

tection 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 commod-

ity 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 begins 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 carryover. 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 cooperators 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 cooperators 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 re-

quiring 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

Pub. L. 99-198, title X, § 1018, Dec. 23, 1985, 99 Stat. 1459, provided that the amendment made by section 1018 is effective only for the 1986 through 1990 crops of wheat, feed grains, upland cotton, and rice.

#### EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Pub. L. 97-98, title XI, § 1104, Dec. 22, 1981, 95 Stat. 1264, provided that the amendment made by section 1104 is effective only for the 1982 through 1985 crops of wheat, feed grains, upland cotton, and rice.

#### EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Pub. L. 95-113, title IV, § 407, title VI, § 604(b), title VII, § 705, Sept. 29, 1977, 91 Stat. 927, 939, 944, provided that the provisions amended by sections 407, 604(b), and 705 were effective for the 1978 through 1981 crops.

#### EFFECTIVE AND TERMINATION DATES OF 1976 AMENDMENT

Pub. L. 94-214, title III, § 304, Feb. 16, 1976, 90 Stat. 188, provided that the amendment made by section 304 is effective only with respect to the 1976 and 1977 crops of rice.

#### EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Pub. L. 91-524, title IV, § 408, title VI, § 607, Nov. 30, 1970, 84 Stat. 1367, 1378, as amended by Pub. L. 93-86, § 1(15), (22), Aug. 10, 1973, 87 Stat. 229, 235, provided that the amendments made by sections 408 and 607 are effective only with respect to the 1971 through 1977 crops of the commodity.

#### EFFECTIVE AND TERMINATION DATES OF 1965 AMENDMENT

Pub. L. 89-321, title IV, § 402(b), Nov. 3, 1965, 79 Stat. 1197, as amended by Pub. L. 90-559, § 1(1), Oct. 11, 1968, 82 Stat. 996, provided that the amendment made by sec-

tion 402(b) is effective only for the 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.

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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.