

§ 1436. Reimbursement of appropriations available for classing or grading agriculture commodities without charge

On and after June 29, 1949, appropriations available for classing or grading any agricultural commodity without charge to the producers thereof may be reimbursed from nonadministrative funds of the Commodity Credit Corporation for the cost of classing or grading any such commodity for producers who obtain Commodity Credit Corporation price support.

(June 29, 1949, ch. 280, title I, 63 Stat. 344.)

CODIFICATION

Section was formerly classified to section 440 of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Department of Agriculture Appropriation Act, 1950, 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.

EXCEPTIONS FROM TRANSFER OF FUNCTIONS

Functions of Corporations of Department of Agriculture, boards of directors and officers of such corporations; Advisory Board of Commodity Credit Corporation; and Farm Credit Administration or any agency, officer or entity of, under, or subject to supervision of the said Administration excepted from functions of officers, agencies, and employees transferred to Secretary of Agriculture by 1953 Reorg. Plan No. 2, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

§ 1436a. Transfer of nonadministrative funds of Commodity Credit Corporation for classing and grading purposes

On and after August 31, 1951, there may be transferred to appropriations available for classing or grading any agricultural commodity without charge to the producers thereof such sums from nonadministrative funds of the Commodity Credit Corporation as may be necessary in addition to other funds available for these purposes, such transfers to be reimbursed from subsequent appropriations therefor.

(Aug. 31, 1951, ch. 374, title I, 65 Stat. 239.)

CODIFICATION

Section was formerly classified to section 414a of this title prior to editorial reclassification and renumbering as this section.

Section was enacted as part of the Department of Agriculture Appropriation Act, 1952, 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.

SUBCHAPTER II—BASIC AGRICULTURAL COMMODITIES

§ 1441. Price support levels

The Secretary of Agriculture (hereinafter called the "Secretary") is authorized and directed to make available through loans, purchases, or other operations, price support to cooperators for any crop of any basic agricultural commodity, if producers have not disapproved marketing quotas for such crop, at a level not in

excess of 90 per centum of the parity price of the commodity nor less than the level provided in subsections (a), (b), and (c) as follows:

Table with 2 columns: Supply percentage ranges and The level of support shall be not less than the following percentage of the parity price. Rows include (a) For corn and wheat, if the supply percentage as of the beginning of the marketing year is: Not more than 102, More than 102 but not more than 104, etc.

For rice of the 1959 and 1960 crops, the level of support shall be not less than 75 per centum of the parity price. For rice of the 1961 crop the level of support shall be not less than 70 per centum of the parity price. For the 1962 and subsequent crops of rice the level of support shall be not less than 65 per centum of the parity price.

Table with 2 columns: Supply percentage ranges and The level of support shall be not less than the following percentage of the parity price. Rows include (b) For cotton, if the supply percentage as of the beginning of the marketing year is: Not more than 108, More than 108 but not more than 110, etc.

(c) Notwithstanding the foregoing provisions of this section—

- (1) if producers have not disapproved marketing quotas for such crop, the level of support to cooperators shall be 90 per centum of the parity price for the 1950 crop of any basic agricultural commodity for which marketing quotas or acreage allotments are in effect;
(2) if producers have not disapproved marketing quotas for such crop, the level of support to cooperators shall be not less than 80 per centum of the parity price for the 1951 crop of any basic agricultural commodity for which marketing quotas or acreage allotments are in effect;
(3) the level of price support to cooperators for any crop of a basic agricultural commodity for which marketing quotas have been disapproved by producers shall be 50 per centum of the parity price of such commodity;
(4) Repealed. Oct. 31, 1949, ch. 792, title I, §104(b)(3), as added Aug. 28, 1958, Pub. L. 85-835, title II, §201, 72 Stat. 994;
(5) price support may be made available to noncooperators at such levels, not in excess of

the level of price support to cooperators, as the Secretary determines will facilitate the effective operation of the program.¹

(6) Except² as provided in subsection (c) and section 1422 of this title, the level of support to cooperators shall be not more than 90 per centum and not less than 82½ per centum of the parity price for the 1955 crop of any basic agricultural commodity with respect to which producers have not disapproved marketing quotas; within such limits, the minimum level of support shall be fixed as provided in subsections (a) and (b) of this section.¹

(7) Where² a State is designated under section 1335(e) of this title, as outside the commercial wheat-producing area for any crop of wheat, the level of price support for wheat to cooperators in such State for such crop of wheat shall be 75 per centum of the level of price support to cooperators in the commercial wheat-producing area.

(d) RICE.—The Secretary shall make available to producers of each crop of rice on a farm price support at a level that is not less than 50 per cent, or more than 90 percent of the parity price for rice as the Secretary determines will not result in increasing stocks of rice to the Commodity Credit Corporation.

(Oct. 31, 1949, ch. 792, title I, §§101, 104(b)(3), 63 Stat. 1051; July 17, 1952, ch. 933, §§2, 3(1), 66 Stat. 759; Aug. 28, 1954, ch. 1041, title II, §§201, 202, 68 Stat. 899; Pub. L. 85-28, Apr. 25, 1957, 71 Stat. 27; Pub. L. 85-497, July 2, 1958, 72 Stat. 296; Pub. L. 85-835, title II, §201, title III, §302(a), Aug. 28, 1958, 72 Stat. 993, 994; Pub. L. 86-389, §2, Feb. 20, 1960, 74 Stat. 7; Pub. L. 90-475, §5, Aug. 11, 1968, 82 Stat. 702; Pub. L. 94-214, title I, §102, Feb. 16, 1976, 90 Stat. 183; Pub. L. 95-113, title VI, §607, title VII, §702, Sept. 29, 1977, 91 Stat. 940; Pub. L. 96-176, Dec. 31, 1979, 93 Stat. 1290; Pub. L. 96-213, §4(a), Mar. 18, 1980, 94 Stat. 119; Pub. L. 96-365, title II, §201(a), Sept. 26, 1980, 94 Stat. 1319; Pub. L. 97-98, title V, §508, title VI, §602, Dec. 22, 1981, 95 Stat. 1242; Pub. L. 97-253, title I, §125, Sept. 8, 1982, 96 Stat. 771; Pub. L. 98-88, §2, Aug. 26, 1983, 97 Stat. 494; Pub. L. 98-258, title IV, §§401, 402, Apr. 10, 1984, 98 Stat. 135; Pub. L. 99-198, title VI, §602, Dec. 23, 1985, 99 Stat. 1427; Pub. L. 104-127, title I, §171(b)(3), Apr. 4, 1996, 110 Stat. 938; Pub. L. 107-171, title I, §1310(a)(2)(A), May 13, 2002, 116 Stat. 182; Pub. L. 108-357, title VI, §612(b), Oct. 22, 2004, 118 Stat. 1523.)

REFERENCES IN TEXT

Subsec. (e) of section 1335 of this title, referred to in subsec. (c)(7), was eliminated and other provisions substituted by Pub. L. 87-703, title III, §315, Sept. 27, 1962, 76 Stat. 621.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-357, §612(b)(1), substituted “corn” for “tobacco (except as otherwise provided herein), corn,” in first sentence.

Subsec. (c). Pub. L. 108-357, §612(b)(2), (4), redesignated subsec. (d) as (c) and struck out former subsec. (c), which related to level of support for tobacco if marketing quotas are in effect.

Subsec. (d). Pub. L. 108-357, §612(b)(4), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (d)(3). Pub. L. 108-357, §612(b)(3), struck out “, except tobacco,” after “agricultural commodity” and “and no price support shall be made available for any crop of tobacco for which marketing quotas have been disapproved by producers;” at end.

Subsec. (e). Pub. L. 108-357, §612(b)(4), redesignated subsec. (e) as (d).

Subsecs. (g) to (i). Pub. L. 108-357, §612(b)(2), directed the repeal of subsecs. (g) to (i), which related to temporary programs for 1976 and 1977 crops of rice, 1978 through 1981 crops of rice, and 1982 through 1985 crops of rice, respectively. See 1976, 1977, and 1981 Amendment notes below.

2002—Subsec. (b). Pub. L. 107-171 struck out “and peanuts” after “cotton”.

1996—Subsec. (e). Pub. L. 104-127 added subsec. (e).

1985—Subsec. (i)(1). Pub. L. 99-198 temporarily redesignated existing provisions as subpar. (A) and added subpars. (B) to (D). See Effective and Termination Dates of 1985 Amendment note below.

1984—Subsec. (i)(2)(C). Pub. L. 98-258, §401, substituted “and \$11.90 per hundredweight for the 1984 and 1985 crops” for “\$11.90 per hundredweight for the 1984 crop, and \$12.40 per hundredweight for the 1985 crop”.

Subsec. (i)(5)(A). Pub. L. 98-258, §402(1), substituted “third, fourth, and fifth” for “third and fourth” after “Notwithstanding any other provision of law, except as provided in the”.

Pub. L. 98-258, §402(2), inserted sentence providing: “For the 1985 crop of rice, if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed twenty-five million hundredweight, the Secretary shall provide for a combination of an acreage limitation program as described under this subparagraph and a land diversion program as described under subparagraph (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of not less than 25 per centum, consisting of a reduction of 20 per centum under the acreage limitation program and a reduction under the land diversion program equal to the difference between the total reduction for the farm and the 20 per centum reduction under the acreage limitation program.”

Pub. L. 98-258, §402(3), substituted “1983 and 1985 crops of rice” for “1983 crop of rice” after “As a condition of eligibility for loans, purchases, and payments on the”.

Subsec. (i)(5)(B). Pub. L. 98-258, §402(4), inserted sentence providing that if the Secretary implements a land diversion program for the 1985 crop of rice under the provisions of subparagraph (A), the Secretary shall make crop retirement and conservation payments to any producer of the 1985 crop of rice whose acreage planted to rice for harvest on the farm is reduced so that it does not exceed the rice acreage base for the farm less an amount equivalent to the percentage of the acreage base specified by the Secretary, but not less than 5 per centum, in addition to the reduction required under the acreage limitation program under subparagraph (A), and who devotes to approved conservation uses an acreage of cropland equivalent to the reduction required from the rice acreage base under this subparagraph.

Pub. L. 98-258, §402(5), substituted “Diversion payments made to producers under this subparagraph shall be made in an amount computed by multiplying” for “Such payments shall be made in an amount computed by multiplying”.

Pub. L. 98-258, §402(6), substituted “\$3.00 per hundredweight for the 1983 crop of rice, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved with the lower rate, and at not less than \$2.70 per hundredweight for the 1985 crop of rice” for “\$3.00 per hundredweight, except that the rate may be reduced up to 10 per centum if the Secretary determines that the same program objective could be achieved

¹ So in original. The period probably should be a semicolon.

² So in original. Probably should not be capitalized.

with the lower rate" after "The diversion payment rate shall be established by the Secretary at not less than" and inserted a proviso that if the Secretary estimates that the quantity of rice on hand in the United States on July 31, 1985 (not including any quantity of rice produced in the United States during calendar year 1985), will exceed (I) thirty-five million hundredweight, such rate shall be established by the Secretary at not less than \$3.25 per hundredweight, and (II) forty-two million five hundred thousand hundredweight, such rate shall be established by the Secretary at not less than \$3.50 per hundredweight.

Pub. L. 98-258, §402(7), substituted "1983 and 1985 crops" for "1983 crop" after "The Secretary shall make not less than 50 per centum of any payments under this subparagraph to producers of the".

1983—Subsec. (f). Pub. L. 98-88 struck out subsec. (f) which read as follows: "The provisions of this Act relating to price support for cotton shall apply severally to (1) American upland cotton and (2) extra long staple cotton described in subsection (a) of this section and ginned as required by subsection (e) of section 1347 of this title, except that, notwithstanding any other provision of this Act, price support shall be made available for the 1982 and each subsequent crop of extra long staple cotton through nonrecourse loans as provided in this subsection. If producers have not disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which is not less than 75 per centum or more than 125 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. If producers have disapproved marketing quotas for any crop of extra long staple cotton, price support loans shall be made available to cooperators for such crop at a level which shall be 50 per centum in excess of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton (micronaire 3.5 through 4.9) of such crop at average location in the United States. Nothing contained herein shall affect the authority of the Secretary to make price support available for extra long staple cotton in accordance with section 1422 of this title." See section 1444(h) of this title.

1982—Subsec. (i)(5)(A). Pub. L. 97-253, §125(1)-(3), substituted "Notwithstanding any other provision of law, except as provided in the third and fourth sentences of this paragraph, the" for "Notwithstanding any other provision of this subsection, the", following second sentence, inserted provision that for the 1983 crop of rice, the Secretary shall provide for a combination of (i) an acreage limitation program as described under this subparagraph and (ii) a diversion program as described under subpar. (B) under which the acreage planted to rice for harvest on the farm would be limited to the acreage base for the farm reduced by a total of 20 per centum, consisting of a reduction of 15 per centum under the acreage limitation program and a reduction of 5 per centum under the diversion program, and that as a condition of eligibility for loans, purchases, and payments on the 1983 crop of rice, the producers on a farm must comply with the terms and conditions of the combined acreage limitation and diversion program, and, following ninth sentence, inserted provision that notwithstanding the other provisions of this subparagraph, the acreage base to be used for the farm under the program for the 1983 crop of rice shall be the same as the acreage base applicable to the farm under the acreage limitation program for the 1982 crop, adjusted to reflect established crop-rotation practices and to reflect such other factors as the Secretary determines should be considered in determining a fair and equitable base.

Subsec. (i)(5)(B). Pub. L. 97-253, §125(4), inserted provision requiring the Secretary to implement a land diversion program for the 1983 crop of rice under which the Secretary shall make crop retirement and conservation payments to producers making a reduction

additional to that required under subpar. (A) and devoting an equivalent acreage of cropland to conservation purposes, and provisions for the computation of payments, and establishment of payment rates by the Secretary, as well as payment by the Secretary of not less than 50 per centum of any payments under this subparagraph to 1983 crop producers as soon as practicable after any such producer enters into a land diversion contract with the Secretary and in advance of any determination of performance, but in no case prior to Oct. 1, 1982, and repayment of advances, with interest, in the event of noncompliance by such producer with such contract.

1981—Subsec. (f). Pub. L. 97-98, §508, substituted provisions authorizing price support for extra long staple cotton for the 1982 crop and each subsequent crop through nonrecourse loans as provided in this subsection and prescribing the level of price support loans available to cooperators if producers have not, or have, disapproved marketing quotas for any crop of extra long staple cotton as specified percentages of the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton, micronaire 3.5 through 4.9, of such crop at average location in the United States for provisions authorizing price support for extra long staple cotton to cooperators for the 1980 crop and each subsequent crop based on the loan level established for Strict Low Middling one and one-sixteenth inch upland cotton and adjusted by the specified factors, provisions determining the computation of acreage allotments of extra long staple cotton, provisions authorizing the Secretary to establish the price-support payment factor, provisions authorizing the manner and mode of payments authorized under this section, and provisions making operative subsec. (d)(3) of this section upon the disapproval by producers of the national marketing quota established pursuant to section 1347 of this title.

Subsec. (i). Pub. L. 97-98, §602, temporarily added subsec. (i). See Effective and Termination Dates of 1981 Amendment note below.

1980—Subsec. (h)(4)(B). Pub. L. 96-365, §201(a)(1), substituted "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice" for "Effective only with respect to the 1978, 1979, and 1980 crops of rice".

Pub. L. 96-213, §4(a)(1), substituted "1978, 1979, and 1980 crops of rice" for "1978 and 1979 crops of rice".

Subsec. (h)(4)(C). Pub. L. 96-365, §201(a)(2), substituted "Except as otherwise provided in subparagraph (D) of this paragraph, effective with respect to the 1978 through 1981 crops of rice" for "Effective only with respect to the 1978, 1979, and 1980 crops of rice".

Pub. L. 96-213, §4(a)(2), substituted "1978, 1979, and 1980 crops of rice" for "1978 and 1979 crops of rice".

Subsec. (h)(4)(D), (E). Pub. L. 96-365, §201(a)(3), added subpar. (D) and redesignated former subpar. (D) as (E).

1979—Subsec. (f). Pub. L. 96-176 substituted "1980" for "1968", "85" for "50", "135" for "100", and "55" for "65".

1977—Subsec. (f). Pub. L. 95-113, §607, substituted "Strict Low Middling one and one-sixteenth inch" for "Middling one-inch".

Subsec. (h). Pub. L. 95-113, §702, temporarily added subsec. (h). See Effective and Termination Dates of 1977 Amendment note below.

1976—Subsec. (g). Pub. L. 94-214 temporarily added subsec. (g). See Effective and Termination Dates of 1976 Amendment note below.

1968—Subsec. (f). Pub. L. 90-475 substituted provisions authorizing price support for extra long staple cotton for the 1968 crop and each subsequent crop based on the loan level established for Middling one-inch upland cotton and adjusted by the specified factors, provisions determining the computation of acreage allotments of extra long staple cotton, provisions authorizing the Secretary to establish the price-support payment factor, and provisions authorizing the manner and mode of payments authorized under this section, for provisions authorizing price support for extra long staple cotton for the 1957 crop and each subsequent crop based on the

parity price for the 1956 crop and adjusted by certain specified factors, with a minimum price support level of not less than 60 percent of the parity price, and provisions making operative subsec. (d)(3) of this section upon the disapproval by producers of the national marketing quota established pursuant to section 1347 of this title.

1960—Subsec. (e). Pub. L. 86-389 repealed subsec. (e) which provided that: “Notwithstanding any of the provisions of this Act, section 2 of the Act of July 28, 1945 (59 Stat. 506) shall continue in effect.”

1958—Subsec. (a). Pub. L. 85-835, §302(a), substituted “and wheat” for “wheat, and rice” and added par. requiring rice price support levels to be not less than 75, 70, and 65 per centum of parity for 1959 and 1960, 1961, and 1962 and subsequent crop years, respectively.

Subsec. (d)(4). Act Oct. 31, 1949, §104(b)(3), as added Pub. L. 85-835, §201, repealed par. (4) which provided for price support level for corn to cooperators outside the commercial corn-producing area at 75 per centum of the level of price support to cooperators in the commercial corn-producing area.

Subsec. (f). Pub. L. 85-497 provided that the level of support for crops of extra long staple cotton shall not exceed the same per centum of the parity price as for the 1956 crop, required such level to be determined after consideration of the factors specified in section 1421(b) of this title and the price levels for similar qualities of cotton produced outside the United States, and established a minimum of not less than 60 per centum of the parity price as the level for extra long staple cotton.

1957—Subsec. (f). Pub. L. 85-28 set the price support for extra long staple cotton for 1957 and each subsequent crop at same per centum of parity price as for 1956 crop.

1954—Subsec. (d)(6). Act Aug. 28, 1954, §201(a), provided for flexible price supports.

Subsec. (d)(7). Act Aug. 28, 1954, §201(b), added par. (7).

Subsec. (f). Act Aug. 28, 1954, §202, set the price support for long staple cotton at the minimum determined in accordance with the schedule in subsec. (b) of this section.

1952—Subsec. (d)(6). Act July 17, 1952, §2, added par. (6).

Subsec. (f). Act July 17, 1952, §3(1), added subsec. (f).

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 AND TERMINATION DATES OF 1985 AMENDMENT

Pub. L. 99-198, title VI, §602, Dec. 23, 1985, 99 Stat. 1427, provided that the amendment made by section 602 is effective for the 1985 crop of rice.

EFFECTIVE DATE OF 1983 AMENDMENT

Pub. L. 98-88, §2, Aug. 26, 1983, 97 Stat. 494, provided that the amendment made by section 2 is effective beginning with the 1984 crop of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1981 AMENDMENT

Pub. L. 97-98, title V, §508, Dec. 22, 1981, 95 Stat. 1242, provided that the amendment made by section 508 is effective beginning with the 1982 crop of extra long staple cotton.

Pub. L. 97-98, title VI, §602, Dec. 22, 1981, 95 Stat. 1242, provided that the amendment made by section 602 is effective only for the 1982 through 1985 crops of rice.

EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-176 provided that the amendment made by that section is effective with respect to 1980 and subsequent crops of extra long staple cotton.

EFFECTIVE AND TERMINATION DATES OF 1977 AMENDMENT

Pub. L. 95-113, title VII, §702, Sept. 29, 1977, 91 Stat. 940, provided that the amendment made by section 702 is effective only for the 1978 through 1981 crops of rice.

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, except as otherwise provided, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of this title.

EFFECTIVE AND TERMINATION DATES OF 1976 AMENDMENT

Pub. L. 94-214, title I, §102, Feb. 16, 1976, 90 Stat. 183, provided that the amendment made by section 102 is effective for the 1976 and 1977 crops of rice.

EFFECTIVE DATE OF 1958 AMENDMENT

Act Oct. 31, 1949, ch. 792, title I, §104(b)(3), as added by Pub. L. 85-835, title II, §201, Aug. 28, 1958, 72 Stat. 994, provided for repeal of subsec. (d)(4) of this section effective with the 1959 crop, to be operative as provided in section 1444a(b) of this title. See 1958 Referendum for Selection of Alternative Corn Program and Operative Status of Certain Provisions note set out under section 1444a of this title.

Pub. L. 85-835, title III, §302(a), Aug. 28, 1958, 72 Stat. 994, provided that the amendment made by section 302(a) is effective beginning with the 1959 crop.

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 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(b)(1) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(b)(1) of this title.

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)(1) 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)(A) of this title.

Pub. L. 101-624, title VIII, §808, Nov. 28, 1990, 104 Stat. 3478, provided that: “Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1991 through 1995 crops of peanuts.”

Pub. L. 99-198, title VII, §707, Dec. 23, 1985, 99 Stat. 1441, provided that: “Section 101 of the Agricultural Act of 1949 (7 U.S.C. 1441) shall not be applicable to the 1986 through 1990 crops of peanuts.”

Pub. L. 97-98, title VII, §707, Dec. 22, 1981, 95 Stat. 1256, provided that: “Section 101 of the Agricultural Act of 1949 [7 U.S.C. 1441] shall not be applicable to the 1982 through 1985 crops of peanuts.”

REPORT ON TRADING OF RICE FUTURES

Pub. L. 97-98, title VI, §603, Dec. 22, 1981, 95 Stat. 1248, required Secretary of Agriculture to submit a report to Congress evaluating the trading of rice futures on commodity exchanges by July 31, 1983.

EXEMPTION OF DISASTER PAYMENT LIMITATIONS RESPECTING 1977 CROPS OF WHEAT, FEED GRAINS, UPLAND COTTON, AND RICE

Term “payments” as used in subsec. (g)(13) of this section shall not include any part of any payment which is determined by the Secretary of Agriculture to represent compensation for disaster loss with respect

to 1977 crops of wheat, feed grains, upland cotton, and rice, see Pub. L. 95-156, set out as a note under section 1307 of this title.

1963 WHEAT CROP

Pub. L. 87-703, title III, §306, Sept. 27, 1962, 76 Stat. 615, required that price support for 1963 crop of wheat be made available as provided in section 1441 of this title with certain exceptions.

1962 WHEAT CROP

Pub. L. 87-128, title I, §123, Aug. 8, 1961, 75 Stat. 297, required that price support for 1962 crop of wheat be made available as provided in section 1441 of this title with certain exceptions.

§ 1441-1. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, §101A, as added Dec. 23, 1985, Pub. L. 99-198, title VI, §601, 99 Stat. 1419; amended Mar. 20, 1986, Pub. L. 99-260, §2(d), 100 Stat. 47; May 27, 1987, Pub. L. 100-45, §5, 101 Stat. 320; Dec. 22, 1987, Pub. L. 100-203, title I, §§1101(e), 1102(d), 1113(d), 101 Stat. 1330-2, 1330-3, 1330-10, 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 VI, §601, Dec. 23, 1985, 99 Stat. 1419, provided that this section is effective only for the 1986 through 1990 crops of rice.

§ 1441-1a. Marketing certificates for rice

(a) Authority of Commodity Credit Corporation to issue negotiable marketing certificates

Notwithstanding any other provision of law, whenever, during the period beginning August 1, 1986, and ending July 31, 1991, the world price for a class of rice (adjusted to United States qualities and location), as determined by the Secretary of Agriculture, is below the current loan repayment rate for that class of rice, to make United States rice competitive in world markets and to maintain and expand exports of rice produced in the United States, the Commodity Credit Corporation, under such regulations as the Secretary may prescribe, shall make payments, through the issuance of negotiable marketing certificates, to persons who have entered into an agreement with the Commodity Credit Corporation to participate in the program established under this section. Such payments shall be made in such monetary amounts and subject to such terms and conditions as the Secretary determines will make rice produced in the United States available at competitive prices consistent with the purposes of this section, including such payments as may be necessary to make rice in inventory on August 1, 1986, available on the same basis.

(b) Determination of value of certificates

The value of each certificate issued under subsection (a) shall be based on the difference between—

- (1) the loan repayment rate for the class of rice; and
- (2) the prevailing world market price for the class of rice, as determined by the Secretary of Agriculture under a published formula submitted for public comment before its adoption.

(c) Commodity Credit Corporation assistance in redemption, marketing, or exchange of certificates

The Commodity Credit Corporation, under regulations prescribed by the Secretary of Agriculture, may assist any person receiving marketing certificates under this section in the redemption of certificates for cash, or marketing or exchange of such certificates for (1) rice owned by the Commodity Credit Corporation or (2) (if the Secretary and the person agree) other agricultural commodities or the products thereof owned by the Commodity Credit Corporation, at such times, in such manner, and at such price levels as the Secretary determines will best effectuate the purposes of the program established under this section. Notwithstanding any other provision of law, any price restrictions that may otherwise apply to the disposition of agricultural commodities by the Commodity Credit Corporation shall not apply to the redemption of certificates under this section.

(d) Exchange of certificates for commodities and products

Insofar as practicable, the Secretary shall permit owners of certificates to designate the commodities and the products thereof, including storage sites thereof, such owners would prefer to receive in exchange for certificates. If any certificate is not presented for redemption, marketing, or exchange within a reasonable number of days after the issuance of such certificate (as determined by the Secretary), reasonable costs of storage and other carrying charges, as determined by the Secretary, shall be deducted from the value of the certificate for the period beginning after such reasonable number of days and ending with the date of the presentation of such certificate to the Commodity Credit Corporation.

(e) Prevention of adverse effects

The Secretary of Agriculture shall take such measures as may be necessary to prevent the marketing or exchange of agricultural commodities and the products thereof for certificates under this section from adversely affecting the income of producers of such commodities or products.

(f) Transfer of certificates

Under regulations prescribed by the Secretary of Agriculture, certificates issued to rice exporters under this section may be transferred to other exporters and persons approved by the Secretary.

(Pub. L. 99-198, title VI, §603, Dec. 23, 1985, 99 Stat. 1429.)

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, 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.

§ 1441-2. Repealed. Pub. L. 104-127, title I, § 171(b)(2)(A), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, §101B, as added Nov. 28, 1990, Pub. L. 101-624, title VI, §601, 104