

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, insects, 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

Pub. L. 100-203, title I, §1101(d), Dec. 22, 1987, 101 Stat. 1330-2, provided that the amendment made by section 1101(d) is effective only for the 1988 and 1989 crops of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1983 AMENDMENTS

Pub. L. 98-88, §4, Aug. 26, 1983, 97 Stat. 494, provided that the amendment made by section 4 is effective beginning with the 1984 crop of extra long staple cotton.

Pub. L. 97-446, title I, §155, Jan. 12, 1983, 96 Stat. 2345, provided that the amendment made by section 155 is effective for the 1982 through 1985 crops of upland cotton.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Pub. L. 97-98, title V, §502, Dec. 22, 1981, 95 Stat. 1234, provided that the amendment made by section 502 is effective only for the 1982 through 1985 crops of upland cotton.

EFFECTIVE AND TERMINATION DATES OF 1978 AMENDMENT

Pub. L. 95-279, title I, §102, May 15, 1978, 92 Stat. 240, provided that the amendment made by section 102 is ef-

fective only with respect to the 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

Pub. L. 95-113, title VI, §602, Sept. 29, 1977, 91 Stat. 934, provided that the amendment made by section 602 is effective only with respect to the 1978 through 1981 crops of upland cotton, except as otherwise provided therein.

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-86, §1(20)(C), Aug. 10, 1973, 87 Stat. 233, provided that the amendment made by section 1(20)(C) is effective beginning with the 1974 crop.

Pub. L. 93-86, §1(20)(D), Aug. 10, 1973, 87 Stat. 234, provided that the amendment made by section 1(20)(D), authorizing Secretary for the 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 the 1974 crop.

EFFECTIVE DATE OF 1970 AMENDMENT

Pub. L. 91-524, title VI, §602, Nov. 30, 1970, 84 Stat. 1374, provided that the amendment made by section 602 is effective beginning with the 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 amended 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

Pub. L. 99-198, title V, §501, Dec. 23, 1985, 99 Stat. 1407, provided that this section is effective only for the 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.