall be deemed by the Secretary to be an actual acreage of cotton planted on the farm for harvest, provided such acreage is not subsequently devoted to any price supported crop for 1965.

(c) Alternative operations for carrying out additional price support; payment-in-kind certificates: value, marketing assistance, redemption, and deductions after thirty day period

In order to keep upland cotton to the maximum extent practicable in the normal channels of trade, any additional price support under subsection (b) of this section may be carried out through the simultaneous purchase of cotton at the support price therefor under subsection (b) of this section and the sale of such cotton at the support price therefor under subsection (a) of this section or similar operations, including loans under which the cotton would be redeemable by payment of the amount for which the cotton would be redeemable if the loan thereon had been made at the support price for such cotton under subsection (a) of this section, or payments-in-kind through the issuance of certificates which the Commodity Credit Corporation shall redeem for cotton under regulations issued by the Secretary. If such additional support is provided through the issuance of payment-in-kind certificates, such certificates shall have a value per pound of cotton equal to the difference between the level of support established under subsection (a) of this section and the level of support established under subsection (b) of this section. The corporation may, under regulations prescribed by the Secretary, assist the producers and persons receiving payment-in-kind certificates under this section and section 1348 of this title, in the marketing of such certificates at such time and in such manner as the Secretary determines will best effectuate the purposes of the program authorized by this section and such section 1348. In the case of any certificate not presented for redemption within thirty days of the date of its issuance, reasonable costs of storage and other carrying charges as determined by the Secretary for the period beginning thirty days after its issuance and ending with the date of its presentation for redemption shall be deducted from the value of the certificate.

[1] See References in Text note below.

(d) Price support and diversion payments for 1966 through 1970 crops

(1) Notwithstanding any other provision of this Act, if producers have not disapproved marketing quotas, price support and diversion payments shall be made available for the 1966 through 1970 crops of upland cotton as provided in this subsection.

(2) Price support for each such crop of upland cotton shall be made available to cooperators through loans at such level, not exceeding a level which will reflect for Middling one-inch upland cotton at average location in the United States 90 per centum of the estimated average world market price for Middling one-inch upland cotton for the marketing year for such crop, as the Secretary determines will provide orderly marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States taking into consideration the factors specified in section 1421(b) of this title: *Provided*, That the national average loan rate for the 1966 crop shall reflect 21 cents per pound for Middling one-inch upland cotton.

(3) The Secretary also shall provide additional price support for each such crop through payments in cash or in kind to cooperators at a rate not less than 9 cents per pound: *Provided*, That the rate shall be such that the amount obtained by—

(i) multiplying the rate by the farm domestic acreage allotment percentage, and

(ii) dividing the product thus obtained by the cooperator percentage established under section 1428(b) of this title, and

(iii) adding the result thus obtained to the national average loan rate

shall not be less than 65 per centum or more than 90 per centum of the parity price for cotton as of the month in which the payment rate provided for by this paragraph is announced. Such payments shall be made on the quantity of cotton determined by multiplying the projected farm yield by the acreage planted to cotton within the farm domestic acreage allotment: *Provided*, That any such farm planting not less than 90 per centum of such domestic acreage allotment shall be deemed to have planted the entire amount of such allotment. An acreage on a farm in any such year which the Secretary finds was not planted to cotton because of drought, flood, or other natural disaster shall be deemed to be planted to cotton for purposes of payments under this subsection if such acreage is not subsequently devoted to any other crop for which there are marketing quotas or voluntary adjustment programs in effect.

(4) The Secretary shall make diversion payments in cash or in kind in addition to the price support payments authorized in paragraph (3) to cooperators who reduce their cotton acreage by diverting a portion of their cotton acreage allotment from the production of cotton to approved conservation practices to the extent prescribed by the Secretary: *Provided*, That no reduction below the domestic acreage allotments established under section 1350 of this title shall be prescribed: *Provided further*, That payment under this paragraph shall be made available for di-

verting to conserving uses that part of the acreage allotment which must be diverted from cotton in order that the producer may qualify as a cooperator. The rate of payment for acreage required to be diverted in order to qualify as a cooperator shall not be less than 25 per centum of the parity price for upland cotton as of the month in which such rate is announced. The rate of payment for additional acreage diverted shall be such rate as the Secretary determines to be fair and reasonable, but shall not exceed 40 per centum of such parity price. Payment at each applicable rate shall be made on the quantity of cotton determined by multiplying the acreage diverted from the production of cotton at such rate by the projected farm yield. In addition to the foregoing payment, if any, payment at the rate applicable for acreage required to be diverted to qualify as a cooperator shall be made to producers on small farms as defined in section 1428(b) of this title who do not exceed their farm acreage allotments on a quantity of cotton determined by multiplying an acreage equal to 35 per centum of such farm acreage allotment by the projected farm yield.

(5) The Secretary may make not to exceed 50 per centum of the payments under this subsection to producers in advance of determination of performance and the balance of such payments shall be made at such time as the Secretary may prescribe.

(6) Where the farm operator elects to participate in the diversion program authorized in this subsection and no acreage is planted to cotton on the farm, diversion payments shall be made at the rate established under paragraph (4) for acreage required to be diverted to qualify as a cooperator on the quantity of cotton determined by multiplying that part of the farm acreage allotment required to be diverted to qualify as a cooperator by the projected farm yield, and the remainder of such allotment may be released under the provisions of section 1344(m)(2) of this title. The acreage on which payment is made under this paragraph shall be regarded as planted to cotton for purposes of establishing future State, county, and farm acreage allotments, and farm bases.

(7) Payments in kind under this subsection shall be made through the issuance of certificates which the Commodity Credit Corporation shall redeem for cotton under regulations issued by the Secretary at a value per pound equal to not less than the current loan rate therefor. The Corporation may, under regulations prescribed by the Secretary, assist the producers in the marketing of such certificates at such times and in such manner as the Secretary determines will best effectuate the purposes of the program authorized by this subsection.

(8) Payments under this subsection shall be conditioned on the farm having an acreage of approved conservation uses equal to the sum of (i) the reduction in cotton acreage required to qualify for such payments (hereinafter called ''diverted acreage''), and (ii) the average acreage of cropland on the farm devoted to designated soil-conserving crops or practices, including summer fallow and idle land, during a base period prescribed by the Secretary: *Provided*, That the Secretary may permit all or any part of such diverted acreage to be devoted to the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, and flaxseed, if he determines that such production is necessary to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not adversely affect farm income, subject to the condition that payment under paragraph (4) or (6) with respect to diverted acreage devoted to any such crop shall be at a rate determined by the Secretary to be fair and reasonable, taking into consideration the use of such acreage for the production of such crops, but in no event shall the payment exceed one-half the rate which otherwise would be applicable if such acreage were devoted to conservation uses.

(9) The acreage regarded as planted to cotton on any farm which qualifies for payment under this subsection except under paragraph (6) shall, for purposes of establishing future State, county, and farm acreage allotments and farm bases, be the farm acreage allotment established under section 1344 of this title, excluding adjustments under subsection (m)(2) thereof.

(10) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing diversion payments on a fair and equitable basis under this subsection. The Secretary shall provide for the sharing of price support payments among producers on the farm on the basis of their respective shares in the cotton crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable.

(11) In any case in which the failure of a producer to comply fully with the terms and conditions of the programs formulated under this Act preclude the making of payments under this section, the Secretary may, nevertheless, make such payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

(12) Notwithstanding any other provision of this Act, if, as a result of limitations hereafter enacted with respect to price support under this subsection, the Secretary is unable to make available to all cooperators the full amount of price support to which they would otherwise be entitled under paragraphs (2) and (3) of this subsection for any crop of upland cotton, (A) price support to cooperators shall be made available for such crop (if marketing quotas have not been disapproved) through loans or purchases at such level not less than 65 per centum nor more than 90 per centum of the parity price therefor as the Secretary determines appropriate; (B) in order to keep upland cotton to the maximum extent practicable in the normal channels of trade, such price support may be carried out through the simultaneous purchase of cotton at the support price therefor and resale at a lower price or through loans under which the cotton would be redeemable by payment of a price therefor lower than the amount of the loan thereon; and (C) such resale or redemption price shall be such as the Secretary determines will provide orderly

marketing of cotton during the harvest season and will retain an adequate share of the world market for cotton produced in the United States.

(13) The provisions of section 590h(g) of title 16 (relating to assignment of payments), shall also apply to payments under this subsection.

(14) The Commodity Credit Corporation is authorized to utilize its capital funds and other assets for the purpose of making the payments authorized in this subsection and to pay administrative expenses necessary in carrying out this subsection.

(e) Price support, diversion, and cropland set-aside program for crops beginning with 1971 crop

(1) The Secretary shall upon presentation of warehouse receipts reflecting accrued storage charges of not more than 60 days make available for the 1971 through 1977 crops of upland cotton to cooperators nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at such level as will reflect the Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average price of American cotton in world markets for such cotton for the three-year period ending July 31 in the year in which the loan level is announced, except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price. The average world price for such cotton for such preceding three-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. Notwithstanding the foregoing, if the carryover of upland cotton as of the beginning of the marketing year for any of the 1972 or 1973 crops exceeds 7.2 million bales, producers on any farm harvesting cotton of such crop from an acreage in excess of the base acreage allotment for such farm shall be entitled to loans and purchases only on an amount of the cotton of such crop produced on such farm determined by multiplying the yield used in computing payments for such farm by the base acreage allotment for such farm.

(2) Payments shall be made for each crop of cotton to the producers on each farm at a rate equal to the amount by which the higher of—

(1) the average market price received by farmers for upland cotton during the calendar year which includes the first five months of the marketing year for such crop, as determined by the Secretary, or

(2) the loan level determined under paragraph (1) for such crop

is less than the established price of 38 cents per pound in the case of the 1974 and 1975 crops, 38 cents per pound adjusted to reflect any change during the calendar year 1975 in the index of prices paid by farmers for production items, interest, taxes, and wage rates in the case of the 1976 crop, and the established price for the 1976 crop adjusted to reflect any change during the calendar year 1976 in such index in the case of the 1977 crop: *Provided*, That any increase that would otherwise be made in the established price to reflect a change in the index of prices paid by farmers shall be adjusted to reflect any change in (i) the national average yield per acre of cotton for the three calendar years preceding the year for which the determination is made, over (ii) the national average yield per acre of cotton for the three calendar years preceding the year previous to the one for which the determination is made. If the Secretary determines that the producers on a farm are prevented from planting any portion of the allotment to cotton because of drought, flood, or other natural disaster, or condition beyond the control of the producer, the rate of payment for such portion shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. If the Secretary determines that, because of such a disaster or condition, the total quantity of cotton which the producers are able to harvest on any farm is less than 66⅔ percent of the farm base acreage allotment times the average yield established for the farm, the rate of payment for the deficiency in production below 100 percent shall be the larger of (A) the foregoing rate, or (B) one-third of the established price. The payment rate with respect to any producer who (i) is on a small farm (that is, a farm on which the base acreage allotment is ten acres or less, or on which the yield used in making payments times the farm base acreage allotment is five thousand pounds or less, and for which the base acreage allotment has not been reduced under section 1350(f) of this title, (ii) resides on such farm, and (iii) derives his principal income from cotton produced on such farm, shall be increased by 30 per centum; but, notwithstanding paragraph (3), such increase shall be made only with respect to his share of cotton actually harvested on such farm within the quantity specified in paragraph (3).

(3) Such payments shall be made available for a farm on the quantity of upland cotton determined by multiplying the acreage planted within the farm base acreage allotment for the farm for the crop by the average yield established for the farm: *Provided*, That payments shall be made on any farm planting not less than 90 per centum of the farm base acreage allotment on the basis of the entire amount of such allotment. For purposes of this paragraph, an acreage on the farm which the Secretary determines was not planted to cotton because of drought, flood, other natural disaster, or a condition beyond the control of the producer shall be considered to be an acreage planted to cotton. The average yield for the farm for any year shall be determined on the basis of the actual yields per harvested acre for the three preceding years, except that the 1970 farm projected yield shall be substituted in lieu of the actual yields for the years 1968 and 1969: *Provided*, That the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other nat-

ural disaster: *Provided further*, That the average yield established for the farm for any year shall not be less than the yield used in making payments for the preceding year if the total cotton production on the farm in such preceding year is not less than the yield used in making payments for the farm for such preceding year times the farm base acreage allotment for such preceding year (for the 1970 crop, the farm domestic allotment).

(4)(A) The Secretary shall provide for a set aside of cropland if he determines that the total supply of agricultural commodities will, in the absence of such a set-aside, likely be excessive taking into account the need for an adequate carryover to maintain reasonable and stable supplies and prices and to meet a national emergency. If a set-aside of cropland is in effect under this paragraph (4), then as a condition of eligibility for loans and payments on upland cotton the producers on a farm must set aside and devote to approved conservation uses an acreage of cropland equal to (i) such percentage of the farm base acreage allotment for the farm as may be specified by the Secretary (not to exceed 28 per centum of the farm base acreage allotment), plus, if required by the Secretary, (ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary. The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to a percentage of the farm base acreage allotment. The Secretary shall permit producers to plant and graze on set-aside acreage sweet sorghum, and the Secretary may permit, subject to such terms and conditions as he may prescribe, all or any of the set-aside acreage to be devoted to hay and grazing or the production of guar, sesame, safflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, oats, rye, or other commodity, if he determines that such production is needed to provide an adequate supply, is not likely to increase the cost of the price-support program, and will not adversely affect farm income.

(B) To assist in adjusting the acreage of commodities to desirable goals, the Secretary may make land diversion payments, in addition to the payments authorized in subsection (e)(2) of this section, to producers on a farm who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in addition to that required to be so devoted under subsection (e)(4)(A) of this section. The land diversion payments for a farm shall be at such rate or rates as the Secretary determines to be fair and reasonable taking into consideration to the diversion undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to adversely affect the economy of the county or local community.

(5) The upland cotton program formulated under this section shall require the producer to take such measures as the Secretary may deem appropriate to protect the set-aside acreage and the additional diverted acreage from erosion, insects, weeds, and rodents. Such acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm as the Secretary may prescribe by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(6) If the operator of the farm desires to participate in the program formulated under this section, he shall file his agreement to do so no later than such date as the Secretary may prescribe. Loans and purchases on upland cotton and payments under this section shall be made available to the producers on such farm only if producers set aside and devote to approved soil conserving uses an acreage on the farm equal to the number of acres which the operator agrees to set aside and devote to approved soil conserving uses, and the agreement shall so provide. The Secretary may, by mutual agreement with the producer, terminate or modify any such agreement entered into pursuant to this subsection (e)(6) if he determines such action necessary because of an emergency created by drought or other disaster or in order to alleviate a shortage in the supply of agricultural commodities.

(7) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing on a fair and equitable basis, in payments under this section.

(8) In any case in which the failure of a producer to comply fully with the terms and conditions of the program formulated under this section precludes the making of loans, purchases, and payments, the Secretary may, nevertheless, make such loans, purchases, and payments in such amounts as he determines to be equitable in relation to the seriousness of the default.

(9) The Secretary is authorized to issue such regulations as he determines necessary to carry out the provisions of this subchapter.

(10) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(11) The provisions of section 590h(g) of title 16 (relating to assignment of payments), shall apply to payments under this subsection.

(f), (g) Omitted

(h) Program for extra long staple cotton beginning with 1984 crop

(1) For purposes of this subsection, extra long staple cotton means cotton which is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which American upland cotton is not suitable and grown in irrigated cot-

ton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary is suitable for the production of such varieties or types and which is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(2) The Secretary shall, upon presentation of warehouse receipts reflecting accrued storage charges of not more than sixty days, make available to producers nonrecourse loans for a term of ten months from the first day of the month in which the loan is made at a level which is not less than 85 percent of the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period..[2] If authorized by the Secretary, nonrecourse loans provided for in this subsection may, upon request of the producer during the tenth month of the loan period for the cotton, be made available for an additional term of eight months. The loan level for any crop of extra long staple cotton shall be determined and announced by the Secretary not later than December 1 of the calendar year preceding the marketing year for which such loan is to be effective and such level shall not thereafter be changed.

(3)(A) In addition, payments shall be made for each crop of extra long staple cotton to producers on each farm at a rate equal to the amount by which the higher of—

(i) the average market price received by farmers for extra long staple cotton during the first eight months of the marketing year for such crop, as determined by the Secretary, or

(ii) the loan level determined under paragraph (2) of this subsection for such crop,

is less than the established price per pound times, in each case, the farm program acreage for extra long staple cotton (determined in accordance with paragraph (5)(A), but in no event on a greater acreage than the acreage actually planted to extra long staple cotton for harvest), multiplied by the farm program payment yield for extra long staple cotton (determined in accordance with paragraph (4)).

(B) The established price for each crop of extra long staple cotton shall be 120 per centum of the loan level determined for such crop under paragraph (2) of this subsection.

(C) If the Secretary establishes an acreage limitation program for a crop of extra long staple cotton in accordance with paragraph (5)(A) and determines that deficiency payments will likely be made for such crop of extra long staple cotton under subparagraph (A) of this paragraph, the Secretary may make available advance deficiency payments for such crop to producers who agree to participate in the acreage limitation program. Such advance payments shall be made available to producers as soon as practicable after the producer files a notice of intention to participate in such acreage limitation program and in such amount as the Secretary determines appropriate to encourage adequate participation in such program, except that such amount shall not exceed an amount determined by multiplying (i) the estimated farm program acreage for the crop, by (ii) the farm program payment yield for the crop, by (iii) 50 per centum of the projected payment rate, as determined by the Secretary. In any case in which the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under subparagraph (A) of this paragraph, is less than the amount paid to the producer as an advance deficiency payment under this paragraph, the producer shall refund an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer. If the Secretary determines that no deficiency payments are due producers on a crop, the producer who received advanced payments on such crop shall refund such payments. If a producer fails to comply with the requirements under the acreage limitation program after obtaining an advance deficiency payment under this paragraph, the producer shall immediately repay the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe.

(4) The farm program payment yield for each crop of extra long staple cotton shall be determined on the basis of the actual yields per harvested acre on the farm for the preceding three years, except that the actual yields shall be adjusted by the Secretary for abnormal yields in any year caused by drought, flood, or other natural disaster, or other condition beyond the control of the producers. In case farm yield data for one or more years are unavailable or there was no production, the Secretary shall provide for appraisals to be made on the basis of actual yields and program payment yields for similar farms in the area for which data are available. Notwithstanding the foregoing provisions of this paragraph in the determination of yields, the Secretary shall take into account the actual yields proved by the producer, and neither such yields nor the farm program payment yield established on the basis of such yields shall be reduced under other provisions of this paragraph. If the Secretary determines it necessary, the Secretary may establish national, State, or county program payment yields on the basis of historical yields, as adjusted by the Secretary to correct for abnormal factors affecting such yields in the historical period, or, if such data are not available, on the Secretary's estimate of actual yields for the crop year involved. If national, State, or county program payment yields are established, the farm program payment yields shall balance to the national, State, or county program payment yields.

(5)(A)(i) Notwithstanding any other provision of this subsection, the Secretary may establish a limitation on the acreage planted to extra long staple cotton if the Secretary determines that the total supply of extra long staple cotton, in the absence of such limitation, will be excessive taking into account the need for an adequate carryover to maintain reasonable and stable prices and to meet a national emergency.

[2] So in original.

Such limitation shall be achieved by applying a uniform percentage reduction (including a zero percentage reduction) to the acreage base for each extra long staple cotton-producing farm. Producers who knowingly produce extra long staple cotton in excess of the permitted acreage for the farm shall be ineligible for extra long staple cotton loans and payments with respect to that farm. The acreage base for any farm for the purpose of determining any reduction required to be made for any year as a result of a limitation under this subparagraph shall be the average acreage planted on the farm to extra long staple cotton for harvest in the three crop years immediately preceding the year prior to the year for which the determination is made. For the purpose of the preceding sentence, acreage planted to extra long staple cotton for harvest shall include any acreage which the producers were prevented from planting to extra long staple cotton or other nonconserving crops in lieu of extra long staple cotton because of drought, flood, or other natural disaster or other condition beyond the control of the producers. The Secretary may make adjustments to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base. There is hereby established for the 1984, 1985, and 1986 crops an acreage base reserve equal to 5 per centum of the total of the farm acreage bases established for the crop under the foregoing provisions of this subparagraph. Such reserve shall be in addition to the total of the farm acreage bases and shall be used by the county committees, in accordance with regulations of the Secretary, for making adjustments of farm acreage bases to correct inequities and prevent hardship, and for establishing bases for farms on which no extra long staple cotton was planted during the preceding four years. A number of acres on the farm determined by dividing (i) the product obtained by multiplying the number of acres required to be withdrawn from the production of extra long staple cotton times the number of acres actually planted to such commodity, by (ii) the number of acres authorized to be planted to such commodity under the limitation established by the Secretary, shall be devoted to conservation uses, in accordance with regulations issued by the Secretary, which will assure protection of such acreage from weeds and wind and water erosion. The number of acres so determined is hereafter in this subsection referred to as ''reduced acreage''. The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the reduced acreage to be devoted to sweet sorghum, hay and grazing, or the production of guar, sesame, safflower, sunflower, castor beans, mustard seed, crambe, plantago ovato, flaxseed, triticale, rye, or other commodity, if the Secretary determines that such production is needed to provide an adequate supply of such commodities, is not likely to increase the cost of the price support program, and will not affect farm income adversely. The individual farm program acreage shall be the actual acreage planted on the farm to extra long staple cotton for harvest within the permitted extra long staple cotton acreage for the farm as established under this paragraph.

(ii) Notwithstanding any other provision of this Act, the Secretary shall ensure, under such terms and conditions as may be prescribed by the Secretary, that the total of the crop acreage bases established on a farm which is enrolled in a production adjustment program for any commodity shall not be increased as a result of the application of the provisions set forth in paragraph (13)(C), as extended for the 1989 and 1990 crop.

(B) The Secretary may make land diversion payments to producers of extra long staple cotton, whether or not an acreage limitation program for extra long staple cotton is in effect, if the Secretary determines that such land diversion payments are necessary to assist in adjusting the total national acreage of extra long staple cotton to desirable goals. Such land diversion payments shall be made to producers who, to the extent prescribed by the Secretary, devote to approved conservation uses an acreage of cropland on the farm in accordance with land diversion contracts entered into by the Secretary with such producers. The amounts payable to producers under land diversion contracts may be determined through the submission of bids for such contracts by producers in such manner as the Secretary may prescribe or through such other means as the Secretary determines appropriate. In determining the acceptability of contract offers, the Secretary shall take into consideration the extent of the diversion to be undertaken by the producers and the productivity of the acreage diverted. The Secretary shall limit the total acreage to be diverted under agreements in any county or local community so as not to affect adversely the economy of the county or local community.

(C) The reduced acreage and the diverted acreage may be devoted to wildlife food plots or wildlife habitat in conformity with standards established by the Secretary in consultation with wildlife agencies. The Secretary may pay an appropriate share of the cost of practices designed to carry out the purpose of the foregoing sentence. The Secretary may provide for an additional payment on such acreage in an amount determined by the Secretary to be appropriate in relation to the benefit to the general public if the producer agrees to permit, without other compensation, access to all or such portion of the farm, as the Secretary may prescribe, by the general public, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations.

(6) An operator of a farm desiring to participate in the program conducted under paragraph (5) shall execute an agreement with the Secretary providing for such participation not later than such date as the Secretary may prescribe. The Secretary may, by mutual agreement with the producers on the farm, terminate or modify any such agreement if the Secretary determines such action necessary because of an emergency created by drought or other disaster or to prevent or alleviate a shortage in the supply of agricultural commodities.

(7) The Secretary shall provide for the sharing of payments made under this subsection for any farm among the producers on the farm on a fair and equitable basis.

(8) The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(9) If the failure of a producer to comply fully with the terms and conditions of the program formulated under this subsection precludes the making of loans and payments, the Secretary may, nevertheless, make such loans and payments in such amounts as the Secretary determines to be equitable in relation to the seriousness of the failure. The Secretary may authorize the county and State committees established under section 590h(b) of title 16 to waive or modify deadlines and other program requirements in cases in which lateness or failure to meet such other requirements does not affect adversely the operation of the program.

(10) The Secretary may issue such regulations as the Secretary determines necessary to carry out the provisions of this subsection.

(11) The Secretary shall carry out the program authorized by this subsection through the Commodity Credit Corporation.

(12) The provisions of section 590h(g) of title 16 (relating to assignment of payments) shall apply to payments made under this subsection.

(13)(A) Compliance on a farm with the terms and conditions of any other commodity program or compliance with crop acreage base requirements for any other commodity may not be required as a condition of eligibility for loans or payments under this section.

(B) The Secretary may not require producers on a farm, as a condition of eligibility for loans or payments under this section for the farm, to comply with the terms and conditions of the extra long staple cotton program with respect to any other farm operated by the producers.

(14) In order to encourage and assist producers in the orderly ginning and marketing of their extra long staple cotton production, the Secretary shall make recourse loans available to such producers on seed cotton in accordance with authority vested in the Secretary under the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.].

(15) References made in sections 1422, 1423, 1426,[3] 1427, and 1431 of this title to the terms ''support price'', ''level of support'', and ''level of price support'' shall be considered to apply as well to the level of loans for extra long staple cotton under this subsection; and references to the terms ''price support'', ''price support operations'', and ''price support program'' in such sections and in section 1421(a) of this title shall be considered as applying as well to the loan operations for extra long staple cotton under this subsection.

(16) Notwithstanding any other provision of law, this subsection shall not be applicable to the 1996 and subsequent crops of extra long staple cotton.

(Oct. 31, 1949, ch. 792, title I, §103, as added Pub. L. 85–835, title I, §102, Aug. 28, 1958, 72 Stat. 989; amended Pub. L. 88–297, title I, §103(b), Apr. 11, 1964, 78 Stat. 174; Pub. L. 89–112, §2, Aug. 6, 1965, 79 Stat. 447; Pub. L. 89–321, title IV, §402(a), Nov. 3, 1965, 79 Stat. 1194; Pub. L. 89–451, §1, June 17, 1966, 80 Stat. 202; Pub. L. 90–559, §1(2), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91–524, title VI, §602, Nov. 30, 1970, 84 Stat. 1374; Pub. L. 93–86, §1(20), Aug. 10, 1973, 87 Stat. 233; Pub. L. 93–125, §1(b), Oct. 18, 1973, 87 Stat. 450; Pub. L. 95–113, title VI, §602, Sept. 29, 1977, 91 Stat. 934; Pub. L. 95–279, title I, §102, May 15, 1978, 92 Stat. 240; Pub. L. 95–402, Sept. 30, 1978, 92 Stat. 862; Pub. L. 96–213, §4(b), Mar. 18, 1980, 94 Stat. 119; Pub. L. 96–365, title II, §201(b), Sept. 26, 1980, 94 Stat. 1320; Pub. L. 97–98, title V, §502, Dec. 22, 1981, 95 Stat. 1234; Pub. L. 97–446, title I, §155, Jan. 12, 1983, 96 Stat. 2345; Pub. L. 98–88, §4, Aug. 26, 1983, 97 Stat. 494; Pub. L. 98–258, title III, §§301, 302, Apr. 10, 1984, 98 Stat. 133; Pub. L. 99–114, §3, Oct. 1, 1985, 99 Stat. 488; Pub. L. 99–198, title V, §507, Dec. 23, 1985, 99 Stat. 1419; Pub. L. 99–500, §101(a) [title VI, §644], Oct. 18, 1986, 100 Stat. 1783, 1783–36, and Pub. L. 99–591, §101(a) [title VI, §644], Oct. 30, 1986, 100 Stat. 3341, 3341–36; Pub. L. 99–641, title II, §201, Nov. 10, 1986, 100 Stat. 3562; Pub. L. 100–203, title I, §1101(d), Dec. 22, 1987, 101 Stat. 1330–2; Pub. L. 100–331, June 14, 1988, 102 Stat. 602; Pub. L. 100–418, title I, §1214(w), Aug. 23, 1988, 102 Stat. 1163; Pub. L. 101–624, title V, §506, Nov. 28, 1990, 104 Stat. 3440.)

[3] See References in Text note below.

REFERENCES IN TEXT

Section 1441(d) of this title, referred to in subsec. (a), was redesignated section 1441(c) of this title by Pub. L. 108–357, title VI, §612(b)(4), Oct. 22, 2004, 118 Stat. 1524.

This Act, referred to in subsecs. (d)(1), (11), (12) and (h)(5)(A)(ii), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in subsec. (h)(14), is act June 29, 1948, ch. 704, 62 Stat. 1070, as amended, which is classified generally to subchapter II (§714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

Section 1426 of this title, referred to in subsec. (h)(15), was repealed by Pub. L. 104–127, title I, §171(b)(2)(I), Apr. 4, 1996, 110 Stat. 938.

CODIFICATION

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

AMENDMENTS

1990—Subsec. (h)(3)(A). Pub. L. 101–624, §506(b)(1), substituted ''paragraph (5)(A)'' for ''paragraph (6) or paragraph (8)(A) of this subsection'' and ''paragraph (4)'' for ''paragraph (7) of this subsection''.

Subsec. (h)(3)(C). Pub. L. 101–624, §506(b)(2), substituted ''paragraph (5)(A)'' for ''paragraph (8)(A) of this subsection''.

Subsec. (h)(4). Pub. L. 101–624, §506(a)(1), (2), redesignated par. (7) as (4) and struck out former par. (4) which related to establishment of a national program acreage for extra long staple cotton by Secretary.

Subsec. (h)(5). Pub. L. 101–624, §506(a)(1)–(3), redesignated par. (8) as (5), inserted ''(including a zero percentage reduction)'' after ''reduction'' in subpar. (A)(i), and struck out former par. (5) which required Secretary to determine a program allocation factor, not to exceed 100 per centum for each crop of extra long staple cotton.

Pub. L. 101–624, §506(b)(3), struck out before last sentence in subpar. (A)(i) the following: ''If an acreage limitation program is announced under this paragraph for a crop of extra long staple cotton, paragraphs (4), (5), and (6) of this subsection shall not be applicable to such

crop, including any prior announcement which may have been made under such paragraphs with respect to such crop.''

Pub. L. 101–624, § 506(b)(4), substituted ''paragraph (13)(C)'' for ''paragraph (16)(C)'' in subpar. (A)(ii).

Subsec. (h)(6). Pub. L. 101–624, § 506(b)(5), substituted ''paragraph (5)'' for ''paragraph (8) of this subsection''.

Pub. L. 101–624, § 506(a)(1), (2), redesignated par. (9) as (6) and struck out former par. (6) which provided a formula for determining individual farm program acreage for each crop of extra long staple cotton by multiplying allocation factor by acreage of extra long staple cotton planted for harvest on each farm for which individual farm program acreages are required to be determined.

Subsec. (h)(7) to (12). Pub. L. 101–624, § 506(a)(2), redesignated pars. (10) to (15) as (7) to (12), respectively. Former pars. (7) to (9) redesignated (4) to (6), respectively.

Subsec. (h)(13). Pub. L. 101–624, § 506(a)(2), (4), redesignated par. (16) as (13), struck out par. (13) as so redesignated, and added new par. (13). Former par. (13) redesignated (10). Prior to being struck out, par. (13) read as follows:

''(A) Notwithstanding any other provision of law, except as provided in subparagraph (B), compliance on a farm with the terms and conditions of any other commodity program may not be required as a condition of eligibility for loans or payments under this subsection.

''(B) In the case of each of the 1989 and 1990 crops of extra long staple cotton, the Secretary may require that, as a condition of eligibility of producers for loans or payments under this subsection, the acreage planted for harvest on the farm to any other commodity for which an acreage limitation program is in effect shall not exceed the crop acreage base established for the farm for that commodity.

''(C) Notwithstanding any other provision of law, in the case of each of the 1987 through 1990 crops of extra long staple cotton, compliance with the terms and conditions of the program authorized by this subsection may not be required as a condition of eligibility for loans, purchases, or payments under any other commodity program.''

Subsec. (h)(14), (15). Pub. L. 101–624, § 506(a)(2), redesignated pars. (17) and (18) as (14) and (15), respectively. Former pars. (14) and (15) redesignated (11) and (12), respectively.

Subsec. (h)(16). Pub. L. 101–624, § 506(a)(2), (5), redesignated par. (19) as (16) and substituted ''1996'' for ''1991''. Former par. (16) redesignated (13).

Subsec. (h)(17) to (19). Pub. L. 101–624, § 506(a)(2), redesignated pars. (17) to (19) as (14) to (16), respectively.

1988—Subsec. (f)(3). Pub. L. 100–418 substituted ''subheadings 9904.30.10 through 9904.30.30 of chapter 99 of the Harmonized Tariff Schedule of the United States'' for ''items 955.01 through 955.03 of the Appendix to the Tariff Schedules of the United States''.

Subsec. (h)(8)(A). Pub. L. 100–331, § 2, designated existing provisions as cl. (i) and added cl. (ii).

Subsec. (h)(16)(C). Pub. L. 100–331, § 1, substituted ''through 1990'' for ''and 1988''.

1987—Subsec. (h)(3)(B). Pub. L. 100–203 temporarily (see Effective and Termination Dates of 1987 Amendment note below) substituted ''Except as provided in clause (ii), the'' for ''The'' and added cl. (ii) which read as follows: ''In the case of each of the 1988 and 1989 crops of extra long staple cotton, the established price for each such crop shall be 118.3 percent of the loan level determined for such crop under paragraph (2).''

1986—Subsec. (h)(16). Pub. L. 99–500, Pub. L. 99–591, and Pub. L. 99–641, in generally amending par. (16) identically, designated existing provisions as subpar. (A), inserted ''except as provided in subparagraph (B),'' and added subpars. (B) and (C).

1985—Subsec. (h)(2). Pub. L. 99–198, § 507(1), in first sentence substituted ''85 percent or the simple average price received by producers of extra long staple cotton, as determined by the Secretary, during 3 years of the 5-year period ending July 31 in the year in which the loan level is announced, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period.'' for ''50 per centum in excess of the loan level established for each crop of Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States'', and, in last sentence substituted ''December 1'' for ''November 1'' and struck out '', or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later,''.

Pub. L. 99–114, § 3(1), inserted '', or within 10 days after the loan level for the related crop of upland cotton is announced, whichever is later,''.

Subsec. (h)(4). Pub. L. 99–114, § 3(2), inserted ''and announce'' after ''The Secretary shall establish'' and struck out sentence which had provided that national program acreage for extra long staple cotton had to be announced by the Secretary not later than November 1 of the calendar year preceding the year for which such acreage was established.

Subsec. (h)(19). Pub. L. 99–198, § 507(2), added par. (19).

1984—Subsec. (g)(3)(B). Pub. L. 98–258, § 301, substituted ''and $0.81 per pound for the 1984 and 1985 crops'' for ''$0.81 per pound for the 1984 crop, and $0.86 per pound for the 1985 crop''.

Subsec. (g)(9)(A). Pub. L. 98–258, § 302(1), inserted ''except as provided in the second and third sentences of this subparagraph,'' after ''Notwithstanding any other provision of this subsection,''.

Pub. L. 98–258, § 302(2), inserted sentences providing that for the 1985 crop of upland cotton, if the Secretary estimates that the quantity of upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed three million seven hundred thousand bales, the Secretary (i) shall provide for a land division [diversion] program as described under subparagraph (B) under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not less than 5 per centum and (ii) may provide for an acreage limitation program as described under this subparagraph under which the acreage planted to upland cotton for harvest on the farm would be limited to the acreage base for the farm reduced by not more than 20 per centum in addition to the reduction required under clause (i), that if the Secretary implements a combined acreage limitation program and land division [diversion] program, any reduction required by the Secretary in excess of 25 per centum of the acreage base for the farm shall be made under the land diversion program, and that, as a condition of eligibility for loans, purchases, and payments on the 1985 crop of upland cotton, if the Secretary implements a land diversion program or a combined acreage limitation and land diversion program, the producers on a farm must comply with the terms and conditions of such program.

Subsec. (g)(9)(B). Pub. L. 98–258, § 302(3), inserted sentences providing that if the Secretary implements a land diversion program for the 1985 crop of upland cotton under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of upland cotton whose acreage planted to upland cotton for harvest on the farm is reduced so that it does not exceed the upland cotton acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), if any, and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the upland cotton acreage base under this subparagraph, that such payments shall be made in an amount computed by multiplying (i) the diversion payment rate, by (ii) the farm program payment yield for the crop, by (iii) the acreage diverted under this subparagraph, that the diversion payment rate shall be established by the Secretary at not less than $0.275 per

pound: *Provided*, That if the Secretary estimates that the quantity of upland cotton on hand in the United States on July 31, 1985 (not including any quantity of upland cotton produced in the United States during calendar year 1985), will exceed (I) four million one hundred thousand bales, such rate shall be established by the Secretary at not less than $0.30 per pound, and (II) four million seven hundred thousand bales such rate shall be established by the Secretary at not less than $0.35 per pound, that the Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the 1985 crop as soon as practicable after a producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, and that if a producer fails to comply with a land diversion contract after obtaining an advance payment under this subparagraph, the producer shall repay the advance immediately and, in accordance with regulations issued by the Secretary, pay interest on the advance.

1983—Subsec. (h). Pub. L. 98–88 added subsec. (h).

Subsec. (f)(3). Pub. L. 97–446 temporarily substituted provision relating to the special quota status of Tariff Schedule items 955.01 and 955.03 before a special quota established under this subsection is filled and the cotton in question is duty free, for provision that, notwithstanding any other provision of law, the foregoing provisions of this subsection with respect to extension of the loan period and to proclamation of the special quota was to become effective Oct. 1, 1977, even though the cotton might have been of a crop prior to the 1978 crop. See Effective and Termination Dates of 1983 Amendment note below.

1981—Subsec. (g). Pub. L. 97–98 temporarily added subsec. (g). See Effective and Termination Dates of 1981 Amendment note below.

1980—Subsec. (f)(5)(A). Pub. L. 96–365, §201(b)(1), substituted ''Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton'' for ''Effective only with respect to the 1978, 1979, and 1980 crops of upland cotton''.

Pub. L. 96–213, §4(b)(1), substituted ''1978, 1979, and 1980 crops of upland cotton'' for ''1978 and 1979 crops of upland cotton''.

Subsec. (f)(5)(B). Pub. L. 96–365, §201(b)(2), substituted ''Except as otherwise provided in subparagraph (C) of this paragraph, effective with respect to the 1978 through 1981 crops of upland cotton'' for ''Effective only with respect to the 1978, 1979, and 1980 crops of upland cotton''.

Pub. L. 96–213, §4(b)(2), substituted ''1978, 1979, and 1980 crops of upland cotton'' for ''1978 and 1979 crops of upland cotton''.

Subsec. (f)(5)(C). Pub. L. 96–365, §201(b)(3), added subpar. (C).

1978—Subsec. (f)(1). Pub. L. 95–402 purported to strike out the fourth sentence of subsec. (f)(1). The enacting clause, however, stated that Pub. L. 95–402 was enacted to amend subsec. (f)(1) ''. . . to ensure that the interest rates on price support loans for upland cotton are not less favorable to producers than the interest rates for such loans on other commodities''. Accordingly, the third sentence of subsec. (f)(1) was struck out as the probable intent of Congress because it related to interest rates while the fourth sentence related to extension of the loan period and establishment of a special limited global import quota.

Pub. L. 95–279 temporarily substituted ''during three years of the five-year period ending July 31'' for ''during the four-year period ending July 31'' and inserted ''excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period'' in cl. (i), substituted ''for the fifteen-week period beginning July 1'' for ''for the first two full weeks of October'' in cl. (ii), and inserted proviso relating to the minimum loan level and the power of the Secretary to raise the loan level as he may deem appropriate when the average Northern European price is less than the average United States spot market price. See Effective and Termination Dates of 1978 Amendment note below.

1977—Subsec. (f). Pub. L. 95–113 temporarily added subsec. (f). See Effective and Termination Dates of 1977 Amendment note below.

1973—Subsec. (e)(1). Pub. L. 93–86, §1(20)(A), (B), substituted ''1971 through 1977 crops of upland cotton'' for ''1971, 1972, and 1973 crops of upland cotton'', ''three-year period'' for ''two-year period'' in two places, ''except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price'' for ''except that to prevent the establishment of such a loan level as would adversely affect the competitive position of United States upland cotton, following one or more years of excessively high prices the Secretary shall make such adjustments as are necessary to keep United States upland cotton competitive and to retain an adequate share of the world market for such cotton'', ''average price of American cotton in world markets'' for ''acreage world price'', and ''any of the 1972 through 1977 crops'' for ''the 1972 or 1973 crop''.

Subsec. (e)(2). Pub. L. 93–86, §1(20)(C), substituted provisions setting out the formula for determining payments for each crop of cotton to the producers on each farm using, as elements of such formula, the average market price received by farmers for upland cotton during the calendar year which includes the first five months of the marketing year for such crop, as determined by the Secretary, the loan level determined under paragraph (1) for such crop, an established price of 38 cents per pound in the case of the 1974 and 1975 crops, adjusted prices in the case of the 1976 and 1977 crops, adjustment of increases to reflect changes in the national average yield per acre of cotton for the three calendar years preceding the year for which the determination is made over the national average yield per acre of cotton for the three calendar years preceding the year previous to the one for which the determination is made, and covering prevention of planting due to natural disasters and conditions for provisions authorizing payments by the Secretary to cooperators on the 1971, 1972, and 1973 crops of upland cotton, and struck out provisions directing preliminary payments to producers as soon as practicable after July 1 of the year in which the crop is harvested at a rate equal to 15 cents per pound.

Pub. L. 93–125 substituted ''prevented from planting any portion'' for ''prevented from planting, any portion''.

Subsec. (e)(4)(A). Pub. L. 93–86, §1(20)(D)–(F), inserted '', if required by the Secretary,'' before ''(ii) the acreage of cropland on the farm devoted in preceding years to soil conserving uses, as determined by the Secretary'', substituted ''The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to a percentage of the farm base acreage allotment'' for ''If the Secretary determines prior to the planting season for such crop that the carryover of upland cotton as of the beginning of the marketing year for the 1972 or 1973 crop will exceed 7.2 million bales, the Secretary is authorized for such crop to limit the acreage planted to upland cotton on the farm in excess of the farm base acreage allotment to such percentage of the farm base acreage allotment as he determines necessary to reduce the total supply to a reasonable level'', deleted provision prohibiting grazing during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 590h(b) of Title 16, and inserted provisions authorizing the raising of hay on set-aside acreage and the production of triticale, oats, and rye.

Subsec. (e)(5). Pub. L. 93–86, §1(20)(G), authorized Secretary in case of programs for 1974 through 1977 crops to pay an appropriate share of cost of practices designed to protect set-aside acreage from erosion, in-

sects, weeds, and rodents and to provide wildlife food plots or wildlife habitat.

1970—Subsec. (e). Pub. L. 91–524 added subsec. (e).

1968—Subsec. (d)(1). Pub. L. 90–559 provided for a one year extension, substituting ''1966 through 1970'' for ''1966, 1967, 1968, and 1969''.

1966—Subsec. (d)(3). Pub. L. 89–451 substituted ''crop for which there are marketing quotas or voluntary adjustment programs in effect'' for ''income producing crop in such year'' in last sentence.

1965—Subsec. (b). Pub. L. 89–112 provided that the Secretary shall deem an acreage on a farm which he finds was not planted to cotton in 1965 because of flood, drought, or other natural disaster to be an actual acreage of cotton planted on the farm for harvest when that acreage was not subsequently devoted to any price support crop in 1965.

Subsec. (d). Pub. L. 89–321 added subsec. (d).

1964—Subsec. (a). Pub. L. 88–297, § 103(b)(1), (2), designated existing provisions as subsec. (a) and provided that the price support for the 1964 cotton crop shall be a national average support price which reflects 30 cents per pound for Middling one-inch cotton.

Subsecs. (b), (c). Pub. L. 88–297, § 103(b)(3), added subsecs. (b) and (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100–418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100–418, set out as a note under section 3001 of Title 19, Customs Duties.

EFFECTIVE AND TERMINATION DATES OF 1987 AMENDMENT

Section 1101(d) of Pub. L. 100–203 provided that the amendment made by that section is effective only for 1988 and 1989 crops of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1983 AMENDMENTS

Section 4 of Pub. L. 98–88 provided that the amendment made by that section is effective beginning with 1984 crop of extra long staple cotton.

Section 155 of Pub. L. 97–446 provided that the amendment made by that section is effective for 1982 through 1985 crops of upland cotton.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Section 502 of Pub. L. 97–98 provided that the amendment made by that section is effective only for 1982 through 1985 crops of upland cotton.

EFFECTIVE AND TERMINATION DATES OF 1978 AMENDMENT

Section 102 of Pub. L. 95–279 provided that the amendment made by that section is effective only with respect to 1978 through 1981 crops of upland cotton.

Amendment by Pub. L. 95–279 effective Oct. 1, 1978, and applicability to elections by producers receiving loans and payments prior to such date, see section 103 of Pub. L. 95–279, set out as a note under section 1309 of this title.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Section 602 of Pub. L. 95–113 provided that the amendment made by that section is effective only with respect to 1978 through 1981 crops of upland cotton, except as otherwise provided therein.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 1(20)(C) of Pub. L. 93–86 provided that the amendment made by that section is effective beginning with 1974 crop.

Section 1(20)(D) of Pub. L. 93–86 provided that the amendment made by that section, authorizing Secretary for 1974 through 1977 crops to limit acreage planted in upland cotton on farm in excess of farm base acreage allotment to a percentage of farm base acreage allotment, is effective beginning with 1974 crop.

EFFECTIVE DATE OF 1970 AMENDMENT

Section 602 of Pub. L. 91–524 provided that the amendment made by that section is effective beginning with 1971 crop of upland cotton.

INAPPLICABILITY OF SECTION

Subsection (a) of this section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(2) of this title.

Subsec. (a) of this section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(B) of this title.

Pub. L. 101–624, title V, § 503, Nov. 28, 1990, 104 Stat. 3440, provided that: ''Section 103(a) of the Agricultural Act of 1949 (7 U.S.C. 1444(a)) shall not be applicable to the 1991 through 1995 crops.''

Pub. L. 99–198, title V, § 504, Dec. 23, 1985, 99 Stat. 1418, provided that: ''Sections 103(a) and 203 of the Agricultural Act of 1949 (7 U.S.C. 1444(a) and 1446d) shall not be applicable to the 1986 through 1990 crops.''

Pub. L. 97–98, title V, § 504, Dec. 22, 1981, 95 Stat. 1241, provided that: ''Sections 103(a) and 203 of the Agricultural Act of 1949 [sections 1444(a) and 1446d of this title] shall not be applicable to the 1982 through 1985 crops.''

Pub. L. 95–113, title VI, § 604(c), Sept. 29, 1977, 91 Stat. 939, provided that: ''Sections 103(a) and 203 of the Agricultural Act of 1949, as amended [sections 1444(a) and 1446d of this title] shall not be applicable to the 1978 through 1981 crops.''

§ 1444–1. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 103A, as added Dec. 23, 1985, Pub. L. 99–198, title V, § 501, 99 Stat. 1407; amended Mar. 20, 1986, Pub. L. 99–260, § 2(c), 100 Stat. 46; May 27, 1987, Pub. L. 100–45, § 4, 101 Stat. 319; Dec. 22, 1987, Pub. L. 100–203, title I, §§ 1101(c), 1102(c), 1113(c), 101 Stat. 1330–1, 1330–3, 1330–9, related to loan rates, target prices, disaster payments, acreage limitation program, and land diversion. See Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 501 of Pub. L. 99–198 provided that this section is effective only for 1986 through 1990 crops of upland cotton.

§ 1444–2. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(B), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 103B, as added Nov. 28, 1990, Pub. L. 101–624, title V, § 501, 104 Stat. 3421; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1101(c), 104 Stat. 1388–1; Dec. 13, 1991, Pub. L. 102–237, title I, §§ 102(b), 106(b), 107, 113(2), (3), 125, 126, 105 Stat. 1821, 1825, 1827, 1837, 1845; Aug. 10, 1993, Pub. L. 103–66, title I, § 1101(a), 107 Stat. 313; May 6, 1994, Pub. L. 103–247, § 1(a), 108 Stat. 618; Oct. 13, 1994, Pub. L. 103–354, title I, § 119(a)(3), 108 Stat. 3207; Dec. 8, 1994, Pub. L. 103–465, title IV, § 401(b)(2), 108 Stat. 4957; Aug. 20, 1996, Pub. L. 104–188, title I, § 1954(b)(5), 110 Stat. 1928, related to loans, payments, and acreage reduction programs for 1991 through 1997 crops of upland cotton.

§ 1444a. Corn and feed grains and cotton programs

(a) Referendum of 1958 corn producers

Not later than December 15, 1958, the Secretary shall conduct a referendum of producers of corn in 1958 in the commercial corn-producing area for 1958 to determine whether such producers favor a price support program as provided in subsection (b) of this section for the 1959 and subsequent crops in lieu of acreage allotments as provided in the Agricultural Adjustment Act of 1938, as amended [7 U.S.C. 1281 et seq.], and price support as provided in section 1441 of this title.

(b) Operative status of certain provisions

Notwithstanding any other provision of law, if less than a majority of the producers voting in the referendum conducted pursuant to subsection (a) of this section favor a price support program as provided in this subsection (b), the following provisions of law shall become inoperative:

(1) [Section enacted section 1329a of this title.]

(2) [Section enacted section 1444b of this title.]

(3) [Section repealed section 1441(d)(4) of this title.]

(c) Cotton research program

The Secretary of Agriculture is hereby authorized and directed to conduct a special cotton research program designed to reduce the cost of producing upland cotton in the United States at the earliest practicable date. There are hereby authorized to be appropriated such sums, not to exceed $10,000,000 annually, as may be necessary for the Secretary to carry out this special research program. The Secretary shall report annually to the Committee on Agriculture of the House of Representatives and to the Committee on Agriculture, Nutrition, and Forestry of the Senate with respect to the results of such research.

(d) Cotton insect eradication

In order to reduce cotton production costs, to prevent the movement of certain cotton plant insects to areas not now infested, and to enhance the quality of the environment, the Secretary is authorized and directed to carry out programs to destroy and eliminate cotton boll weevils in infested areas of the United States as provided herein and to carry out similar programs with respect to pink bollworms or any other major cotton insect if the Secretary determines that methods and systems have been developed to the point that success in eradication of such insects is assured. The Secretary shall carry out the eradication programs authorized by this subsection through the Commodity Credit Corporation. In carrying out insect eradication projects, the Secretary shall utilize the technical and related services of appropriate Federal, State, private agencies, and cotton organizations. Producers and landowners in an eradication zone, established by the Secretary, who are receiving benefits from any program administered by the United States Department of Agriculture, shall, as a condition of receiving or continuing any such benefits, participate in and cooperate with the eradication project, as specified in regulations of the Secretary.

The Secretary may issue such regulations as he deems necessary to enforce the provisions of this subsection with respect to achieving the compliance of producers and landowners who are not receiving benefits from any program administered by the United States Department of Agriculture. Any person who knowingly violates any such regulation promulgated by the Secretary under this subsection may be assessed a civil penalty of not to exceed $5,000 for each offense. No civil penalty shall be assessed unless the person shall have been given notice and opportunity for a hearing on such charge in the county, parish, or incorporated city of the residence of the person charged. In determining the amount of the penalty the Secretary shall consider the appropriateness of such penalty to the size of the business of the person charged, the effect on the person's ability to continue in business, and the gravity of the violation. Where special measures deemed essential to achievement of the eradication objective are taken by the project and result in a loss of production and income to the producer, the Secretary shall provide reasonable and equitable indemnification from funds available for the project and also provide for appropriate protection of the allotment, acreage history, and average yield for the farm. The cost of the program in each eradication zone shall be determined, and cotton producers in the zone shall be required to pay up to one-half thereof, with the exact share in each zone area to be specified by the Secretary upon his finding that such share is reasonable and equitable based on population levels of the target insect and the degree of control measures normally required. Each producer's pro rata share shall be deducted from his cotton payment under this Act or otherwise collected, as provided in regulations of the Secretary. Insofar as practicable, cotton producers and other persons engaged in cotton production in the eradication zone shall be employed to participate in the work of the project in such zone. Funding of the program shall be terminated at such time as the Secretary determines and reports to the Congress that complete eradication of the insects for which programs are undertaken pursuant to this subsection has been accomplished. Funds in custody of agencies carrying out the program shall, upon termination of such program, be accounted for to the Secretary for appropriate disposition.

The Secretary is authorized to cooperate with the Government of Mexico in carrying out operations or measures in Mexico which he deems necessary and feasible to prevent the movement into the United States from Mexico of any insects eradicated under the provisions of this subsection. The measure and character of cooperation carried out under this subsection on the part of the United States and on the part of the Government of Mexico, including the expenditure or use of funds made available by the Secretary under this subsection, shall be such as may be prescribed by the Secretary. Arrangements for the cooperations authorized by this subsection shall be made through and in con-

sultation with the Secretary of State. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. There are hereby authorized to be appropriated to the Commodity Credit Corporation such sums as the Congress may from time to time determine to be necessary to carry out the purposes of this subsection.

(Oct. 31, 1949, ch. 792, title I, § 104, as added Pub. L. 85–835, title II, § 201, Aug. 28, 1958, 72 Stat. 993; amended Pub. L. 88–297, title I, § 103(a), Apr. 11, 1964, 78 Stat. 174; Pub. L. 91–524, title VI, § 611, Nov. 30, 1970, as added Pub. L. 93–86, § 1(24), Aug. 10, 1973, 87 Stat. 235; Pub. L. 103–437, § 4(a)(6), Nov. 2, 1994, 108 Stat. 4581.)

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, as amended, referred to in subsec. (a), is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

This Act, referred to in subsec. (d), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Subsec. (b)(1) of this section, as added by section 201 of Pub. L. 85–835, enacted section 330 of Agricultural Adjustment Act of 1938, which is classified as section 1329a of this title.

Subsec. (b)(2) of this section, as added by section 201 of Pub. L. 85–835, enacted section 105 of Agricultural Act of 1949, which is classified as section 1444b of this title.

Subsec. (b)(3) of this section, as added by section 201 of Pub. L. 85–835, repealed section 101(d)(4) of Agricultural Act of 1949, and was executed to text in the repeal of section 1441(d)(4) of this title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103–437 substituted ''Committee on Agriculture, Nutrition, and Forestry'' for ''Committee on Agriculture and Forestry''.

1973—Subsec. (d). Pub. L. 91–524, § 611, as added Pub. L. 93–86, § 1(24), added subsec. (d).

1964—Subsec. (c). Pub. L. 88–297 added subsec. (c).

1958 REFERENDUM FOR SELECTION OF ALTERNATIVE CORN PROGRAM; OPERATIVE STATUS OF CERTAIN PROVISIONS

Corn producers voted for adoption of price support program as provided in subsec. (b) of this section (254,262) rather than alternative corn acreage allotment and price support program (102,907), the ballot making operative sections 1329a and 1444b and repeal of section 1441(d)(4) of this title.

§ 1444b. Feed grains; price support program

(a) Notwithstanding the provisions of section 1441 of this title, beginning with the 1964 crop, price support shall be made available to producers for each crop of corn at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn: *Provided*, That in the case of any crop for which an acreage diversion program is in effect for feed grains, the level of price support for corn of such crop shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

(b) Beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

(Oct. 31, 1949, ch. 792, title I, § 105, as added Oct. 31, 1949, ch. 792, title I, § 104(b)(2), as added Pub. L. 85–835, title II, § 201, Aug. 28, 1958, 72 Stat. 994; amended Pub. L. 87–5, § 1, Mar. 22, 1961, 75 Stat. 6; Pub. L. 87–128, title I, § 131, Aug. 8, 1961, 75 Stat. 301; Pub. L. 87–425, § 1, Mar. 30, 1962, 76 Stat. 50; Pub. L. 87–703, title III, §§ 301, 305, Sept. 27, 1962, 76 Stat. 612, 614; Pub. L. 88–26, § 2, May 20, 1963, 77 Stat. 44; Pub. L. 89–112, § 1, Aug. 6, 1965, 79 Stat. 446; Pub. L. 89–321, title III, § 301, Nov. 3, 1965, 79 Stat. 1188; Pub. L. 89–451, § 2, June 17, 1966, 80 Stat. 202; Pub. L. 89–321, title III, § 301, Nov. 3, 1965, as amended Pub. L. 90–559, § 1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91–524, title V, § 501, Nov. 30, 1970, 84 Stat. 1368; Pub. L. 91–524, title V, § 501, Nov. 30, 1970, as amended Pub. L. 93–86, § 1(18), Aug. 10, 1973, 87 Stat. 230; Pub. L. 93–86, § 1(18), Aug. 10, 1973, 87 Stat. 230; Pub. L. 93–86, § 1(18), Aug. 10, 1973, as amended Pub. L. 93–125, § 1(d), Oct. 18, 1973, 87 Stat. 450; Pub. L. 93–228, § 1(b), Dec. 29, 1973, 87 Stat. 944.)

CODIFICATION

Pub. L. 91–524, as amended by Pub. L. 93–86, amended section generally by substantially revising subsecs. (a) to (e) and enacting subsecs. (f) to (i), effective only through the 1977 crops of feed grains. See 1970 and 1973 Amendment notes and Effective and Termination Dates of 1970 and 1973 Amendment notes below. Prior to such amendment by Pub. L. 91–524 and Pub. L. 93–86, subsec. (c) was applicable only to the 1961 to 1963 crops of feed grains, subsec. (d) was applicable only to the 1964 and 1965 crops of feed grains, and subsec. (e) was applicable only to the 1966 through 1970 crops of feed grains.

AMENDMENTS

1973—Pub. L. 93–228 amended feed grains program for 1974 through 1977, as described below.

Pub. L. 93–125 amended feed grain loan and purchases price support program for 1974 through 1977, as described below.

Pub. L. 93–86 temporarily enacted feed grain loans and purchases price support program for 1974 through 1977, as described below. See Effective and Termination Dates of 1973 Amendment note below.

Pub. L. 91–524, § 501, as amended Pub. L. 93–86, § 1(18)(A), reenacted introductory text without change.

Subsec. (a)(1). Pub. L. 91–524, § 501, as amended Pub. L. 93–86, § 1(18)(A), increased minimum corn crop support level from $1.00 to $1.10 per bushel.

Subsec. (a)(2). Pub. L. 91–524, § 501, as amended Pub. L. 93–36, § 1(18)(A), reenacted par. (2) provisions without change.

Subsec. (b)(1). Pub. L. 91–524, § 501, as amended Pub. L. 93–86, § 1(18)(B), added par. (1). Former par. (1) related to subject matter as described in 1970 Amendment note for subsec. (b)(1) of this section.

Subsec. (b)(1) last sentence. Pub. L. 93–228 substituted ''(or of wheat, or cotton planted in lieu of the allotted crop)'' for ''(or other nonconserving crop planted instead of feed grains)''.

Subsec. (b)(2). Pub. L. 91–524, § 501, as amended Pub. L. 93–86, § 1(18)(B), added par. (2). Former par. (2) made payments with respect to a farm available on 50 per centum of the feed grain base for the farm and for computation of the payments on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Subsec. (b)(3). Pub. L. 91–524, § 501, as amended Pub. L. 93–86, § 1(18)(B), substituted in: first sentence, ''the feed grain allotment for the farm, the feed grain allotment for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than the feed grain allotment for the farm, but such reduction shall not exceed 20 per centum of the feed grain allotment'' for ''the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per centum of the feed grain base''; second sentence, including proviso, ''feed grain allotment'' for ''feed grain base''; third sentence, ''feed grain allotments'' for ''feed grain bases''; fourth sentence, ''90 per centum of the feed grain allotment'' for ''90 per centum of the portion of the feed grain base on which payments are made available'' and ''100 per centum of such allotment'' for ''100 per centum of such portion''; and sixth sentence ''effective operation of the program'' for ''effective operation of the feed grain or soybean program''; and authorized acreage devoted to guar, castor beans, cotton, triticale, oats, rye, or such other crops as the Secretary may deem appropriate, to be considered as feed grain acreage.

Subsec. (c)(1) second sentence. Pub. L. 93–86, § 1(18)(D), formerly § 1(18)(C [second]), renumbered by Pub. L. 93–125, § 1(d)(ii), substituted in item (i) ''feed grain allotment'' for ''feed grain base'', inserted preceding item (ii) '', if required by the Secretary'', and substituted in item (ii) ''soil conserving uses'' for ''soil-conserving uses''.

Subsec. (c)(1) third sentence. Pub. L. 93–86, § 1(18)(E), formerly § 1(18)(D), renumbered by Pub. L. 93–125, § 1(d)(ii), substituted ''The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to feed grains on the farm to a percentage of the farm acreage allotment.'' for ''The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section.''

Subsec. (c)(1) fifth sentence. Pub. L. 93–86, § 1(18)(D), formerly § 1(18)(C [second]), renumbered by Pub. L. 93–125, § 1(d)(ii), substituted ''1971 through 1977'' for ''1971, 1972, 1973''.

Subsec. (c)(1) last sentence. Pub. L. 93–86, § 1(18)(C), as amended Pub. L. 93–125, § 1(d)(i), authorized set-aside acreage to be devoted to hay and production of triticale, oats, and rye, and deleted item (1) and (2) designation of existing provisions, and former introductory text reading ''Grazing shall not be permitted during any of the five principal months of the normal growing season as determined by the county committee established pursuant to section 590h(b) of title 16, and subject to this limitation'', and provided for such provisions as run-in rather than new-paragraph text.

Subsec. (c)(3). Pub. L. 93–86, § 1(18)(G), formerly § 1(18)(F), renumbered by Pub. L. 93–125, § 1(d)(ii), inserted after provision for devotion of set-aside acreage and diverted acreage to wildlife food plots or wildlife habitat the sentence ''The Secretary may, in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences.''

Subsec. (e)(1). Pub. L. 93–86, § 1(18)(F), formerly § 1(18)(E), renumbered by Pub. L. 93–125, § 1(d)(ii), struck out provision reading ''For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums and, if designated by the Secretary, barley in 1959 and 1960.''

Subsec. (e)(2). Pub. L. 93–86, § 1(18)(F), formerly § 1(18)(E), renumbered by Pub. L. 93–125, § 1(d)(ii), substituted ''farm grain allotments'' for ''farm grain bases'' wherever appearing.

Subsec. (e)(3). Pub. L. 93–86, § 1(18)(F), formerly § 1(18)(E), renumbered by Pub. L. 93–125, § 1(d)(ii), struck out provisions respecting reservation for farms in a State for any year for apportionment to farms without 1959 and 1960 acreage, apportionment factors, prohibition against reflection of new cropland by such reserved allocation, and consideration of farm feed grain base as farm feed grain acreage for 1959 and 1960 crop years.

Subsec. (g). Pub. L. 93–86, § 1(18)(F), formerly § 1(18)(E), renumbered by Pub. L. 93–125, § 1(d)(ii), struck out provisions for preliminary payments, time and rate of payment, and reduction of preliminary payment rate.

1970—Pub. L. 91–524 temporarily enacted feed grains loans and purchases price support program for 1971, 1972, and 1973, as described below. See Effective and Termination Dates of 1970 Amendment note below.

Pub. L. 91–524 substituted as introductory text ''Notwithstanding any other provision of law'' for former subsec. (a) introductory text ''Notwithstanding the provisions of section 1441 of this title''.

Subsec. (a)(1). Pub. L. 91–524 substituted par. (1) provisions making loans and purchases available on corn crop at such level, not less than $1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage exportation of feed grains and not result in excessive total stocks of feed grains in the United States for former subsec. (a) provisions for such corn price support level, beginning with 1964 crop, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn, including proviso for such corn price support level, in the case of any crop for which an acreage diversion program is in effect for feed grains, not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

Subsec. (a)(2). Pub. L. 91–524 substituted par. (2) provisions making loans and purchases available on each crop of barley, oats, and rye, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 1421(b) of this title, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn for former subsec. (b) provisions for such price support level on each crop of oats, rye, barley, and grain sorghums, beginning with the 1959 crop, at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

Subsec. (b)(1). Pub. L. 91–524 made payments available for crops of corn, grain sorghums, and barley; prescribed as payment rate for corn such rate as, together with the national average market price received by farmers during first five months of the marketing year for the crop would not be less than (A) $1.35 per bushel,

or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever was the greater; prescribed as payment rate for grain sorghums and barley such rate as was fair and reasonable in relation to the rate at which payments were made available for corn; and prescribed rate of payment for 1973 crop would not be such as would result in a total amount of payments which Secretary estimated would be made pursuant to this subsection with respect to 1973 crop of feed grains above total amount of payments made pursuant to this subsection with respect to 1972 crop of feed grains by reason of level specified in clause (B) being fixed above 68 per centum of the parity price for the corn.

Subsec. (b)(2). Pub. L. 91–524 made payments with respect to a farm available on 50 per centum of the feed grain base for the farm and for computation of the payments on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Subsec. (b)(3). Pub. L. 91–524 added par. (3).

Former subsec. (b) provided that ''Beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title,'' and is now incorporated in subsec. (a)(2) of this section.

Subsec. (c)(1). Pub. L. 91–524 required cropland set-aside, taking into consideration excessive stocks and adequate carryover, and provided for conservation uses acreage, crop year feed grain acreage limitation, ''feed grains'' for consideration of wheat as feed grain acreage, consideration of section 1339c feed grains diversion program, grazing restriction, and authorization of set-aside acreage for grazing and production of other commodities.

Subsec. (c)(2). Pub. L. 91–524 provided for land diversion payments for conservation uses acreage and for conservation uses acreage limitation.

Subsec. (c)(3). Pub. L. 91–524 required protective measures and provided for wildlife use standards and additional payments for public use.

Subsec. (c)(4). Pub. L. 91–524 provided for filing of participation agreement of farm operators, soil conserving uses acreage requirement, and mutual termination of agreement because of emergencies or limited supplies.

Subsec. (c)(5), (6). Pub. L. 91–524 struck out pars. (5) and (6) which related to price support for 1963 crop of corn and to eligibility for price support on 1963 crop of corn, grain sorghums, and barley.

Subsec. (d). Pub. L. 91–524 redesignated ninth sentence of former subsec. (e) as (d) and substituted ''sharing of payments under this section among producers on the farm on a fair and equitable basis'' for ''sharing of such certificates among producers on the farm on the basis of their respective shares in the feed grain crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable''.

Subsec. (e). Pub. L. 91–524 added subsec. (e).

Subsec. (f). Pub. L. 91–524 redesignated last sentence of former subsec. (e) as (f) and substituted ''under this section precludes the making of loans, purchases, and payments'' and ''make such loans, purchases, and payments'' for ''under this subsection (e) and subsection (e) of this section preclude the making of payments-in-kind'' and ''make such payments-in-kind''.

Subsecs. (g) to (i). Pub. L. 91–524 added subsecs. (g) to (i).

1968—Pub. L. 90–559 amended feed grains price support program for 1966 through 1969, extending such program through 1970.

Subsec. (e). Pub. L. 89–321, as amended Pub. L. 90–559, substituted ''1970'' for ''1969'' in provision of text ''1966 through 1970 crops of feed grains''.

1966—Pub. L. 89–451 amended feed grains price support program for 1966 through 1969.

Subsec. (e). Pub. L. 89–451 substituted ''planted to any other crop for which there are marketing quotas or voluntary adjustment programs in effect'' for ''planted to any other income-producing crop during such year'' in sixth sentence.

1965—Pub. L. 89–321 enacted feed grains price support program for 1966 through 1969.

Pub. L. 89–112 amended feed grains price support program for 1965.

Subsec. (d). Pub. L. 89–112 inserted eleventh sentence ''An acreage on the farm which the Secretary finds was not planted to feed grains in 1965 because of flood, drought, or other natural disaster shall be deemed by the Secretary to be an actual acreage of feed grains planted on the farm for harvest for purposes of this subsection, provided such acreage is not subsequently devoted to any price supported crop for 1965.''

Subsec. (e). Pub. L. 89–321, in adding subsec. (e), enacted feed grains price support program for 1966 through 1969.

Subsec. (e) first sentence. Pub. L. 89–321 required as a condition of eligibility for price support for 1966 through 1969 crops of feed grains on crop of feed grains included in any acreage diversion program under section 590p(i) of Title 16, participation of producer in the diversion program to the extent prescribed by the Secretary, and as a condition of eligibility for such price support if a diversion program was not in effect for 1966 through 1969 crops, that feed grain base be not exceeded by producer, provided that acreage on farm diverted from production of feed grains pursuant to contract under Cropland Adjustment Program shall be deemed acreage diverted from production of feed grains for purposes of eligibility requirements, and excepted producer of malting barley from requirement of participation in the acreage diversion program for feed grains if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest, did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960, and did not devote oats and rye acreage in 1959 and 1960 to production of wheat pursuant to section 1339c of this title.

Subsec. (e) second sentence. Pub. L. 89–321 incorporated third sentence of former subsec. (d) as second sentence of subsec. (e) and substituted ''price-support'' and ''payments-in-kind'' for ''price support'' and ''payments in kind''.

Subsec. (e) third sentence. Pub. L. 89–321 made payments-in-kind available on maximum permitted acreage and authorized the Secretary to make available the same total amount on a smaller acreage or acreages at a higher rate or rates.

Subsec. (e) fourth sentence. Pub. L. 89–321 incorporated fourth sentence of former subsec. (d) as fourth sentence of subsec. (e), substituted bushel determination provision calling for multiplication of that part of the actual acreage of such feed grain planted on the farm for harvest on which the Secretary made such payments available by the farm projected yield per acre for prior provision calling for such multiplication of actual acreage of such feed grain planted on the farm for harvest by the adjusted average yield per acre, and inserted proviso respecting consideration of soybean as feed grain acreage to such extent and subject to such terms and conditions as Secretary determined would not impair effective operation of price support program and proviso deeming entire feed grains acreage as so planted when 90 per centum of feed grains acreage permitted to be planted has been so planted.

Subsec. (e) fifth sentence. Pub. L. 89–321 authorized reduction of that portion of the support price which

was made available through loans and purchases for the 1966 through 1969 crops below the loan level for the 1965 crop by such amounts and in such stages as might be necessary to promote increased participation in the feed grain program, taking into account increases in yields, but so as not to disrupt the feed grain and livestock economy, without modifying or affecting Secretary's discretion to maintain or increase total price support levels to cooperators.

Subsec. (e) sixth sentence. Pub. L. 89–321 incorporated eleventh sentence of former subsec. (d) as sixth sentence of subsec. (e) and substituted ''planted to feed grains'' for ''planted to feed grains in 1965'' and ''deemed to be an actual acreage of feed grains planted for harvest for purposes of such payments provided such acreage is not subsequently planted to any other income-producing crop during such year'' for ''deemed by the Secretary to be an actual acreage of feed grains planted on the farm for harvest for purposes of this subsection, provided such acreage is not subsequently devoted to any price supported crop for 1965''.

Subsec. (e) seventh sentence. Pub. L. 89–321 incorporated sixth sentence of former subsec. (d) as seventh sentence of subsec. (e).

Subsec. (e) eighth sentence. Pub. L. 89–321 incorporated seventh sentence of former subsec. (d) as eighth sentence of subsec. (e) and substituted ''Payments-in-kind'' for ''Such payments in kind'', parenthetical text ''valued by the Secretary at not less than the current support price made available through loans and purchases'' for ''valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind'', and ''in accordance with regulations prescribed by the Secretary and notwithstanding any other provision of law'' for ''and, notwithstanding any other provisions of law''.

Subsec. (e) ninth sentence. Pub. L. 89–321 incorporated ninth sentence of former subsec. (d) as ninth sentence of subsec. (e) and substituted ''basis of their respective shares in the feed grain crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable'' for ''basis of their respective shares in the crop produced on the farm with respect to which such certificates are issued, or the proceeds therefrom''.

Subsec. (e) tenth sentence. Pub. L. 89–321 incorporated tenth sentence of former subsec. (d) as tenth sentence of subsec. (e) and substituted '', in accordance with the provisions of such program,'' for ''in accordance with the provisions of such program''.

Subsec. (e) eleventh sentence. Pub. L. 89–321 authorized the Secretary, where the failure of a producer to comply with the terms and conditions of the programs formulated under subsecs. (d) and (e) of this section precluded making payments-in-kind, to make such payments-in-kind in such amounts as he determined to be equitable in relation to the seriousness of the default.

1963—Pub. L. 88–26 amended feed grains support program for 1962, and enacted feed grains support program for 1964 and 1965, as described hereunder.

Subsec. (a). Pub. L. 88–26, § 2(1), inserted proviso for such corn price support level, in the case of any crop for which an acreage diversion program is in effect for feed grains, not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

Subsec. (d). Pub. L. 88–26, § 2(2), in adding subsec. (d), enacted feed grains support program for 1964 and 1965.

Subsec. (d) first sentence. Pub. L. 88–26, § 2(2), made subsec. (d) applicable to 1964 and 1965 feed grains crops if an acreage diversion program was in effect under section 590p(h) of title 16.

Subsec. (d) second sentence. Pub. L. 88–26, § 2(2), required as a condition of eligibility for price support on crop of feed grain included in the acreage diversion program, participation of producer in the diversion program to the extent prescribed by the Secretary, and as a condition of eligibility for such price support if a diversion program was not in effect for 1964 or 1965 crop, that feed grain base be not exceeded by producer and excepted producer of malting barley from requirement of participation in the acreage diversion program for feed grains if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest, did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960, and did not devote oats and rye acreage in 1959 and 1960 to production of wheat pursuant to section 1339c of this title.

Subsec. (d) third sentence. Pub. L. 88–26, § 2(2), authorized payments in kind for such portion of support price for any feed grain included in the acreage diversion program to assure that benefits of price support and diversion programs inure primarily to those producers who cooperate in feed grains acreage reductions.

Subsec. (d) fourth sentence. Pub. L. 88–26, § 2(2), provided for payments in kind on number of bushels of feed grain determined by multiplying actual acreage of feed grain planted on the farm for harvest by adjusted average yield per acre.

Subsec. (d) fifth sentence. Pub. L. 88–26, § 2(2), made base period used in determining adjusted average yield the same as used for purposes of acreage diversion program under section 590p(h) of title 16.

Subsec. (d) sixth sentence. Pub. L. 88–26, § 2(2), authorized 50 per centum payments to producers in advance of determination of performance.

Subsec. (d) seventh sentence. Pub. L. 88–26, § 2(2), provided for payments in kind through issuance of negotiable certificates, redemption for feed grains by the CCC (such feed grains to be valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind, plus reasonable carrying charges), and for assistance of CCC in marketing of the certificates.

Subsec. (d) eighth sentence. Pub. L. 88–26, § 2(2), provided for deduction from value of negotiable certificates, not presented for redemption within thirty days of date of issuance, or reasonable costs of storage and other carrying charges, for the period beginning thirty days after issuance and ending with date of presentation for redemption.

Subsec. (d) ninth sentence. Pub. L. 88–26, § 2(2), required the Secretary to provide for sharing of negotiable certificates among producers on the farm on basis of respective shares in the crop produced on the farm with respect to which such certificates were issued, or the proceeds therefrom.

Subsec. (d) tenth sentence. Pub. L. 88–26, § 2(2), conditioned availability of price support for feed grains included in acreage diversion program, where operator of farm elected to participate in the acreage diversion program, to producers on farm diverting from feed grain production under the program an acreage on the farm equal to number of acres which operator agreed to divert, and agreement so provided.

1962—Pub. L. 87–703 enacted feed grains price support program for 1963.

Pub. L. 87–425 amended feed grains support program for 1962.

Subsec. (a). Pub. L. 87–703, § 305, substituted provisions for such corn price support level, beginning with 1964 crop, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn for former corn price support, beginning with 1959 crop, at 90 per centum of the average price received by farmers during the three calendar years immediately preceding the calendar year in which the marketing year for such crops began, adjusted to offset the effect on such price

of any abnormal quantities of low-grade corn marketed during any of such year, provided the level of price support for any crop of corn be not less than 65 per centum of the parity price therefor.

Subsec. (c). Pub. L. 87–703, § 301, in adding pars. (5) and (6), enacted feed grains price support program for 1963, as described hereunder.

Subsec. (c)(4). Pub. L. 87–425 excepted producer of barley on a summer-fallow farm from requirement of participation in special agricultural conservation program for 1962 for barley if such producer did not devote barley farm acreage in excess of average acreage devoted to barley in 1959 and 1960 plus the acreage devoted to summer fallow in 1961 which was diverted from the production of wheat under the special 1962 wheat program and did not devote corn, grain sorghums, and barley farm acreage in excess of 80 per centum of average acreage devoted to corn, grain sorghums, and barley in 1959 and 1960.

Subsec. (c)(5). Pub. L. 87–703, § 301, required establishment of 1963 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine; provided for: payments in kind in amount of 18 cents per bushel of support price for corn, and comparable portion of support price for grain sorghums and barley; such payments on number of bushels of such feed grain determined by multiplying actual acreage of such feed grain planted on the farm for harvest in 1963 by the adjusted average yield per acre for 1959 and 1960 crop acreage of such feed grain; such payments through issuance of negotiable certificates redeemable by CCC for corn, grain sorghums, and barley (such feed grains to be valued by the Secretary at not less than support price minus that part of support price made available through payments in kind) and for CCC assistance to producer in marketing of such certificates; deduction from value of the certificate, in the case of any certificate not presented for redemption within 30 days of date of its issuance, reasonable costs of storage and other carrying charges for period beginning 30 days after its issuance and ending with the date of its presentation for redemption; and basis for sharing of such certificate among producers on the farm; and conditioned availability of price support to inclusion of prescribed acreage diversion where operator of farm elected to participate in the special agricultural conservation program for 1963, for corn, grain sorghums, and barley.

Subsec. (c)(6). Pub. L. 87–703, § 301, required as a condition of eligibility for price support on 1963 crop of corn, grain sorghums, and barley participation of producer in special agricultural conservation program for 1963 for corn, grain sorghums, and barley to the extent prescribed by the Secretary and excepted producer of malting barley from requirement of participation in special agricultural conservation program for 1963 if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest in 1963, and did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, and did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960.

1961—Pub. L. 87–128 enacted feed grains price support program for 1962.

Pub. L. 87–5 enacted special feed grains price support program for 1961.

Subsec. (c). Pub. L. 87–128, in adding pars. (3) and (4), enacted feed grains price support program for 1962.

Pub. L. 87–5, in adding pars. (1) and (2), enacted special feed grains price support program for 1961.

Subsec. (c)(1). Pub. L. 87–5 required establishment of 1961 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine and made corn and grain sorghums price support available on not to exceed the normal production of 1961 acreage of corn and grain sorghums of each eligible farm based on average yield per acre for 1959 and 1960 crop acreage.

Subsec. (c)(2). Pub. L. 87–5 required as a condition of eligibility for price support on 1961 crop of corn, grain sorghums, and any other feed grain designated by the Secretary, participation of producer in special agricultural conservation program for 1961 for corn and grain sorghums to the extent prescribed by the Secretary.

Subsec. (c)(3). Pub. L. 87–128 required establishment of 1962 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine and made corn, grain sorghums, and barley price support available on not to exceed the normal production of 1962 acreage of corn, grain sorghums, and barley of each eligible farm based on average yield per acre for 1959 and 1960 crop acreage.

Subsec. (c)(4). Pub. L. 87–128 required as a condition of eligibility for price support on 1962 crop of corn and grain sorghums participation of producer in special agricultural conservation program for 1962 for corn and grain sorghums to the extent prescribed by the Secretary and prohibited farm acreage devoted to barley in excess of average acreage devoted to barley in 1959 and 1960; required as a condition of eligibility for price support on 1962 crop of barley participation of producer in special agricultural conservation program for 1962 for barley to the extent prescribed by the Secretary and prohibited farm acreage devoted to corn and grain sorghums in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960; and excepted producer of malting barley from requirement of participation in special agricultural conservation program for 1962 for barley if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest in 1962, and did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, and did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960.

1958—Pub. L. 85–835 enacted corn and feed grains price support provisions, beginning with the 1959 crop.

Subsec. (a). Pub. L. 85–835 made corn price support available, beginning with 1959 crop, at 90 per centum of average price received by farmers during three calendar years immediately preceding calendar year in which marketing year for the crop begins, adjusted to offset effect on such price of any abnormal quantities of low-grade corn marketed during any of such year, with minimum price support level at 65 per centum of parity price for any crop of corn.

Subsec. (b). Pub. L. 85–835 made price support available, beginning with 1959 crop, for each crop of oats, rye, barley, and grain sorghums, at such level of parity price as Secretary of Agriculture determined was fair and reasonable in relation to price support level for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

EFFECTIVE AND TERMINATION DATES OF 1973 AMENDMENT

Section 501 of Pub. L. 91–524, as amended by section 1(18) of Pub. L. 93–86, provided that the amendment made by that section is effective only with respect to 1974 through 1977 crops of feed grains.

Section 501(a), formerly § 501, of Pub. L. 91–524, as renumbered and amended by section 1(18)(A) of Pub. L. 93–86, provided that the amendment made by that section is effective only with respect to 1971 through 1977 crops of feed grains.

Section 501(b) of Pub. L. 91–524, as added by section 1(18)(B) of Pub. L. 93–86, provided that the amendment made by that section is effective only with respect to 1974 through 1977 crops of feed grains.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Section 501 of Pub. L. 91–524 provided that the amendment made by that section is effective only with respect to 1971, 1972, and 1973 crops of feed grains.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(3) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(C) of this title.

Pub. L. 101–624, title IV, § 402, Nov. 28, 1990, 104 Stat. 3419, provided that: ''Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1991 through 1995 crops of feed grains.''

Pub. L. 99–198, title IV, § 402, Dec. 23, 1985, 99 Stat. 1406, provided that: ''Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1990 crops of feed grains.''

Pub. L. 97–98, title IV, § 402, Dec. 22, 1981, 95 Stat. 1234, provided that: ''Section 105 of the Agricultural Act of 1949 [this section] shall not be applicable to the 1982 through 1985 crops of feed grains.''

Pub. L. 95–113, title V, § 503, Sept. 29, 1977, 91 Stat. 933, provided that: ''Section 105 of the Agricultural Act of 1949, as amended [this section], shall not be applicable to the 1977 through 1981 crops of feed grains.''

Pub. L. 95–113, title V, § 504, Sept. 29, 1977, 91 Stat. 933, provided that: ''Except as otherwise provided in section 501 of this Act [enacting section 1444c(a)–(c) of this title effective only for the 1977 through 1981 crops of feed grains], section 105(a) and (b)(1) of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended [subsecs. (a) and (b)(1) of this section as amended by Pub. L. 91–524, as amended], to be effective only for the 1974 through 1977 crops of feed grains, shall not be applicable to the 1977 crop of feed grains.''

1958 REFERENDUM FOR SELECTION OF ALTERNATIVE CORN PROGRAM; OPERATIVE STATUS OF CERTAIN PROVISIONS

Corn producers voted for adoption of price support program as provided in section 1444a(b) of this title (254,262) rather than alternative corn acreage allotments and price support program (102,907), the ballot making operative sections 1329a and 1444b and repeal of section 1441(d)(4) of this title.

§§ 1444c, 1444d. Repealed. Pub. L. 101–624, title IV, § 401(1), Nov. 28, 1990, 104 Stat. 3400

Section 1444c, act Oct. 31, 1949, ch. 792, title I, § 105A, as added Sept. 29, 1977, Pub. L. 95–113, title V, §§ 501, 502, 91 Stat. 928, 930; amended Mar. 18, 1980, Pub. L. 96–213, §§ 2, 4(c), 94 Stat. 119, 120; Sept. 26, 1980, Pub. L. 96–365, title II, § 201(c), 94 Stat. 1320, Dec. 3, 1980, Pub. L. 96–494, title II, § 202(a), 94 Stat. 2570, related to loan rates and target prices for 1977 through 1981 feed grain crops.

Section 1444d, act Oct. 31, 1949, ch. 792, title I, § 105B, as added Dec. 22, 1981, Pub. L. 97–98, title IV, § 401, 95 Stat. 1227; amended Sept. 8, 1982, Pub. L. 97–253, title I, §§ 123, 124, 96 Stat. 769; Sept. 29, 1983, Pub. L. 98–100, § 1(a), 97 Stat. 718; Apr. 10, 1984, Pub. L. 98–258, title II, §§ 201–203, 98 Stat. 132, 133, related to loan rates and target prices for 1982 through 1985 feed grain crops.

EFFECTIVE DATE OF REPEAL

Repeal effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

§ 1444e. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 105A, formerly § 105C, as added Dec. 23, 1985, Pub. L. 99–198, title IV, § 401, 99 Stat. 1395; amended Feb. 28, 1986, Pub. L. 99–253, § 2, 100 Stat. 36; Mar. 20, 1986, Pub. L. 99–260, §§ 2(b), 7(b), 100 Stat. 46, 50; May 27, 1987, Pub. L. 100–45, § 3, 101 Stat. 319; Dec. 22, 1987, Pub. L. 100–203, title I, §§ 1101(b), 1102(b), 1103, 1107, 1113(b), 1202, 101 Stat. 1330–1 to 1330–3, 1330–5, 1330–9, 1330–11; Dec. 12, 1989, Pub. L. 101–220, § 1, 103 Stat. 1876; Dec. 19, 1989, Pub. L. 101–239, title I, §§ 1002(b), 1003(b)(2), 103 Stat. 2107, 2108; renumbered § 105A, Nov. 28, 1990, Pub. L. 101–624, title IV, § 401(2), 104 Stat. 3400, related to loan rates, target prices, disaster payments, acreage limitation and set-aside programs, and land diversion. See Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 401 of Pub. L. 99–198 provided that this section is effective only for 1986 through 1990 crops of feed grains.

§ 1444e–1. Loans and purchases for 1986 through 1996 crops of corn

(a) Notwithstanding any other provision of law, effective only for each of the 1986 through 1996 crops of feed grains, the Secretary of Agriculture may make available loans and purchases, as provided in this section, to producers on a farm who—

(1) for silage—

(A) cut corn (including mutilated corn) that the producers have produced in such crop year; or

(B) purchase or exchange corn (including mutilated corn) that has been produced in such crop year by another producer (including a producer that is not participating in an acreage limitation or set-aside program for such crop established by the Secretary); and

(2) participate in an acreage limitation or set-aside program for such crop of corn established by the Secretary.

(b) Such loans and purchases may be made on a quantity of corn of the same crop, other than the corn obtained for silage, acquired by the producer equivalent to a quantity determined by multiplying—

(1) the acreage of corn obtained for silage; by

(2) the lower of the farm program payment yield or the actual yield on a field, as determined by the Secretary, that is similar to the field from which such silage was obtained.

(Pub. L. 99–198, title IV, § 403, Dec. 23, 1985, 99 Stat. 1406; Pub. L. 101–624, title IV, § 403, Nov. 28, 1990, 104 Stat. 3419.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1990—Subsec. (a). Pub. L. 101–624 substituted ''1996'' for ''1990'' in introductory provisions.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

§ 1444f. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(C), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 105B, as added Nov. 28, 1990, Pub. L. 101–624, title IV, § 401(3), 104

Stat. 3401; amended Nov. 5, 1990, Pub. L. 101–508, title I, §§ 1101(b), 1102(b), 1103(b), 104 Stat. 1388–1, 1388–2; Dec. 13, 1991, Pub. L. 102–237, title I, §§ 102(c), 103(a), 105, 106(c), 108, 113(4), (5), 114(b)(1), 105 Stat. 1822, 1823, 1825, 1828, 1837, 1839; Aug. 10, 1993, Pub. L. 103–66, title I, § 1103, 107 Stat. 315; May 6, 1994, Pub. L. 103–247, § 1(b), 108 Stat. 618; Oct. 13, 1994, Pub. L. 103–354, title I, § 119(a)(4), 108 Stat. 3207, related to loans, payments, and acreage reduction programs for 1991 through 1995 crops of feed grains.

§ 1444f–1. Repealed. Pub. L. 102–237, title I, § 114(b)(2), Dec. 13, 1991, 105 Stat. 1840

Section, Pub. L. 101–624, title IV, § 404, Nov. 28, 1990, 104 Stat. 3419, related to price support for high moisture feed grains. See section 1444f(q) of this title.

§§ 1445 to 1445–2. Repealed. Pub. L. 108–357, title VI, § 612(a), Oct. 22, 2004, 118 Stat. 1523

Section 1445, act Oct. 31, 1949, ch. 792, title I, § 106, as added Pub. L. 86–389, § 1, Feb. 20, 1960, 74 Stat. 6; amended Pub. L. 89–12, § 3, Apr. 16, 1965, 79 Stat. 72; Pub. L. 92–10, § 3, Apr. 14, 1971, 85 Stat. 27; Pub. L. 97–218, title I, § 102, July 20, 1982, 96 Stat. 201; Pub. L. 98–59, § 1, July 25, 1983, 97 Stat. 296; Pub. L. 98–180, title II, § 202, Nov. 29, 1983, 97 Stat. 1144; Pub. L. 99–157, § 6(a), Nov. 15, 1985, 99 Stat. 818; Pub. L. 99–272, title I, §§ 1102, 1105(b), Apr. 7, 1986, 100 Stat. 84, 90; Pub. L. 100–203, title I, § 1104(a), Dec. 22, 1987, 101 Stat. 1330–4; Pub. L. 101–508, title I, § 1105(f), Nov. 5, 1990, 104 Stat. 1388–6; Pub. L. 103–66, title I, § 1106(b)(1), Aug. 10, 1993, 107 Stat. 321; Pub. L. 103–465, title IV, § 422(b), Dec. 8, 1994, 108 Stat. 4964, related to tobacco price support levels for 1960 and subsequent years.

Section 1445–1, act Oct. 31, 1949, ch. 792, title I, § 106A, as added Pub. L. 97–218, title I, § 101, July 20, 1982, 96 Stat. 197; amended Pub. L. 98–180, title II, § 203, Nov. 29, 1983, 97 Stat. 1145; Pub. L. 99–272, title I, § 1108(a), (d), Apr. 7, 1986, 100 Stat. 92, 95; Pub. L. 99–500, § 101(a) [title VI, § 637], Oct. 18, 1986, 100 Stat. 1783, 1783–34, and Pub. L. 99–591, § 101(a) [title VI, § 637], Oct. 30, 1986, 100 Stat. 3341, 3341–34; Pub. L. 103–66, title I, § 1106(b)(2), Aug. 10, 1993, 107 Stat. 321, related to producer contributions and purchaser assessments for the No Net Cost Tobacco Fund.

Section 1445–2, act Oct. 31, 1949, ch. 792, title I, § 106B, as added Pub. L. 97–218, title III, § 301, July 20, 1982, 96 Stat. 207; amended Pub. L. 98–180, title II, § 204, Nov. 29, 1983, 97 Stat. 1145; Pub. L. 99–157, § 6(b), Nov. 15, 1985, 99 Stat. 818; Pub. L. 99–272, title I, § 1108(b), Apr. 7, 1986, 100 Stat. 94; Pub. L. 103–66, title I, § 1106(b)(3), Aug. 10, 1993, 107 Stat. 322, related to marketing assessments to No Net Cost Tobacco Account.

EFFECTIVE DATE OF REPEAL

Repeal applicable to the 2005 and subsequent crops of tobacco, see section 643 of Pub. L. 108–357, set out as an Effective Date note under section 518 of this title.

SAVINGS PROVISION

Repeal not to affect the liability of any person under sections 1445 to 1445–2 of this title with respect to the 2004 or an earlier crop of tobacco, see section 614 of Pub. L. 108–357, set out as a note under section 515 of this title.

§ 1445–3. Purchase of inventory stock

Notwithstanding any other provision of law, in order to reduce or eliminate the excessive inventories of Flue-cured and Burley tobacco held by associations from the 1976 through 1984 crops, and in order to provide for the orderly disposition of such excessive inventories of tobacco in a manner that will not disrupt the orderly marketing of new tobacco crops and will minimize any losses to the Federal Government:

(a) Sale of inventory stock

(1) The producer-owned cooperative marketing association that has entered into a loan agreement with the Commodity Credit Corporation to make price support available to producers of Flue-cured tobacco shall offer to sell the stocks of Flue-cured tobacco of the association from the 1976 through 1984 crops as provided in this section.

(2) Each producer-owned cooperative marketing association that has entered into a loan agreement with the Commodity Credit Corporation to make price support available to producers of Burley tobacco shall offer to sell its stocks of Burley tobacco from the 1982 and 1984 crops as provided in this section.

(3)(A)(i) Not later than 30 days after April 7, 1986, the Commodity Credit Corporation shall acquire title to the Burley tobacco from the 1983 crop that is pledged as security for loans on such tobacco by calling the loans on such tobacco.

(ii) The Corporation shall, then, offer such tobacco for sale at such times, in such quantities, and subject to such conditions as the Corporation considers appropriate.

(B) If the Commodity Credit Corporation has not sold all of the stocks of the 1983 crop of Burley tobacco within 2 years from the date the Corporation calls the loans on such tobacco, the Corporation may offer to sell to domestic manufacturers of cigarettes the remaining stocks of such tobacco as provided in this section.

(b) Sale prices

(1)(A) The stocks of Flue-cured tobacco from the 1976 through 1984 crops shall be offered for sale at the base prices, including carrying charges, in effect as of the date of the offer, reduced by—

(i) 90 percent for Flue-cured tobacco from the 1976 through 1981 crops; and

(ii) 10 percent for Flue-cured tobacco from the 1982 through 1984 crops.

(B) The purchasers of the stocks of Flue-cured tobacco from the 1976 through 1984 crops shall pay the full carrying charges that have accrued to such tobacco from the date of the offer made under this section to the date that such tobacco is removed from the inventory of the association.

(2)(A) The stocks of Burley tobacco from the 1982 crop shall be offered for sale at the listed base price in effect as of July 1, 1985.

(B) The stocks of Burley tobacco from the 1984 crop shall be offered for sale at the costs of the association for such tobacco as of April 7, 1986.

(C) The purchasers of the stocks of Burley tobacco from the 1982 crop shall pay the full carrying charges that have accrued to such tobacco.

(D) The purchasers of the stocks of Burley tobacco from the 1984 crop shall pay the full carrying charges that have accrued to such tobacco from April 7, 1986, to the date such tobacco is removed from the inventories of the associations.

(3)(A) After the 2-year period specified in subsection (a)(3)(B) of this section has expired, if the Commodity Credit Corporation offers to sell the stocks of the Corporation of Burley tobacco from the 1983 crop to domestic manufacturers of cigarettes, such stocks shall be offered for sale at the costs of the association, including carry-

ing charges, as of the date on which the Corporation calls the loans on such tobacco, reduced by 90 percent.

(B) Neither tobacco producers nor tobacco purchasers shall be responsible for carrying charges that accrue to the 1983 crop of Burley tobacco after the date on which the Commodity Credit Corporation calls the loans on such tobacco.

(c) Terms of agreements

(1)(A) Each domestic manufacturer of cigarettes may enter into agreements to purchase inventory stocks of Flue-cured and Burley tobacco, in accordance with this section.

(B) To be eligible for the reductions in price specified in this section, such manufacturer shall enter into such agreements as soon as practicable, but not later than 90 days after April 7, 1986, except that, with respect to the 1983 crop of Burley tobacco, if the Corporation offers to sell the stocks of such tobacco pursuant to subsection (b)(3)(A) of this section, such agreements shall be entered into as soon as practicable, but not later than 90 days after the end of the 2-year period referred to in subsection (a)(3)(B) of this section.

(C)(i) Such agreements shall provide that, over a period of time, each participating domestic manufacturer of cigarettes shall purchase a percentage of the stocks of Flue-cured and Burley tobacco held—

(I) by the producer-owned cooperative marketing associations at the close of the 1984 marketing year; or

(II) in the case of the 1983 crop of Burley tobacco, by the Commodity Credit Corporation at the time the Corporation offers such tobacco for sale to domestic manufacturers of cigarettes under this section.

(ii) The period of time referred to in clause (i) may not exceed—

(I) in the case of Flue-cured tobacco, 8 years from April 7, 1986;

(II) in the case of Burley tobacco from the 1982 and 1984 crops, 5 years from April 7, 1986; and

(III) in the case of the 1983 crop of Burley tobacco, 5 years from the end of the 2-year period referred to in subsection (a)(3)(B) of this section.

(2)(A)(i) The percentage to be purchased by each participating manufacturer shall be at least equal to the respective percentage of the participating manufacturer of the total quantity of net cigarettes manufactured for use as determined by the Secretary of Agriculture under this paragraph on the basis of the monthly reports (''Manufacturer of Tobacco Products—Monthly Reports'') submitted by manufacturers of tobacco products to the Tax and Trade Bureau of the Department of the Treasury.

(ii) The Secretary of Agriculture shall request from the Secretary of the Treasury copies of such monthly reports necessary to make the determinations required under this section.

(iii) Notwithstanding any other provision of law, the Secretary of the Treasury may release and disclose such information to the Secretary of Agriculture.

(B) ''Net cigarettes manufactured for use'' shall be computed by subtracting—

(i) the cumulative figures entered for large and small cigarettes in item 16f of ATF Form 3068 (''Reduction to tobacco''); from

(ii) the cumulative figures entered for large and small cigarettes in item 7 of such form (''Manufactured'').

(C)(i) The percentage to be purchased by each participating manufacturer shall be determined—

(I) on April 7, 1986; and

(II) annually thereafter over the course of the respective buy-out periods specified in this subsection.

(ii) Such percentage shall be determined by dividing—

(I) the average net cigarettes manufactured by a manufacturer for use for the 12-month period immediately preceding the appropriate determination date (April 7, 1986, and annually thereafter over the course of the respective buy-out periods specified in this subsection); by

(II) the aggregate average net cigarettes manufactured by all domestic cigarette manufacturers for use for such 12-month period.

(D)(i) The quantity of tobacco to be purchased by each participating manufacturer shall be determined annually.

(ii) Such quantity shall be based on—

(I) the percentage of net cigarettes of a manufacturer manufactured for use, as determined under subparagraph (C); multiplied by

(II) the appropriate annual quantity to be withdrawn from the inventories of the associations or the Commodity Credit Corporation.

(iii) The appropriate annual quantity to be withdrawn from inventories shall be—

(I) 12½ percent of the inventories of Flue-cured tobacco from the 1976 through 1984 crops on hand on April 7, 1986;

(II) 20 percent of the inventories of Burley tobacco from the 1982 and 1984 crops on hand on April 7, 1986; and

(III) 20 percent of the inventories of Burley tobacco from the 1983 crop held by the Commodity Credit Corporation on the date that is 2 years after the call of the loans on such tobacco by the Corporation.

(E) Any purchases by a manufacturer from the inventories of the associations or from the Commodity Credit Corporation for a crop covered by this section in any year of the buy-out period that exceed the quantity of the purchases of the manufacturer required under the agreement, as determined under this section, shall be applied against future purchases required of such manufacturer.

(3) In carrying out this section, manufacturers may confer with one another and, separately or collectively, with associations, the Secretary of Agriculture, and the Commodity Credit Corporation, as may be necessary or appropriate to carry out this section and the purposes of this subtitle.[1]

(d) Approval of agreements

(1)(A) Each agreement entered into under this section shall be submitted to the Secretary of Agriculture for review and approval.

[1] See References in Text note below.

(B) In the case of an agreement to purchase tobacco from the inventory of a producer association, the agreement shall be submitted by the association.

(C) No agreement may become effective until approved by the Secretary.

(2) The Secretary of Agriculture shall not approve any agreement submitted under this section unless the Secretary has determined that—

(A) the agreement—

(i) will not unduly impair or disrupt the orderly marketing of current and future tobacco crops during the term of the agreement; and

(ii) is otherwise consistent with the purposes of this subtitle;[1] and

(B) the price and other terms of sale are uniform and nondiscriminatory among various purchasers.

(e) Disclosure

The limitations on disclosure set forth in subsections (c) and (d) of section 1314g[1] of this title shall apply to information submitted by domestic manufacturers of cigarettes under this section with respect to net cigarettes manufactured for use, including information provided on ATF Form 3068. Any officer or employee of the Department of Agriculture who violates such limitations on disclosure shall be subject to the penalties set forth in section 1314g(c)(4)[1] of this title.

(Pub. L. 99–272, title I, § 1109, Apr. 7, 1986, 100 Stat. 95; Pub. L. 107–296, title XI, § 1112(b), Nov. 25, 2002, 116 Stat. 2276.)

REFERENCES IN TEXT

This subtitle, referred to in subsecs. (c)(3) and (d)(2)(A)(ii), is subtitle B (§§ 1101–1112) of title I of Pub. L. 99–272, Apr. 7, 1986, 100 Stat. 83, which enacted sections 1314g, 1314h, and 1445–3 of this title, amended sections 511d, 1301, 1312, 1314c, 1314e, 1372, 1445, 1445–1, and 1445–2 of this title, and enacted provisions set out as notes under sections 1301, 1314c, 1314e, 1314g, 1314h, 1372, 1445, 1445–1, and 1445–2 of this title. For complete classification of this subtitle to the Code, see Tables.

Section 1314g of this title, referred to in subsec. (e), was repealed by Pub. L. 108–357, title VI, § 611(a), Oct. 22, 2004, 118 Stat. 1522.

CODIFICATION

Section was enacted as part of the Consolidated Omnibus Budget Reconciliation Act of 1985, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

2002—Subsec. (c)(2)(A)(i). Pub. L. 107–296 substituted ''by manufacturers of tobacco products to the Tax and Trade Bureau'' for ''(on ATF Form 3068) by manufacturers of tobacco products to the Bureau of Alcohol, Tobacco and Firearms''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107–296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

RULEMAKING PROCEDURES

For implementation of this section by the Secretary of Agriculture without regard to provisions requiring notice and other procedures for public participation in rulemaking contained in section 553 of Title 5, Government Organization and Employees, or in any other directive of the Secretary, see section 1108(c) of Pub. L. 99–272, set out as a note under section 1301 of this title.

§ 1445a. Wheat price support levels; "cooperator" defined

Notwithstanding the provisions of section 1441 of this title, beginning with the 1964 crop—

(1) Price support for wheat accompanied by domestic certificates shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines appropriate, taking into consideration the factors specified in section 1421(b) of this title.

(2) Price support for wheat accompanied by export certificates shall be at such level not more than 90 per centum of the parity price therefor as the Secretary determines appropriate, taking into consideration the factors specified in section 1421(b) of this title.

(3) Price support for wheat not accompanied by marketing certificates shall be at such level, not in excess of 90 per centum of the parity price therefor, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

(4) Price support shall be made available only to cooperators: and, if a commercial wheat-producing area is established for such crop, price support shall be made available only in the commercial wheat-producing area.

(5) Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, the level of price support for any crop of wheat for which a national marketing quota is not proclaimed or for which marketing quotas have been disapproved by producers shall be as provided in section 1441 of this title.

(6) A ''cooperator'' with respect to any crop of wheat produced on a farm shall be a producer who (i) does not knowingly exceed (A) the farm acreage allotment for wheat on the farm or (B) except as the Secretary may by regulation prescribe, the farm acreage allotment for wheat on any other farm on which the producer shares in the production of wheat, and (ii) complies with the land-use requirements of section 1339 of this title, to the extent prescribed by the Secretary. Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, if marketing quotas are not in effect for the crop of wheat, a ''cooperator'' with respect to any crop of wheat produced on a farm shall be a producer who does not knowingly exceed the farm acreage allotment for wheat. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, but the producer shall not be eligible to receive price support on such marketing excess. No producer shall

be deemed to have exceeded the farm acreage allotment for wheat on any other farm, if such farm is exempt from the farm marketing quota for such crop under section 1335 of this title. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the production on the acreage in excess of the farm acreage allotment is stored pursuant to the provisions of section 1379c(b) of this title, but the producer shall not be eligible to receive price support on the wheat so stored.

(Oct. 31, 1949, ch. 792, title I, § 107, as added Pub. L. 87–703, title III, § 325(1), Sept. 27, 1962, 76 Stat. 630; amended Pub. L. 88–297, title II, § 203, Apr. 11, 1964, 78 Stat. 182; Pub. L. 89–321, title V, § 506, Nov. 3, 1965, 79 Stat. 1203; Pub. L. 90–559, § 1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91–524, title IV, § 401, Nov. 30, 1970, 84 Stat. 1362; Pub. L. 93–86, § 1(8), Aug. 10, 1973, 87 Stat. 224; Pub. L. 93–125, § 1(b), Oct. 18, 1973, 87 Stat. 450; Pub. L. 93–228, § 1(a), Dec. 29, 1973, 87 Stat. 944.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93–86, § 1(8)(A), temporarily amended subsec. (a) generally, substituting ''$1.37 per bushel'' for ''$1.25 per bushel''. See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

Subsec. (b). Pub. L. 93–86, § 1(8)(B), temporarily substituted ''payments'' for ''certificates''. See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

Subsec. (c). Pub. L. 93–228 substituted ''(or of cotton, corn, grain sorghums, or barley planted in lieu of wheat)'' for ''(or other nonconserving crop planted instead of wheat)'', in two places.

Pub. L. 93–125 substituted ''prevented from planting any portion'' for ''prevented from planting, any portion''.

Pub. L. 93–86, § 1(8)(C), (D), temporarily added subsec. (c). See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

1970—Pub. L. 91–524 temporarily revised section into subsecs. (a) and (b) which provided for loans on wheat at such levels not in excess of the parity price as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains, provided that, if a set-aside program is in effect, program benefits would be made available only to producers who comply with such set-aside program, and placed a floor on the loan of $1.25 per bushel. See Effective and Termination Dates of 1970 Amendment note below.

1968—Subsec. (2). Pub. L. 90–559 provided for a one year extension through 1970.

1965—Pub. L. 89–321 temporarily raised the wheat support level to 100 per centum of parity or as near to 100 per centum as the Secretary determines to be practicable, placed a floor of 100 per centum of parity for wheat accompanied by marketing certificates and $1.25 for wheat not so accompanied under the 1966 crop, guaranteed to cooperators for 1967 through 1969 crops a total average rate of return per bushel of not less than the total average rate of return per bushel made available to cooperators through loans and domestic marketing certificates for the 1966 crop where the diversion factor is not less than 10 per centum, and eliminated reference to classification as cooperators of producers who do not knowingly exceed the farm acreage allotment for wheat in cases where marketing quotas are not in effect. See Effective and Termination Dates of 1965 Amendment note below.

1964—Subsec. (1). Pub. L. 88–297 substituted ''domestic certificates'' for ''marketing certificates''.

Subsec. (2). Pub. L. 88–297 added subsec. (2). Former subsec. (2) redesignated (3).

Subsec. (3). Pub. L. 88–297 redesignated former subsec. (2) as (3), struck out introductory clause ''if marketing quotas are in effect for wheat'', and inserted ''not in excess of 90 per centum of the parity price therefor.'' Former subsec. (3) redesignated (4).

Subsec. (4). Pub. L. 88–297 redesignated former subsec. (3) as (4). Former subsec. (4) redesignated (5).

Subsec. (5). Pub. L. 88–297 redesignated former subsec. (4) as (5) and inserted introductory phrase ''Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year,''. Former subsec. (5) redesignated (6).

Subsec. (6). Pub. L. 88–297 redesignated former subsec. (5) as (6), struck out introductory clause ''if marketing quotas are in effect for the crop of wheat'', struck out from cl. (i)(A) ''or any other commodity'' after ''wheat'', substituted in cl. (i)(B) ''the farm acreage allotment for wheat on any other farm on which the producer shares in the production of wheat'' for ''the farm acreage allotment on any other farm for any commodity in which he has an interest as a producer'', inserted ''Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year,'' before ''if marketing quotas'', and inserted provision for deeming a producer as not having exceeded a farm acreage allotment for wheat if the production on the acreage in excess of the farm acreage allotment is stored pursuant to section 1379c(b) of this title, but making the producer ineligible to receive price support on the wheat so stored.

EFFECTIVE AND TERMINATION DATES OF 1973 AMENDMENT

Section 1(8) of Pub. L. 93–86 provided that the amendment made by that section is effective beginning with 1974 crop.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Section 401 of Pub. L. 91–524, as amended by section 1(8) of Pub. L. 93–86, provided that the amendment made by that section is effective only with respect to 1971 through 1977 crops of wheat.

EFFECTIVE AND TERMINATION DATES OF 1965 AMENDMENT

Section 506 of Pub. L. 89–321, as amended by Pub. L. 90–559, § 1(1), Oct. 11, 1968, 82 Stat. 996, provided that the amendment made by that section is effective only with respect to 1966 through 1970 crops.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(4) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(D) of this title.

Pub. L. 101–624, title III, § 305, Nov. 28, 1990, 104 Stat. 3400, provided that: ''Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1991 through 1995 crops of wheat.''

Pub. L. 99–198, title III, § 312, Dec. 23, 1985, 99 Stat. 1395, provided that: ''Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1986 through 1990 crops of wheat.''

Pub. L. 97–98, title III, § 305, Dec. 22, 1981, 95 Stat. 1227, provided that: ''Section 107 of the Agricultural Act of 1949 [this section] shall not be applicable to the 1982 through 1985 crops of wheat.''

Pub. L. 95–113, title IV, § 409, Sept. 29, 1977, 91 Stat. 928, provided that: ''Section 107 of the Agricultural Act of 1949, as amended [this section], shall not be applicable to the 1977 through 1981 crops of wheat.''

Pub. L. 95–113, title IV, § 410, Sept. 29, 1977, 91 Stat. 928, provided that: ''Except as otherwise provided in section 401 of this Act [enacting section 1445b(a)–(c) of

this title effective only for the 1977 through 1981 crops of wheat], section 107 of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended [this section as amended by Pub. L. 91–524, as amended], to be effective only for the 1974 through 1977 crops of wheat, shall not be applicable to the 1977 crop of wheat.''

§§ 1445b, 1445b–1. Repealed. Pub. L. 101–624, title III, § 301(1), Nov. 28, 1990, 104 Stat. 3382

Section 1445b, act Oct. 31, 1949, ch. 792, title I, § 107A, as added Sept. 29, 1977, Pub. L. 95–113, title IV, §§ 401, 402, 91 Stat. 921, 924; amended Mar. 18, 1980, Pub. L. 96–213, §§ 3, 4(d), 94 Stat. 119, 120; Sept. 26, 1980, Pub. L. 96–365, title II, § 201(d), 94 Stat. 1320; Dec. 3, 1980, Pub. L. 96–494, title II, § 202(b), 94 Stat. 2570, related to loan rates and target prices for the 1977 through 1981 crops of wheat.

Section 1445b–1, act Oct. 31, 1949, ch. 792, title I, § 107B, as added Dec. 22, 1981, Pub. L. 97–98, title III, § 301, 95 Stat. 1221; Sept. 8, 1982, Pub. L. 97–253, title I, §§ 121, 122, 96 Stat. 768; amended Sept. 29, 1983, Pub. L. 98–100, § 1(b), 97 Stat. 718; Apr. 10, 1984, Pub. L. 98–258, title I, §§ 101–103, 98 Stat. 130, 131, related to loan rates and target prices for 1982 through 1985 wheat crops.

EFFECTIVE DATE OF REPEAL

Repeal effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

§ 1445b–2. Transferred

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 107C, as added Sept. 8, 1982, Pub. L. 97–253, title I, § 120, 96 Stat. 766, and amended, which related to advance deficiency and diversion payments, was renumbered section 114 of act Oct. 31, 1949, by Pub. L. 101–624, title XI, § 1161(a)(1), Nov. 28, 1990, 104 Stat. 3520, and transferred to section 1445j of this title.

§ 1445b–3. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 107A, formerly § 107D, as added Dec. 23, 1985, Pub. L. 99–198, title III, § 308, 99 Stat. 1383; amended Feb. 28, 1986, Pub. L. 99–253, § 1, 100 Stat. 36; Mar. 20, 1986, Pub. L. 99–260, §§ 2(a), 7(a), 100 Stat. 45, 50; Oct. 18, 1986, Pub. L. 99–500, § 152, 100 Stat. 1783–352, and Oct. 30, 1986, Pub. L. 99–591, § 152, 100 Stat. 3341–355; Nov. 10, 1986, Pub. L. 99–641, title II, § 202, 100 Stat. 3563; May 27, 1987, Pub. L. 100–45, § 2, 101 Stat. 318; Dec. 22, 1987, Pub. L. 100–203, title I, §§ 1101(a), 1102(a), 1111, 1113(a), 1201, 101 Stat. 1330–1, 1330–2, 1330–7, 1330–8, 1330–10; renumbered § 107A, Nov. 28, 1990, Pub. L. 101–624, title III, § 301(2), 104 Stat. 3382, related to loan rates and target prices. See Effective and Termination Dates note below.

A prior section 107A of act Oct. 31, 1949, ch. 792, title I, as added Sept. 29, 1977, Pub. L. 95–113, title IV, §§ 401, 402, 91 Stat. 921, 924, was classified to section 1445b of this title, prior to repeal by section 301(1) of Pub. L. 101–624.

EFFECTIVE AND TERMINATION DATES

Section 308 of Pub. L. 99–198 provided that this section is effective only for the 1986 through 1990 crops of wheat.

§ 1445b–3a. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(D), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 107B, as added Nov. 28, 1990, Pub. L. 101–624, title III, § 301(3), 104 Stat. 3382; amended Nov. 5, 1990, Pub. L. 101–508, title I, §§ 1101(a), 1102(a), 104 Stat. 1388–1; Dec. 13, 1991, Pub. L. 102–237, title I, §§ 102(d), 103(b), 106(d), 113(6), 105 Stat. 1822, 1823, 1826, 1837; Aug. 10, 1993, Pub. L. 103–66, title I, § 1102, 107 Stat. 314; Oct. 13, 1994, Pub. L. 103–354, title I, § 119(a)(5), 108 Stat. 3207, related to loans, payments, and acreage reduction programs for 1991 through 1995 crops of wheat.

§ 1445b–4. Transferred

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 107E, as added Dec. 23, 1985, Pub. L. 99–198, title X, § 1005, 99 Stat. 1448, and amended, which related to payments in commodities, was renumbered section 115 of act Oct. 31, 1949, by Pub. L. 101–624, title XI, § 1161(a)(1), Nov. 28, 1990, 104 Stat. 3520, and transferred to section 1445k of this title.

§ 1445b–5. Repealed. Pub. L. 101–624, title XI, § 1161(a)(2), Nov. 28, 1990, 104 Stat. 3520

Section, act Oct. 31, 1949, ch. 792, title I, § 107F, as added Dec. 23, 1985, Pub. L. 99–198, title X, § 1006, 99 Stat. 1448, related to export certificate programs for 1986 through 1990 crops of wheat and feed grains.

EFFECTIVE DATE OF REPEAL

Repeal effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

§§ 1445c, 1445c–1. Repealed. Pub. L. 101–624, title VIII, § 806(1), Nov. 28, 1990, 104 Stat. 3475

Section 1445c, act Oct. 31, 1949, ch. 792, title I, § 108, as added Sept. 29, 1977, Pub. L. 95–113, title VIII, § 807, 91 Stat. 947, related to price support program for 1978 through 1981 crops of peanuts.

Section 1445c–1, act Oct. 31, 1949, ch. 792, title I, § 108A, as added Dec. 22, 1981, Pub. L. 97–98, title VII, § 705, 95 Stat. 1254, related to price support program for 1982 through 1985 crops of peanuts.

EFFECTIVE DATE OF REPEAL

Repeal effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

§ 1445c–2. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 108A, formerly § 108B, as added Dec. 23, 1985, Pub. L. 99–198, title VII, § 705, 99 Stat. 1439; amended Oct. 18, 1986, Pub. L. 99–500, § 101(a) [title VI, § 639], 100 Stat. 1783, 1783–35, and Oct. 30, 1986, Pub. L. 99–591, § 101(a) [title VI, § 639], 100 Stat. 3341, 3341–35; Nov. 10, 1986, Pub. L. 99–641, title II, § 203, 100 Stat. 3563; Dec. 22, 1987, Pub. L. 100–203, title I, § 1104(b), 101 Stat. 1330–4; renumbered § 108A, Nov. 28, 1990, Pub. L. 101–624, title VIII, § 806(2), 104 Stat. 3475; Dec. 13, 1991, Pub. L. 102–237, title I, § 117(b)(1)(A), 105 Stat. 1841, related to price support, loans, purchases, and other operations, and national average quota support rate. See Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 705 of Pub. L. 99–198 provided that this section is effective only for the 1986 through 1990 crops of peanuts.

§ 1445c–3. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(E), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 108B, as added Nov. 28, 1990, Pub. L. 101–624, title VIII, § 806(3),

104 Stat. 3475; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1105(b), 104 Stat. 1388–3; Dec. 13, 1991, Pub. L. 102–237, title I, § 117(b)(1)(B), 105 Stat. 1841; Aug. 10, 1993, Pub. L. 103–66, title I, § 1109(a), 107 Stat. 325, related to price support program for 1991 through 1997 crops of peanuts.

§ 1445d. Special wheat acreage grazing and hay program for 1978 through 1990 crop years

Notwithstanding any other provision of law—

(a) Authorization for program; acreage designation; payment

The Secretary is authorized to administer a special wheat acreage grazing and hay program (hereinafter in this section referred to as the ''special program'') in each of the crop years 1978 through 1990. If a special program is implemented, a producer shall be permitted to designate, under such regulations as established by the Secretary, a portion of the acreage on the farm intended to be planted to wheat, feed grains, or upland cotton for harvest, not in excess of 40 per centum thereof, or 50 acres, whichever is greater, which shall be planted to wheat (or some other commodity other than corn or grain sorghum) and used by the producer for grazing purposes or hay rather than for commercial grain production. A producer who elects to participate in the special program shall receive a payment as provided in subsection (c) of this section.

(b) Specific farm acreage

Any producer who elects to participate in the special program under this section shall designate the specific acreage on the farm which is to be used for the purposes set forth in subsection (a) of this section. No crop other than hay may be harvested from acreage included in the special program.

(c) Determination of payment

The Secretary shall pay the producer participating in the special program an amount determined by multiplying the farm program payment yield for wheat established for the farm, by the number of acres included in the special program, by a rate of payment determined by the Secretary to be fair and reasonable. The producer shall not be eligible for any other payment or price support on any portion of the acreage for the farm which the producer elects to include in the special program.

(d) Other acreage set-aside programs

Acreage included in the special program shall be in addition to any acreage included in any acreage set-aside, reduced acreage, or land diversion program otherwise provided for by law.

(e) Rules and regulations

The Secretary is authorized to issue such regulations as the Secretary determines necessary to carry out the provisions of this section.

(f) Commodity Credit Corporation

The Secretary shall carry out the special program through the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title I, § 109, as added Pub. L. 95–113, title X, § 1004, Sept. 29, 1977, 91 Stat. 950; amended Pub. L. 97–98, title XI, § 1110, Dec. 22, 1981, 95 Stat. 1267; Pub. L. 99–198, title X, § 1015, Dec. 23, 1985, 99 Stat. 1457.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99–198 substituted ''1990'' for ''1985''.

1981—Subsec. (a). Pub. L. 97–98, § 1110(1), (2), substituted ''1985'' for ''1981'' and ''If a special program is implemented'' for ''Under the special program''.

Subsec. (d). Pub. L. 97–98, § 1110(3), inserted '', reduced acreage, or land diversion''.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

§ 1445e. Farmer owned reserve program

(a) In general

The Secretary shall formulate and administer a farmer owned reserve program under which producers of wheat and feed grains will be able to store wheat and feed grains when the commodities are in abundant supply, extend the time period for the orderly marketing of the commodities, and provide for adequate carryover stocks to ensure a reliable supply of the commodities.

(b) Terms of program

(1) Price support loans

In carrying out this program, the Secretary shall provide extended price support loans for wheat and feed grains. An extended loan shall only be made to a producer after the expiration of a 9-month price support loan (hereafter in this section referred to as the ''original loan'') made in accordance with this subchapter.

(2) Level of loans

Loans made under this section shall not be less than the then current level of support under the wheat and feed grain programs established under this subchapter.

(3) Other terms and conditions

The Secretary shall provide for—

(A) repayment of the extended price support loan 27 months from the date on which the original loan expired unless, at the discretion of the Secretary, the loan has been extended for one 6-month period;

(B) a rate of interest as provided under subsection (c) of this section; and

(C) payments to producers for storage as provided in subsection (d) of this section.

(4) Regional differences

The Secretary shall ensure that producers are afforded a fair and equitable opportunity to participate in the program established under this section, taking into account regional differences in the time of harvest.

(c) Interest charges

(1) Levying of interest

The Secretary may charge interest on loans under this section whenever the price of wheat

or feed grains is equal to or exceeds 105 percent of the then current established price for the commodity.

(2) 90-day period

If interest is levied on the loans under paragraph (1), the interest may be charged for a period of 90 days after the last day on which the price of wheat or feed grains was equal to or in excess of 105 percent of the established price for the commodities.

(3) Rate of interest

The rate of interest charged participants in this program shall not be less than the rate of interest charged by the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust the interest as the Secretary considers appropriate to effectuate the purposes of this section.

(d) Storage payments

(1) In general

The Secretary shall provide storage payments to producers for storage of wheat or feed grains under the program established in this section in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program.

(2) Timing

The Secretary shall make storage payments available to participants in this program at the end of each quarter.

(3) Duration

The Secretary shall cease making storage payments whenever the price of wheat or feed grains is equal to or exceeds 95 percent of the then current established price for the commodities, and for any 90-day period immediately following the last day on which the price of wheat or feed grains was equal to or in excess of 95 percent of the then current established price for the commodities.

(e) Emergencies

Notwithstanding any other provision of law, the Secretary may require producers to repay loans made under this section, plus accrued interest and such other charges as may be required by regulation prior to the maturity date thereof, if the Secretary determines that emergency conditions exist that require that the commodity be made available in the market to meet urgent domestic or international needs and the Secretary reports the determination and the reasons for the determination to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate at least 14 days before taking the action.

(f) Quantity of commodities in program

The Secretary may establish maximum quantities of wheat and feed grains that may receive loans and storage payments under this program as follows:

(1) The maximum quantities of wheat may not be established at less than 300 million bushels, nor more than 450 million bushels.

(2) The maximum quantities of feed grains may not be established at less than 600 million bushels, nor more than 900 million bushels.

(g) Announcement of program

(1) Time of announcement

The Secretary shall announce the terms and conditions of the producer storage program for a crop of wheat and feed grains by—

(A) in the case of wheat, December 15 of the year in which the crop of wheat was harvested; and

(B) in the case of feed grains, March 15 of the year following the year in which the crop of corn was harvested.

(2) Discretionary entry

The Secretary may make extended loans available to producers of wheat or feed grains if—

(A) the Secretary determines that the average market price for wheat or corn, respectively, for the 90-day period prior to the dates specified in paragraph (1) is less than 120 percent of the current loan rate for wheat or corn, respectively; or

(B) as of the appropriate date specified in paragraph (1), the Secretary estimates that the stocks-to-use ratio on the last day of the current marketing year will be—

(i) in the case of wheat, more than 37.5 percent; and

(ii) in the case of corn, more than 22.5 percent.

(3) Mandatory entry

The Secretary shall make extended loans available to producers of wheat or feed grains if the conditions specified in subparagraphs (A) and (B) of paragraph (2) are met for wheat or feed grains, respectively.

(4) Content of announcement

In the announcement, the Secretary shall specify the maximum quantity of wheat or feed grains to be stored under this program that the Secretary determines appropriate to promote the orderly marketing of the commodities.

(h) Discretionary exit

A producer may repay a loan extended under this section at any time.

(i) Reconcentration of grain

The Secretary may, with the concurrence of the owner of grain stored under this program, reconcentrate all such grain stored in commercial warehouses at such points as the Secretary considers to be in the public interest, taking into account such factors as transportation and normal marketing patterns. The Secretary shall permit rotation of stocks and facilitate maintenance of quality under regulations that assure that the holding producer or warehouseman shall, at all times, have available for delivery at the designated place of storage both the quantity and quality of grain covered by the producer's or warehouseman's commitment.

(j) Management of grain

Whenever grain is stored under this section, the Secretary may buy and sell at an equivalent

price, allowing for the customary location and grade differentials, substantially equivalent quantities of grain in different locations or warehouses to the extent needed to properly handle, rotate, distribute, and locate the commodities that the Commodity Credit Corporation owns or controls. The purchases to offset sales shall be made within 2 market days following the sales. The Secretary shall make a daily list available showing the price, location, and quantity of the transactions.

(k) Use of Commodity Credit Corporation

The Secretary shall use the Commodity Credit Corporation, to the extent feasible, to fulfill the purposes of this section. To the maximum extent practicable consistent with the fulfillment of the purposes of this section and the effective and efficient administration of this section, the Secretary shall utilize the usual and customary channels, facilities, and arrangements of trade and commerce.

(*l*) Use of commodity certificates

Notwithstanding any other provision of law, if a producer has substituted purchased or other commodities for the commodities originally pledged as collateral for a loan made under this section, the Secretary may allow a producer to repay the loan using a generic commodity certificate that may be exchanged for commodities owned by the Commodity Credit Corporation, if the substitute commodities have been pledged as loan collateral and redeemed only within the same county.

(m) Additional authority

The authority provided by this section shall be in addition to other authorities available to the Secretary for carrying out producer loan and storage operations.

(n) Regulations

The Secretary of Agriculture shall issue such regulations as are necessary to carry out this section not later than 60 days after November 28, 1990.

(*o*) Review

In announcing the terms and conditions of the producer storage program under this section, the Secretary shall review standards concerning the quality of grain that shall be allowed to be stored under the program, and such standards should encourage only quality grain, as determined by the Secretary, to be pledged as collateral for such loans. The Secretary shall review inspection, maintenance, and stock rotation requirements and take the necessary steps to maintain the quality of such grain.

(p) Crops

Notwithstanding any other provision of law, this section shall become effective December 1, 1990.

(Oct. 31, 1949, ch. 792, title I, § 110, as added Pub. L. 95–113, title XI, § 1101, Sept. 29, 1977, 91 Stat. 951; amended Pub. L. 96–234, §§ 1, 2, Apr. 11, 1980, 94 Stat. 333; Pub. L. 96–494, title II, §§ 203(a), 204, 205, Dec. 3, 1980, 94 Stat. 2571, 2572; Pub. L. 97–24, § 2, July 23, 1981, 95 Stat. 143; Pub. L. 97–98, title X, § 1001, Dec. 22, 1981, 95 Stat. 1257; Pub. L. 99–198, title X, § 1012(a), Dec. 23, 1985, 99 Stat. 1455; Pub. L. 100–203, title I, § 1108, Dec. 22, 1987, 101 Stat. 1330–6; Pub. L. 100–387, title III, § 303(b), Aug. 11, 1988, 102 Stat. 947; Pub. L. 101–624, title XI, § 1123, title XX, § 2010, Nov. 28, 1990, 104 Stat. 3503, 3932; Pub. L. 102–237, title I, § 113(7), Dec. 13, 1991, 105 Stat. 1837.)

AMENDMENTS

1991—Subsec. (k). Pub. L. 102–237, § 113(7)(C)(i), redesignated subsec. (k), relating to review, as (*o*).

Subsec. (n). Pub. L. 102–237, § 113(7)(A), substituted ''November 28, 1990'' for ''the date of enactment of this section''.

Subsec. (*o*). Pub. L. 102–237, § 113(7)(C), redesignated subsec. (k), relating to review, as (*o*), inserted heading, and substituted ''this section'' for ''subsection (e)(1)''.

Pub. L. 102–237, § 113(7)(B), redesignated subsec. (*o*) as (p).

Subsec. (p). Pub. L. 102–237, § 113(7)(B), redesignated subsec. (*o*) as (p).

1990—Pub. L. 101–624, § 1123, amended section generally, substituting provisions relating to the farmer owned reserve program for provisions relating to the establishment and maintenance of the producer reserve program for wheat and feed grains.

Subsec. (k). Pub. L. 101–624, § 2010, added subsec. (k) relating to review.

1988—Subsec. (j). Pub. L. 100–387 temporarily added subsec. (j). See Effective and Termination Dates of 1988 Amendment note.

1987—Subsec. (b)(A)(i). Pub. L. 100–203, § 1108(1), substituted ''300 million bushels'' for ''17 percent of the estimated total domestic and export usage of wheat during the then current marketing year for wheat, as determined by the Secretary''.

Subsec. (b)(A)(ii). Pub. L. 100–203, § 1108(2), substituted ''450 million bushels'' for ''7 percent of the estimated total domestic and export usage of feed grains during the then current marketing year for feed grains, as determined by the Secretary''.

1985—Subsec. (a). Pub. L. 99–198 in first sentence substituted ''abundant supply, extend'' for ''abundant supply and extend'' and inserted '', and provide for adequate, but not excessive, carryover stocks to ensure a reliable supply of the commodities'' after ''for their orderly marketing''.

Subsec. (b). Pub. L. 99–198 in third sentence substituted '', with extensions as warranted by market conditions'' for ''nor more than five years'' in cl. (1), substituted ''when the total amount of wheat or feed grains in storage under programs under this section is below the upper limits for such storage as set forth in clauses (A) and (B) of subsection (e)(2) of this section and the market price for wheat or feed grains is below'' for ''before the market price for wheat or feed grains has reached'' in cl. (4), substituted ''the higher of 140 percent of the nonrecourse loan rate for the commodity or the established price for such commodity, as determined under this subchapter'' for ''a specified level, as determined by the Secretary'' in cl. (5), and at end inserted provisions requiring Secretary to encourage participation in the programs authorized under this section by offering producers increased storage payments and loan levels, interest waivers, or such other incentives as the Secretary determines necessary to maintain total amount of storage at specified levels, whenever the total quantity of wheat and feed grains stored under this section is less than 17 and 7 percent, respectively, of the estimated total usage thereof during the then current marketing year, and the marketing price does not exceed 140 percent of the nonrecourse loan rate for the commodity, and inserted provision requiring Secretary to ensure than producers are afforded a fair and equitable opportunity to participate in each producer storage program.

Subsec. (e). Pub. L. 99–198 designated existing provisions as par. (1), inserted '', subject to the upper limits on the total quantity of wheat and feed grains that may be stored under storage programs established

under this section set out in paragraph (2)'' in second sentence, struck out third sentence which authorized the Secretary to place an upper limit of not less than seven hundred million bushels for wheat and one billion bushels for feed grains placed in the reserve, and added par. (2).

1981—Subsec. (a). Pub. L. 97–98 struck out discretionary authority of Secretary with regard to permitting producers of feed grains to store wheat and feed grains.

Subsec. (b). Pub. L. 97–98 substituted ''Secretary shall provide'' for ''Secretary may provide'', struck out ''at the same level of support as provided by this Act'' after ''loans for wheat and feed grains'', and substituted provisions that loans be made at such levels of support as Secretary determines appropriate, except that the loan rate not be less than the then current level of support under the wheat and feed grains programs established under this subchapter for provisions relating to the level of price support loans to be made available to producers for the 1980 and 1981 crops of wheat and feed grains necessary to mitigate the adverse effects of the restrictions on the export of agricultural products to the Union of Soviet Socialist Republics and providing that the level of price support loans for the 1980 and 1981 crops of wheat and feed grains not be used in determining the levels at which producers repay loans and redeem commodities prior to the maturity dates of the loans or levels at which Secretary may call for the repayment of loans prior to their maturity dates and ''program may provide'' for ''program shall provide''.

Subsec. (b)(2). Pub. L. 97–98 substituted ''for storage in such amounts and under such conditions as the Secretary determines appropriate to encourage producers to participate in the program'' for ''of such amounts as the Secretary determines appropriate to cover the cost of storing wheat and feed grains held under the program''.

Subsec. (b)(3). Pub. L. 97–98 substituted ''as determined under subsection (c) of this section'' for ''determined by the Secretary based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest''.

Pub. L. 97–24 struck out '', and the Secretary shall waive such interest on loans made on the 1980 and 1981 crops of wheat and feed grains'' after ''a rate of interest determined by the Secretary based upon the rate of interest charged the Commodity Credit Corporation by the United States Treasury, except that the Secretary may waive or adjust such interest''.

Subsec. (b)(4). Pub. L. 97–98 substituted ''if such loans'' for ''in the event such loans'' and ''determined under clause (5) of this sentence'' for ''specified in clause (5) of this subsection''.

Subsec. (b)(6). Pub. L. 97–98 struck out cl. (6) which authorized the program to contain conditions prescribed by Secretary under which Secretary may require producers to repay such loans, plus accrued interest thereon, refund amounts paid for storage, and pay such additional interest and other charges as may be required by regulation, whenever Secretary determines that the market price for the commodity is not less than such appropriate level, as determined by Secretary.

Subsec. (c). Pub. L. 97–98 substituted provision prescribing rate of interest charged to participants in the program authorized by this section for provision authorizing payments to producers of the 1979 crops of corn and wheat who did not comply with the 1979 program requirements.

Subsec. (d). Pub. L. 97–98 added subsec. (d) and redesignated former subsec. (d) as (e).

Subsec. (e). Pub. L. 97–98 redesignated former subsec. (d) as (e) and substituted provision authorizing Secretary to place an upper limit on the amount of wheat and feed grains placed in the reserve, with such upper limit not less than seven hundred million bushels for wheat and one billion bushels for feed grains, for provision authorizing the maximum amount of wheat stored as not less than three hundred million bushels nor more than seven hundred million bushels, with authority for Secretary to adjust this amount as necessary to meet commitments by the United States pursuant to international agreements. Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 97–98 redesignated former subsec. (e) as (f) and substituted in provision preceding par. (1) ''the program authorized'' for ''the extended loan program authorized'', ''110 per centum'' for ''105 per centum'', ''Secretary may encourage repayment'' for ''Secretary may call for repayment'', and ''clause (5) of the third sentence of subsection (b) of this section. The foregoing restriction'' for ''clause (6) of the second sentence of subsection (b) of this section: *Provided*, That such restriction'' and in provision following par. (3) ''clause (5) of the third sentence'' for ''clause (5) of the second sentence''. Former subsec. (f) redesignated (g).

Subsec. (g). Pub. L. 97–98 redesignated former subsec. (f) as (g) and substituted ''by the producer's or warehouseman's commitment'' for ''by his commitment''. Former subsec. (g) redesignated (h).

Subsec. (h). Pub. L. 97–98 redesignated former subsec. (g) as (h). Former subsec. (h) redesignated (i).

Subsec. (i). Pub. L. 97–98 redesignated former subsec. (h) as (i) and substituted ''To the maximum extent'' for ''In addition, to the maximum extent''.

1980—Subsec. (b). Pub. L. 96–494, § 203(a)(1), inserted two provisos in provisions permitting Secretary to provide original or extended price support loans for wheat and feed grains at the same level of support as provided by this Act, in carrying out the producer storage program, under terms and conditions designed to encourage producers to store wheat and feed grains for extended periods of time to promote orderly marketing when wheat or feed grains are in abundant supply.

Subsec. (b)(3). Pub. L. 96–494, § 203(a)(2), inserted provisions requiring Secretary to waive interest on loans made on the 1980 and 1981 crops of wheat and feed grains.

Subsec. (b)(5). Pub. L. 96–494, § 204, substituted ''for the commodity has attained a specified level'' for ''of wheat has attained a specified level which is not less than 140 per centum nor more than 160 per centum of the then current level of price support for wheat or such appropriate level for feed grains''.

Subsec. (b)(6). Pub. L. 96–494, § 204, substituted ''such appropriate level, as determined by the Secretary'' for ''175 per centum of the then current level of the price support for wheat or such appropriate level for feed grains as determined by the Secretary under this Act''.

Subsecs. (c), (d). Pub. L. 96–234, § 1, added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

Subsec. (e). Pub. L. 96–494, § 205(1), (2), substituted ''except as otherwise provided under section 1736f–1 of this title and section 4001 of this title, whenever the extended loan program authorized by this section is in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains at less than 105 per centum of the then current level at which the Secretary may call for repayment of producer storage loans on the commodity prior to the maturity dates of the loans, as determined under clause (6) of the second sentence of subsection (b) of this section'' for ''whenever the extended loan program authorized by this section is in effect, the Commodity Credit Corporation may not sell any of its stocks of wheat or feed grains at less than 150 percentum of the then current level of price support for such commodity''.

Pub. L. 96–234, § 1(1), (2), redesignated former subsec. (d) as (e) and added cl. (3). Former subsec. (e) redesignated (f).

Subsec. (e)(3). Pub. L. 96–494, § 205(3), in provisions preceding subpar. (A), substituted ''sales of corn'' for ''sales of corn when sold at not less than the release level under the extended loan program'', and inserted ''when sold at not less than the price at which producers may repay producer storage loans and redeem corn prior to the maturity dates of loans, as determined

under clause (5) of the second sentence of subsection (b) of this section, or, whenever the fuel conversion price (as defined in section 4005 of this title) for corn exceeds such price, at not less than the fuel conversion price''.

Subsecs. (f) to (h). Pub. L. 96–234, § 1(1), redesignated former subsecs. (e) to (g) as (f) to (h), respectively.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by section 1123 of Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE AND TERMINATION DATES OF 1988 AMENDMENT

Section 303(b) of Pub. L. 100–387 provided that the amendment made by that section is effective only for 1988 marketing year for wheat and feed grains.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1012(a) of Pub. L. 99–198 provided that, except as provided in section 1012(b) of Pub. L. 99–198 [set out below], the amendments by section 1012(a) are effective beginning with 1986 crops.

Section 1012(b) of Pub. L. 99–198 provided that: ''The amendment made by subsection (a)(2)(B) of this section [amending this section] shall take effect with respect to any loan made under section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) the date for repayment of which occurs after the date of enactment of this Act [Dec. 23, 1985].''

EFFECTIVE DATE OF 1981 AMENDMENT

Section 1001 of Pub. L. 97–98 provided that the amendment made by that section is effective beginning with 1982 crops.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 203(b) of Pub. L. 96–494 provided that: ''Subsection (a) of this section [amending this section] shall become effective October 1, 1980, and any producers who, prior to such date, receive loans on the 1980 crop of the commodity as computed under the Agricultural Act of 1949, as [see Short Title note set out under section 1421 of this title] amended prior to the enactment of this Act [see Short Title note set out under section 4001 of this title], may elect after September 30, 1980, to receive loans as authorized under subsection (a) of this section.''

Amendment by sections 204 and 205 of Pub. L. 96–494 effective Dec. 3, 1980, see section 213 of Pub. L. 96–494, set out as an Effective Date note under section 4001 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(5) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(E) of this title.

COMPARABILITY OF STORAGE PAYMENTS

Section 1124 of Pub. L. 101–624, as amended by Pub. L. 102–237, title I, § 114(a)(1), Dec. 13, 1991, 105 Stat. 1838, provided that: ''In making storage payments to producers under section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) and to commercial warehousemen in accordance with the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), the Commodity Credit Corporation and the Secretary of Agriculture shall, to the extent practicable, ensure that the rates of the storage payments made to producers are equivalent to average rates paid for commercial storage, taking into account the current demand for storage for commodities, efficiency, location, regulatory compliance costs, bonding requirements, and impact of user fees as determined by the Secretary, except that the rates paid to producers and commercial warehousemen shall be established at rates that will result in no increase in current or projected combined outlays of the Commodity Credit Corporation for the storage payments made to producers and commercial warehousemen as a result of the adjustment of storage rates under this section.''

REPAYMENT OF LOANS WITHOUT PENALTY

Section 303(a) of Pub. L. 100–387 provided that: ''Effective for the 1988 marketing year for wheat or feed grains, once the market price described in clause (5) of the third sentence of subsection (b) of section 110 of the Agricultural Act of 1949 (7 U.S.C. 1445e) has been reached at any time during such marketing year with respect to such commodity, producers may repay loans made under section 110 for such commodity during the remainder of such marketing year without the payment of a penalty, regardless of the then current market price.''

§ 1445f. International Emergency Food Reserve

The President is encouraged to enter into negotiations with other nations to develop an international system of food reserves to provide for humanitarian food relief needs and to establish and maintain a food reserve, as a contribution of the United States toward the development of such a system, to be made available in the event of food emergencies in foreign countries. The reserves shall be known as the International Emergency Food Reserve.

(Oct. 31, 1949, ch. 792, title I, § 111, as added Pub. L. 95–113, title XI, § 1102, Sept. 29, 1977, 91 Stat. 953.)

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

§ 1445g. Production of commodities for conversion into industrial hydrocarbons; terms and conditions; incentive payments; regulations; appropriations; effective date

Notwithstanding any other provision of this Act—

(a) The Secretary may permit, subject to such terms and conditions as the Secretary may prescribe, all or any part of the acreage set aside or diverted from the production of a commodity for any crop year under this subchapter to be devoted to the production of any commodity (other than the commodities for which acreage is being set aside or diverted) for conversion into industrial hydrocarbons and blending with gasoline or other fossil fuels for use as motor or industrial fuel, if the Secretary determines that such production is desirable in order to provide an adequate supply of commodities for such purpose, is not likely to increase the cost of the price support programs, and will not adversely affect farm income.

(b)(1) During any year in which there is no set-aside or diversion of acreage under this subchapter, the Secretary may formulate and ad-

minister a program for the production, subject to such terms and conditions as the Secretary may prescribe, of commodities for conversion into industrial hydrocarbons and blending with gasoline or other fossil fuels for use as motor or industrial fuel, if the Secretary determines that such production is desirable in order to provide an adequate supply of commodities for such purpose, is not likely to increase the cost of the price support programs, and will not adversely affect farm income. Under the program, producers of wheat, feed grains, upland cotton, and rice shall be paid incentive payments to devote a portion of their acreage to the production of commodities for conversion into industrial hydrocarbons and blending with gasoline or other fossil fuels for use as motor or industrial fuel.

(2) The payments under this subsection shall be at such rate or rates as the Secretary determines to be fair and reasonable, taking into consideration the participation necessary to ensure an adequate supply of the agricultural commodities for conversion into industrial hydrocarbons and blending with gasoline or other fossil fuels for use as motor or industrial fuels.

(3) The Secretary may issue such regulations as the Secretary deems necessary to carry out the provisions of this subsection.

(4) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subsection.

(5) The provisions of this subsection shall become effective October 1, 1978.

(Oct. 31, 1949, ch. 792, title I, § 112, as added Pub. L. 95–279, title II, § 201, May 15, 1978, 92 Stat. 241.)

REFERENCES IN TEXT

This Act, referred to in provision preceding subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(6) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(F) of this title.

§ 1445h. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(F), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, § 113, as added Dec. 3, 1980, Pub. L. 96–494, title II, § 207, 94 Stat. 2572; amended Dec. 22, 1981, Pub. L. 97–98, title XI, § 1105, 95 Stat. 1264; Dec. 23, 1985, Pub. L. 99–198, title X, § 1011, 99 Stat. 1454; Nov. 28, 1990, Pub. L. 101–624, title XI, § 1125, 104 Stat. 3506, authorized Secretary to announce and provide for supplemental set-aside and acreage limitation program.

§ 1445i. Multiyear set-aside contracts for 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice

Notwithstanding any other provision of law:

(1) The Secretary of Agriculture may enter into multiyear set-aside contracts for a period not to extend beyond the 1990 crops. Such contracts may be entered into only as a part of the programs in effect for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, and only producers participating in one or more of such programs shall be eligible to contract with the Secretary under this section. Producers agreeing to a multiyear set-aside agreement shall be required to devote the set-aside acreage to vegetative cover capable of maintaining itself through such period to provide soil protection, water quality enhancement, wildlife production, and natural beauty. Grazing of livestock under this section shall be prohibited, except in areas of a major disaster, as determined by the President, if the Secretary finds there is a need for such grazing as a result of such disaster. Producers entering into agreements under this section shall also agree to comply with all applicable State and local laws and regulations governing noxious weed control.

(2) The Secretary shall provide cost-sharing incentives to farm operators for the establishment of vegetative cover, whenever a multiyear set-aside contract is entered into under this section.

(3) The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

(4) The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(Pub. L. 99–198, title X, § 1010, Dec. 23, 1985, 99 Stat. 1454.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1445j. Deficiency and land diversion payments

(a) Deficiency payments

(1) In general

If the Secretary establishes an acreage limitation program for any of the 1991 through 1997 crops of wheat, feed grains, upland cotton, or rice under this Act and determines that deficiency payments will likely be made for the commodity for the crop, the Secretary shall make advance deficiency payments available to producers for each of the crops.

(2) Terms and conditions

Advance deficiency payments under paragraph (1) shall be made to the producer under the following terms and conditions:

(A) Form

Such payments may be made available in the form of—

(i) cash;

(ii) commodities owned by the Commodity Credit Corporation and certificates redeemable in a commodity owned by the Commodity Credit Corporation, except that not more than 50 percent of the payments may be made in commodities or the certificates in the case of any producer; or

(iii) any combination of clauses (i) and (ii).

(B) Commodities and certificates

If payments are made available to producers as provided for under subparagraph (A)(ii), such producers may elect to receive such payments either in the form of—

(i) such commodities; or

(ii) such certificates.

(C) Maturity

Such a certificate shall be redeemable for a period not to exceed 3 years from the date the certificate is issued.

(D) Storage

The Commodity Credit Corporation shall pay the cost of storing a commodity that may be received under such a certificate until such time as the certificate is redeemed.

(E) Timing

The payments shall be made available as soon as practicable after the producer enters into a contract with the Secretary to participate in such program.

(F) Amounts

The payments shall be made available in such amounts as the Secretary determines appropriate to encourage adequate participation in the program, except that the amount may not exceed an amount determined by multiplying—

(i) the estimated payment acreage for the crop; by

(ii) the farm program payment yield for the crop; by

(iii)(I) in the case of wheat and feed grains, not less than 40 percent, nor more than 50 percent, of the projected payment rate; and

(II) in the case of rice and upland cotton, not less than 30 percent, nor more than 50 percent, of the projected payment rate,

as determined by the Secretary.

(G) Repayment

If the deficiency payment payable to a producer for a crop, as finally determined by the Secretary under this Act, is less than the amount paid to the producer as an advance deficiency payment for the crop under this subsection, the producer shall repay an amount equal to the difference between the amount advanced and the amount finally determined by the Secretary to be payable to the producer as a deficiency payment for the crop concerned.

(H) Repayment requirement

If the Secretary determines under this Act that deficiency payments will not be made available to producers on a crop with respect to which advance deficiency payments already have been made under this subsection, the producers who received the advance payments shall repay the payments.

(I) Deadline

Any repayment required under subparagraph (G) or (H) shall be due at the end of the marketing year for the crop with respect to which the payments were made.

(J) Noncompliance

If a producer fails to comply with requirements established under the acreage limitation program involved after obtaining an advance deficiency payment under this subsection, the producer shall repay immediately the amount of the advance, plus interest thereon in such amount as the Secretary shall prescribe by regulation.

(3) Regulations

The Secretary may issue such regulations as the Secretary determines necessary to carry out this section.

(4) Commodity Credit Corporation

The Secretary shall carry out the program authorized by this section through the Commodity Credit Corporation.

(5) Additional authority

The authority provided in this section shall be in addition to, and not in place of, any authority granted to the Secretary or the Commodity Credit Corporation under any other provision of law.

(b), (c) Repealed. Pub. L. 104–127, title I, § 171(b)(2)(G), Apr. 4, 1996, 110 Stat. 938

(Oct. 31, 1949, ch. 792, title I, § 114, formerly § 107C, as added Pub. L. 97–253, title I, § 120, Sept. 8, 1982, 96 Stat. 766; amended Pub. L. 99–198, title X, § 1002, Dec. 23, 1985, 99 Stat. 1446; Pub. L. 100–203, title I, § 1110, Dec. 22, 1987, 101 Stat. 1330–6; Pub. L. 101–239, title I, § 1003(b)(1), Dec. 19, 1989, 103 Stat. 2108; Pub. L. 101–508, title I, § 1102(d), Nov. 5, 1990, 104 Stat. 1388–2; renumbered § 114 and amended Pub. L. 101–624, title XI, §§ 1121(a), (c), 1161(a)(1), Nov. 28, 1990, 104 Stat. 3500, 3503, 3520; Pub. L. 102–237, title I, § 109, Dec. 13, 1991, 105 Stat. 1828; Pub. L. 103–66, title I, § 1101(b)(1), Aug. 10, 1993, 107 Stat. 314; Pub. L. 104–127, title I, § 171(b)(2)(G), Apr. 4, 1996, 110 Stat. 938.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), (2)(G), (H), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was classified to section 1445b–2 of this title prior to its renumbering by Pub. L. 101–624.

AMENDMENTS

1996—Subsecs. (b), (c). Pub. L. 104–127 struck out subsecs. (b) and (c) which, in subsec. (b), related to land diversion payments to assist in adjusting total national acreage of any of 1991 through 1995 crops of wheat, feed grains, upland cotton, or rice to desirable levels, and, in subsec. (c), related to timing of deficiency payments made available to producers for any of 1991 through 1997 crops of wheat and feed grains.

1993—Subsecs. (a)(1), (c). Pub. L. 103–66 substituted ''1997'' for ''1995''.

1991—Subsec. (c). Pub. L. 102–237, § 109(1), substituted ''section'' for ''sections'' in introductory provisions.

Subsec. (c)(2). Pub. L. 102–237, § 109(3), added par. (2) and struck out former par. (2) which read as follows:

''Seventy-five percent of the final projected deficiency payment for the crop, reduced by the amount of the advance, shall be made available as soon as practicable after the end of the first 5 months of the applicable marketing year.''

Subsec. (c)(3), (4). Pub. L. 102–237, § 109(2), (3), added par. (3) and redesignated former par. (3) as (4).

1990—Pub. L. 101–624, § 1121(a), amended section generally, substituting provisions relating to deficiency and land diversion payments for the 1991 through 1995 crops of wheat, feed grains, upland cotton, and rice for provisions relating to advance deficiency and diversion payments for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice.

Pub. L. 101–624, § 1121(c), amended Pub. L. 99–198. See 1985 Amendment note below.

Subsec. (c). Pub. L. 101–508 substituted ''wheat and feed grains which payments are calculated as provided in sections 1445b–3a(c)(1)(B)(ii), 1445b–3a(p), or 1444f(c)(1)(B)(ii) of this title'' for ''wheat, feed grains, and rice which payments are calculated on the basis of the national weighted average market price (or, in the case of rice, the national average market price) for the marketing year for the crop''.

1989—Subsec. (a)(2)(G). Pub. L. 101–239 temporarily inserted ''(taking into consideration any reduction in the payment made under section 1433d of this title)'' and substituted ''amount finally'' for ''amount finallly''. See Effective and Termination Dates of 1989 Amendment note below.

1987—Subsec. (a)(1). Pub. L. 100–203, § 1110(1), temporarily added par. (1) and struck out former par. (1) which read as follows: ''If the Secretary establishes an acreage limitation or set-aside program for any of the 1986 through 1990 crops of wheat, feed grains, upland cotton, or rice under this Act and determines that deficiency payments will likely be made for such commodity for such crop, the Secretary—

''(A) shall make advance deficiency payments available to producres [sic] who agree to participate in such program for the 1986 crop; and

''(B) may make such payments available to such producers for each of the 1987 through 1990 crops.''

See Effective and Termination Dates of 1987 Amendment note below.

Subsec. (a)(2)(F)(iii). Pub. L. 100–203, § 1110(2), temporarily added cl. (iii) and struck out former cl. (iii) which read as follows: ''50 percent of the projected payment rate,''. See Effective and Termination Dates of 1987 Amendment note below.

1985—Pub. L. 99–198, as amended by Pub. L. 101–624, § 1121(c), amended section generally, substituting provisions relating to advance deficiency and diversion payments for the 1986 through 1990 crops of wheat, feed grains, upland cotton and rice for provisions relating to advance deficiency payments for the 1982 through 1985 crops of wheat, feed grains, upland cotton and rice.

EFFECTIVE DATE OF 1990 AMENDMENTS

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

Amendment by Pub. L. 101–508 effective Nov. 29, 1990, see section 1301 of Pub. L. 101–508, set out as an Effective Date note under section 940d of this title.

EFFECTIVE AND TERMINATION DATES OF 1989 AMENDMENT

Section 1003(b)(1) of Pub. L. 101–239 provided that the amendment made by that section is effective only for 1990 crops of wheat, feed grains, upland cotton, and rice.

EFFECTIVE AND TERMINATION DATES OF 1987 AMENDMENT

Section 1110 of Pub. L. 100–203 provided that the amendment made by that section is effective only for 1988 through 1990 crops of wheat, feed grains, upland cotton, and rice.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

That portion of section 1002 of Pub. L. 99–198 which provided that the amendment made by that section was effective only for 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice, was struck out by section 1121(c) of Pub. L. 101–624.

EFFECTIVE AND TERMINATION DATES

Section 120 of Pub. L. 97–253 provided that this section is effective only for 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice.

CALCULATION OF REFUNDS OF ADVANCE ESTABLISHED PRICE PAYMENTS BY PRODUCERS OF 1988 OR 1989 CROPS OF FEED BARLEY

Section 405 of Pub. L. 101–624 provided that:

''(a) MANDATORY CALCULATION OF REFUND.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act [Nov. 28, 1990], the Secretary of Agriculture shall calculate, for informational purposes only (except as provided in the discretionary authority under subsection (b)), the amount of the refund of any advance deficiency payment a producer of barley who participated in the 1988 or 1989 Federal barley price support program would be required to make pursuant to section 107C of the Agricultural Act of 1949 (7 U.S.C. 1445b–2) (as it existed immediately before the date of enactment of this Act) based on a formula which excludes malting barley from the market price calculations of barley used to determine the amount of refund of the advance deficiency payment required of the producer.

''(2) DISCLOSURE.—

''(A) TO THE PUBLIC.—The Secretary shall publish in the Federal Register—

''(i) the formula used to perform the calculations described in paragraph (1);

''(ii) the aggregate results that the use of the calculation would have pursuant to subsection (b), in terms of—

''(I) the total reduction in the amount of refunds;

''(II) the number of producers affected; and

''(III) any other information the Secretary determines appropriate;

''(iii) a declaration of the Secretary's decision whether to use the calculation to recalculate barley producer's refunds pursuant to subsection (b); and

''(iv) a statement of the Secretary's reasons for the decision described in clause (iii).

''(B) TO PRODUCERS.—The Secretary shall make available to each producer of 1988 or 1989 crop barley, on request, a statement detailing the effect of the calculation of refunds described in paragraph (1) on the producer's 1988 or 1989 refund.

''(b) DISCRETIONARY USE OF CALCULATION.—

''(1) IN GENERAL.—The Secretary may use the calculation described in subsection (a) to determine whether or not to reduce the total refund owed by a producer of 1988 or 1989 crop barley under section 107C of the Agricultural Act of 1949 [7 U.S.C. 1445b–2] (as it existed immediately before the date of enactment of this Act [Nov. 28, 1990]).

''(2) PROCEDURE FOR USE OF CALCULATION.—If the Secretary decides to use the calculation described in subsection (a) as provided under paragraph (1), in the case of a producer of 1988 or 1989 crop barley who paid the refund of the advance deficiency payment for the crop calculated prior to the date of enactment of this Act (or any amount of refund in excess of the amount of the refund determined in accordance with paragraph (1)), the Secretary—

''(i) shall, before May 31, 1991, reimburse the producer the amount of refund paid by the producer in excess of the refund determined in accordance with this section;

''(ii) shall have the option to make the reimbursement in a lump sum or in installments;

''(iii) shall, not later than 90 days after the date of enactment of this Act, notify producers who are eligible to receive the reimbursement of their 1988 or 1989 advance deficiency payment refund under this section—

''(I) of the timing of the payment of the reimbursement (either in lump sum or in installments);

''(II) that the amount of the reimbursement shall not bear interest if paid before February 15, 1991; and

''(III) that the amount of the reimbursement paid after February 15, 1991, shall bear interest at a rate of at least 7 percent per annum; and

''(iv) may elect to pay the reimbursement in a lump sum with generic certificates redeemable for commodities owned by the Commodity Credit Corporation if the reimbursement is paid in full not later than 60 days after the date of enactment of this Act.''

REPAYMENT REQUIREMENTS

Section 1121(b) of Pub. L. 101–624 provided that:

''(1) IN GENERAL.—Notwithstanding any other provision of law, effective only for producers who are suffering financial hardship, as determined by the Secretary, on a farm who received an advance deficiency payment for the 1988 or 1989 crop of a commodity and are otherwise described in paragraph (2), the Secretary of Agriculture—

''(A) shall not charge an annual interest rate for any delinquent refund for the advance deficiency payment in excess of prevailing rates for operating loans made by Farm Credit System institutions;

''(B) shall not withhold, in each of the 3 succeeding crop years, more than ⅓ of the farm program payments otherwise due to the producers, as a result of any delinquency in providing the refund; and

''(C) shall permit the producers to make the refund in three equal installments during each of the crop years 1990, 1991, and 1992, if the producers enter into an agreement to obtain multiperil crop insurance for each of the crop years, to the extent that the Secretary determines is similar to section 107 of the Disaster Assistance Act of 1989 (7 U.S.C. 1421 et seq.) [§ 107 of Pub. L. 101–82, 7 U.S.C. 1421 note].

''(2) APPLICATION.—This subparagraph shall apply if—

''(A) the producers received an advance deficiency payment for the 1988 or 1989 crop of a commodity under section 107C(a) of the Agricultural Act of 1949 (7 U.S.C. 1445b–2(a));

''(B) the producers are required to provide a refund of at least $1,500 under subparagraph (G) or (H) of section 107C(a)(2) of such Act with respect to the advance deficiency payments;

''(C) the producers reside in a county, or in a county that is contiguous to a county, where the Secretary of Agriculture has found that farming, ranching, or aquaculture operations have been substantially affected as evidenced by a reduction in normal production for the county of at least 30 percent during two of the three crop years 1988, 1989, and 1990 by a natural disaster or by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); and

''(D) the total quantity of the 1988 or 1989 crop of the commodity that the producers were able to harvest is less than the result of multiplying 65 percent of the farm payment yield established by the Secretary for the crop by the sum of the acreage planted for the harvest and the acreage prevented from being planted (because of the disaster or emergency referred to in subparagraph (C)) for the crop.''

ADVANCE DEFICIENCY PAYMENTS

Pub. L. 99–509, title I, § 1021, Oct. 21, 1986, 100 Stat. 1877, required Secretary of Agriculture to make advance deficiency payments available for 1987 crops of wheat, feed grains, upland cotton, and rice, and provided that percentage of projected payment rate used in computing such payments shall not be less than (1) 40 percent in the case of wheat and feed grains, and (2) 30 percent in the case of rice and upland cotton.

§ 1445k. Payments in commodities

(a) In-kind payments by Secretary

In making in-kind payments under any of the annual programs for wheat, feed grains, upland cotton, or rice (other than negotiable marketing certificates for upland cotton or rice), the Secretary may—

(1) acquire and use like commodities that have been pledged to the Commodity Credit Corporation as security for price support loans, including loans made to producers under section 1445e of this title; and

(2) use other like commodities owned by the Commodity Credit Corporation.

(b) Methods of payments

The Secretary may make in-kind payments—

(1) by delivery of the commodity to the producer at a warehouse or other similar facility, as determined by the Secretary;

(2) by the transfer of negotiable warehouse receipts;

(3) by the issuance of negotiable certificates which the Commodity Credit Corporation shall redeem for a commodity in accordance with regulations prescribed by the Secretary; or

(4) by such other methods as the Secretary determines appropriate to enable the producer to receive payments in an efficient, equitable, and expeditious manner so as to ensure that the producer receives the same total return as if the payments had been made in cash.

(c) Commodity certificates

The Secretary shall pay interest on the cash redemption of a commodity certificate issued by the Secretary to a producer who holds the certificate for at least 150 days. This subsection shall not apply with respect to commodity certificates issued in connection with the export enhancement program or the marketing promotion program established under the Agricultural Trade Act of 1978.

(Oct. 31, 1949, ch. 792, title I, § 115, formerly § 107E, as added Pub. L. 99–198, title X, § 1005, Dec. 23, 1985, 99 Stat. 1448; renumbered § 115 and amended Pub. L. 101–624, title XI, §§ 1122(a), 1161(a)(1), Nov. 28, 1990, 104 Stat. 3503, 3520.)

REFERENCES IN TEXT

The Agricultural Trade Act of 1978, referred to in subsec. (c), is Pub. L. 95–501, Oct. 21, 1978, 92 Stat. 1685, as amended generally by Pub. L. 101–624, title XV, § 1531, Nov. 28, 1990, 104 Stat. 3668, which is classified generally to chapter 87 (§ 5601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 5601 of this title and Tables.

CODIFICATION

Section was classified to section 1445b–4 of this title prior to its renumbering by Pub. L. 101–624.

AMENDMENTS

1990—Subsec. (c). Pub. L. 101–624, § 1122(a), added subsec. (c).

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(7) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(G) of this title.

REDEMPTION OF COMMODITY CERTIFICATES

Section 1122(b) of Pub. L. 101–624 provided that:

''(1) IN GENERAL.—A subsequent holder of a commodity certificate issued by the Commodity Credit Corporation shall be allowed to exchange the expired commodity certificate under the same rules that apply to an original holder of the certificate.

''(2) APPLICATION AND REDEMPTION LIMITATIONS.—This subsection shall only apply during the 180-day period beginning on the date of enactment of this Act [Nov. 28, 1990]. No person may redeem more than $1,000 worth of certificates under this subsection.

''(3) REDEMPTION LIMITATIONS.—In no event shall a person receive a payment from the Commodity Credit Corporation for a certificate that is redeemed under this subsection in an amount greater than the price paid for the certificate by the person. No expired certificate shall be exchanged under this section if the owner purchased the certificate after January 1, 1990.''

SUBCHAPTER III—NONBASIC AGRICULTURAL COMMODITIES

§ 1446. Price support levels for designated nonbasic agricultural commodities

(a) The Secretary is authorized and directed to make available (without regard to the provisions of sections 1447 to 1449 of this title) price support to producers for oilseeds (including soybeans, sunflower seed, canola, rapeseed, safflower, flaxseed, mustard seed, and such other oilseeds as the Secretary may determine), sunflower seeds, honey, milk, sugar beets, and sugarcane in accordance with this subchapter.

(b) The price of honey shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price thereof; and the price of tung nuts for each crop of tung nuts through the 1976 crop shall be supported through loans, purchases, or other operations at a level not in excess of 90 per centum nor less than 60 per centum of the parity price therefor: *Provided*, That in any crop year through the 1976 crop year in which the Secretary determines that the domestic production of tung oil will be less than the anticipated domestic demand for such oil, the price of tung nuts shall be supported at not less than 65 per centum of the parity price therefor.

(c) Except as provided in section 1446e[1] of this title, the price of milk shall be supported at such level not in excess of 90 per centum nor less than 75 per centum of the parity price therefor as the Secretary determines necessary in order to assure an adequate supply of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs. Such price support shall be provided through the purchase of milk and the products of milk.

(d) Notwithstanding any other provision of law—

(1)(A) During the period beginning on January 1, 1986, and ending on December 31, 1990, the price of milk shall be supported as provided in this subsection.

(B) During the period beginning on January 1, 1986, and ending on December 31, 1986, the price of milk shall be supported at a rate equal to $11.60 per hundredweight for milk containing 3.67 percent milkfat.

(C)(i) During the period beginning on January 1, 1987, and ending on September 30, 1987, the price of milk shall be supported at a rate equal to $11.35 per hundredweight for milk containing 3.67 percent milkfat.

(ii) Except as provided in subparagraph (D), during the period beginning on October 1, 1987, and ending on December 31, 1990, the price of milk shall be supported at a rate equal to $11.10 per hundredweight for milk containing 3.67 percent milkfat.

(D)(i) Subject to clause (ii), if for each of the calendar years 1988 and 1990, the level of purchases of milk and the products of milk under this subsection (less sales under section 1427 of this title for unrestricted use), as estimated by the Secretary on January 1 of such calendar year, will exceed 5,000,000,000 pounds (milk equivalent), on January 1 of such calendar year, the Secretary shall reduce by 50 cents the rate of price support for milk as in effect on such date.

(ii) The rate of price support for milk may not be reduced under clause (i) unless—

(I) the milk production termination program under paragraph (3) achieved a reduction in the production of milk by participants in the program of at least 12,000,000,000 pounds during the 18 months of the program; or

(II) the Secretary submits to Congress a certification, including a statement of facts in support of the certification of the Secretary, that reasonable contract offers were extended by the Secretary under such program but such offers were not accepted by a sufficient number of producers making reasonable bids for contracts to achieve such a reduction in production.

(E) If for any of the calendar years 1988, 1989, and 1990, the level of purchases of milk and the products of milk under this subsection (less sales under section 1427 of this title for unrestricted use), as estimated by the Secretary on January 1 of such calendar year, will not exceed 2,500,000,000 pounds (milk equivalent), the Secretary shall increase by 50 cents the rate of price support for milk in effect on such date.

(F) The price of milk shall be supported through the purchase of milk and the products of milk.

(2)(A) Beginning after March 31, 1986, the Secretary shall provide for a reduction to be

[1] See References in Text note below.

made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use.

(B) Except as provided in subparagraphs (E) and (F), the amount of the reduction under subparagraph (A) in the price received by producers shall be—

(i) the period beginning on April 1, 1986, and ending on December 31, 1986, 40 cents per hundredweight of milk marketed; and

(ii) during the first 9 months of 1987, 25 cents per hundredweight of milk marketed.

(C) The funds represented by the reduction in price, required under this paragraph to be applied to the marketings of milk by a producer, shall be collected and remitted to the Commodity Credit Corporation, at such time and in such manner as prescribed by the Secretary, by each person making payment to a producer for milk purchased from such producer, except that in the case of a producer who markets milk of the producer's own production directly to consumers, such funds shall be remitted directly to the Corporation by such producer.

(D) The funds remitted to the Corporation under this paragraph shall be considered as included in the payments to a producer of milk for purposes of the minimum price provisions of the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

(E)(i) In lieu of any reductions in payments made by the Secretary for the purchase of milk and the products of milk under this subsection during the period beginning March 1, 1986, and ending September 30, 1986, required under the order issued by the President on February 1, 1986, under section 252[1] of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177) [2 U.S.C. 902], the Secretary shall increase the amount of the reduction required under subparagraph (A) during the period beginning April 1, 1986, and ending September 30, 1986, as the sole means of meeting any reductions required under the order in payments made by the Secretary for the purchase of milk and the products of milk under this subsection.

(ii) The aggregate amount of any increased reduction under clause (i) shall be equal, to the extent practicable, to the aggregate amount of the reduction that would otherwise be required under the order referred to in clause (i) in payments made by the Secretary for the purchase of milk and the products of milk under this subsection during the period beginning March 1, 1986, and ending September 30, 1986, except that the amount of any increased reduction under clause (i) may not exceed 12 cents per hundredweight of milk marketed.

(F)(i) The Secretary—

(I) notwithstanding the Balanced Budget and Emergency Deficit Control Act of 1985 and any order issued by the President under section 252[1] of such Act [2 U.S.C. 902] for a fiscal year; and

(II) in lieu of making any reduction in payments for the purchase of milk or the products of milk under this subsection during such fiscal year under any such order;

shall provide for the reduction (measured in cents per hundredweight of milk marketed) under subparagraph (A) during the period beginning on October 1 and ending on September 30 of such fiscal year as the sole means of achieving any reduction in budget outlays under the milk price-support program that otherwise would be required under either such order and only for the purpose of substituting for any reduction in payments made by the Secretary for the purchase of milk or the products of milk under either such order.

(ii) The aggregate amount of any reduction under subparagraph (A) resulting from the operation of clause (i) may not exceed the aggregate amount of the reduction in budget outlays under the milk price-support program, as estimated by the Secretary, that otherwise would have been achieved under either such order by reducing payments made by the Secretary for the purchase of milk or the products of milk under this subsection during such fiscal year.

(F)[2] During calendar year 1988, the Secretary shall provide for a reduction of 2½ cents per hundredweight to be made in the price received by producers for all milk produced in the United States and marketed by producers for commercial use.

(3)(A)(i) The Secretary shall establish and carry out under this paragraph a milk production termination program for the 18-month period beginning April 1, 1986.

(ii) Under the milk production termination program required under this subparagraph, the Secretary, at the request of any producer of milk in the United States who submits to the Secretary a bid, may offer to enter into a contract with the producer for the purpose of terminating the production of milk by the producer in return for a payment to be made by the Secretary.

(iii) For the 18-month period for which the milk production termination program under this subparagraph is in effect, the Secretary shall—

(I) as soon as practicable, determine the total number of dairy cattle the Secretary estimates will be marketed for slaughter as a result of such program; and

(II) by regulation specify marketing procedures to ensure that greater numbers of dairy cattle slaughtered as a result of the production termination program provided for in this section shall be slaughtered in each of the periods of April through August 1986, and March through August 1987 than for the other months of the program. Such procedures also shall ensure that such sales of dairy cattle for slaughter shall occur on a basis estimated by the Secretary that maintains historical seasonal marketing patterns. During such 18-month period, the Secretary shall limit the total number of dairy cattle marketed for slaughter under the program in excess of the historical dairy herd

[2] So in original. Probably should be "(G)".

culling rate to no more than 7 percent of the national dairy herd per calendar year.

(iv) Each contract made under this subparagraph shall provide that—

(I) the producer shall sell for slaughter or for export all the dairy cattle in which such producer owns an interest;

(II) during a period of 3, 4, or 5 years, as specified by the Secretary in each producer contract and beginning on the day the producer completes compliance with subclause (I), the producer neither shall acquire any interest in dairy cattle or in the production of milk nor acquire, or make available to any person, any milk production capacity of a facility that becomes available because of compliance by a producer with such subclause unless the Secretary shall by regulation otherwise permit; and

(III) if the producer fails to comply with such contract, the producer shall repay to the Secretary the entire payment received under the contract, including simple interest payable at a rate prescribed by the Secretary, which shall, to the extent practicable, reflect the cost to the Corporation of its borrowings from the Treasury of the United States, commencing on the date payment is first received under such contract.

(v) Any producer of milk who seeks to enter into a contract for payments under this paragraph shall provide the Secretary with (I) evidence of such producer's marketing history; (II) the size and composition of the producer's dairy herd during the period the marketing history is determined; and (III) the size and composition of the producer's dairy herd at the time the bid is submitted, as the Secretary deems necessary and appropriate.

(vi) Except as provided in subparagraph (D), no producer who commenced marketing of milk in the 15-month period ending March 31, 1986, shall be eligible to enter into a contract for payments under this subparagraph.

(vii) A contract entered into under this paragraph by a producer who by reason of death cannot perform or assign such contract may be performed or assigned by the estate of such producer.

(B) The Secretary may establish and carry out a milk diversion or milk production termination program for any of the calendar years 1988, 1989, and 1990 as necessary to avoid the creation of burdensome excess supplies of milk or milk products.

(C) In setting the terms and conditions of any milk diversion or milk production termination under this paragraph and of each contract made under this subparagraph, the Secretary shall take into account any adverse effect of such program or contracts on beef, pork, and poultry producers in the United States and shall take all feasible steps to minimize such effect.

(D) A producer who commenced marketing milk after December 31, 1984, shall be eligible to enter into a contract for payments under this subparagraph if such producer's entire milk production facility and entire dairy herd were transferred to the producer by reason of a gift from, or the death of, a member or members of the family of the producer. The term ''member of the family of the producer'' means (i) an ancestor of the producer, (ii) the spouse of the producer, (iii) a lineal descendant of the producer, or the producer's spouse, or a parent of the producer, or (iv) the spouse of any such lineal descendant.

(E) Application for payment shall be made by producers through the county committees established under section 590h(b) of title 16.

(F) to (J) Repealed. Pub. L. 99–198, title I, § 101(b)(1), (2), Dec. 23, 1985, 99 Stat. 1363, 1365.

(K) Redesignated (E).

(L) Repealed. Pub. L. 99–198, title I, § 101(b)(2), Dec. 23, 1985, 99 Stat. 1365.

(M) A contract entered into under this paragraph by a producer who by reason of death cannot perform or assign such contract may be performed or assigned, in accordance with subparagraph (L), by the estate of such producer.

(N) If the provisions for reductions in the price received for milk marketed for commercial use as provided for in paragraph (2) are held to be invalid by any court, or the Secretary is restrained or enjoined by any court from implementing such provisions, the Secretary shall immediately suspend making any diversion payments under this paragraph for the period beginning with the date of such court action and shall resume making such payments only if such court action is overruled, stayed, or terminated.

(4) Each producer who markets milk and each person required to make payment to the Corporation under this subsection shall keep such records and make such reports, in such manner, as the Secretary determines necessary to carry out this subsection. The Secretary may make such investigations as the Secretary deems necessary for the effective administration of this subsection or to determine whether any person subject to the provisions of this subsection has engaged or is engaged or is about to engage in any act or practice that constitutes or will constitute a violation of any provision of this subsection or regulation issued under this subsection. For the purpose of such investigation, the Secretary may administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any records that are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of records. Such court may issue an order requiring such person to appear before the Secretary to produce records or to give testimony on the matter under investigation. Any failure to obey such order of the court may be punished by such court as a contempt thereof. All process in any such case

may be served in the judicial district of which such person is an inhabitant or wherever such person may be found.

(5)(A) The district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating, any provision of this subsection or any regulation issued under this subsection. Any such civil action authorized to be brought under this subsection shall be referred to the Attorney General for appropriate action. The Secretary is not required, however, to refer to the Attorney General minor violations of this subsection whenever the Secretary believes that the administration and enforcement of this subsection would be adequately served by suitable written notice or warning to any person committing such violation.

(B)(i) Each person as to whom there is a failure to make a reduction in the price of milk received by such person as required by paragraph (2) or who fails to remit to the Corporation the funds required to be collected and remitted by paragraph (2)(B) shall be liable, in addition to any amount due, to a marketing penalty at a rate equal to the support price for milk in effect at the time the failure occurs on the quantity of milk as to which the failure applies. The Secretary may reduce any such marketing penalty in such amount as the Secretary determines equitable in any case in which the Secretary determines that the failure was unintentional or without knowledge on the part of the person concerned. Each person who knowingly violates any other provision of this subsection, or any regulation issued under this subsection, shall be liable for a civil penalty of not more than $1,000 for each such violation. Any penalty provided for under this subparagraph shall be assessed by the Secretary after notice and opportunity for a hearing.

(ii) Each person who buys, from a producer with respect to whom there is in effect at the time of such sale a contract entered into under paragraph (3), one or more dairy cattle sold for slaughter or export, who knows that such cattle are sold for slaughter or export, and who fails to cause the slaughter or export of such cattle within a reasonable time after receiving such cattle shall be liable for a civil penalty of not more than $5,000 with respect to each of such cattle.

(iii) Each person who retains or acquires an interest in dairy cattle or the production of milk in violation of a contract entered into under this paragraph shall be liable, in addition to any amount due under paragraph (3)(A)(iv), to a marketing penalty on the quantity of milk produced during the period in which such ownership is prohibited under the contract. Such penalty shall be computed at the rate or rates of the support price for milk in effect during the period in which the milk production occurred.

(iv) Each person who makes a false statement in a bid submitted under paragraph (3) as to (I) the marketings of milk for commercial use by the producer, or (II) the size or composition of the dairy herd that produced such marketings, or (III) the size or composition of the dairy herd at the time the bid is submitted shall be subject, in addition to any amount due under paragraph (3)(A)(iv) or clause (iii) of this subparagraph, to a civil penalty of $5,000 for each head of cattle to which such statement applied.

(v) Each person who makes a false statement as to the number of dairy cattle that was sold for slaughter or export under a contract under paragraph (3)(A) shall be subject, in addition to any amount due under paragraph (3)(A)(iv) or clause (iii) of this subparagraph, to a civil penalty of not more than $5,000 for each head of cattle to which such statement applied.

(C) Any person against whom a penalty is assessed under subparagraph (B) may obtain review of such penalty in an appropriate district court of the United States by filing a civil action in such court not later than thirty days after such penalty is imposed. The Secretary shall promptly file in such court a certified copy of the record upon which the penalty is based. The findings of the Secretary may be set aside only if found to be unsupported by substantial evidence.

(D) The district courts of the United States shall have jurisdiction to review and enforce any penalty imposed under subparagraph (B).

(E) The remedies provided in this paragraph shall be in addition to, and not exclusive of, other remedies that may be available.

(F) In carrying out this subsection, the Secretary may, as the Secretary deems appropriate—

(i) use the services of State and county committees established under section 590h(b) of title 16; and

(ii) enter into agreements to use, on a reimbursable or nonreimbursable basis, the services of administrators of Federal milk marketing orders and State milk marketing programs.

(6) The term ''United States'' as used in paragraphs (2) and (3) of this subsection means the forty-eight contiguous States in the continental United States.

(7) The Secretary shall carry out this subsection through the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title II, § 201, 63 Stat. 1052; Aug. 28, 1954, ch. 1041, title II, §§ 203(a), 204(b), title VII, § 709, 68 Stat. 899, 912; Apr. 2, 1956, ch. 159, § 1, 70 Stat. 86; July 20, 1956, ch. 661, 70 Stat. 596; Pub. L. 85–835, title V, § 503, Aug. 28, 1958, 72 Stat. 996; Pub. L. 86–799, Sept. 16, 1960, 74 Stat. 1054; Pub. L. 91–524, title II, § 202, Nov. 30, 1970, 84 Stat. 1361; Pub. L. 93–86, § 1(3), Aug. 10, 1973, 87 Stat. 222; Pub. L. 93–225, Dec. 29, 1973, 87 Stat. 942; Pub. L. 95–113, title II, § 203, title IX, §§ 901, 902, Sept. 29, 1977, 91 Stat. 920, 949; Pub. L. 96–127, § 1, Nov. 28, 1979, 93 Stat. 981; Pub. L. 96–494, title II, § 202(c), Dec. 3, 1980, 94 Stat. 2570; Pub. L. 97–6, Mar. 31, 1981, 95 Stat. 8; Pub. L. 97–35, title I, § 150, Aug. 13, 1981, 95 Stat. 369; Pub. L. 97–98, title I, § 103, title VIII, § 801, title IX, § 901, Dec. 22, 1981, 95 Stat. 1219, 1256, 1257; Pub. L. 97–253, title I, § 101, Sept. 8, 1982, 96 Stat. 763; Pub. L. 98–180, title I, § 102(a), Nov. 29, 1983, 97 Stat. 1128; Pub. L. 99–114, § 1, Oct. 1, 1985, 99 Stat. 488; Pub.

L. 99–157, § 1, Nov. 15, 1985, 99 Stat. 818; Pub. L. 99–182, § 1, Dec. 13, 1985, 99 Stat. 1173; Pub. L. 99–198, title I, § 101(a)–(e), title VIII, § 801, title IX, § 901, title X, §§ 1008, 1041, Dec. 23, 1985, 99 Stat. 1362–1365, 1441, 1443, 1452, 1464; Pub. L. 99–260, § 10, Mar. 20, 1986, 100 Stat. 52; Pub. L. 100–45, § 15(a), May 27, 1987, 101 Stat. 325; Pub. L. 100–202, § 101(k) [title VI, § 638], Dec. 22, 1987, 101 Stat. 1329–322, 1329–357; Pub. L. 100–203, title I, § 1104(c)–(e), Dec. 22, 1987, 101 Stat. 1330–4; Pub. L. 100–387, title I, § 102(a), Aug. 11, 1988, 102 Stat. 932; Pub. L. 101–239, title I, § 1007, Dec. 19, 1989, 103 Stat. 2110; Pub. L. 101–624, title VII, § 701(1), title IX, § 901(1), title XI, § 1161(b), title XXII, § 2236(a), Nov. 28, 1990, 104 Stat. 3457, 3478, 3520, 3961; Pub. L. 102–237, title I, § 113(8), Dec. 13, 1991, 105 Stat. 1838.)

REFERENCES IN TEXT

Section 1446e of this title, referred to in subsec. (c), was repealed by Pub. L. 104–127, title I, § 141(g), Apr. 4, 1996, 110 Stat. 915.

The Agricultural Adjustment Act, as reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, referred to in subsec. (d)(2)(D), is title I of act May 12, 1933, ch. 25, 48 Stat. 31, as amended, which is classified generally to chapter 26 (§ 601 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 601 of this title and Tables.

The order issued by the President on February 1, 1986, referred to in subsec. (d)(2)(E)(i), is set out as a note under section 902 of Title 2, The Congress.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (d)(2)(E)(i), (F)(i)(I), is classified to section 902 of Title 2, The Congress, and was amended generally by Pub. L. 101–508, title XIII, § 13101(a), Nov. 5, 1990, 104 Stat. 1388–581. Provisions relating to Presidential orders are contained in section 904(f)(5) of Title 2.

The Balanced Budget and Emergency Deficit Control Act of 1985, referred to in subsec. (d)(2)(F)(i)(I), is title II of Pub. L. 99–177, Dec. 12, 1985, 99 Stat. 1038, as amended, which enacted chapter 20 (§ 900 et seq.) and sections 654 to 656 of Title 2, The Congress, amended sections 602, 622, 631 to 642, and 651 to 653 of Title 2, sections 1104 to 1106, and 1109 of Title 31, Money and Finance, and section 911 of Title 42, The Public Health and Welfare, repealed section 661 of Title 2, enacted provisions set out as notes under section 900 of Title 2 and section 911 of Title 42, and amended provisions set out as a note under section 621 of Title 2. For complete classification of this Act to the Code, see Short Title note set out under section 900 of Title 2 and Tables.

AMENDMENTS

1991—Subsecs. (b), (c). Pub. L. 102–237 redesignated subsec. (b), relating to price supports for milk, as (c).

1990—Subsec. (a). Pub. L. 101–624, §§ 701(1), 901(1), 1161(b)(1), designated opening paragraph as subsec. (a) and substituted ''oilseeds (including soybeans, sunflower seed, canola, rapeseed, safflower, flaxseed, mustard seed, and such other oilseeds as the Secretary may determine),'' for ''tung nuts,'', ''honey, milk, sugar beets, and sugarcane'' for ''honey, and milk'', and ''in accordance with this subchapter.'' for ''as follows:''.

Subsecs. (b), (c). Pub. L. 101–624, § 1161(b)(2), (3), redesignated subsec. (c) as (b) and substituted reference to section 1446e of this title for reference to subsection (d) of this section.

Subsec. (k)(2). Pub. L. 101–624, § 2236(a), temporarily designated existing text as subpar. (A) and added subpar. (B). See Effective and Termination Dates of 1990 Amendment note below.

1989—Subsec. (d)(1)(C)(ii), (iii). Pub. L. 101–239, § 1007(1), temporarily inserted in cl. (ii) ''clause (iii) and'' after ''Except as provided in'' and added cl. (iii). See Effective and Termination Dates of 1989 Amendment note below.

Subsec. (d)(1)(D)(i). Pub. L. 101–239, § 1007(2), temporarily substituted ''calendar year 1990'' for ''each of the calendar years 1988 and 1990'' and ''may reduce by not more than'' for ''shall reduce by''. See Effective and Termination Dates of 1989 Amendment note below.

1988—Subsec. (d)(1)(D). Pub. L. 100–387 substituted ''if for each of the calendar years 1988 and 1990'' for ''if for any of the calendar years 1988, 1989, and 1990''.

1987—Pub. L. 100–45, § 15(a)(1), temporarily inserted ''sunflower seeds,'' after ''soybeans,'' in first sentence. See Effective and Termination Dates of 1987 Amendments note below.

Subsec. (b)(1)(D). Pub. L. 100–203, § 1104(c), temporarily added subpar. (D). See Effective and Termination Dates of 1987 Amendments note below.

Subsec. (d)(2)(A). Pub. L. 100–202, § 101(k) [title VI, § 638(1)], substituted ''Beginning after March 31, 1986,'' for ''During the period beginning on April 1, 1986, and ending on September 30, 1987,''.

Subsec. (d)(2)(B). Pub. L. 100–202, § 101(k) [title VI, § 638(2)], substituted ''subparagraphs (E) and (F)'' for ''subparagraph (E)''.

Subsec. (d)(2)(C). Pub. L. 100–203, § 1104(d)(1), substituted ''this paragraph'' for ''subparagraph (A)''.

Subsec. (d)(2)(F). Pub. L. 100–203, § 1104(d)(2), added subpar. (F) directing Secretary to provide for reduction of 2½ cents per hundredweight in price received by producers during calendar year 1988.

Pub. L. 100–202, § 101(k) [title VI, § 638(3)], added subpar. (F) directing Secretary to provide for reduction under subpar. (A) as the sole means of achieving any reduction in budget outlays in milk price-support system under Presidential budget-cutting orders.

Subsec. (j)(7). Pub. L. 100–203, § 1104(e), added par. (7).

Subsec. (*l*). Pub. L. 100–45, § 15(a)(2), temporarily added subsec. (*l*). See Effective and Termination Dates of 1987 Amendments note below.

1986—Subsec. (d)(2)(B). Pub. L. 99–260, § 10(1), substituted ''Except as provided in subparagraph (E), the'' for ''The''.

Subsec. (d)(2)(E). Pub. L. 99–260, § 10(2), added subpar. (E).

1985—Pub. L. 99–198, §§ 801(1), 901(1), in provisions preceding subsec. (a), temporarily reenacted without change the amendments made in 1977 by sections 901(1) and 902(1) of Pub. L. 95–113 and in 1981 by sections 801(1) and 901(1) of Pub. L. 97–98, which inserted references to soybeans, sugar beets, and sugar cane. See Effective and Termination Dates of Amendments notes for 1985, 1981, and 1977, respectively, set out below.

Subsec. (b). Pub. L. 99–198, § 1041, amended subsec. (b) generally, temporarily substituting provisions for loans, purchases and other price supports for the 1986 through 1990 crops of honey, and repayment of loans under this subsection, as well as penalties for pledging adulterated or imported honey as collateral to secure such loans, for provisions for support of the price of honey through loans, purchases or other operations, without any crop year restrictions, at a level not in excess of 90 per centum nor less than 60 per centum of the parity price thereof, and struck out provisions for price support for tung nuts through the 1976 crop year. See Effective and Termination Dates of 1985 Amendments note below.

Subsec. (c). Pub. L. 99–198, § 101(d), substituted ''Except as provided in subsection (d) of this section, the price'' for ''The price''.

Subsec. (d)(1). Pub. L. 99–198, § 101(a), in amending par. (1) generally, substituted provisions adjusting milk price support levels for calendar years 1986 through 1990 by gradually reducing the price support from $11.60 per hundredweight to $11.10 per hundredweight, providing for adjustments of 50 cents per hundredweight in the support level for calendar years 1988 through 1990 depending on projected sales levels for provisions setting price support levels for calendar years 1983 through 1985 by gradually reducing the price support from $13.10 per hundredweight to $12.60 per hun-

dredweight, and providing for adjustments of 50 cents per hundredweight in the support level for twelve month periods beginning on April 1, 1985 and/or July 1, 1985, depending on projected sales levels.

Subsec. (d)(1)(B). Pub. L. 99–182 substituted ''December 31, 1985'' for ''December 13, 1985''.

Pub. L. 99–157 substituted ''December 13, 1985'' for ''November 15, 1985''.

Pub. L. 99–114 substituted ''November 15, 1985'' for ''September 30, 1985''.

Subsec. (d)(2). Pub. L. 99–198, § 101(a), in amending par. (2) generally, substituted provisions for a reduction in the price received by producers for all milk produced in the United States and marketed for commercial use in an amount of 40 cents per hundredweight for the period between Apr. 1, 1986, and Dec. 31, 1986, and 25 cents per hundredweight during the first 9 months of 1987 for provisions for a reduction of 50 cents per hundredweight in such price effective for the period beginning with the first day of the first calendar month following Nov. 29, 1983, and ending on Mar. 31, 1985, and struck out provisions relating to the continued applicability of pars. (2) to (7) of this subsection between Nov. 29, 1983, and the last day of November, 1983, and the inapplicability of sections 4501 to 4513 of this title to prior deductions or collections under this subsection, and provisions that to the extent that funds collected under this paragraph were inadequate to make payments to producers under par. (3), such payments had to be made using otherwise available funds.

Subsec. (d)(3)(A). Pub. L. 99–198, § 101(b)(1), in amending subpar. (A) generally, substituted provisions for a milk production termination program for the 18-month period beginning Apr. 1, 1986, for provisions for a milk diversion program under which Secretary had to offer to enter into a contract, at any time up to Feb. 1, 1984, with any producer of milk in the United States to reduce the quantity of commercially marketed milk during the 15-month period beginning Jan. 1, 1984.

Subsec. (d)(3)(B). Pub. L. 99–198, § 101(b)(1), in amending subpar. (B) generally, substituted provisions authorizing Secretary to establish and carry out a milk diversion or milk production termination program for any of the calendar years 1988, 1989 and 1990 for provisions which had enumerated the requirements for contracts between Secretary and any domestic producer of milk to reduce the quantity of commercially marketed milk during the 15-month period beginning Jan. 1, 1984.

Subsec. (d)(3)(C). Pub. L. 99–198, § 101(b)(1), in amending subpar. (C) generally, substituted provisions requiring Secretary to take into account any adverse effect of any milk diversion or milk production program or contracts on beef, pork and poultry producers in the United States and to take all feasible steps to minimize such effect for provisions requiring Secretary to pay to producers complying with such contracts an amount equal to the product of $10 per hundredweight and the amount, measured in hundredweights, by which the quantity of milk marketed by such producer for commercial use during the period specified in such contract was less than the quantity of milk marketed by such producer for commercial use during the marketing history period.

Subsec. (d)(3)(D). Pub. L. 99–198, § 101(b)(1), in amending subpar. (D) generally, substituted provisions establishing eligibility of producers who have acquired their entire milk production facility and dairy herd by gift or inheritance from family member or members for provisions prohibiting payments to producers with respect to whom any reduction in the quantity of milk did not meet specified percentage guidelines.

Subsec. (d)(3)(E). Pub. L. 99–198, § 101(b)(1), (3), struck out subpar. (E) which specified conditions under which Secretary could modify contracts entered into under this paragraph, and redesignated subpar. (K) as (E).

Subsec. (d)(3)(F). Pub. L. 99–198, § 101(b)(1), struck out subpar. (F) which required domestic producers of milk seeking to enter into contracts for diversion payments to provide Secretary with evidence of such producer's marketing history, as defined by this subparagraph, which Secretary could adjust to take into account natural disasters or other conditions and factors where necessary.

Subsec. (d)(3)(G). Pub. L. 99–198, § 101(b)(1), struck out subpar. (G) which provided that no marketing history could be assigned to any producer who commenced marketing milk after Dec. 31, 1982, except as provided in subpar. (H).

Subsec. (d)(3)(H). Pub. L. 99–198, § 101(b)(2), struck out subpar. (H) which provided that a producer's marketing history could not be transferred to another person unless the producer's entire milk production facility and dairy herd were transferred by reason of the death of the producer, a gift by the producer, or to a member or members of the family of the producer.

Subsec. (d)(3)(I). Pub. L. 99–198, § 101(b)(2), struck out subpar. (I) which provided that eligibility for diversion payments would be determined on the basis of the marketing history provided for under subpar. (F).

Subsec. (d)(3)(J). Pub. L. 99–198, § 101(b)(2), struck out subpar. (J) which provided for quarterly diversion payments to eligible producers who were able to demonstrate compliance with terms of contract with Secretary for reduction in commercial marketing of milk.

Subsec. (d)(3)(K). Pub. L. 99–198, § 101(b)(3), redesignated subpar. (K) as (E).

Subsec. (d)(3)(L). Pub. L. 99–198, § 101(b)(2), struck out subpar. (L) which provided conditions under which a producer could assign a contract entered into under this paragraph.

Subsec. (d)(3)(O). Pub. L. 99–198, § 101(b)(2), struck out subpar. (O) which authorized Secretary to adjust the producer's diversion payments to reflect the composition of milk marketed during the marketing history period, in the event of substantial deviation in the composition of milk marketed after that period.

Subsec. (d)(5)(B)(i). Pub. L. 99–198, § 101(c), designated existing provisions as cl. (i), struck out ''(i)'' after ''Each person'', substituted ''or who fails to remit'' for '', (ii) who fails to remit'', struck out '', or (iii) who fails to make the reduction in marketings required by a contract under paragraph (3)'' before ''shall be liable'', and added cls. (ii) to (v).

Subsec. (d)(7). Pub. L. 99–198, § 101(e), added par. (7).

Subsecs. (i) to (k). Pub. L. 99–198, §§ 801(2), 901(2), 1008, temporarily added subsecs. (i) to (k). See Effective and Termination Dates of 1985 Amendment note below.

1983—Subsec. (d). Pub. L. 98–180 amended subsec. (d) generally, substituting provision designed to adjust milk production to levels consistent with the national demand for milk and milk products by reducing the price support to $12.60 per hundredweight, with provision for further increase or decrease depending on volume, providing a 50 cents reduction per hundredweight in the price on all milk produced in the United States and marketed by producers for commercial use, and establishing a milk diversion program to reduce milk production for provision which kept the price support at $13.10 per hundredweight and authorized Secretary to collect $1.00 from farmers for every hundredweight of production sold, with the first 50 cents, payable beginning Oct. 1, 1982, to be nonrefundable, and the second 50 cents, payable beginning Apr. 1, 1983, refundable if the farmer could demonstrate reduced commercial marketings from such marketings during a defined base period.

1982—Subsec. (c). Pub. L. 97–253, § 101(1), struck out provision specifying milk price supports for the period beginning Dec. 22, 1981, and ending Sept. 30, 1982, and for fiscal years ending Sept. 30, 1983, 1984, and 1985, with authority for Secretary to set milk price supports if he estimated that for such a fiscal year the net cost of Government price support purchases would be less than $1,000,000,000 for that fiscal year or if he estimated that the net Government price support purchases would be less than a specified poundage per fiscal year.

Subsec. (d). Pub. L. 97–253, § 101(2), added subsec. (d).

1981—Pub. L. 97–98, §§ 801(1), 901(1), temporarily inserted reference in provision preceding subsec. (a) to soybeans, sugar beets, and sugarcane. See Effective and Termination Dates of 1981 Amendment note below.

Subsec. (c). Pub. L. 97–98, § 103(1), substituted provision specifying milk price supports for the period beginning Dec. 22, 1981, and ending Sept. 30, 1982, and for fiscal years ending Sept. 30, 1983, 1984, and 1985, with authority for Secretary to set milk price supports if he estimates that for such a fiscal year the net cost of Government price support purchases will be less than $1,000,000,000 for that fiscal year or if he estimates that the net Government price support purchases will be less than a specified poundage per fiscal year for provision specifying the procedure and setting a schedule to be used to determine milk price supports for the period beginning Oct. 1, 1981, and ending Sept. 30, 1985.

Pub. L. 97–35, § 150(1), substituted provisions setting forth price support levels for the period beginning Oct. 1, 1981, and ending Sept. 30, 1985, for provisions setting forth price support levels for the period beginning Oct. 1, 1977, and ending Sept. 30, 1981.

Subsec. (d). Pub. L. 97–98, § 103(2), struck out subsec. (d) which provided that, effective for the period beginning Oct. 1, 1982, and ending Sept. 30, 1985, the support price of milk be adjusted by the Secretary at the beginning of each semiannual period to reflect the estimated change in the parity index during such semiannual period.

Pub. L. 97–35, § 150(2), added subsec. (d).

Pub. L. 97–6 struck out subsec. (d) which required that, for the period Oct. 1, 1977, to Sept. 30, 1981, the support price of milk be adjusted semiannually.

Subsecs. (g), (h). Pub. L. 97–98, §§ 801(2), 901(2), temporarily added subsecs. (g) and (h). See Effective and Termination Dates of 1981 Amendments note below.

1980—Subsec. (e). Pub. L. 96–494 inserted proviso that 1981 crop of soybeans shall be supported through loans and purchases at not less than $5.02 per bushel.

1979—Subsec. (c). Pub. L. 96–127, § 1(a), substituted Sept. 30, 1981, for Mar. 31, 1979.

Subsec. (d). Pub. L. 96–127, § 1(b), substituted Sept. 30, 1981, for Mar. 31, 1981.

1977—Pub. L. 95–113, §§ 901(1), 902(1), temporarily inserted references to soybeans, sugar beets, and sugar cane in provisions preceding subsec. (a). See Effective and Termination Dates of 1977 Amendment note below.

Subsec. (c). Pub. L. 95–113, § 203(1), substituted the period Oct. 1, 1977, through Mar. 31, 1979, for the period Aug. 10, 1973, through Mar. 31, 1975, as the period during which the price of milk shall be supported at not less than 80 per centum of parity.

Subsec. (d). Pub. L. 95–113, § 203(2), added subsec. (d).

Subsecs. (e), (f). Pub. L. 95–113, §§ 901(2), 902(2), temporarily added subsecs. (e) and (f). See Effective and Termination Dates of 1977 Amendment note below.

1973—Subsec. (b). Pub. L. 93–225 limited tung nuts price support level provisions to tung nuts through the 1976 crop year. Prior provisions were applicable to tung nuts without any crop year restriction.

Subsec. (c). Pub. L. 93–86 inserted ''of pure and wholesome milk to meet current needs, reflect changes in the cost of production, and assure a level of farm income adequate to maintain productive capacity sufficient to meet anticipated future needs'' after ''necessary in order to assure an adequate supply'' and inserted provision that for the period August 10, 1973, through March 31, 1975, the price of milk shall be supported at not less than 80 per centum of the parity price therefor.

1970—Pub. L. 91–524 substituted ''and milk'' for ''milk, butterfat, and products of milk and butterfat'' in provisions preceding subsec. (a) and struck out provisions for butterfat price supports in subsec. (c).

1960—Subsec. (c). Pub. L. 86–799 inserted ''Notwithstanding the foregoing provisions, for the period beginning with September 16, 1960, and ending March 31, 1961, the price of milk for manufacturing purposes and the price of butterfat shall be supported at not less than $3.22 per hundredweight and 59.6 cents per pound, respectively.''

1958—Subsec. (b). Pub. L. 85–835 required minimum support level of tung oil to be 65 per centum of parity whenever domestic production is less than anticipated domestic demand.

1956—Subsec. (c). Act July 20, 1956, struck out ''as are'' before ''devoted,'' and substituted ''children'' for ''underprivileged children on a public welfare or charitable basis''.

Act Apr. 2, 1956 increased amount authorized for fiscal year 1956 from $50,000,000 to $60,000,000, to authorize $75,000,000 for each of fiscal years 1957 and 1958, and permitted certain institutions devoted to care and training of underprivileged children on a public welfare or charitable basis to share in the program.

1954—Act Aug. 28, 1954, §§ 203(a), 709, removed Irish potatoes and wool (including mohair) from price support list in provisions preceding subsec. (a).

Subsec. (a). Act Aug. 28, 1954, § 709, struck out subsec. (a) relating to support of wool and mohair.

Subsec. (b). Act Aug. 28, 1954, § 203(a), struck out reference to Irish potatoes.

Subsec. (c). Act Aug. 28, 1954, § 204(b), provided for disposal of surplus dairy stocks owned by CCC.

EFFECTIVE AND TERMINATION DATES OF 1990 AMENDMENT

Amendment by sections 701(1), 901(1), and 1161(b) of Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

Section 2236(a) of Pub. L. 101–624 provided that the amendment by that section is effective only for 1990 crop of sugarcane.

EFFECTIVE AND TERMINATION DATES OF 1989 AMENDMENT

Section 1007 of Pub. L. 101–239 provided that the amendment made by that section is effective only for calendar year 1990.

EFFECTIVE AND TERMINATION DATES OF 1987 AMENDMENTS

Section 1104(c) of Pub. L. 100–203 provided that the amendment made by that section is effective only for 1987 through 1990 crops of honey.

Section 15(a) of Pub. L. 100–45 provided that the amendment made by that section is effective for 1987 through 1990 crops of sunflowers.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 10 of Pub. L. 99–260 provided that the amendment made by that section is effective Mar. 1, 1986.

EFFECTIVE AND TERMINATION DATES OF 1985 AMENDMENT

Section 101(f) of Pub. L. 99–198 provided that: ''The provisions of this section [amending this section] shall become effective January 1, 1986.''

Section 801 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1986 through 1990 crops of soybeans.

Section 901 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1986 through 1990 crops of sugar beets and sugarcane.

Section 1008 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1985 through 1990 crops of peanuts, soybeans, sugar beets, and sugarcane.

Section 1041 of Pub. L. 99–198 provided that the amendment made by that section is effective only for 1986 through 1990 crops of honey.

EFFECTIVE DATE OF 1982 AMENDMENT

Section 101(1) of Pub. L. 97–253 provided that the amendment made by that section is effective Oct. 1, 1982.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENTS

Section 801 of Pub. L. 97–98 provided that the amendment made by that section is effective only for 1982 through 1985 crop of soybeans.

Section 901 of Pub. L. 97–98 provided that the amendment made by that section is effective only for 1982 through 1985 crop of sugar beets and sugarcane.

Amendment by section 103 of Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

Section 150 of Pub. L. 97–35 provided that the amendment made by that section is effective Oct. 1, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–494 effective Dec. 3, 1980, see section 213 of Pub. L. 96–494, set out as an Effective Date note under section 4001 of this title.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Section 901 of Pub. L. 95–113 provided that the amendment made by that section is effective only with respect to 1978 through 1981 crops of soybeans.

Section 902 of Pub. L. 95–113 provided that the amendment made by that section is effective only with respect to 1977 and 1978 crops of sugar beets and sugar cane.

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, except as otherwise specifically provided, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

EFFECTIVE DATE OF 1973 AMENDMENT

Section 1(3)(B) of Pub. L. 93–86 provided that the amendment made by that section is effective Apr. 1, 1974.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Section 202 of Pub. L. 91–524 provided that the amendment made by that section is effective only with respect to the period beginning Apr. 1, 1971, and ending Mar. 31, 1974. Pub. L. 93–86, § 1(3)(A), Aug. 10, 1973, 87 Stat. 222, amended section 202 of Pub. L. 91–524 by striking out provision making amendments by section 202 effective for the period Apr. 1, 1971, to Mar. 31, 1974.

EFFECTIVE DATE OF 1954 AMENDMENT

Section 709 of act Aug. 28, 1954, which provided that the amendment of this section by act Aug. 28, 1954, was effective Apr. 1, 1955, was repealed by Pub. L. 103–130, § 3(a), Nov. 1, 1993, 107 Stat. 1369, eff. Dec. 31, 1995.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(8) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(H) of this title.

APPLICATION OF 1990 AMENDMENTS

Section 107 of title I of Pub. L. 101–624 provided that: ''The amendments made by this title [enacting section 1446e of this title, amending sections 450*l*, 608c, and 1446a of this title and section 713a–14 of Title 15, Commerce and Trade, and amending provisions set out as notes under sections 608c and 1731 of this title] shall not affect any liability of any person under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) as in effect before the date of the enactment of this Act [Nov. 28, 1990].''

MODIFICATION OF MILK PRODUCTION TERMINATION PROGRAM

Section 128 of Pub. L. 102–237 provided that if, with respect to any natural disaster occurring during period beginning on Oct. 1, 1990, and ending on Feb. 1, 1991, the Secretary of Agriculture determines that natural disaster renders unusable land or milk production facilities of producers on a farm, the Secretary shall allow the producers to transfer the production unit (including dairy animals and equipment) to farm idled under milk production termination program established under subsec. (d)(3) of this section, without penalty, if the producers on the farm agree to comply with all terms and conditions of program contract for remainder of contract period.

TRIGGERED MARKETING LOANS AND EXPORT ENHANCEMENT

Pub. L. 100–418, title IV, § 4301, Aug. 23, 1988, 102 Stat. 1395, directed President, if, before Jan. 1, 1990, law had not been enacted in accordance with 19 U.S.C. 2191 implementing agreement negotiated under Uruguay round of multilateral trade negotiations conducted under General Agreement on Tariffs and Trade concerning agricultural trade, to submit, not later than 45 days after such date, report to Congress describing status of GATT negotiations concerning agricultural trade, and to certify to Congress whether significant progress had been made in negotiations, and provided authority for a marketing loan program if President did not so certify, and authority for an export enhancement program, if President waived or discontinued marketing loan program, prior to repeal by Pub. L. 104–127, title II, § 263(b), (c), Apr. 4, 1996, 110 Stat. 974, effective beginning with 1996 crops of wheat, feed grains, upland cotton, and rice.

PRICE SUPPORT PROGRAMS FOR SUNFLOWER SEEDS AND COTTONSEED

Pub. L. 100–418, title IV, § 4302, Aug. 23, 1988, 102 Stat. 1397, directed Secretary to support price of 1990 crop of sunflower seeds and cottonseed if producers were permitted to repay loans for 1990 crop of soybeans under subsec. (i) of this section at level that was less than full amount of loan pursuant to section 4301 of Pub. L. 100–418 (formerly set out as a note above), and provided that, if marketing loan program for 1990 crop of soybeans was discontinued under section 4301(b)(3) of Pub. L. 100–418, Secretary was to discontinue such price support programs for sunflower seeds and cottonseed.

TEMPORARY INCREASE IN PRICE SUPPORT FOR MILK; IMPLEMENTATION

Pub. L. 101–7, § 1, Mar. 29, 1989, 103 Stat. 9, provided for allocation of price support increases and decreases between non-fat dry milk and butter with respect to purchases of butter and non-fat dry milk made under subsec. (d) of this section, in carrying out temporary $0.50 per hundredweight increase in rate of price support for milk provided for in section 102(b) of Pub. L. 100–387 (formerly set out below) and in implementing $0.50 per hundredweight decrease in rate of price support for milk scheduled to occur on July 1, 1989, as provided in such section 102(b).

Section 102(b) of Pub. L. 100–387 provided that notwithstanding subsec. (d)(1) of this section, the rate of price support for milk in effect under such subsection immediately before Apr. 1, 1989, shall be increased by 50 cents throughout the period beginning on Apr. 1, 1989, and ending on June 30, 1989.

REPORT TO COMMITTEES OF CONGRESS

Section 301(a)(2) of Pub. L. 100–387, directed Secretary of Agriculture, not earlier than Feb. 1, 1989, and not later than Mar. 1, 1989, with respect to 1989 crop of soybeans, and not later than Sept. 1, 1989, with respect to 1990 crop of soybeans, to submit to Congress statement setting forth reasons for implementing or not implementing soybean marketing loan program authorized under subsec. (i)(3) of this section.

SENSE OF CONGRESS

Section 15(b) of Pub. L. 100–45 stated sense of Congress that, if producers were permitted to repay loans for a crop of soybeans under subsec. (i) of this section at a level that is less than the full amount of the loan,

the Secretary should make loans and purchases available for such crop of sunflowers in accordance with subsec. (*l*)(1) of this section and permit producers to repay such loans in accordance with subsec. (*l*)(2) of this section.

APPLICATION OF SUPPORT PRICE FOR MILK

Section 103 of Pub. L. 99–198 provided that for purposes of supporting price of milk under subsec. (d) of this section, the Secretary of Agriculture was not to take into consideration any market value of whey.

AVOIDANCE OF ADVERSE EFFECT OF MILK PRODUCTION TERMINATION PROGRAM ON BEEF, PORK, AND LAMB PRODUCERS

Section 104 of Pub. L. 99–198, directed Secretary of Agriculture, in order to minimize adverse effect of milk production termination program on beef, pork, and lamb producers during 18-month period for which such program was in effect under subsec. (d) of this section, to use funds available under specific programs of Department of Agriculture to purchase and distribute quantities of red meat in addition to those quantities normally purchased and distributed by Secretary, directed Secretary of Defense and other Federal agencies to use increased quantities of red meat to meet food needs of programs they administered, encouraged State agencies to cooperate in such effort, and directed Secretary of Agriculture to encourage consumption of red meat by the public.

CIRCUMVENTION OF HISTORICAL DISTRIBUTION OF MILK

Section 107 of Pub. L. 99–198 directed Secretary of Agriculture to monitor Commodity Credit Corporation purchases of milk products during 1986 and 1987 and report to Congress, on a quarterly basis, on disruptions of, or attempts by handlers or cooperative marketing associations to circumvent, historical distribution of milk among processors during the milk production termination program.

APPLICATION OF 1985 AMENDMENTS

Section 108 of subtitle A (§§ 101–108) of title I of Pub. L. 99–198 provided that: ''The amendments made by this subtitle [enacting section 1446c–2 of this title, amending this section, and enacting provisions set out as notes above] shall not affect any liability of any person under section 201 of the Agricultural Act of 1949 (7 U.S.C. 1446) as in effect before the date of the enactment of this Act [Dec. 23, 1985].''

NATIONAL COMMISSION ON DAIRY POLICY

Subtitle D (§§ 141–146) of title I of Pub. L. 99–198, as amended by Pub. L. 100–28, § 1, Apr. 24, 1987, 101 Stat. 291, established a National Commission on Dairy Policy to study and make recommendations concerning future operation of the Federal program established to support price of milk marketed by producers in the United States, directed Commission to submit to Secretary of Agriculture and Congress, not later than Mar. 31, 1988, a report containing results of its study and its recommendations, and provided for termination of Commission 30 days after submitting its report.

APPLICABILITY OF SUBSECTION (d)(2), (3) TO 48 CONTIGUOUS STATES, DECEMBER 1983, THROUGH MAY 1984

Pub. L. 98–213, § 14, Dec. 8, 1983, 97 Stat. 1462, provided that effective with respect to milk marketed for commercial use during period beginning on Dec. 1, 1983 and ending on May 31, 1984, subsec. (d)(2) and (3) of this section was to apply only to milk produced in the forty-eight contiguous States.

IMPLEMENTATION OF SUBSECTION (d) WITHOUT REGARD TO PUBLIC PARTICIPATION IN RULEMAKING

Section 102 of Pub. L. 99–198 provided that 5 U.S.C. 553 was not to apply with respect to implementation of subsec. (d) of this section by the Secretary of Agriculture.

Section 102(b) of Pub. L. 98–180 directed Secretary of Agriculture to implement provisions of subsec. (d) of this section, as amended by section 102(a) of Pub. L. 98–180, without regard to the provisions requiring notice and other procedures for public participation in rulemaking contained in 5 U.S.C. 553.

AVOIDANCE OF ADVERSE IMPACT OF DAIRY DIVERSION PROGRAM ON BEEF AND PORK PRODUCERS

Section 103 of Pub. L. 98–180 provided that in order to minimize adverse impact of the dairy diversion program on beef and pork producers, Secretary of Agriculture was to use funds available for purposes of 7 U.S.C. 612c(2) and other funds available under commodity distribution and other nutrition programs of Department of Agriculture to increase use of beef and pork for such purposes, Secretary of Defense and other Federal and State agencies were encouraged to use increased quantities of beef and pork to meet food needs of programs which they administered, and Secretary of Agriculture was to take appropriate action to encourage consumption of beef and pork by members of public.

PRICE SUPPORT OF MILK FOR PERIOD BEGINNING OCTOBER 1, 1981, AND ENDING NO LATER THAN DECEMBER 31, 1981

Pub. L. 97–67, § 1, Oct. 20, 1981, 95 Stat. 1039, as amended by Pub. L. 97–77, § 2(a), Nov. 13, 1981, 95 Stat. 1069, provided that notwithstanding provisions of subsec. (c) of this section, the price of milk was to be supported at the level of $13.10 per hundredweight for milk containing 3.67 per centum butterfat for the period beginning Oct. 1, 1981, and ending Dec. 22, 1981.

CONTINUATION OF SPECIAL MILK PROGRAM FOR CHILDREN

Pub. L. 85–478, July 1, 1958, 72 Stat. 276, as amended by Pub. L. 86–10, Apr. 3, 1959, 73 Stat. 15; Pub. L. 86–163, Aug. 18, 1959, 73 Stat. 363; Pub. L. 86–446, §§ 1, 2, Apr. 29, 1960, 74 Stat. 84; Pub. L. 87–67, June 30, 1961, 75 Stat. 147; Pub. L. 87–128, title IV, § 402, Aug. 8, 1961, 75 Stat. 319, authorized, for the fiscal years 1960–1962, the use of the funds of the Commodity Credit Corporation to increase the consumption of fluid milk by children (1) in nonprofit schools of high-school grade and under; and (2) in nonprofit nursery schools, child-care centers, settlement houses, summer camps, and similar nonprofit institutions devoted to the care and training of children. Appropriations were further authorized for fiscal years 1963–1967 for the same purposes.

STUDY OF PRODUCTION CONTROL AND PRICE SUPPORTS; REPORT OF CONGRESS

Section 204(f) of act Aug. 28, 1954, directed Secretary of Agriculture to make a study of various methods of production control and of various methods of price support which could be made applicable to milk and butterfat and their products, including programs to be operated and financed by dairymen; and to submit to Congress on or before the 3d day of January 1955 a detailed report thereof showing among other things the probable costs and effects of each type of operation studied and the legislation, if any, needed to put it into effect.

§ 1446a. Dairy products; availability through Commodity Credit Corporation

As a means of increasing the utilization of dairy products (including for purposes of this section, milk) upon the certification by the Secretary of Veterans Affairs or by the Secretary of the Army, acting for the military departments under the Department of Defense's Single Service Purchase Assignment for Subsistence, or their duly authorized representatives that the usual quantities of dairy products have been purchased in the normal channels of trade—

(a) Secretary of Veterans Affairs; needs; report to Congress

The Commodity Credit Corporation until December 31, 1995, shall make available to the Secretary of Veterans Affairs at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Secretary of Veterans Affairs certifies that he requires in order to provide butter and cheese and other dairy products as a part of the ration in hospitals under his jurisdiction. The Secretary of Veterans Affairs shall report every six months to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

(b) Secretary of the Army; needs; report to Congress

The Commodity Credit Corporation until December 31, 1995, shall make available to the Secretary of the Army, at warehouses where dairy products are stored, such dairy products acquired under price-support programs as the Secretary of the Army or his duly authorized representative certifies can be utilized in order to provide additional butter and cheese and other dairy products as a part of the ration (1) of the Army, Navy, Air Force, or Coast Guard, (2) in hospitals under the jurisdiction of the Department of Defense, and (3) of cadets and midshipmen at, and other personnel assigned to, the United States Merchant Marine Academy. The Secretary of the Army shall report every six months to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives and the Secretary of Agriculture the amount of dairy products used under this subsection.

(c) Costs

Dairy products made available under this section shall be made available without charge, except that the Secretary of the Army or the Secretary of Veterans Affairs shall pay the Commodity Credit Corporation the costs of packaging incurred in making such products so available.

(d) Dairy products available

The obligation of the Commodity Credit Corporation to make dairy products available pursuant to the above shall be limited to dairy products acquired by the Corporation through price-support operations and not disposed of under provisions (1) and (2) of section 1431[1] of this title.

(Oct. 31, 1949, ch. 792, title II, §202, as added Aug. 28, 1954, ch. 1041, title II, §204(d), 68 Stat. 900; amended Apr. 2, 1956, ch. 159, §3, 70 Stat. 87; Pub. L. 85–835, title V, §504, Aug. 28, 1958, 72 Stat. 996; Pub. L. 87–128, title IV, §403, Aug. 8, 1961, 75 Stat. 319; Pub. L. 87–495, June 25, 1962, 76 Stat. 109; Pub. L. 88–529, Aug. 31, 1964, 78 Stat. 736; Pub. L. 90–140, Nov. 16, 1967, 81 Stat. 464; Pub. L. 91–524, title II, §203, Nov. 30, 1970, 84 Stat. 1361; Pub. L. 93–86, §1(4), Aug. 10, 1973, 87 Stat. 223; Pub. L. 95–113, title II, §204, Sept. 29, 1977, 91 Stat. 920; Pub. L. 97–98, title I, §104, Dec. 22, 1981, 95 Stat. 1220; Pub. L. 99–198, title I, §151, Dec. 23, 1985, 99 Stat. 1377; Pub. L. 101–624, title I, §109, Nov. 28, 1990, 104 Stat. 3380; Pub. L. 102–54, §13(c), June 13, 1991, 105 Stat. 274; Pub. L. 102–237, title I, §113(9), Dec. 13, 1991, 105 Stat. 1838; Pub. L. 103–437, §4(b), Nov. 2, 1994, 108 Stat. 4582.)

[1] See References in Text note below.

REFERENCES IN TEXT

Provisions (1) and (2) of section 1431 of this title, referred to in subsec. (d), were redesignated as subsec. (a)(1) and (2) of section 1431 of this title by Pub. L. 98–258, title V, §502(1), Apr. 10, 1984, 98 Stat. 137.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–437, §4(b)(1), substituted ''Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House'' for ''Committees on Agriculture of the Senate and House''.

Subsec. (b). Pub. L. 103–437, §4(b)(2), substituted ''Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House'' for ''Committees on Agriculture of the Senate and the House''.

1991—Pub. L. 102–54 and Pub. L. 102–237, §113(9)(A), amended introductory provisions identically, substituting ''Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs''.

Subsec. (a). Pub. L. 102–237, §113(9)(B), substituted ''Secretary of Veterans Affairs'' for ''Administrator'' before ''certifies'' and ''shall report''.

Pub. L. 102–54 and Pub. L. 102–237, §113(9)(A), amended subsec. (a) identically, substituting ''Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs'' before ''at warehouses''.

Subsec. (c). Pub. L. 102–54 and Pub. L. 102–237, §113(9)(A), amended subsec. (c) identically, substituting ''Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs''.

1990—Subsecs. (a), (b). Pub. L. 101–624 substituted ''1995'' for ''1990''.

1985—Subsecs. (a), (b). Pub. L. 99–198 substituted ''1990'' for ''1985''.

1981—Subsecs. (a), (b). Pub. L. 97–98 substituted ''1985'' for ''1981''.

1977—Subsecs. (a), (b). Pub. L. 95–113 substituted ''1981'' for ''1977''.

1973—Subsecs. (a), (b). Pub. L. 93–86 substituted ''1977'' for ''1973''.

1970—Subsecs. (a), (b). Pub. L. 91–524 substituted ''1973'' for ''1970''.

1967—Subsecs. (a), (b). Pub. L. 90–140 substituted ''1970'' for ''1967''.

1964—Subsecs. (a), (b). Pub. L. 88–529 substituted ''1967'' for ''1964''.

1962—Subsec. (a). Pub. L. 87–495 changed requirement of a monthly report to one every six months.

1961—Subsecs. (a), (b). Pub. L. 87–128 substituted ''1964'' for ''1961''.

1958—Subsecs. (a), (b). Pub. L. 85–835 substituted ''1961'' for ''1958'' and provided for receipt of surplus dairy products by Coast Guard and United States Merchant Marine Academy.

1956—Subsecs. (a), (b). Act Apr. 2, 1956, substituted ''1958'' for ''1956''.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101–624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of this title.

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95–113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as a note under section 1307 of this title.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 1446a–1. Use of Commodity Credit Corporation funds for purchases of dairy products requirements for school and other programs

The Secretary of Agriculture is hereby authorized to use funds of the Commodity Credit Corporation to purchase sufficient supplies of dairy products at market prices to meet the requirements of any programs for the schools (other than fluid milk in the case of schools), domestic relief distribution, community action, and such other programs as are authorized by law, when there are insufficient stocks of dairy products in the hands of Commodity Credit Corporation available for these purposes.

(Pub. L. 89–321, title VII, § 709, Nov. 3, 1965, 79 Stat. 1212; Pub. L. 89–808, § 3(b), Nov. 11, 1966, 80 Stat. 1538.)

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1966—Pub. L. 89–808 struck out ''foreign distribution,'' after ''community action,'', thus deleting that part authorizing purchase of dairy products for foreign donation, such authority now being included in the general authority provided for by section 1721 et seq. of this title.

EFFECTIVE DATE OF 1966 AMENDMENT

Section 3(b) of Pub. L. 89–808 provided that the amendment made by that section is effective Jan. 1, 1967.

COMMODITY DISTRIBUTION PROGRAM; PROHIBITION ON FURNISHING COMMODITIES TO SUMMER CAMPS

Prohibition on furnishing commodities under authority of this section to summer camps where number of adults participating in activities of camp exceeds one for each five children under 18 years of age participating in such activities, see section 4(b) of Pub. L. 93–86, Aug. 10, 1973, 87 Stat. 249, set out as a note under section 612c of this title.

§ 1446b. Policy with regard to dairy products

The production and use of abundant supplies of high quality milk and dairy products are essential to the health and general welfare of the Nation: a dependable domestic source of supply of these foods in the form of high grade dairy herds and modern, sanitary dairy equipment is important to the national defense; and an economically sound dairy industry affects beneficially the economy of the country as a whole. It is the policy of Congress to assure a stabilized annual production of adequate supplies of milk and dairy products; to promote the increased use of these essential foods; to improve the domestic source of supply of milk and butterfat by encouraging dairy farmers to develop efficient production units consisting of high-grade, disease-free cattle and modern sanitary equipment; and to stabilize the economy of dairy farmers at a level which will provide a fair return for their labor and investment when compared with the cost of things that farmers buy.

(Aug. 28, 1954, ch. 1041, title II, § 204(a), 68 Stat. 899.)

CODIFICATION

Section was enacted as part of the Agricultural Act of 1954, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

§ 1446c. Domestic disposal programs for dairy products

In order to prevent the accumulation of excessive inventories of dairy products the Secretary of Agriculture shall undertake domestic disposal programs under authorities granted in the Agricultural Adjustment Act of 1938 [7 U.S.C. 1281 et seq.] and the Agricultural Act of 1949, as amended [7 U.S.C. 1421 et seq.], or as otherwise authorized by law.

(Aug. 28, 1954, ch. 1041, title II, § 204(c), 68 Stat. 900.)

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in text, is act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in text, is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, which is classified principally to chapter 35A (§ 1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1954, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

REPORT OF DAIRY PRODUCT PURCHASES

Pub. L. 101–624, title I, § 105, Nov. 28, 1990, 104 Stat. 3379, provided that: ''The Secretary of Agriculture shall make available to the public quarterly evaluations of the acquisition and disposal of Commodity Credit Corporation purchases of dairy products.''

§ 1446c–1. Reduction of dairy product inventories

The Secretary of Agriculture shall utilize, to the fullest extent practicable, the authorities under the Commodity Credit Corporation Charter Act [15 U.S.C. 714 et seq.] (including exportation of dairy products at not less than prevail-

ing world market prices), the Food for Peace Act [7 U.S.C. 1691 et seq.], and other authorities available to the Secretary to reduce inventories of dairy products held by the Commodity Credit Corporation so as to reduce net Commodity Credit Corporation expenditures to the estimated outlays for the milk price support program used in developing budget outlays under the Congressional Budget Act of 1974 for the appropriate fiscal year.

(Pub. L. 97–98, title I, § 106, Dec. 22, 1981, 95 Stat. 1220; Pub. L. 110–246, title III, § 3001(b)(1)(A), (2)(A), June 18, 2008, 122 Stat. 1820.)

REFERENCES IN TEXT

The Commodity Credit Corporation Charter Act, referred to in text, is act June 29, 1948, ch. 704, 62 Stat. 1070, which is classified generally to subchapter II (§ 714 et seq.) of chapter 15 of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 714 of Title 15 and Tables.

The Food for Peace Act, referred to in text, is act July 10, 1954, ch. 469, 68 Stat. 454, which is classified generally to chapter 41 (§ 1691 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1691 of this title and Tables.

The Congressional Budget Act of 1974, referred to in text, is titles I through IX of Pub. L. 93–344, July 12, 1974, 88 Stat. 298. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

CODIFICATION

Section was enacted as part of the Agriculture and Food Act of 1981, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

2008—Pub. L. 110–246 substituted ''Food for Peace Act'' for ''Agricultural Trade Development and Assistance Act of 1954''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110–246 effective May 22, 2008, see section 4(b) of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE

Section effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as a note under section 4301 of this title.

DAIRY PROGRAM OPERATION REPORT

Section 107 of Pub. L. 97–98 provided that, not later than Dec. 31, 1982, the Secretary of Agriculture shall submit to Congress a report describing the strengths and weaknesses of existing Federal programs, and the consequences of possible new programs, for controlling or minimizing surpluses of fluid milk and the products thereof.

§ 1446c–2. Domestic casein industry

(a) Annual availability of surplus stocks of nonfat dry milk; bid basis

The Commodity Credit Corporation shall provide surplus stocks of nonfat dry milk of not less than 1,000,000 pounds annually to individuals or entities on a bid basis.

(b) Acceptance of bids at lower than resale price

The Commodity Credit Corporation may accept bids at lower than the resale price otherwise required by law, in order to promote the strengthening of the domestic casein industry.

(c) Nonfat dry milk sold to be used only for manufacture of casein

The Commodity Credit Corporation shall take appropriate action to ensure that the nonfat dry milk sold by the Corporation under this section is used only for the manufacture of casein.

(Pub. L. 99–198, title I, § 105, Dec. 23, 1985, 99 Stat. 1367.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

APPLICATION OF SECTION

This section not to affect any liability of any person under section 1446 of this title as in effect before Dec. 23, 1985, see section 108 of Pub. L. 99–198, set out as an Application of 1985 Amendments note under section 1446 of this title.

§ 1446d. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title II, § 203, as added May 28, 1956, ch. 327, title VI, § 601(a), 70 Stat. 212; amended Nov. 28, 1990, Pub. L. 101–624, title V, § 507, 104 Stat. 3441, related to cottonseed and cottonseed oil price support program for 1991 through 1995 crops of upland cotton.

§ 1446e. Repealed. Pub. L. 104–127, title I, § 141(g), Apr. 4, 1996, 110 Stat. 915

Section, act Oct. 31, 1949, ch. 792, title II, § 204, as added Nov. 28, 1990, Pub. L. 101–624, title I, § 101(a), 104 Stat. 3374; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1105(g), 104 Stat. 1388–6; Dec. 13, 1991, Pub. L. 102–237, title I, §§ 113(10), 127(a), 105 Stat. 1838, 1846; Aug. 10, 1993, Pub. L. 103–66, title I, § 1105(a), 107 Stat. 316; May 6, 1994, Pub. L. 103–247, § 1(c), 108 Stat. 618, related to milk price support and milk inventory management program for calendar years 1991 through 1996.

EFFECTIVE DATE OF REPEAL

Section 141(g) of Pub. L. 104–127 provided that the repeal of this section is effective on the first day of the first month beginning after Apr. 4, 1996.

§ 1446e–1. Repealed. Pub. L. 104–127, title I, § 145(e), Apr. 4, 1996, 110 Stat. 918

Section, Pub. L. 101–624, title I, § 102, Nov. 28, 1990, 104 Stat. 3378; Pub. L. 102–237, title I, § 118(e), Dec. 13, 1991, 105 Stat. 1842, related to milk manufacturing marketing adjustment.

EFFECTIVE DATE OF REPEAL

Section 145(e) of Pub. L. 104–127 provided that the repeal of this section is effective on the first day of the first month beginning after Apr. 4, 1996.

§§ 1446f to 1446h. Repealed. Pub. L. 104–127, title I, § 171(b)(2)(H), Apr. 4, 1996, 110 Stat. 938

Section 1446f, act Oct. 31, 1949, ch. 792, title II, § 205, as added Nov. 28, 1990, Pub. L. 101–624, title VII, § 701(2), 104 Stat. 3457; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1105(a), 104 Stat. 1388–3; Dec. 13, 1991, Pub. L. 102–237, title I, § 110, 105 Stat. 1829; Aug. 10, 1993, Pub. L. 103–66, title I, § 1108, 107 Stat. 325, related to loans and

payments for oilseeds for 1991 through 1995 marketing years.

Section 1446g, act Oct. 31, 1949, ch. 792, title II, § 206, as added Nov. 28, 1990, Pub. L. 101–624, title IX, § 901(2), 104 Stat. 3478; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1105(c), 104 Stat. 1388–5; Dec. 13, 1991, Pub. L. 102–237, title I, § 111(a), 105 Stat. 1829; Aug. 10, 1993, Pub. L. 103–66, title I, § 1107(a), 107 Stat. 324, related to sugar price support for 1991 through 1997 crops.

Section 1446h, act Oct. 31, 1949, ch. 792, title II, § 207, as added Nov. 28, 1990, Pub. L. 101–624, title X, § 1001, 104 Stat. 3488; amended Nov. 5, 1990, Pub. L. 101–508, title I, § 1105(d), 104 Stat. 1388–5; Aug. 10, 1993, Pub. L. 103–66, title I, § 1110, 107 Stat. 326, related to honey price support for the 1991 through 1998 crops of honey.

§ 1446i. Repealed. Pub. L. 103–354, title I, § 119(a)(6), Oct. 13, 1994, 108 Stat. 3208

Section, act Oct. 31, 1949, ch. 792, title II, § 208, as added Nov. 28, 1990, Pub. L. 101–624, title XI, § 1126, 104 Stat. 3507, related to disaster payments for 1991 through 1995 crops of peanuts, soybeans, sugar beets, and sugarcane.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 13, 1994, and applicable to provision of crop insurance under Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) beginning with 1995 crop year, with such Act, as in effect on the day before Oct. 13, 1994, to continue to apply with respect to 1994 crop year, see section 120 of Pub. L. 103–354, set out as an Effective Date of 1994 Amendment note under section 1502 of this title.

§ 1447. Price support levels for other nonbasic agricultural commodities

The Secretary is authorized to make available through loans, purchases, or other operations price support to producers for any nonbasic agricultural commodity not designated in sections 1446, 1446a, and 1446d[1] of this title at a level not in excess of 90 per centum of the parity price for the commodity.

(Oct. 31, 1949, ch. 792, title III, § 301, 63 Stat. 1053; Pub. L. 95–113, title X, § 1003(a), Sept. 29, 1977, 91 Stat. 950.)

REFERENCES IN TEXT

Section 1446d of this title, referred to in text, was omitted from the Code.

AMENDMENTS

1977—Pub. L. 95–113 temporarily inserted provisions authorizing Secretary to make price support available for the 1978 through 1981 crops of flaxseed, dry edible beans, gum naval stores, and, in the case of the 1979 through 1981 crops, sugar beets and sugar cane, and for other nonbasic undesignated commodities. See Effective and Termination Dates of 1977 Amendment note below.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Section 1003(a) of Pub. L. 95–113 provided that the amendment made by that section is effective only with respect to 1978 through 1981 crops.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(9) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(I) of this title.

ELIMINATION OF WOOL AND MOHAIR PROGRAMS

Pub. L. 103–130, § 3(c), Nov. 1, 1993, 107 Stat. 1369, provided that: ''Effective beginning December 31, 1995, the Secretary of Agriculture may not provide loans or payments for wool or mohair by using the funds of the Commodity Credit Corporation or under the authority of any law.''

OTHER PRICE SUPPORT PROGRAMS IN EFFECT ON SEPTEMBER 29, 1977

Section 1003(b) of Pub. L. 95–113 provided that: ''The amendment made by this section [amending this section] to the Agricultural Act of 1949 shall not be operative in any manner with respect to any price support program in effect on the date of enactment of this Act [Sept. 29, 1977].''

§ 1448. Price support levels for storable nonbasic agricultural commodities

Without restricting price support to those commodities for which a marketing quota or marketing agreement or order program is in effect, price support shall, insofar as feasible, be made available to producers of any storable nonbasic agricultural commodity for which such a program is in effect and who are complying with such program. The level of such support shall not be in excess of 90 per centum of the parity price of such commodity nor less than the level provided in the following table:

If the supply percentage as of the beginning of the marketing year is:	The level of support shall be not less than the following percentage of the parity price:
Not more than 102	90
More than 102 but not more than 104	89
More than 104 but not more than 106	88
More than 106 but not more than 108	87
More than 108 but not more than 110	86
More than 110 but not more than 112	85
More than 112 but not more than 114	84
More than 114 but not more than 116	83
More than 116 but not more than 118	82
More than 118 but not more than 120	81
More than 120 but not more than 122	80
More than 122 but not more than 124	79
More than 124 but not more than 126	78
More than 126 but not more than 128	77
More than 128 but not more than 130	76
More than 130	75

Provided, That the level of price support may be less than the minimum level provided in the foregoing table if the Secretary, after examination of the availability of funds for mandatory price support programs and consideration of the other factors specified in section 1421(b) of this title, determines that such lower level is desirable and proper.

(Oct. 31, 1949, ch. 792, title III, § 302, 63 Stat. 1053.)

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(9) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(I) of this title.

[1] See References in Text note below.

§ 1449. Determination of price support level

In determining the level of price support for any nonbasic agricultural commodity under sections 1447 to 1449 of this title, particular consideration shall be given to the levels at which the prices of competing agricultural commodities are being supported.

(Oct. 31, 1949, ch. 792, title III, § 303, 63 Stat. 1053.)

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(9) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(I) of this title.

§ 1450. Repealed. Aug. 28, 1954, ch. 1041, title II, § 203(b), 68 Stat. 899

Section, acts Mar. 31, 1950, ch. 81, § 5, 64 Stat. 42; Jan. 30, 1954, ch. 2, § 5(a), 68 Stat. 7, provided that for the crop year of 1951 and thereafter, no price support would be available for Irish potatoes unless marketing quotas were in effect.

SUBCHAPTER IV—ACREAGE BASE AND YIELD SYSTEM

§§ 1461 to 1469. Omitted

CODIFICATION

Sections 1461 to 1469 were omitted pursuant to section 1469 which provided that this subchapter was to be effective only for the 1991 through 1997 program crops.

Section 1461, act Oct. 31, 1949, ch. 792, title V, § 501, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1460; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3491, related to purpose of subchapter to prescribe system for establishing crop acreage bases and program payment yields for wheat, feed grains, upland cotton, and rice programs.

A prior section 1461, act Oct. 31, 1949, ch. 792, title V, § 501, as added July 12, 1951, ch. 223, 65 Stat. 119; amended Mar. 16, 1954, ch. 98, 68 Stat. 28, provided for powers, duties, and guaranties of Secretary of Labor as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1462, act Oct. 31, 1949, ch. 792, title V, § 502, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1461; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3491, defined terms for this subchapter.

A prior section 1462, act Oct. 31, 1949, ch. 792, title V, § 502, as added July 12, 1951, ch. 223, 65 Stat. 119; amended Aug. 9, 1955, ch. 679, § 2, 69 Stat. 615; Oct. 3, 1961, Pub. L. 87–345, § 1, 75 Stat. 761, related to liabilities and guaranties of employers as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1463, act Oct. 31, 1949, ch. 792, title V, § 503, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1461; amended Pub. L. 100–387, title III, § 302(a), Aug. 11, 1988, 102 Stat. 947; Pub. L. 101–81, § 2, Aug. 14, 1989, 103 Stat. 563; Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3491; Pub. L. 102–237, title I, § 112(a), (b), Dec. 13, 1991, 105 Stat. 1836; Pub. L. 103–66, title I, § 1101(b)(2)(A), Aug. 10, 1993, 107 Stat. 314, established crop acreage bases for each program crop.

A prior section 1463, act Oct. 31, 1949, ch. 792, title V, § 503, as added July 12, 1951, ch. 223, 65 Stat. 120; amended Aug. 9, 1955, ch. 679, § 3, 69 Stat. 615; Oct. 3, 1961, Pub. L. 87–345, § 2, 75 Stat. 761, related to certification of need for workers, consultation with employers and workers, and posting of information as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

A prior section 1463a, act Oct. 31, 1949, ch. 792, title V, § 504, as added Oct. 3, 1961, Pub. L. 87–345, § 3, 75 Stat. 761, restricted duration and nature of employment as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1464, act Oct. 31, 1949, ch. 792, title V, § 504, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1461; amended Pub. L. 99–253, § 4, Feb. 28, 1986, 100 Stat. 37; Pub. L. 99–260, § 8, Mar. 20, 1986, 100 Stat. 51; Pub. L. 100–387, title III, § 301(a)(1), Aug. 11, 1988, 102 Stat. 945; Pub. L. 101–81, § 1, Aug. 14, 1989, 103 Stat. 563; Pub. L. 101–82, title VI, § 603(a), Aug. 14, 1989, 103 Stat. 587; Pub. L. 101–239, title I, § 1002(a), Dec. 19, 1989, 103 Stat. 2106; Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3494; Pub. L. 102–237, title I, § 112(c), Dec. 13, 1991, 105 Stat. 1837, provided for planting flexibility.

A prior section 1464, act Oct. 31, 1949, ch. 792, title V, § 505, formerly § 504, as added July 12, 1951, ch. 223, 65 Stat. 120, and renumbered Oct. 3, 1961, Pub. L. 87–345, § 3, 75 Stat. 761, related to workers subject to immigration laws, dispensed with need of penalty bond, and provided for effect of use of ''wetback'' labor as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1465, act Oct. 31, 1949, ch. 792, title V, § 505, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1462; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3495; Pub. L. 103–66, title I, § 1101(b)(2)(B), Aug. 10, 1993, 107 Stat. 314, provided for farm program payment yields.

A prior section 1465, act Oct. 31, 1949, ch. 792, title V, § 506(c), formerly § 505(c), as added July 12, 1951, ch. 223, 65 Stat. 121, and renumbered Oct. 3, 1961, Pub. L. 87–345, § 3, 75 Stat. 761, provided for an exemption from a head tax as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

A prior section 1465a, act Oct. 31, 1949, ch. 792, title V, § 506(d), as added Oct. 3, 1961, Pub. L. 87–345, § 4, 75 Stat. 761, provided for illness or disability tax as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1466, act Oct. 31, 1949, ch. 792, title V, § 506, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1463; amended Pub. L. 99–260, § 3, Mar. 20, 1986, 100 Stat. 48; Pub. L. 100–203, title I, § 1109, Dec. 22, 1987, 101 Stat. 1330–6; Pub. L. 101–220, § 11(a), Dec. 12, 1989, 103 Stat. 1882; Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for planting and production history of farms.

A prior section 1466, act Oct. 31, 1949, ch. 792, title V, § 507, formerly § 506, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 507, Oct. 3, 1961, Pub. L. 87–345, § 3, 75 Stat. 761, related to utilization of Federal and State agencies by Secretary of Labor as part of a program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1467, act Oct. 31, 1949, ch. 792, title V, § 507, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1463; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for establishment of bases and yields by county committees.

A prior section 1467, act Oct. 31, 1949, ch. 792, title V, § 508, formerly § 507, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 508 and amended Oct. 3, 1961, Pub. L. 87–345, §§ 3, 5, 75 Stat. 761, defined ''agricultural employment'' and ''employer'' for purposes of the program for recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1468, act Oct. 31, 1949, ch. 792, title V, § 508, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1464; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497, provided for administrative appeals procedure.

A prior section 1468, act Oct. 31, 1949, ch. 792, title V, § 509, formerly § 508, as added July 12, 1951, ch. 223, 65 Stat. 121; renumbered § 509, Oct. 3, 1961, Pub. L. 87–345, § 3, 75 Stat. 761, related to importation of workers from other foreign countries with regard to a program of recruiting agricultural workers from Mexico for employment up to December 31, 1964.

Section 1469, act Oct. 31, 1949, ch. 792, title V, § 509, as added Pub. L. 99–198, title X, § 1031, Dec. 23, 1985, 99 Stat. 1464; amended Pub. L. 101–624, title XI, § 1101, Nov. 28, 1990, 104 Stat. 3497; Pub. L. 103–66, title I, § 1101(b)(2)(C), Aug. 10, 1993, 107 Stat. 314, provided that subchapter was to be effective only for the 1991 through 1997 program crops.

A prior section 509, formerly 508, of act Oct. 31, 1949, was formerly classified to section 1468 of this title. See note set out above.

SUBCHAPTER V—EMERGENCY LIVESTOCK FEED ASSISTANCE ACT OF 1988

§ 1471. Definitions

As used in this subchapter:

(1) The term ''livestock producer'' means—

(A) a person that is actively engaged in farming and that receives a substantial amount of total income from the production of grain or livestock, as determined by the Secretary, that is—

(i) an established producer or husbander of livestock or a dairy producer who is a citizen of, or legal resident alien in, the United States; or

(ii) a farm cooperative, private domestic corporation, partnership, or joint operation in which a majority interest is held by members, stockholders, or partners who are citizens of, or legal resident aliens in, the United States, if such cooperative, corporation, partnership, or joint operation is engaged in livestock production or husbandry, or dairy production; or

(B) Any[1] of the following entities that is actively engaged in livestock production or husbandry, or dairy production—

(i) any Indian tribe (as defined in section 450b(b) of title 25);[2]

(ii) any Indian organization or entity chartered under the Act of June 18, 1934 (48 Stat. 984, chapter 576; 25 U.S.C. 461 et seq.), commonly known as the ''Indian Reorganization Act'';

(iii) any tribal organization (as defined in section 450b(c) of title 25);[2] or

(iv) any economic enterprise (as defined in section 1452(e) of title 25);

(2) The term ''livestock'' means cattle, elk, reindeer, bison, horses, deer, sheep, goats, swine, poultry (including egg-producing poultry), fish used for food, and other animals designated by the Secretary (at the Secretary's sole discretion) that—

(A) are part of a foundation herd (including producing dairy cattle) or offspring; or

(B) are purchased as part of a normal operation and not to obtain additional benefits under this subchapter.

(3) The term ''State'' means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

(4) The term ''feed'', for the purposes of emergency feed assistance, means any type of feed (including feed grain, oilseed meal, premix or mixed feed, liquid or dry supplemental feed, roughage, pasture, or forage) that—

(A) best suits the livestock producer's operation; and

(B) is consistent with acceptable feed practices.

(5) The term ''area'' includes any Indian reservation (as defined in section 1985(e)(1)(D)(ii)[2] of this title).

(Oct. 31, 1949, ch. 792, title VI, § 602, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 926; amended Pub. L. 108–447, div. A, title VII, § 785(b)(1), Dec. 8, 2004, 118 Stat. 2850; Pub. L. 109–97, title VII, § 784(b)(1), Nov. 10, 2005, 119 Stat. 2162.)

REFERENCES IN TEXT

Section 450b of title 25, referred to in par. (1)(B)(i), (iii), has been amended, and subsecs. (b) and (c) of section 450b no longer define the terms ''Indian tribe'' and ''tribal organization''. However, such terms are defined elsewhere in that section.

Act of June 18, 1934, referred to in par. (1)(B)(ii), is act June 18, 1934, ch. 576, 48 Stat. 984, as amended, popularly known as the Indian Reorganization Act, which enacted sections 461, 462, 463, 464, 465, 466 to 470, 471, 472, 473, 474, 475, 476 to 478, and 479 of Title 25, Indians. For complete classification of this Act to the Code, see Short Title note set out under section 461 of Title 25 and Tables.

Section 1985(e)(1)(D)(ii) of this title, referred to in par. (5), was redesignated section 1985(e)(1)(A)(ii) of this title by Pub. L. 104–127, title VI, § 638(3)(A)(ii), Apr. 4, 1996, 110 Stat. 1096.

AMENDMENTS

2005—Par. (2). Pub. L. 109–97, in introductory provisions, inserted ''horses, deer,'' after ''bison,'' and struck out ''equine animals used for food or in the production of food,'' before ''fish''.

2004—Par. (2). Pub. L. 108–447 inserted ''elk, reindeer, bison,'' after ''means cattle,'' in introductory provisions.

EFFECTIVE DATE OF 2005 AMENDMENT

Pub. L. 109–97, title VII, § 784(c), Nov. 10, 2005, 119 Stat. 2163, provided that:

''(1) IN GENERAL.—This section [amending this section and section 1472 of this title and enacting provisions set out as a note under this section] and the amendments made by this section apply to losses resulting from a disaster that occurs on or after July 28, 2005.

''(2) PRIOR LOSSES.—This section and the amendments made by this section do not apply to losses resulting from a disaster that occurred before July 28, 2005.''

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

SHORT TITLE

For short title of title VI of act Oct. 31, 1949, ch. 792, which enacted this subchapter, as the ''Emergency Livestock Feed Assistance Act of 1988'', see Short Title of 1988 Amendment note set out under section 1421 of this title.

INCLUSION OF HORSES AND DEER WITHIN DEFINITION OF ''LIVESTOCK''

Pub. L. 109–97, title VII, § 784(a), Nov. 10, 2005, 119 Stat. 2162, provided that: ''In carrying out a livestock assistance, compensation, or feed program, the Secretary of Agriculture shall include horses and deer within the definition of 'livestock' covered by the program.''

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable

[1] So in original. Probably should not be capitalized.

[2] See References in Text note below.

to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471a. Emergency livestock assistance

(a) The Secretary shall provide emergency feed assistance under this subchapter for the preservation and maintenance of livestock in any State or area of a State where, because of disease, insect infestation, flood, drought, fire, hurricane, earthquake, storm, hot weather, or other natural disaster, the Secretary determines that a livestock emergency exists.

(b)(1) The Secretary shall provide emergency feed assistance under this subchapter for the preservation and maintenance of livestock, to livestock producers that—

(A) conduct farming, ranching, or aquaculture operations in any county contiguous to a county where the Secretary has determined, under subsection (a) of this section, that a livestock emergency exists, and

(B) are otherwise eligible for assistance under this subchapter.

(2) The Secretary shall accept applications for assistance under this subsection from producers that are affected by the livestock emergency at any time during the eight-month period beginning on the date on which the Secretary determines that such emergency exists in the other county.

(Oct. 31, 1949, ch. 792, title VI, § 603, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 927.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471b. Determination of need for assistance

(a) Determination and request by Governor or county committee

(1) Whenever the Governor of a State determines that a livestock emergency due to a natural disaster exists in the State, or a county committee established under section 590h(b) of title 16 determines that such an emergency exists in the county, the Governor or county committee may submit a request for a determination by the Secretary of a livestock emergency in such State or county and for emergency livestock feed assistance under this subchapter.

(2) The request of a Governor or county committee for a livestock emergency determination and for emergency livestock feed assistance shall include, to the extent feasible, recommendations to the Secretary of those options that will most fully use feed available through local sources.

(b) Consideration for assistance without request

The Secretary may consider a State, county, or area in a State for a livestock emergency determination and emergency livestock feed assistance under this subchapter whether or not a request for assistance is submitted, as described in subsection (a) of this section.

(c) Prompt action by Secretary

The Secretary shall act on requests for determinations under subsection (a) of this section and make final determinations on whether a livestock emergency exists in any State, county, or area, under regulations that ensure thorough and prompt action (not later than 30 days after receipt of any such request) and provide for appropriate notification procedures.

(d) Eligibility under prior programs; availability of other programs

Notwithstanding the preceding provisions of this section, any State, county, or area determined eligible, due to drought or related conditions in 1988, for the emergency feed program or emergency feed assistance program conducted prior to the effective date of this subchapter shall continue to be eligible for such programs and may be eligible for other programs under this subchapter for such drought or related condition. As soon as practicable after the effective date of this subchapter, the Secretary shall determine whether any of the programs described in section 1471d of this title, other than the emergency feed program under section 1471d(a)(4) of this title and the emergency feed assistance program under section 1471d(a)(2) of this title, or in section 1471e of this title should be made available in such State, county, or area. If the Secretary makes such determination, the Secretary shall make such programs immediately available to livestock producers in the State, county, or area.

(Oct. 31, 1949, ch. 792, title VI, § 604, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 927.)

REFERENCES IN TEXT

The effective date of this subchapter, referred to in subsec. (d), is 15 days after Aug. 11, 1988, the effective date of section 101(a) of Pub. L. 100–387. See section 101(c) of Pub. L. 100–387, set out as a note under section 1427 of this title.

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsec. (d) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471c. Eligible producers

(a) Qualifying livestock producers

(1) If the Secretary determines that a livestock emergency exists in a State, county, or area, qualifying livestock producers located in such State, county, or area, or in a contiguous county as provided for in section 1471a(b) of this title, shall be eligible (under application procedures established by the Secretary) for emergency feed assistance under this subchapter in accordance with this subsection.

(2) For the purposes of this subsection, a ''qualifying livestock producer'' is a livestock producer who has suffered a substantial loss in feed normally produced on the farm for such producer's livestock as a result of the livestock emergency and, as a result, does not have sufficient feed that has adequate nutritive value and is suitable for each of such producer's particular types of livestock (as of the date of the request, or initiation of consideration, for a determination of a livestock emergency under section 1471b of this title) for the estimated duration of the emergency.

(3) Each qualifying livestock producer shall be eligible for emergency feed assistance under the programs specified in section 1471d(a) of this title that is made available where the producer is located in quantities sufficient to meet such feed deficiency with respect to the producer's livestock normally fed with feed produced by the producer.

(b) Availability of additional assistance

Each livestock producer in such State, county, or area, or in a contiguous county as provided for in section 1471a(b) of this title, regardless of whether the producer qualifies for assistance under subsection (a) of this section, shall be eligible for emergency assistance under the programs specified in section 1471e of this title that are made available where the producer is located.

(c) Program participation option

Any livestock producer, located in a county or area in which benefits under the emergency feed program or the emergency feed assistance program were made available due to the drought or related condition in 1988 prior to the effective date of this subchapter, who qualifies for assistance under such pre-existing programs shall be eligible for assistance for such drought or related conditions as prescribed in subsection (a) of this section or, at the producer's option, for assistance under such pre-existing programs.

(Oct. 31, 1949, ch. 792, title VI, § 605, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 928.)

REFERENCES IN TEXT

The effective date of this subchapter, referred to in subsec. (c), is 15 days after Aug. 11, 1988, the effective date of section 101(a) of Pub. L. 100–387. See section 101(c) of Pub. L. 100–387, set out as a note under section 1427 of this title.

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsec. (c) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471d. Assistance programs

(a) Available programs

In accordance with section 1471c(a) of this title, the Secretary shall make one or more of the following assistance programs available to qualifying livestock producers in a State, county or area, if the Secretary determines that the livestock emergency in such State, county or area requires the implementation of such program:

(1) The donation of feed grain owned by the Commodity Credit Corporation to producers who are financially unable to purchase feed under paragraph (2) or to participate in any other program authorized under this subsection.

(2) The sale of feed grain owned by the Commodity Credit Corporation to producers for livestock feed at a price, established by the Secretary, that does not exceed—

(A) with respect to such assistance provided for any livestock emergency determined to exist prior to January 1, 1989, 75 percent of the current basic county loan rate for such feed grain in effect under this Act (or at a comparable price if there is no such current basic county loan rate), or

(B) with respect to such assistance provided for any other livestock emergency, 50 percent of the average market price in the county or area involved, as determined by the Secretary.

(3) Reimbursement of any transportation and handling expenses incurred, not to exceed 50 percent of such expenses, by a producer in connection with feed grain donations or sales under paragraphs (1) and (2).

(4) Reimbursement of not to exceed 50 percent of the cost of feed purchased by a producer for the producer's livestock during the duration of the livestock emergency.

(5) Hay and forage transportation assistance to producers of not to exceed 50 percent of the cost of transporting hay or forage purchased from a point of origin beyond a producer's normal trade area to the livestock, subject to the following limitations:

(A) The transportation assistance may not exceed $50 per ton of eligible hay or forage ($12.50 for silage).

(B) The quantity of eligible hay and forage for each producer may not exceed the lesser of—

(i) 20 pounds per day per eligible animal unit; or

(ii) the quantity of additional feed needed by the producer for the duration of the livestock emergency.

(6) Livestock transportation assistance to producers of not to exceed 50 percent of the cost of transporting livestock to and from available grazing locations, except that such assistance may not exceed the lesser of—

(A) $24 per head of a producer's eligible livestock; or

(B) the local cost of the quantity of additional feed needed by the producer for the eligible livestock for duration of the livestock emergency.

(b) Feed grain through dealer or manufacturer; reimbursement; feed grain stored on farm of producer

If assistance is made available through the furnishing of feed grain under paragraph (1) or (2) of subsection (a) of this section, the Secretary—

(1) may provide for the furnishing of the feed grain through a dealer or manufacturer and the replacing of the feed grain so furnished from feed grain owned by the Commodity Credit Corporation; or

(2) at the option of the livestock producer, shall provide for the furnishing of the feed grain through the use of feed grain stored on the farm of the producer that has been pledged as collateral for a price support loan made under this Act.

(c) Payments or reimbursements through issuance of negotiable certificates

In providing assistance under paragraph (2) or (4) of subsection (a) of this section, the Secretary may make in-kind payments or reimbursements through the issuance of negotiable certificates that the Commodity Credit Corporation shall exchange for a commodity in accordance with rules prescribed by the Secretary.

(d) Approved application prerequisite to benefits

No payment or benefit provided under this section shall be payable or due until such time as a completed application therefor has been approved.

(e) Time for application

A person eligible to receive a payment or benefit under this section with respect to a livestock emergency determined to exist prior to January 1, 1989, shall make application for such payment or benefit not later than March 31, 1989, or such later date that the Secretary, by regulation, may prescribe.

(f) Livestock transportation assistance

The Secretary may make available at least $25,000,000 to provide livestock transportation assistance under subsection (a)(6) of this section for livestock emergencies in 1989.

(Oct. 31, 1949, ch. 792, title VI, § 606, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 928; amended Pub. L. 101–82, title II, §§ 201, 202, Aug. 14, 1989, 103 Stat. 581.)

REFERENCES IN TEXT

This Act, referred to in subsecs. (a)(2)(A) and (b)(2), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, as amended, known as the Agricultural Act of 1949, which is classified principally to this chapter (§ 1421 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

1989—Subsec. (b). Pub. L. 101–82, § 201, amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: "If assistance is made available through the furnishing of feed grain under paragraph (1) or (2) of subsection (a) of this section, the Secretary may provide for the furnishing of the feed grain through a dealer or manufacturer and the replacing of the feed grain so furnished from feed grain owned by the Commodity Credit Corporation."

Subsec. (f). Pub. L. 101–82, § 202, added subsec. (f).

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsecs. (a)(2)(A) and (e) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

EMERGENCY FORAGE PROGRAM

Section 103 of Pub. L. 100–387 provided that:

"(a) IN GENERAL.—The Secretary of Agriculture shall implement an emergency forage program for established pasture damaged by the drought or related condition in 1988, under which the Secretary shall enter into cost-share agreements with owners or operators of such damaged land to provide for reseeding of forage crops on such land to facilitate late fall 1988 and early spring 1989 grazing and haying. Assistance may be provided to such owners and operators only when—

"(1) the forage crop will not regenerate naturally;

"(2) reseeding is the most cost-effective method to reestablish the forage crop; and

"(3) reseeding is not undertaken simply to improve the forage crop damaged by the drought.

"(b) COST-SHARE.—The Secretary shall share half the costs incurred under each agreement entered into under subsection (a), including the costs of seed, fertilizer, and other inputs on reseeded pasture.

"(c) LIMITATIONS.—(1) The total amount of payments an owner or operator of pasture land shall be entitled to receive under this section shall be $3,500.

"(2) The Secretary may cost-share for reseeding under this section only if the reseeding is to nonannual crops planted for pasture purposes.

"(d) FUNDING.—(1) The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) Not more than $50,000,000 of the funds of the Commodity Credit Corporation may be expended under paragraph (1).

"(3) To ensure the equitable award of funds under agreements under this section, as limited under paragraph (2), the Secretary may prorate, and adopt procedures to facilitate proration of, funds made available under this section."

§ 1471e. Additional assistance

(a) Determination by Secretary

In addition to the assistance provided under section 1471d of this title, if the Secretary determines that the livestock emergency also requires the implementation of one or more of the assistance programs described in subsection (b) of this section, the Secretary shall implement such programs.

(b) Programs authorized

Special assistance under this section includes—

(1) the donation of feed owned by the Commodity Credit Corporation for use in feeding livestock stranded and unidentified as to its owner, including the cost of transporting feed to the affected area, during such period as the Secretary, by regulation, may prescribe;

(2) reimbursement of not to exceed 50 percent of the cost of—

(A) installing pipelines (if that is the least expensive method) or other facilities, including tanks or troughs, for livestock water;

(B) construction or deepening of wells or ponds for livestock water; or

(C) developing springs or seeps for livestock water,

as appropriate in drought areas to facilitate more efficient and better-distributed grazing on land normally used for grazing. Such cost-share assistance may not be made available to provide water for wildlife or recreational livestock, dry lot feeding, or barns or corrals, or to acquire pumping equipment;

(3) reimbursement of not to exceed 50 percent of the cost of burning prickly pear cactus to make it suitable for animal feed; and

(4) making commodities owned by the Commodity Credit Corporation available to livestock producers through the use of a catalog that specifies lots of a size that are economically feasible for a small producer to obtain by means of certificate exchanges.

(c) Water development projects for 1988 and 1989 emergencies

The Secretary may make available at least $25,000,000 to provide special assistance under subsection (b)(2) of this section for livestock emergencies in 1988 and 1989.

(Oct. 31, 1949, ch. 792, title VI, § 607, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 930; amended Pub. L. 101–82, title I, § 142, title II, § 203, Aug. 14, 1989, 103 Stat. 579, 581.)

AMENDMENTS

1989—Subsec. (b)(2)(B). Pub. L. 101–82, § 142, inserted ''or ponds''.

Subsec. (c). Pub. L. 101–82, § 203, added subsec. (c).

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471f. Use of Commodity Credit Corporation

The Secretary shall carry out this subchapter through the use of the funds, facilities, and authorities of the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title VI, § 608, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 930.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471g. Benefits limitation

(a) Total amount of benefits

The total amount of benefits that a person shall be entitled to receive annually under one or more of the programs established under this subchapter may not exceed $50,000.

(b) Issuance of regulations

The Secretary shall issue regulations—

(1) defining the term ''person'', which shall conform, to the extent practicable, to the regulations defining the term ''person'' issued under section 1308 of this title (before the amendment made by section 1703(a)[1] of the Food, Conservation, and Energy Act of 2008), or successor statute;

(2) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitation established under this section; and

(3) providing that the term ''person'' shall include, in the case of any cooperative association of producers, each member of the association with respect to benefits due to such member of the association.

(c) Receipt of other disaster payments

No person may receive benefits under this subchapter attributable to lost production of a feed commodity due to a natural disaster in 1988 to the extent that such person receives a disaster payment under the Disaster Assistance Act of 1988 on such lost production.

(d) Total combined payment and benefits limitation

Each person otherwise eligible for a livestock emergency benefit under this subchapter in 1988 shall be subject to the combined payment and benefits limitation established under section 211(c) of the Disaster Assistance Act of 1988.

(Oct. 31, 1949, ch. 792, title VI, § 609, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 930; amended Pub. L. 110–234, title I, § 1603(g)(2), May 22, 2008, 122 Stat. 1011; Pub. L. 110–246, § 4(a), title I, § 1603(g)(2), June 18, 2008, 122 Stat. 1664, 1739.)

REFERENCES IN TEXT

Section 1703(a) of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (b)(1), probably means

[1] See References in Text note below.

section 1603 of Pub. L. 110–246, because Pub. L. 110–246 does not contain a section 1703 and subsec. (b)(3) of section 1603 of Pub. L. 110–246 amended section 1308 of this title by striking out provisions relating to issuance of regulations defining ''person''.

The Disaster Assistance Act of 1988, referred to in subsecs. (c) and (d), is Pub. L. 100–387, Aug. 11, 1988, 102 Stat. 924. Section 211(c) of that act is set out as a note under section 1421 of this title. For complete classification of this Act to the Code, see Short Title of 1988 Amendment note set out under section 1421 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110–246, § 1603(g)(2), inserted ''(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)'' after ''section 1308 of this title''.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, with subsecs. (c) and (d) of this section applicable only with respect to any livestock emergency in 1988, see section 101(c) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471h. Ineligibility

(a) Any person that has qualifying gross revenues in excess of $2,500,000 annually, as determined by the Secretary, shall not be eligible to receive any livestock emergency benefits under this subchapter.

(b) For purposes of this section, the term ''qualifying gross revenue'' means—

(1) if a majority of the person's annual income is received from farming and ranching operations, the gross revenue from the person's farming and ranching operations; and

(2) if less than a majority of the person's annual income is received from farming and ranching operations, the person's gross revenue from all sources.

(Oct. 31, 1949, ch. 792, title VI, § 610, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 931.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471i. Administration

(a) Regulations

The Commodity Credit Corporation shall issue regulations to carry out this subchapter.

(b) Processing and decisions to be made as quickly as practicable

Such regulations shall establish procedures to ensure that the request for assistance by a Governor or county committee under section 1471b of this title, and individual applications of livestock producers under section 1471c of this title for assistance, are processed and decisions thereon are made as quickly as practicable.

(c) Indigenous plants not considered feed on hand

For purposes of this subchapter, indigenous plants available to a livestock producer but not normally consumed by livestock as feed, such as cactus, may not be considered as feed on hand for such producers.

(Oct. 31, 1949, ch. 792, title VI, § 611, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 931.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1471j. Penalties

A person that disposes of any feed made available to a livestock producer under this subchapter other than as authorized by the Secretary shall be (1) subject to a civil penalty equal to the market value of the feed involved, to be recovered by the Secretary in a civil suit brought for that purpose, and (2) guilty of a misdemeanor and, on conviction thereof, subject to a fine of not more than $1,000, or imprisonment for not more than one year, or both.

(Oct. 31, 1949, ch. 792, title VI, § 612, as added Pub. L. 100–387, title I, § 101(a), Aug. 11, 1988, 102 Stat. 931.)

EFFECTIVE DATE

Section effective 15 days after Aug. 11, 1988, see section 101(c)(1) of Pub. L. 100–387, set out as an Effective and Termination Dates of 1988 Amendment note under section 1427 of this title.

INAPPLICABILITY OF SECTION

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(b)(12) of this title.

Section inapplicable to 1996 through 2002 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(b)(1)(L) of this title.

§ 1472. Assistance for livestock producers

(a) Definition of livestock

In this section, the term ''livestock'' includes elk, reindeer, bison, horses, and deer.

(b) Availability of assistance

In such amounts as are provided in advance in appropriation Acts, the Secretary of Agriculture may provide assistance to dairy and other livestock producers to cover economic losses incurred by such producers in connection with the production of livestock.

(c) Types of assistance

The assistance provided to livestock producers may be in the following forms:

(1) Indemnity payments to livestock producers who incur livestock mortality losses.

(2) Livestock feed assistance to livestock producers affected by shortages of feed.

(3) Compensation for sudden increases in production costs.

(4) Such other assistance, and for such other economic losses, as the Secretary considers appropriate.

(d) Limitations

The Secretary may not use the funds of the Commodity Credit Corporation to provide assistance under this section.

(e) Authorization of appropriations

There is authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(Pub. L. 107–171, title X, § 10104, May 13, 2002, 116 Stat. 488; Pub. L. 108–447, div. A, title VII, § 785(b)(2), Dec. 8, 2004, 118 Stat. 2850; Pub. L. 109–97, title VII, § 784(b)(3), Nov. 10, 2005, 119 Stat. 2162.)

CODIFICATION

Section was enacted as part of the Farm Security and Rural Investment Act of 2002, and not as part of the Emergency Livestock Feed Assistance Act of 1988 which comprises this subchapter or as part of the Agricultural Act of 1949 which is classified principally to this chapter. For complete classification of the 1949 Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–97 substituted ''bison, horses, and deer'' for ''and bison''.

2004—Pub. L. 108–447 added subsec. (a) and redesignated former subsecs. (a) to (d) as (b) to (e), respectively.

EFFECTIVE DATE OF 2005 AMENDMENT

Amendment by Pub. L. 109–97 applicable to losses resulting from a disaster that occurs on or after July 28, 2005, and inapplicable to losses resulting from a disaster that occurs before such date, see section 784(c) of Pub. L. 109–97, set out as a note under section 1471 of this title.

CHAPTER 36—CROP INSURANCE

SUBCHAPTER I—FEDERAL CROP INSURANCE

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1522. Research and development.
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SUBCHAPTER II—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

1531. Supplemental agricultural disaster assistance.

SUBCHAPTER I—FEDERAL CROP INSURANCE

§ 1501. Short title and application of other provisions

This subchapter may be cited as the ''Federal Crop Insurance Act''. Except as otherwise expressly provided the provisions in titles I to IV, inclusive, shall not apply with respect to this subchapter, and the term ''Act'' wherever it appears in such titles shall not be construed to include this subchapter.

(Feb. 16, 1938, ch. 30, title V, § 501, 52 Stat. 72; Pub. L. 110–234, title XII, § 12033(c), May 22, 2008, 122 Stat. 1405; Pub. L. 110–246, § 4(a), title XII, § 12033(c), June 18, 2008, 122 Stat. 1664, 2167.)

REFERENCES IN TEXT

''Titles I to IV, inclusive,'' and ''such titles'', referred to in text, are references to titles I to IV of act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, known as the Agricultural Adjustment Act of 1938, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

AMENDMENTS

2008—Pub. L. 110–246, § 12033(c), inserted section catchline and substituted ''subchapter'' for ''chapter'' wherever appearing in text.