

(I) on April 7, 1986; and
 (II) annually thereafter over the course of the respective buy-out periods specified in this subsection.

(ii) Such percentage shall be determined by dividing—

(I) the average net cigarettes manufactured by a manufacturer for use for the 12-month period immediately preceding the appropriate determination date (April 7, 1986, and annually thereafter over the course of the respective buy-out periods specified in this subsection); by

(II) the aggregate average net cigarettes manufactured by all domestic cigarette manufacturers for use for such 12-month period.

(D)(i) The quantity of tobacco to be purchased by each participating manufacturer shall be determined annually.

(ii) Such quantity shall be based on—

(I) the percentage of net cigarettes of a manufacturer manufactured for use, as determined under subparagraph (C); multiplied by

(II) the appropriate annual quantity to be withdrawn from the inventories of the associations or the Commodity Credit Corporation.

(iii) The appropriate annual quantity to be withdrawn from inventories shall be—

(I) 12½ percent of the inventories of Flue-cured tobacco from the 1976 through 1984 crops on hand on April 7, 1986;

(II) 20 percent of the inventories of Burley tobacco from the 1982 and 1984 crops on hand on April 7, 1986; and

(III) 20 percent of the inventories of Burley tobacco from the 1983 crop held by the Commodity Credit Corporation on the date that is 2 years after the call of the loans on such tobacco by the Corporation.

(E) Any purchases by a manufacturer from the inventories of the associations or from the Commodity Credit Corporation for a crop covered by this section in any year of the buy-out period that exceed the quantity of the purchases of the manufacturer required under the agreement, as determined under this section, shall be applied against future purchases required of such manufacturer.

(3) In carrying out this section, manufacturers may confer with one another and, separately or collectively, with associations, the Secretary of Agriculture, and the Commodity Credit Corporation, as may be necessary or appropriate to carry out this section and the purposes of this subtitle.¹

(d) Approval of agreements

(1)(A) Each agreement entered into under this section shall be submitted to the Secretary of Agriculture for review and approval.

(B) In the case of an agreement to purchase tobacco from the inventory of a producer association, the agreement shall be submitted by the association.

(C) No agreement may become effective until approved by the Secretary.

(2) The Secretary of Agriculture shall not approve any agreement submitted under this section unless the Secretary has determined that—

(A) the agreement—

(i) will not unduly impair or disrupt the orderly marketing of current and future tobacco crops during the term of the agreement; and

(ii) is otherwise consistent with the purposes of this subtitle;¹ and

(B) the price and other terms of sale are uniform and nondiscriminatory among various purchasers.

(e) Disclosure

The limitations on disclosure set forth in subsections (c) and (d) of section 1314g¹ of this title shall apply to information submitted by domestic manufacturers of cigarettes under this section with respect to net cigarettes manufactured for use, including information provided on ATF Form 3068. Any officer or employee of the Department of Agriculture who violates such limitations on disclosure shall be subject to the penalties set forth in section 1314g(c)(4)¹ of this title.

(Pub. L. 99-272, title I, §1109, Apr. 7, 1986, 100 Stat. 95; Pub. L. 107-296, title XI, §1112(b), Nov. 25, 2002, 116 Stat. 2276.)

REFERENCES IN TEXT

This subtitle, referred to in subsecs. (c)(3) and (d)(2)(A)(ii), is subtitle B (§§1101-1112) of title I of Pub. L. 99-272, Apr. 7, 1986, 100 Stat. 83, which enacted sections 1314g, 1314h, and 1445-3 of this title, amended sections 511d, 1301, 1312, 1314c, 1314e, 1372, 1445, 1445-1, and 1445-2 of this title, and enacted provisions set out as notes under sections 1301, 1314c, 1314e, 1314g, 1314h, 1372, 1445, 1445-1, and 1445-2 of this title. For complete classification of this subtitle to the Code, see Tables.

Section 1314g of this title, referred to in subsec. (e), was repealed by Pub. L. 108-357, title VI, §611(a), Oct. 22, 2004, 118 Stat. 1522.

CODIFICATION

Section was enacted as part of the Consolidated Omnibus Budget Reconciliation 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.

AMENDMENTS

2002—Subsec. (c)(2)(A)(i). Pub. L. 107-296 substituted “by manufacturers of tobacco products to the Tax and Trade Bureau” for “(on ATF Form 3068) by manufacturers of tobacco products to the Bureau of Alcohol, Tobacco and Firearms”.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

RULEMAKING PROCEDURES

For implementation of this section by the Secretary of Agriculture without regard to provisions requiring notice and other procedures for public participation in rulemaking contained in section 553 of Title 5, Government Organization and Employees, or in any other directive of the Secretary, see section 1108(c) of Pub. L. 99-272, set out as a note under section 1301 of this title.

§ 1445a. Wheat price support levels; “cooperator” defined

Notwithstanding the provisions of section 1441 of this title, beginning with the 1964 crop—

¹ See References in Text note below.

(1) Price support for wheat accompanied by domestic certificates 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 appropriate, taking into consideration the factors specified in section 1421(b) of this title.

(2) Price support for wheat accompanied by export certificates shall be at such level not more than 90 per centum of the parity price therefor as the Secretary determines appropriate, taking into consideration the factors specified in section 1421(b) of this title.

(3) Price support for wheat not accompanied by marketing certificates shall be at such level, not in excess of 90 per centum of the parity price therefor, as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains.

(4) Price support shall be made available only to cooperators: and, if a commercial wheat-producing area is established for such crop, price support shall be made available only in the commercial wheat-producing area.

(5) Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, the level of price support for any crop of wheat for which a national marketing quota is not proclaimed or for which marketing quotas have been disapproved by producers shall be as provided in section 1441 of this title.

(6) A "cooperator" with respect to any crop of wheat produced on a farm shall be a producer who (i) does not knowingly exceed (A) the farm acreage allotment for wheat on the farm or (B) except as the Secretary may by regulation prescribe, the farm acreage allotment for wheat on any other farm on which the producer shares in the production of wheat, and (ii) complies with the land-use requirements of section 1339 of this title, to the extent prescribed by the Secretary. Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year, if marketing quotas are not in effect for the crop of wheat, a "cooperator" with respect to any crop of wheat produced on a farm shall be a producer who does not knowingly exceed the farm acreage allotment for wheat. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the entire amount of the farm marketing excess is delivered to the Secretary or stored in accordance with applicable regulations to avoid or postpone payment of the penalty, but the producer shall not be eligible to receive price support on such marketing excess. No producer shall be deemed to have exceeded the farm acreage allotment for wheat on any other farm, if such farm is exempt from the farm marketing quota for such crop under section 1335 of this title. No producer shall be deemed to have exceeded a farm acreage allotment for wheat if the production on the acreage in excess of the farm acreage allotment is stored pursuant to the provisions of section 1379c(b) of this title, but the producer shall not be eligible to receive price support on the wheat so stored.

(Oct. 31, 1949, ch. 792, title I, §107, as added Pub. L. 87-703, title III, §325(1), Sept. 27, 1962, 76 Stat. 630; amended Pub. L. 88-297, title II, §203, Apr. 11, 1964, 78 Stat. 182; Pub. L. 89-321, title V, §506, Nov. 3, 1965, 79 Stat. 1203; Pub. L. 90-559, §1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91-524, title IV, §401, Nov. 30, 1970, 84 Stat. 1362; Pub. L. 93-86, §1(8), Aug. 10, 1973, 87 Stat. 224; Pub. L. 93-125, §1(b), Oct. 18, 1973, 87 Stat. 450; Pub. L. 93-228, §1(a), Dec. 29, 1973, 87 Stat. 944.)

AMENDMENTS

1973—Subsec. (a). Pub. L. 93-86, §1(8)(A), temporarily amended subsec. (a) generally, substituting "\$1.37 per bushel" for "\$1.25 per bushel". See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

Subsec. (b). Pub. L. 93-86, §1(8)(B), temporarily substituted "payments" for "certificates". See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

Subsec. (c). Pub. L. 93-228 substituted "(or of cotton, corn, grain sorghums, or barley planted in lieu of wheat)" for "(or other nonconserving crop planted instead of wheat)", in two places.

Pub. L. 93-125 substituted "prevented from planting any portion" for "prevented from planting, any portion".

Pub. L. 93-86, §1(8)(C), (D), temporarily added subsec. (c). See Effective and Termination Dates of 1970 and 1973 Amendment notes below.

1970—Pub. L. 91-524 temporarily revised section into subsecs. (a) and (b) which provided for loans on wheat at such levels not in excess of the parity price as the Secretary determines appropriate, taking into consideration competitive world prices of wheat, the feeding value of wheat in relation to feed grains, and the level at which price support is made available for feed grains, provided that, if a set-aside program is in effect, program benefits would be made available only to producers who comply with such set-aside program, and placed a floor on the loan of \$1.25 per bushel. See Effective and Termination Dates of 1970 Amendment note below.

1968—Subsec. (2). Pub. L. 90-559 provided for a one year extension through 1970.

1965—Pub. L. 89-321 temporarily raised the wheat support level to 100 per centum of parity or as near to 100 per centum as the Secretary determines to be practicable, placed a floor of 100 per centum of parity for wheat accompanied by marketing certificates and \$1.25 for wheat not so accompanied under the 1966 crop, guaranteed to cooperators for 1967 through 1969 crops a total average rate of return per bushel of not less than the total average rate of return per bushel made available to cooperators through loans and domestic marketing certificates for the 1966 crop where the diversion factor is not less than 10 per centum, and eliminated reference to classification as cooperators of producers who do not knowingly exceed the farm acreage allotment for wheat in cases where marketing quotas are not in effect. See Effective and Termination Dates of 1965 Amendment note below.

1964—Subsec. (1). Pub. L. 88-297 substituted "domestic certificates" for "marketing certificates".

Subsec. (2). Pub. L. 88-297 added subsec. (2). Former subsec. (2) redesignated (3).

Subsec. (3). Pub. L. 88-297 redesignated former subsec. (2) as (3), struck out introductory clause "if marketing quotas are in effect for wheat", and inserted "not in excess of 90 per centum of the parity price therefor." Former subsec. (3) redesignated (4).

Subsec. (4). Pub. L. 88-297 redesignated former subsec. (3) as (4). Former subsec. (4) redesignated (5).

Subsec. (5). Pub. L. 88-297 redesignated former subsec. (4) as (5) and inserted introductory phrase "Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year." Former subsec. (5) redesignated (6).

Subsec. (6). Pub. L. 88-297 redesignated former subsec. (5) as (6), struck out introductory clause “if marketing quotas are in effect for the crop of wheat”, struck out from cl. (i)(A) “or any other commodity” after “wheat”, substituted in cl. (i)(B) “the farm acreage allotment for wheat on any other farm on which the producer shares in the production of wheat” for “the farm acreage allotment on any other farm for any commodity in which he has an interest as a producer”, inserted “Effective with respect to crops planted for harvest in the calendar year 1966 and any subsequent year,” before “if marketing quotas”, and inserted provision for deeming a producer as not having exceeded a farm acreage allotment for wheat if the production on the acreage in excess of the farm acreage allotment is stored pursuant to section 1379c(b) of this title, but making the producer ineligible to receive price support on the wheat so stored.

EFFECTIVE AND TERMINATION DATES OF 1973
AMENDMENT

Pub. L. 93-86, §1(8), Aug. 10, 1973, 87 Stat. 224, provided that the amendment made by section 1(8) is effective beginning with the 1974 crop.

EFFECTIVE AND TERMINATION DATES OF 1970
AMENDMENT

Pub. L. 91-524, title IV, §401, Nov. 30, 1970, 84 Stat. 1362, as amended by Pub. L. 93-86, §1(8), Aug. 10, 1973, 87 Stat. 224, provided that the amendment made by section 401 is effective only with respect to the 1971 through 1977 crops of wheat.

EFFECTIVE AND TERMINATION DATES OF 1965
AMENDMENT

Pub. L. 89-321, title V, §506, Nov. 3, 1965, 79 Stat. 1203, as amended by Pub. L. 90-559, §1(1), Oct. 11, 1968, 82 Stat. 996, provided that the amendment made by section 506 is effective only with respect to the 1966 through 1970 crops.

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)(4) 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)(4) 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)(4) 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)(D) of this title.

Pub. L. 101-624, title III, §305, Nov. 28, 1990, 104 Stat. 3400, provided that: “Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1991 through 1995 crops of wheat.”

Pub. L. 99-198, title III, §312, Dec. 23, 1985, 99 Stat. 1395, provided that: “Section 107 of the Agricultural Act of 1949 (7 U.S.C. 1445a) shall not be applicable to the 1986 through 1990 crops of wheat.”

Pub. L. 97-98, title III, §305, Dec. 22, 1981, 95 Stat. 1227, provided that: “Section 107 of the Agricultural Act of 1949 [this section] shall not be applicable to the 1982 through 1985 crops of wheat.”

Pub. L. 95-113, title IV, §409, Sept. 29, 1977, 91 Stat. 928, provided that: “Section 107 of the Agricultural Act of 1949, as amended [this section], shall not be applicable to the 1977 through 1981 crops of wheat.”

Pub. L. 95-113, title IV, §410, Sept. 29, 1977, 91 Stat. 928, provided that: “Except as otherwise provided in section 401 of this Act [enacting section 1445b(a)-(c) of this title effective only for the 1977 through 1981 crops of wheat], section 107 of the Agricultural Act of 1949, as

added by the Agricultural Act of 1970, as amended [this section as amended by Pub. L. 91-524, as amended], to be effective only for the 1974 through 1977 crops of wheat, shall not be applicable to the 1977 crop of wheat.”

§§ 1445b, 1445b-1. Repealed. Pub. L. 101-624, title III, §301(1), Nov. 28, 1990, 104 Stat. 3382

Section 1445b, act Oct. 31, 1949, ch. 792, title I, §107A, as added Sept. 29, 1977, Pub. L. 95-113, title IV, §§401, 402, 91 Stat. 921, 924; amended Mar. 18, 1980, Pub. L. 96-213, §§3, 4(d), 94 Stat. 119, 120; Sept. 26, 1980, Pub. L. 96-365, title II, §201(d), 94 Stat. 1320; Dec. 3, 1980, Pub. L. 96-494, title II, §202(b), 94 Stat. 2570, related to loan rates and target prices for the 1977 through 1981 crops of wheat.

Section 1445b-1, act Oct. 31, 1949, ch. 792, title I, §107B, as added Dec. 22, 1981, Pub. L. 97-98, title III, §301, 95 Stat. 1221; Sept. 8, 1982, Pub. L. 97-253, title I, §§121, 122, 96 Stat. 768; amended Sept. 29, 1983, Pub. L. 98-100, §1(b), 97 Stat. 718; Apr. 10, 1984, Pub. L. 98-258, title I, §§101-103, 98 Stat. 130, 131, related to loan rates and target prices for 1982 through 1985 wheat 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.

§ 1445b-2. Transferred

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, §107C, as added Sept. 8, 1982, Pub. L. 97-253, title I, §120, 96 Stat. 766, and amended, which related to advance deficiency and diversion payments, was renumbered section 114 of act Oct. 31, 1949, by Pub. L. 101-624, title XI, §1161(a)(1), Nov. 28, 1990, 104 Stat. 3520, and transferred to section 1445j of this title.

§ 1445b-3. Omitted

CODIFICATION

Section, act Oct. 31, 1949, ch. 792, title I, §107A, formerly §107D, as added Dec. 23, 1985, Pub. L. 99-198, title III, §308, 99 Stat. 1383; amended Feb. 28, 1986, Pub. L. 99-253, §1, 100 Stat. 36; Mar. 20, 1986, Pub. L. 99-260, §§2(a), 7(a), 100 Stat. 45, 50; Oct. 18, 1986, Pub. L. 99-500, §152, 100 Stat. 1783-352, and Oct. 30, 1986, Pub. L. 99-591, §152, 100 Stat. 3341-355; Nov. 10, 1986, Pub. L. 99-641, title II, §202, 100 Stat. 3563; May 27, 1987, Pub. L. 100-45, §2, 101 Stat. 318; Dec. 22, 1987, Pub. L. 100-203, title I, §§1101(a), 1102(a), 1111, 1113(a), 1201, 101 Stat. 1330-1, 1330-2, 1330-7, 1330-8, 1330-10; renumbered §107A, Nov. 28, 1990, Pub. L. 101-624, title III, §301(2), 104 Stat. 3382, related to loan rates and target prices. See Effective and Termination Dates note below.

A prior section 107A of act Oct. 31, 1949, ch. 792, title I, as added Sept. 29, 1977, Pub. L. 95-113, title IV, §§401, 402, 91 Stat. 921, 924, was classified to section 1445b of this title, prior to repeal by section 301(1) of Pub. L. 101-624.

EFFECTIVE AND TERMINATION DATES

Pub. L. 99-198, title III, §308, Dec. 23, 1985, 99 Stat. 1383, provided that this section is effective only for the 1986 through 1990 crops of wheat.

§ 1445b-3a. Repealed. Pub. L. 104-127, title I, §171(b)(2)(D), Apr. 4, 1996, 110 Stat. 938

Section, act Oct. 31, 1949, ch. 792, title I, §107B, as added Nov. 28, 1990, Pub. L. 101-624, title III, §301(3), 104 Stat. 3382; amended Nov. 5, 1990, Pub. L. 101-508, title I, §§1101(a), 1102(a), 104 Stat. 1388-1; Dec. 13, 1991, Pub. L. 102-237, title I, §§102(d), 103(b), 106(d), 113(6), 105 Stat.