

(4) prices to be determined in the same manner as provided by this chapter prior to January 1, 1950 for the determination of parity prices,

with respect to prices for agricultural commodities and products thereof, shall after January 1, 1950 be deemed to refer to parity prices as determined in accordance with the provisions of section 1301(a)(1) of this title.

(July 3, 1948, ch. 827, title III, §302(f), 62 Stat. 1258.)

#### CODIFICATION

Section was enacted as part of the Agricultural Act of 1948, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

#### EFFECTIVE DATE

Section effective Jan. 1, 1950, see section 303 of act July 3, 1948, set out as an Effective Date of 1948 Amendment note under section 1301 of this title.

#### § 1301b. Repealed. Pub. L. 85-835, title I, § 108, Aug. 28, 1958, 72 Stat. 993

Section, act Aug. 29, 1949, ch. 518, §3(a), 63 Stat. 676, prescribed standard cotton grade for parity and price support purposes.

#### EFFECTIVE DATE OF REPEAL

Pub. L. 85-835, title I, §108, Aug. 28, 1958, 72 Stat. 993, provided in part that: "This section [amending section 1423 of this title and repealing this section] shall become effective with the 1961 crop."

#### § 1302. Repealed. Oct. 31, 1949, ch. 792, title IV, § 414, 63 Stat. 1057

Section, acts Feb. 16, 1938, ch. 30, title III, §302, 52 Stat. 43; June 21, 1938, ch. 554, title V, §502, 52 Stat. 820; July 3, 1948, ch. 827, title II, §202(a), 62 Stat. 1252, related to price support of agricultural commodities.

#### § 1303. Parity payments

If and when appropriations are made therefor, the Secretary is authorized and directed to make payments to producers of corn, wheat, cotton, or rice, on their normal production of such commodities in amounts which, together with the proceeds thereof, will provide a return to such producers which is as nearly equal to parity price as the funds so made available will permit. All funds available for such payments with respect to these commodities shall unless otherwise provided by law, be apportioned to these commodities in proportion to the amount by which each fails to reach the parity income. Such payments shall be in addition to and not in substitution for any other payments authorized by law.

(Feb. 16, 1938, ch. 30, title III, §303, 52 Stat. 45; Pub. L. 108-357, title VI, §611(g), Oct. 22, 2004, 118 Stat. 1522.)

#### AMENDMENTS

2004—Pub. L. 108-357 substituted "or rice," for "rice, or tobacco,".

#### 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.

#### § 1304. Consumer safeguards

The powers conferred under this chapter shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this chapter it shall be the duty of the Secretary to give due regard to the maintenance of a continuous and stable supply of agricultural commodities from domestic production adequate to meet consumer demand at prices fair to both producers and consumers.

(Feb. 16, 1938, ch. 30, title III, §304, 52 Stat. 45.)

#### § 1305. Transfer of acreage allotments or feed grain bases on public lands upon request of State agencies

Notwithstanding any other provision of law, the Secretary, upon the request of any agency of any State charged with the administration of the public lands of the State, may permit the transfer of acreage allotments or feed grain bases together with relevant production histories which have been determined pursuant to this chapter, or section 590p of title 16, from any farm composed of public lands to any other farm or farms in the same county composed of public lands: *Provided*, That as a condition for the transfer of any allotment or base an acreage equal to or greater than the allotment or base transferred prior to adjustment, if any, shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made. The Secretary shall prescribe regulations which he deems necessary for the administration of this section, which may provide for adjusting downward the size of the allotment or base transferred if the farm to which the allotment or base is transferred normally has a higher yield per acre for the commodity for which the allotment or base is determined, for reasonable limitations on the size of the resulting allotments and bases on farms to which transfers are made, taking into account the size of the allotments and bases on farms of similar size in the community, and for retransferring allotments or bases and relevant histories if the conditions of the transfers are not fulfilled.

(Pub. L. 89-321, title VII, §706, Nov. 3, 1965, 79 Stat. 1210; Pub. L. 91-524, title IV, §405(a), formerly §405, title VI, §606, Nov. 30, 1970, 84 Stat. 1366, 1378, renumbered §405(a) and amended Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229.)

## CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

## AMENDMENTS

1973—Pub. L. 93-86 amended Pub. L. 91-524. See 1970 Amendment notes below.

1970—Pub. L. 91-524, § 606, temporarily inserted at end “The term ‘acreage allotments’ as used in this section includes the farm base acreage allotments for upland cotton.” See Effective and Termination Dates of 1970 Amendment note below.

Pub. L. 91-524, § 405(2), which temporarily inserted at end “The term ‘acreage allotments’ as used in this section includes the domestic allotment for wheat.”, was repealed by Pub. L. 93-86.

Pub. L. 91-524, § 405(a), formerly § 405, as renumbered and amended by Pub. L. 93-86, temporarily inserted “or the Agricultural Act of 1949, as amended,” after “title 16.” See Effective and Termination Dates of 1970 Amendment note below.

## EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-86, § 1(12)(a), Aug. 10, 1978, 87 Stat. 229, provided that the repeal of section 405(2) of Pub. L. 91-524 is effective with the 1974 crop.

## EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Pub. L. 91-524, title IV, § 405(a), formerly § 405, Nov. 30, 1970, 84 Stat. 1366, as renumbered and amended by Pub. L. 93-86, § 1(12)(a), Aug. 10, 1973, 87 Stat. 229, provided that the amendment made by section 405(a) of Pub. L. 91-524 is effective only with respect to the 1971 through 1977 crops of wheat.

Pub. L. 91-524, title VI, § 606, Nov. 30, 1970, 84 Stat. 1378, as amended by Pub. L. 93-86, § 1(22), Aug. 10, 1973, 87 Stat. 235, provided that the amendment made by section 606 of Pub. L. 91-524 is effective only with respect to the 1971 through 1977 crops.

**§ 1306. Projected yields; determination; base period**

Notwithstanding any other provision of law, in the determination of farm yields the Secretary may use projected yields in lieu of normal yields. In the determination of such yields the Secretary shall take into account the actual yield proved by the producer for the base period used in determining the projected yield, and the projected yield shall not be less than such actual yield proved by the producer.

(Pub. L. 89-321, title VII, § 708, Nov. 3, 1965, 79 Stat. 1211; Pub. L. 91-524, title IV, § 405(b), as added Pub. L. 93-86, § 1(12)(a), Aug. 10, 1973, 87 Stat. 229.)

## CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

## AMENDMENTS

1973—Pub. L. 91-524, § 405(b), as added by Pub. L. 93-86, temporarily inserted “(except that in the case of wheat, if the yield is abnormally low in any one of the calendar years of the base period because of drought, flood, or other natural disaster, the Secretary shall take into account the actual yield proved by the producer in the other four years of such base period)” after “determining the projected yield”. See Effective and Termination Dates of 1973 Amendment note below.

## EFFECTIVE AND TERMINATION DATES OF 1973 AMENDMENT

Pub. L. 91-524, title IV, § 405(b), as added by Pub. L. 93-86, § 1(12)(a), Aug. 10, 1973, 87 Stat. 229, provided that

the amendment made by Pub. L. 91-524 is effective with respect to the 1974 through 1977 crops.

**§ 1307. Limitation on payments under wheat, feed grains, and cotton programs for 1974 through 1977 crops**

Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1976 crops of the commodities and by titles IV and V of the Food and Agriculture Act of 1977 and titles IV, V, and VI of this Act for the 1977 crop of the commodities shall not exceed \$20,000.

(2) The term “payments” as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment or public access for recreation.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term “person” and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary. The rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970.

(Pub. L. 91-524, title I, § 101, Nov. 30, 1970, 84 Stat. 1358; Pub. L. 93-86, § 1(1), Aug. 10, 1973, 87 Stat. 221; Pub. L. 95-113, title I, § 104, Sept. 29, 1977, 91 Stat. 919.)

## REFERENCES IN TEXT

This Act, referred to in pars. (1) and (4), is Pub. L. 91-524, Nov. 30, 1970, 84 Stat. 1358, as amended, known as the Agricultural Act of 1970. Title IV of that Act enacted section 1334a-1 of this title, amended sections 1301, 1305, 1306, 1378, 1379, 1379b, 1379c, 1379d, 1379e, 1379g, 1385, 1427, 1428, and 1445a of this title, and enacted provisions set out as notes under sections 1301, 1305, 1306, 1330 to 1334, 1335, 1336, 1338, 1339, and 1379c of this title. Title V of that Act amended section 1444b of this title and provisions set out as a note under section 1444b of this title. Title VI of that Act enacted sections 1342a, 1350a, and 2119 of this title, amended sections 1305, 1344b, 1350, 1374, 1378, 1379, 1385, 1427, 1428, 1444, and 1444a of this title, and enacted provisions set out as notes under sections 1305, 1342, 1342a, 1343, 1344, 1344b, 1345, 1346, 1377, 1378, 1379, 1385, 1427, 1428, 1444, and 1446d of this title. 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 Food and Agriculture Act of 1977, referred to in par. (1), is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913.