

**(b) Omitted****(c) Determinations by Secretary**

A determination made by the Secretary under this chapter shall be final and conclusive.

**(d) Regulations**

Not later than 90 days after April 4, 1996, the Secretary and the Commodity Credit Corporation, as appropriate, shall issue such regulations as are necessary to implement this chapter. The issuance of the regulations shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5;

(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 know<sup>1</sup> as the “Paperwork Reduction Act”).

(Pub. L. 104-127, title I, §161, Apr. 4, 1996, 110 Stat. 934.)

## REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 7201 of this title.

## CODIFICATION

Section is comprised of section 161 of Pub. L. 104-127. Subsec. (b) of section 161 of Pub. L. 104-127 amended sections 714b, 714i, and 714k of Title 15, Commerce and Trade.

**§ 7282. Adjustments of loans****(a) Adjustment authority**

The Secretary may make appropriate adjustments in the loan rates for any commodity for differences in grade, type, quality, location, and other factors.

**(b) Manner of adjustment**

The adjustments under the authority of this section shall, to the maximum extent practicable, be made in such manner that the average loan level for the commodity will, on the basis of the anticipated incidence of the factors, be equal to the level of support determined as provided in this chapter and title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.].

**(c) Adjustment on county basis**

The Secretary may establish loan rates for a crop for producers in individual counties in a manner that results in the lowest such rate being 95 percent of the national average loan rate, except that such action shall not result in an increase in outlays. Adjustments under this subsection shall not result in an increase in the national average loan rate for any year.

(Pub. L. 104-127, title I, §162, Apr. 4, 1996, 110 Stat. 935; Pub. L. 107-171, title I, §1606, May 13, 2002, 116 Stat. 218.)

## REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsec. (b), see note set out under section 7201 of this title.

<sup>1</sup> So in original. Probably should be “known”.

The Farm Security and Rural Investment Act of 2002, referred to in subsec. (b), is Pub. L. 107-171, May 13, 2002, 116 Stat. 134. Title I of the Act is classified principally to chapter 106 (§7901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 7901 of this title and Tables.

## AMENDMENTS

2002—Subsec. (b). Pub. L. 107-171 substituted “this chapter and title I of the Farm Security and Rural Investment Act of 2002” for “this chapter”.

**§ 7283. Commodity Credit Corporation interest rate****(a) In general**

Notwithstanding any other provision of law, the monthly Commodity Credit Corporation interest rate applicable to loans provided for agricultural commodities by the Corporation shall be 100 basis points greater than the rate determined under the applicable interest rate formula in effect on October 1, 1995.

**(b) Sugar**

For purposes of this section, raw cane sugar, refined beet sugar, and in-process sugar eligible for a loan under section 7272 of this title shall not be considered an agricultural commodity.

(Pub. L. 104-127, title I, §163, Apr. 4, 1996, 110 Stat. 935; Pub. L. 107-171, title I, §1401(c), May 13, 2002, 116 Stat. 187.)

## AMENDMENTS

2002—Pub. L. 107-171 designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

**§ 7284. Personal liability of producers for deficiencies****(a) In general**

Except as provided in subsection (b) of this section, no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this chapter<sup>1</sup> title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], and title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.] unless the loan was obtained through a fraudulent representation by the producer.

**(b) Limitations**

Subsection (a) of this section shall not prevent the Commodity Credit Corporation or the Secretary from requiring a producer to assume liability for—

(1) a deficiency in the grade, quality, or quantity of a commodity stored on a farm or delivered by the producer;

(2) a failure to properly care for and preserve a commodity; or

(3) a failure or refusal to deliver a commodity in accordance with a program established under this chapter<sup>1</sup> title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], and title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.].

**(c) Acquisition of collateral**

In the case of a nonrecourse loan made under this chapter<sup>1</sup> title I of the Farm Security and

<sup>1</sup> So in original. Probably should be followed by a comma.

Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], and title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.] or the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), if the Commodity Credit Corporation acquires title to the unredeemed collateral, the Corporation shall be under no obligation to pay for any market value that the collateral may have in excess of the loan indebtedness.

**(d) Sugarcane and sugar beets**

A security interest obtained by the Commodity Credit Corporation as a result of the execution of a security agreement by the processor of sugarcane or 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.

(Pub. L. 104-127, title I, §164, Apr. 4, 1996, 110 Stat. 935; Pub. L. 107-171, title I, §1607, May 13, 2002, 116 Stat. 218; Pub. L. 110-234, title I, §1606, May 22, 2008, 122 Stat. 1017; Pub. L. 110-246, §4(a), title I, §1606, June 18, 2008, 122 Stat. 1664, 1746.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in text, see note set out under section 7201 of this title.

The Farm Security and Rural Investment Act of 2002, referred to in subsecs. (a), (b)(3), and (c), is Pub. L. 107-171, May 13, 2002, 116 Stat. 134. Title I of the Act is classified principally to chapter 106 (§7901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note under section 7901 of this title and Tables.

The Food, Conservation, and Energy Act of 2008, referred to in subsecs. (a), (b)(3), and (c), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651. Title I of the Act is classified principally to chapter 113 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The Commodity Credit Corporation Charter Act, referred to in subsec. (c), 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.

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—Subsecs. (a), (b)(3), (c). Pub. L. 110-246, §1606, substituted “title I of the Farm Security and Rural Investment Act of 2002, and title I of the Food, Conservation, and Energy Act of 2008” for “and title I of the Farm Security and Rural Investment Act of 2002”.

2002—Subsecs. (a), (b)(3), (c). Pub. L. 107-171 substituted “this chapter and title I of the Farm Security and Rural Investment Act of 2002” for “this chapter”.

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.

**§ 7285. Commodity Credit Corporation sales price restrictions**

**(a) General sales authority**

The Commodity Credit Corporation may sell any commodity owned or controlled by the Corporation at any price that the Secretary determines will maximize returns to the Corporation.

**(b) Nonapplication of sales price restrictions**

Subsection (a) of this section shall not apply to—

- (1) a sale for a new or byproduct use;
- (2) a sale of peanuts or oilseeds for the extraction of oil;
- (3) a sale for seed or feed if the sale will not substantially impair any loan program;
- (4) a sale of a commodity that has substantially deteriorated in quality or as to which there is a danger of loss or waste through deterioration or spoilage;
- (5) a sale for the purpose of establishing a claim arising out of a contract or against a person who has committed fraud, misrepresentation, or other wrongful act with respect to the commodity;
- (6) a sale for export, as determined by the Corporation; and
- (7) a sale for other than a primary use.

**(c) Presidential disaster areas**

**(1) In general**

Notwithstanding subsection (a) of this section, on such terms and conditions as the Secretary may consider in the public interest, the Corporation may make available any commodity or product owned or controlled by the Corporation for use in relieving distress—

(A) 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

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

**(2) Costs**

Except on a reimbursable basis, the Corporation shall not bear any costs in connection with making a commodity available under paragraph (1) beyond the cost of the commodity to the Corporation incurred in—

(A) the storage of the commodity; and

(B) the handling and transportation costs in making delivery of the commodity to designated agencies at 1 or more central locations in each State or other area.

**(d) Efficient operations**

Subsection (a) of this section shall not apply to the sale of a commodity 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 quantity of the commodity involved, or because of the age, location, or questionable continued storability of the commodity.