

§ 7284. Personal liability of producers for deficiencies

(a) In general

Except as provided in subsection (b), no producer shall be personally liable for any deficiency arising from the sale of the collateral securing any nonrecourse loan made under this chapter¹ title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.], and title I of the Agricultural Act of 2014 [7 U.S.C. 9001 et seq.] unless the loan was obtained through a fraudulent representation by the producer.

(b) Limitations

Subsection (a) 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 chapter¹ title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.], and title I of the Agricultural Act of 2014 [7 U.S.C. 9001 et seq.].

(c) Acquisition of collateral

In the case of a nonrecourse loan made under this chapter¹ title I of the Farm Security and Rural Investment Act of 2002 [7 U.S.C. 7901 et seq.], title I of the Food, Conservation, and Energy Act of 2008 [7 U.S.C. 8701 et seq.], and title I of the Agricultural Act of 2014 [7 U.S.C. 9001 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; Pub. L. 113-79, title I, §1607, Feb. 7, 2014, 128 Stat. 708.)

REFERENCES IN TEXT

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

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

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 Agricultural Act of 2014, referred to in subsecs. (a), (b)(3), and (c), is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649. Title I of the Act is classified principally to chapter 115 (§9001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 9001 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

2014—Subsecs. (a), (b)(3), (c). Pub. L. 113-79 substituted “title I of the Food, Conservation, and Energy Act of 2008, and title I of the Agricultural Act of 2014” for “and title I of the Food, Conservation, and Energy Act of 2008”.

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) 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