

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.

The Secretary is authorized to cooperate with the Government of Mexico in carrying out operations or measures in Mexico which he deems necessary and feasible to prevent the movement into the United States from Mexico of any insects eradicated under the provisions of this subsection. The measure and character of cooperation carried out under this subsection on the part of the United States and on the part of the Government of Mexico, including the expenditure or use of funds made available by the Secretary under this subsection, shall be such as may be prescribed by the Secretary. Arrangements for the cooperations authorized by this subsection shall be made through and in consultation with the Secretary of State. The Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subsection unless the Corporation has received funds to cover such expenditures from appropriations made to carry out the purposes of this subsection. There are hereby authorized to be appropriated to the Commodity Credit Corporation such sums as the Congress may from time to time determine to be necessary to carry out the purposes of this subsection.

(Oct. 31, 1949, ch. 792, title I, §104, as added Pub. L. 85-835, title II, §201, Aug. 28, 1958, 72 Stat. 993; amended Pub. L. 88-297, title I, §103(a), Apr. 11,

1964, 78 Stat. 174; Pub. L. 91-524, title VI, §611, Nov. 30, 1970, as added Pub. L. 93-86, §1(24), Aug. 10, 1973, 87 Stat. 235; Pub. L. 103-437, §4(a)(6), Nov. 2, 1994, 108 Stat. 4581.)

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, as amended, referred to in subsec. (a), 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.

This Act, referred to in subsec. (d), 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.

CODIFICATION

Subsec. (b)(1) of this section, as added by section 201 of Pub. L. 85-835, enacted section 330 of Agricultural Adjustment Act of 1938, which is classified as section 1329a of this title.

Subsec. (b)(2) of this section, as added by section 201 of Pub. L. 85-835, enacted section 105 of Agricultural Act of 1949, which is classified as section 1444b of this title.

Subsec. (b)(3) of this section, as added by section 201 of Pub. L. 85-835, repealed section 101(d)(4) of Agricultural Act of 1949, and was executed to text in the repeal of section 1441(d)(4) of this title.

AMENDMENTS

1994—Subsec. (c). Pub. L. 103-437 substituted "Committee on Agriculture, Nutrition, and Forestry" for "Committee on Agriculture and Forestry".

1973—Subsec. (d). Pub. L. 91-524, §611, as added Pub. L. 93-86, §1(24), added subsec. (d).

1964—Subsec. (c). Pub. L. 88-297 added subsec. (c).

1958 REFERENDUM FOR SELECTION OF ALTERNATIVE CORN PROGRAM; OPERATIVE STATUS OF CERTAIN PROVISIONS

Corn producers voted for adoption of price support program as provided in subsec. (b) of this section (254,262) rather than alternative corn acreage allotment and price support program (102,907), the ballot making operative sections 1329a and 1444b and repeal of section 1441(d)(4) of this title.

§ 1444b. Feed grains; price support program

(a) Notwithstanding the provisions of section 1441 of this title, beginning with the 1964 crop, price support shall be made available to producers for each crop of corn at such level, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn: *Provided*, That in the case of any crop for which an acreage diversion program is in effect for feed grains, the level of price support for corn of such crop shall be at such level not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

(b) Beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into

consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

(Oct. 31, 1949, ch. 792, title I, §105, as added Oct. 31, 1949, ch. 792, title I, §104(b)(2), as added Pub. L. 85-835, title II, §201, Aug. 28, 1958, 72 Stat. 994; amended Pub. L. 87-5, §1, Mar. 22, 1961, 75 Stat. 6; Pub. L. 87-128, title I, §131, Aug. 8, 1961, 75 Stat. 301; Pub. L. 87-425, §1, Mar. 30, 1962, 76 Stat. 50; Pub. L. 87-703, title III, §§301, 305, Sept. 27, 1962, 76 Stat. 612, 614; Pub. L. 88-26, §2, May 20, 1963, 77 Stat. 44; Pub. L. 89-112, §1, Aug. 6, 1965, 79 Stat. 446; Pub. L. 89-321, title III, §301, Nov. 3, 1965, 79 Stat. 1188; Pub. L. 89-451, §2, June 17, 1966, 80 Stat. 202; Pub. L. 89-321, title III, §301, Nov. 3, 1965, as amended Pub. L. 90-559, §1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91-524, title V, §501, Nov. 30, 1970, 84 Stat. 1368; Pub. L. 91-524, title V, §501, Nov. 30, 1970, as amended Pub. L. 93-86, §1(18), Aug. 10, 1973, 87 Stat. 230; Pub. L. 93-86, §1(18), Aug. 10, 1973, 87 Stat. 230; Pub. L. 93-86, §1(18), Aug. 10, 1973, as amended Pub. L. 93-125, §1(d), Oct. 18, 1973, 87 Stat. 450; Pub. L. 93-228, §1(b), Dec. 29, 1973, 87 Stat. 944.)

CODIFICATION

Pub. L. 91-524, as amended by Pub. L. 93-86, amended section generally by substantially revising subsecs. (a) to (e) and enacting subsecs. (f) to (i), effective only through the 1977 crops of feed grains. See 1970 and 1973 Amendment notes and Effective and Termination Dates of 1970 and 1973 Amendment notes below. Prior to such amendment by Pub. L. 91-524 and Pub. L. 93-86, subsec. (c) was applicable only to the 1961 to 1963 crops of feed grains, subsec. (d) was applicable only to the 1964 and 1965 crops of feed grains, and subsec. (e) was applicable only to the 1966 through 1970 crops of feed grains.

AMENDMENTS

1973—Pub. L. 93-228 amended feed grains program for 1974 through 1977, as described below.

Pub. L. 93-125 amended feed grain loan and purchases price support program for 1974 through 1977, as described below.

Pub. L. 93-86 temporarily enacted feed grain loans and purchases price support program for 1974 through 1977, as described below. See Effective and Termination Dates of 1973 Amendment note below.

Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(A), reenacted introductory text without change.

Subsec. (a)(1). Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(A), increased minimum corn crop support level from \$1.00 to \$1.10 per bushel.

Subsec. (a)(2). Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(A), reenacted par. (2) provisions without change.

Subsec. (b)(1). Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(B), added par. (1). Former par. (1) related to subject matter as described in 1970 Amendment note for subsec. (b)(1) of this section.

Subsec. (b)(1) last sentence. Pub. L. 93-228 substituted "(or of wheat, or cotton planted in lieu of the allotted crop)" for "(or other nonconserving crop planted instead of feed grains)".

Subsec. (b)(2). Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(B), added par. (2). Former par. (2) made payments with respect to a farm available on 50 per centum of the feed grain base for the farm and for computation of the payments on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Subsec. (b)(3). Pub. L. 91-524, §501, as amended Pub. L. 93-86, §1(18)(B), substituted in: first sentence, "the feed grain allotment for the farm, the feed grain allotment for the farm for the succeeding crops shall be reduced

by the percentage by which the planted acreage is less than the feed grain allotment for the farm, but such reduction shall not exceed 20 per centum of the feed grain allotment" for "the portion of the feed grain base for the farm on which payments are available under this subsection, the feed grain base for the farm for the succeeding crops shall be reduced by the percentage by which the planted acreage is less than such portion of the feed grain base for the farm, but such reduction shall not exceed 20 per centum of the feed grain base"; second sentence, including proviso, "feed grain allotment" for "feed grain base"; third sentence, "feed grain allotments" for "feed grain bases"; fourth sentence, "90 per centum of the feed grain allotment" for "90 per centum of the portion of the feed grain base on which payments are made available" and "100 per centum of such allotment" for "100 per centum of such portion"; and sixth sentence "effective operation of the program" for "effective operation of the feed grain or soybean program"; and authorized acreage devoted to guar, castor beans, cotton, triticale, oats, rye, or such other crops as the Secretary may deem appropriate, to be considered as feed grain acreage.

Subsec. (c)(1) second sentence. Pub. L. 93-86, §1(18)(D), formerly §1(18)(C [second]), renumbered by Pub. L. 93-125, §1(d)(ii), substituted in item (i) "feed grain allotment" for "feed grain base", inserted preceding item (ii) " , if required by the Secretary", and substituted in item (ii) "soil conserving uses" for "soil-conserving uses".

Subsec. (c)(1) third sentence. Pub. L. 93-86, §1(18)(E), formerly §1(18)(D), renumbered by Pub. L. 93-125, §1(d)(ii), substituted "The Secretary is authorized for the 1974 through 1977 crops to limit the acreage planted to feed grains on the farm to a percentage of the farm acreage allotment." for "The Secretary is authorized for the 1971, 1972, and 1973 crops to limit the acreage planted to feed grains on the farm to such percentage of the feed grain base as he determines necessary to provide an orderly transition to the program provided for under this section."

Subsec. (c)(1) fifth sentence. Pub. L. 93-86, §1(18)(D), formerly §1(18)(C [second]), renumbered by Pub. L. 93-125, §1(d)(ii), substituted "1971 through 1977" for "1971, 1972, 1973".

Subsec. (c)(1) last sentence. Pub. L. 93-86, §1(18)(C), as amended Pub. L. 93-125, §1(d)(i), authorized set-aside acreage to be devoted to hay and production of triticale, oats, and rye, and deleted item (1) and (2) designation of existing provisions, and former introductory text reading "Grazing shall not be permitted 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 subject to this limitation", and provided for such provisions as run-in rather than new-paragraph text.

Subsec. (c)(3). Pub. L. 93-86, §1(18)(G), formerly §1(18)(F), renumbered by Pub. L. 93-125, §1(d)(ii), inserted after provision for devotion of set-aside acreage and diverted acreage to wildlife food plots or wildlife habitat the sentence "The Secretary may, in the case of programs for the 1974 through 1977 crops, pay an appropriate share of the cost of practices designed to carry out the purposes of the foregoing sentences."

Subsec. (e)(1). Pub. L. 93-86, §1(18)(F), formerly §1(18)(E), renumbered by Pub. L. 93-125, §1(d)(ii), struck out provision reading "For the purpose of this section, the feed grain base shall be the average acreage devoted on the farm to corn, grain sorghums and, if designated by the Secretary, barley in 1959 and 1960."

Subsec. (e)(2). Pub. L. 93-86, §1(18)(F), formerly §1(18)(E), renumbered by Pub. L. 93-125, §1(d)(ii), substituted "farm grain allotments" for "farm grain bases" wherever appearing.

Subsec. (e)(3). Pub. L. 93-86, §1(18)(F), formerly §1(18)(E), renumbered by Pub. L. 93-125, §1(d)(ii), struck out provisions respecting reservation for farms in a State for any year for apportionment to farms without 1959 and 1960 acreage, apportionment factors, prohibition against reflection of new cropland by such re-

served allocation, and consideration of farm feed grain base as farm feed grain acreage for 1959 and 1960 crop years.

Subsec. (g). Pub. L. 93-86, §1(18)(F), formerly §1(18)(E), renumbered by Pub. L. 93-125, §1(d)(ii), struck out provisions for preliminary payments, time and rate of payment, and reduction of preliminary payment rate.

1970—Pub. L. 91-524 temporarily enacted feed grains loans and purchases price support program for 1971, 1972, and 1973, as described below. See Effective and Termination Dates of 1970 Amendment note below.

Pub. L. 91-524 substituted as introductory text "Notwithstanding any other provision of law" for former subsec. (a) introductory text "Notwithstanding the provisions of section 1441 of this title".

Subsec. (a)(1). Pub. L. 91-524 substituted par. (1) provisions making loans and purchases available on corn crop at such level, not less than \$1.00 per bushel nor in excess of 90 per centum of the parity price therefor, as the Secretary determines will encourage exportation of feed grains and not result in excessive total stocks of feed grains in the United States for former subsec. (a) provisions for such corn price support level, beginning with 1964 crop, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn, including proviso for such corn price support level, in the case of any crop for which an acreage diversion program is in effect for feed grains, not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

Subsec. (a)(2). Pub. L. 91-524 substituted par. (2) provisions making loans and purchases available on each crop of barley, oats, and rye, at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value of such commodity in relation to corn and other factors specified in section 1421(b) of this title, and on each crop of grain sorghums at such level as the Secretary determines is fair and reasonable in relation to the level that loans and purchases are made available for corn, taking into consideration the feeding value and average transportation costs to market of grain sorghums in relation to corn for former subsec. (b) provisions for such price support level on each crop of oats, rye, barley, and grain sorghums, beginning with the 1959 crop, at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

Subsec. (b)(1). Pub. L. 91-524 made payments available for crops of corn, grain sorghums, and barley; prescribed as payment rate for corn such rate as, together with the national average market price received by farmers during first five months of the marketing year for the crop would not be less than (A) \$1.35 per bushel, or (B) 70 per centum of the parity price of corn as of the beginning of the marketing year, whichever was the greater; prescribed as payment rate for grain sorghums and barley such rate as was fair and reasonable in relation to the rate at which payments were made available for corn; and prescribed rate of payment for 1973 crop would not be such as would result in a total amount of payments which Secretary estimated would be made pursuant to this subsection with respect to 1973 crop of feed grains above total amount of payments made pursuant to this subsection with respect to 1972 crop of feed grains by reason of level specified in clause (B) being fixed above 68 per centum of the parity price for the corn.

Subsec. (b)(2). Pub. L. 91-524 made payments with respect to a farm available on 50 per centum of the feed

grain base for the farm and for computation of the payments on the basis of the yield established for the farm for the preceding crop with such adjustments as the Secretary determines necessary to provide a fair and equitable yield.

Subsec. (b)(3). Pub. L. 91-524 added par. (3).

Former subsec. (b) provided that "Beginning with the 1959 crop, price support shall be made available to producers for each crop of oats, rye, barley, and grain sorghums at such level of the parity price therefor as the Secretary of Agriculture determines is fair and reasonable in relation to the level at which price support is made available for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title," and is now incorporated in subsec. (a)(2) of this section.

Subsec. (c)(1). Pub. L. 91-524 required cropland set-aside, taking into consideration excessive stocks and adequate carryover, and provided for conservation uses acreage, crop year feed grain acreage limitation, "feed grains" for consideration of wheat as feed grain acreage, consideration of section 1339c feed grains diversion program, grazing restriction, and authorization of set-aside acreage for grazing and production of other commodities.

Subsec. (c)(2). Pub. L. 91-524 provided for land diversion payments for conservation uses acreage and for conservation uses acreage limitation.

Subsec. (c)(3). Pub. L. 91-524 required protective measures and provided for wildlife use standards and additional payments for public use.

Subsec. (c)(4). Pub. L. 91-524 provided for filing of participation agreement of farm operators, soil conserving uses acreage requirement, and mutual termination of agreement because of emergencies or limited supplies.

Subsec. (c)(5), (6). Pub. L. 91-524 struck out pars. (5) and (6) which related to price support for 1963 crop of corn and to eligibility for price support on 1963 crop of corn, grain sorghums, and barley.

Subsec. (d). Pub. L. 91-524 redesignated ninth sentence of former subsec. (e) as (d) and substituted "sharing of payments under this section among producers on the farm on a fair and equitable basis" for "sharing of such certificates among producers on the farm on the basis of their respective shares in the feed grain crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable".

Subsec. (e). Pub. L. 91-524 added subsec. (e).

Subsec. (f). Pub. L. 91-524 redesignated last sentence of former subsec. (e) as (f) and substituted "under this section precludes the making of loans, purchases, and payments" and "make such loans, purchases, and payments" for "under this subsection (e) and subsection (e) of this section preclude the making of payments-in-kind" and "make such payments-in-kind".

Subsecs. (g) to (i). Pub. L. 91-524 added subsecs. (g) to (i).

1968—Pub. L. 90-559 amended feed grains price support program for 1966 through 1969, extending such program through 1970.

Subsec. (e). Pub. L. 89-321, as amended Pub. L. 90-559, substituted "1970" for "1969" in provision of text "1966 through 1970 crops of feed grains".

1966—Pub. L. 89-451 amended feed grains price support program for 1966 through 1969.

Subsec. (e). Pub. L. 89-451 substituted "planted to any other crop for which there are marketing quotas or voluntary adjustment programs in effect" for "planted to any other income-producing crop during such year" in sixth sentence.

1965—Pub. L. 89-321 enacted feed grains price support program for 1966 through 1969.

Pub. L. 89-112 amended feed grains price support program for 1965.

Subsec. (d). Pub. L. 89-112 inserted eleventh sentence "An acreage on the farm which the Secretary finds was

not planted to feed grains in 1965 because of flood, drought, or other natural disaster shall be deemed by the Secretary to be an actual acreage of feed grains planted on the farm for harvest for purposes of this subsection, provided such acreage is not subsequently devoted to any price supported crop for 1965."

Subsec. (e). Pub. L. 89-321, in adding subsec. (e), enacted feed grains price support program for 1966 through 1969.

Subsec. (e) first sentence. Pub. L. 89-321 required as a condition of eligibility for price support for 1966 through 1969 crops of feed grains on crop of feed grains included in any acreage diversion program under section 590p(i) of Title 16, participation of producer in the diversion program to the extent prescribed by the Secretary, and as a condition of eligibility for such price support if a diversion program was not in effect for 1966 through 1969 crops, that feed grain base be not exceeded by producer, provided that acreage on farm diverted from production of feed grains pursuant to contract under Cropland Adjustment Program shall be deemed acreage diverted from production of feed grains for purposes of eligibility requirements, and excepted producer of malting barley from requirement of participation in the acreage diversion program for feed grains if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest, did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960, and did not devote oats and rye acreage in 1959 and 1960 to production of wheat pursuant to section 1339c of this title.

Subsec. (e) second sentence. Pub. L. 89-321 incorporated third sentence of former subsec. (d) as second sentence of subsec. (e) and substituted "price-support" and "payments-in-kind" for "price support" and "payments in kind".

Subsec. (e) third sentence. Pub. L. 89-321 made payments-in-kind available on maximum permitted acreage and authorized the Secretary to make available the same total amount on a smaller acreage or acreages at a higher rate or rates.

Subsec. (e) fourth sentence. Pub. L. 89-321 incorporated fourth sentence of former subsec. (d) as fourth sentence of subsec. (e), substituted bushel determination provision calling for multiplication of that part of the actual acreage of such feed grain planted on the farm for harvest on which the Secretary made such payments available by the farm projected yield per acre for prior provision calling for such multiplication of actual acreage of such feed grain planted on the farm for harvest by the adjusted average yield per acre, and inserted proviso respecting consideration of soybean as feed grain acreage to such extent and subject to such terms and conditions as Secretary determined would not impair effective operation of price support program and proviso deeming entire feed grains acreage as so planted when 90 per centum of feed grains acreage permitted to be planted has been so planted.

Subsec. (e) fifth sentence. Pub. L. 89-321 authorized reduction of that portion of the support price which was made available through loans and purchases for the 1966 through 1969 crops below the loan level for the 1965 crop by such amounts and in such stages as might be necessary to promote increased participation in the feed grain program, taking into account increases in yields, but so as not to disrupt the feed grain and livestock economy, without modifying or affecting Secretary's discretion to maintain or increase total price support levels to cooperators.

Subsec. (e) sixth sentence. Pub. L. 89-321 incorporated eleventh sentence of former subsec. (d) as sixth sentence of subsec. (e) and substituted "planted to feed grains" for "planted to feed grains in 1965" and "deemed to be an actual acreage of feed grains planted for harvest for purposes of such payments provided such acreage is not subsequently planted to any other

income-producing crop during such year" for "deemed by the Secretary to be an actual acreage of feed grains planted on the farm for harvest for purposes of this subsection, provided such acreage is not subsequently devoted to any price supported crop for 1965".

Subsec. (e) seventh sentence. Pub. L. 89-321 incorporated sixth sentence of former subsec. (d) as seventh sentence of subsec. (e).

Subsec. (e) eighth sentence. Pub. L. 89-321 incorporated seventh sentence of former subsec. (d) as eighth sentence of subsec. (e) and substituted "Payments-in-kind" for "Such payments in kind", parenthetical text "valued by the Secretary at not less than the current support price made available through loans and purchases" for "valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind", and "in accordance with regulations prescribed by the Secretary and notwithstanding any other provision of law" for "and, notwithstanding any other provisions of law".

Subsec. (e) ninth sentence. Pub. L. 89-321 incorporated ninth sentence of former subsec. (d) as ninth sentence of subsec. (e) and substituted "basis of their respective shares in the feed grain crop produced on the farm, or the proceeds therefrom, except that in any case in which the Secretary determines that such basis would not be fair and equitable, the Secretary shall provide for such sharing on such other basis as he may determine to be fair and equitable" for "basis of their respective shares in the crop produced on the farm with respect to which such certificates are issued, or the proceeds therefrom".

Subsec. (e) tenth sentence. Pub. L. 89-321 incorporated tenth sentence of former subsec. (d) as tenth sentence of subsec. (e) and substituted "in accordance with the provisions of such program," for "in accordance with the provisions of such program".

Subsec. (e) eleventh sentence. Pub. L. 89-321 authorized the Secretary, where the failure of a producer to comply with the terms and conditions of the programs formulated under subsecs. (d) and (e) of this section precluded making payments-in-kind, to make such payments-in-kind in such amounts as he determined to be equitable in relation to the seriousness of the default. 1963—Pub. L. 88-26 amended feed grains support program for 1962, and enacted feed grains support program for 1964 and 1965, as described hereunder.

Subsec. (a). Pub. L. 88-26, §2(1), inserted proviso for such corn price support level, in the case of any crop for which an acreage diversion program is in effect for feed grains, not less than 65 per centum or more than 90 per centum of the parity price therefor as the Secretary determines necessary to achieve the acreage reduction goal established by him for the crop.

Subsec. (d). Pub. L. 88-26, §2(2), in adding subsec. (d), enacted feed grains support program for 1964 and 1965.

Subsec. (d) first sentence. Pub. L. 88-26, §2(2), made subsec. (d) applicable to 1964 and 1965 feed grains crops if an acreage diversion program was in effect under section 590p(h) of title 16.

Subsec. (d) second sentence. Pub. L. 88-26, §2(2), required as a condition of eligibility for price support on crop of feed grain included in the acreage diversion program, participation of producer in the diversion program to the extent prescribed by the Secretary, and as a condition of eligibility for such price support if a diversion program was not in effect for 1964 or 1965 crop, that feed grain base be not exceeded by producer and excepted producer of malting barley from requirement of participation in the acreage diversion program for feed grains if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest, did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960, and did not devote oats and rye acreage in 1959 and 1960 to production of wheat pursuant to section 1339c of this title.

Subsec. (d) third sentence. Pub. L. 88-26, §2(2), authorized payments in kind for such portion of support price for any feed grain included in the acreage diversion program to assure that benefits of price support and diversion programs inure primarily to those producers who cooperate in feed grains acreage reductions.

Subsec. (d) fourth sentence. Pub. L. 88-26, §2(2), provided for payments in kind on number of bushels of feed grain determined by multiplying actual acreage of feed grain planted on the farm for harvest by adjusted average yield per acre.

Subsec. (d) fifth sentence. Pub. L. 88-26, §2(2), made base period used in determining adjusted average yield the same as used for purposes of acreage diversion program under section 590p(h) of title 16.

Subsec. (d) sixth sentence. Pub. L. 88-26, §2(2), authorized 50 per centum payments to producers in advance of determination of performance.

Subsec. (d) seventh sentence. Pub. L. 88-26, §2(2), provided for payments in kind through issuance of negotiable certificates, redemption for feed grains by the CCC (such feed grains to be valued by the Secretary at not less than the current support price minus that part of the current support price made available through payments in kind, plus reasonable carrying charges), and for assistance of CCC in marketing of the certificates.

Subsec. (d) eighth sentence. Pub. L. 88-26, §2(2), provided for deduction from value of negotiable certificates, not presented for redemption within thirty days of date of issuance, or reasonable costs of storage and other carrying charges, for the period beginning thirty days after issuance and ending with date of presentation for redemption.

Subsec. (d) ninth sentence. Pub. L. 88-26, §2(2), required the Secretary to provide for sharing of negotiable certificates among producers on the farm on basis of respective shares in the crop produced on the farm with respect to which such certificates were issued, or the proceeds therefrom.

Subsec. (d) tenth sentence. Pub. L. 88-26, §2(2), conditioned availability of price support for feed grains included in acreage diversion program, where operator of farm elected to participate in the acreage diversion program, to producers on farm diverting from feed grain production under the program an acreage on the farm equal to number of acres which operator agreed to divert, and agreement so provided.

1962—Pub. L. 87-703 enacted feed grains price support program for 1963.

Pub. L. 87-425 amended feed grains support program for 1962.

Subsec. (a). Pub. L. 87-703, §305, substituted provisions for such corn price support level, beginning with 1964 crop, not less than 50 per centum or more than 90 per centum of the parity price therefor, as the Secretary determines will not result in increasing Commodity Credit Corporation stocks of corn for former corn price support, beginning with 1959 crop, at 90 per centum of the average price received by farmers during the three calendar years immediately preceding the calendar year in which the marketing year for such crops began, adjusted to offset the effect on such price of any abnormal quantities of low-grade corn marketed during any of such year, provided the level of price support for any crop of corn be not less than 65 per centum of the parity price therefor.

Subsec. (c). Pub. L. 87-703, §301, in adding pars. (5) and (6), enacted feed grains price support program for 1963, as described hereunder.

Subsec. (c)(4). Pub. L. 87-425 excepted producer of barley on a summer-fallow farm from requirement of participation in special agricultural conservation program for 1962 for barley if such producer did not devote barley farm acreage in excess of average acreage devoted to barley in 1959 and 1960 plus the acreage devoted to summer fallow in 1961 which was diverted from the production of wheat under the special 1962 wheat program and did not devote corn, grain sorghums, and barley farm acreage in excess of 80 per centum of average

acreage devoted to corn, grain sorghums, and barley in 1959 and 1960.

Subsec. (c)(5). Pub. L. 87-703, §301, required establishment of 1963 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine; provided for: payments in kind in amount of 18 cents per bushel of support price for corn, and comparable portion of support price for grain sorghums and barley; such payments on number of bushels of such feed grain determined by multiplying actual acreage of such feed grain planted on the farm for harvest in 1963 by the adjusted average yield per acre for 1959 and 1960 crop acreage of such feed grain; such payments through issuance of negotiable certificates redeemable by CCC for corn, grain sorghums, and barley (such feed grains to be valued by the Secretary at not less than support price minus that part of support price made available through payments in kind) and for CCC assistance to producer in marketing of such certificates; deduction from value of the certificate, in the case of any certificate not presented for redemption within 30 days of date of its issuance, reasonable costs of storage and other carrying charges for period beginning 30 days after its issuance and ending with the date of its presentation for redemption; and basis for sharing of such certificate among producers on the farm; and conditioned availability of price support to inclusion of prescribed acreage diversion where operator of farm elected to participate in the special agricultural conservation program for 1963, for corn, grain sorghums, and barley.

Subsec. (c)(6). Pub. L. 87-703, §301, required as a condition of eligibility for price support on 1963 crop of corn, grain sorghums, and barley participation of producer in special agricultural conservation program for 1963 for corn, grain sorghums, and barley to the extent prescribed by the Secretary and excepted producer of malting barley from requirement of participation in special agricultural conservation program for 1963 if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest in 1963, and did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, and did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960.

1961—Pub. L. 87-128 enacted feed grains price support program for 1962.

Pub. L. 87-5 enacted special feed grains price support program for 1961.

Subsec. (c). Pub. L. 87-128, in adding pars. (3) and (4), enacted feed grains price support program for 1962.

Pub. L. 87-5, in adding pars. (1) and (2), enacted special feed grains price support program for 1961.

Subsec. (c)(1). Pub. L. 87-5 required establishment of 1961 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine and made corn and grain sorghums price support available on not to exceed the normal production of 1961 acreage of corn and grain sorghums of each eligible farm based on average yield per acre for 1959 and 1960 crop acreage.

Subsec. (c)(2). Pub. L. 87-5 required as a condition of eligibility for price support on 1961 crop of corn, grain sorghums, and any other feed grain designated by the Secretary, participation of producer in special agricultural conservation program for 1961 for corn and grain sorghums to the extent prescribed by the Secretary.

Subsec. (c)(3). Pub. L. 87-128 required establishment of 1962 corn crop price support at such level not less than 65 per centum of parity price as Secretary might determine and made corn, grain sorghums, and barley price support available on not to exceed the normal production of 1962 acreage of corn, grain sorghums, and barley of each eligible farm based on average yield per acre for 1959 and 1960 crop acreage.

Subsec. (c)(4). Pub. L. 87-128 required as a condition of eligibility for price support on 1962 crop of corn and grain sorghums participation of producer in special ag-

ricultural conservation program for 1962 for corn and grain sorghums to the extent prescribed by the Secretary and prohibited farm acreage devoted to barley in excess of average acreage devoted to barley in 1959 and 1960; required as a condition of eligibility for price support on 1962 crop of barley participation of producer in special agricultural conservation program for 1962 for barley to the extent prescribed by the Secretary and prohibited farm acreage devoted to corn and grain sorghums in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960; and excepted producer of malting barley from requirement of participation in special agricultural conservation program for 1962 for barley if such producer had previously produced a malting variety of barley, planted barley only of an acceptable malting variety for harvest in 1962, and did not devote barley farm acreage in excess of 110 per centum of average acreage devoted to barley in 1959 and 1960, and did not devote corn and grain sorghums farm acreage in excess of average acreage devoted to corn and grain sorghums in 1959 and 1960.

1958—Pub. L. 85-835 enacted corn and feed grains price support provisions, beginning with the 1959 crop.

Subsec. (a). Pub. L. 85-835 made corn price support available, beginning with 1959 crop, at 90 per centum of average price received by farmers during three calendar years immediately preceding calendar year in which marketing year for the crop begins, adjusted to offset effect on such price of any abnormal quantities of low-grade corn marketed during any of such year, with minimum price support level at 65 per centum of parity price for any crop of corn.

Subsec. (b). Pub. L. 85-835 made price support available, beginning with 1959 crop, for each crop of oats, rye, barley, and grain sorghums, at such level of parity price as Secretary of Agriculture determined was fair and reasonable in relation to price support level for corn, taking into consideration the feeding value of such commodity in relation to corn, and the other factors set forth in section 1421(b) of this title.

EFFECTIVE AND TERMINATION DATES OF 1973 AMENDMENT

Pub. L. 91-524, title V, § 501, as amended by Pub. L. 93-86, § 1(18), Aug. 10, 1973, 87 Stat. 230, provided that the amendment made by section 501 is effective only with respect to the 1974 through 1977 crops of feed grains.

Pub. L. 91-524, title V, § 501(a), formerly § 501, as renumbered and amended by Pub. L. 93-86, § 1(18)(A), Aug. 10, 1973, 87 Stat. 230, provided that the amendment made by section 501(a) is effective only with respect to the 1971 through 1977 crops of feed grains.

Pub. L. 91-524, title V, § 501(b), as added by Pub. L. 93-86, § 1(18)(B), Aug. 10, 1973, 87 Stat. 230, provided that the amendment made by section 501(b) is effective only with respect to the 1974 through 1977 crops of feed grains.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Pub. L. 91-524, title V, § 501, Nov. 30, 1970, 84 Stat. 1368, provided that the amendment made by section 501 is effective only with respect to the 1971, 1972, and 1973 crops of feed grains.

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)(3) 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)(3) 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)(3) 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)(C) of this title.

Pub. L. 101-624, title IV, § 402, Nov. 28, 1990, 104 Stat. 3419, provided that: "Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1991 through 1995 crops of feed grains."

Pub. L. 99-198, title IV, § 402, Dec. 23, 1985, 99 Stat. 1406, provided that: "Section 105 of the Agricultural Act of 1949 (7 U.S.C. 1444b) shall not be applicable to the 1986 through 1990 crops of feed grains."

Pub. L. 97-98, title IV, § 402, Dec. 22, 1981, 95 Stat. 1234, provided that: "Section 105 of the Agricultural Act of 1949 [this section] shall not be applicable to the 1982 through 1985 crops of feed grains."

Pub. L. 95-113, title V, § 503, Sept. 29, 1977, 91 Stat. 933, provided that: "Section 105 of the Agricultural Act of 1949, as amended [this section], shall not be applicable to the 1977 through 1981 crops of feed grains."

Pub. L. 95-113, title V, § 504, Sept. 29, 1977, 91 Stat. 933, provided that: "Except as otherwise provided in section 501 of this Act [enacting section 1444(a)-(c) of this title effective only for the 1977 through 1981 crops of feed grains], section 105(a) and (b)(1) of the Agricultural Act of 1949, as added by the Agricultural Act of 1970, as amended [subsecs. (a) and (b)(1) of this section as amended by Pub. L. 91-524, as amended], to be effective only for the 1974 through 1977 crops of feed grains, shall not be applicable to the 1977 crop of feed grains."

1958 REFERENDUM FOR SELECTION OF ALTERNATIVE CORN PROGRAM; OPERATIVE STATUS OF CERTAIN PROVISIONS

Corn producers voted for adoption of price support program as provided in section 1444a(b) of this title (254,262) rather than alternative corn acreage allotments and price support program (102,907), the ballot making operative sections 1329a and 1444b and repeal of section 1441(d)(4) of this title.

§§ 1444c, 1444d. Repealed. Pub. L. 101-624, title IV, § 401(1), Nov. 28, 1990, 104 Stat. 3400

Section 1444c, act Oct. 31, 1949, ch. 792, title I, § 105A, as added Sept. 29, 1977, Pub. L. 95-113, title V, §§ 501, 502, 91 Stat. 928, 930; amended Mar. 18, 1980, Pub. L. 96-213, §§ 2, 4(c), 94 Stat. 119, 120; Sept. 26, 1980, Pub. L. 96-365, title II, § 201(c), 94 Stat. 1320, Dec. 3, 1980, Pub. L. 96-494, title II, § 202(a), 94 Stat. 2570, related to loan rates and target prices for 1977 through 1981 feed grain crops.

Section 1444d, act Oct. 31, 1949, ch. 792, title I, § 105B, as added Dec. 22, 1981, Pub. L. 97-98, title IV, § 401, 95 Stat. 1227; amended Sept. 8, 1982, Pub. L. 97-253, title I, §§ 123, 124, 96 Stat. 769; Sept. 29, 1983, Pub. L. 98-100, § 1(a), 97 Stat. 718; Apr. 10, 1984, Pub. L. 98-258, title II, §§ 201-203, 98 Stat. 132, 133, related to loan rates and target prices for 1982 through 1985 feed grain crops.

EFFECTIVE DATE OF REPEAL

Repeal 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 an Effective Date of 1990 Amendment note under section 1421 of this title.

§ 1444e. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, § 105A, formerly § 105C, as added Dec. 23, 1985, Pub. L. 99-198, title IV, § 401, 99 Stat. 1395; amended Feb. 28, 1986, Pub. L. 99-253, § 2, 100 Stat. 36; Mar. 20, 1986, Pub. L. 99-260, §§ 2(b), 7(b), 100 Stat. 46, 50; May 27, 1987, Pub. L. 100-45, § 3, 101 Stat. 319; Dec. 22, 1987, Pub. L. 100-203, title I, §§ 1101(b), 1102(b), 1103, 1107, 1113(b), 1202, 101 Stat. 1330-1 to 1330-3, 1330-5, 1330-9, 1330-11; Dec. 12, 1989, Pub. L. 101-220, § 1, 103 Stat. 1876; Dec. 19, 1989, Pub. L. 101-239, title I, §§ 1002(b), 1003(b)(2), 103 Stat. 2107, 2108; renumbered § 105A, Nov. 28, 1990, Pub. L. 101-624, title IV, § 401(2), 104 Stat. 3400, related to loan rates, target