

vember 28, 1990) during the taxable year (as determined by the Secretary) shall not be eligible to receive any noninsured assistance payment under this section.”

Subsec. (i)(5). Pub. L. 110-246, §1603(f)(1)(C), designated part of existing provisions as subpar. (A) and added subpar. (B).

Subsec. (k)(1). Pub. L. 110-246, §12028, in subpar. (A) substituted “\$250” for “\$100” and in subpar. (B) substituted “\$750” for “\$300” and “\$1,875” for “\$900”.

2002—Subsec. (a)(2)(B). Pub. L. 107-171 inserted “sea grass and sea oats,” after “fish,”.

2000—Subsec. (a)(2)(C). Pub. L. 106-224, §109(a), added subpar. (C).

Subsec. (b)(1). Pub. L. 106-224, §109(b), substituted “not later than 30 days before the beginning of the coverage period, as determined by the Secretary” for “at such time as the Secretary may require” in second sentence.

Subsec. (b)(2). Pub. L. 106-224, §109(c)(1), added par. (2) and struck out heading and text of former par. (2). Text read as follows: “A producer shall provide records, as required by the Secretary, of crop acreage, acreage yields, and production.”

Subsec. (b)(3). Pub. L. 106-224, §109(c)(2), inserted “annual” after “shall provide”.

Subsec. (c). Pub. L. 106-224, §109(d), added subsec. (c) and struck out heading and text of former subsec. (c), which authorized noninsured crop disaster assistance if average yield fell below 65 percent of expected yield, if producer was prevented from planting more than 35 percent of intended acreage, or if total quantity of harvest was less than 50 percent of expected yield.

Subsec. (k). Pub. L. 106-224, §109(e), added subsec. (k).

1998—Subsec. (i)(3). Pub. L. 105-277 designated existing provisions as subpar. (A), inserted heading, substituted “Except as provided in subparagraph (B), if a producer” for “If a producer”, and added subpar. (B).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-224 applicable beginning with the 2001 crop of an agricultural commodity, see section 171(b)(2)(G) of Pub. L. 106-224, set out as a note under section 1501 of this title.

CONSIDERATION OF LOSSES IN FISCAL YEAR 2014 AND SUBSEQUENT FISCAL YEARS

For losses under section 1501 of Public Law 113-79 [enacting section 9081 of this title] for the 2014 fiscal year and each fiscal year thereafter as not considered same loss for purposes of subsec. (i)(3) of this section, see section 733 of Pub. L. 113-235, set out as a note under section 1508 of this title.

TRANSITION PROVISIONS

Pub. L. 110-234, title I, §1603(f)(2), May 22, 2008, 122 Stat. 1011, and Pub. L. 110-246, §4(a), title I, §1603(f)(2), June 18, 2008, 122 Stat. 1664, 1739, provided that: “Section 196(i) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(i)), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crops of any eligible crop.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of this title.]

Section as in effect on day before June 20, 2000, to continue to apply with respect to 1999 crop year, and to apply with respect to 2000 crop year, to extent application of an amendment by Pub. L. 106-224 is delayed under section 171(b) or by terms of the amendment, see

section 173 of Pub. L. 106-224, set out as a note under section 1501 of this title.

§ 7334. Repealed. Pub. L. 115-334, title II, § 2814, Dec. 20, 2018, 132 Stat. 4602

Section, Pub. L. 104-127, title III, §385, Apr. 4, 1996, 110 Stat. 1016, related to flood risk reduction contracts during fiscal years 1996 through 2002.

CHAPTER 101—AGRICULTURAL PROMOTION

SUBCHAPTER I—COMMODITY PROMOTION AND EVALUATION

Sec.

7401. Commodity promotion and evaluation.

SUBCHAPTER II—ISSUANCE OF ORDERS FOR PROMOTION, RESEARCH, AND INFORMATION ACTIVITIES REGARDING AGRICULTURAL COMMODITIES

7411. Findings and purpose.
7412. Definitions.
7413. Issuance of orders.
7414. Required terms in orders.
7415. Permissive terms in orders.
7416. Assessments.
7416a. Confirmation of authority of Secretary of Agriculture to collect State commodity assessments.
7417. Referenda.
7418. Petition and review of orders.
7419. Enforcement.
7420. Investigations and power to subpoena.
7421. Suspension or termination.
7422. Amendments to orders.
7423. Effect on other laws.
7424. Regulations.
7425. Authorization of appropriations.

SUBCHAPTER III—CANOLA AND RAPESEED

7441. Findings and declaration of policy.
7442. Definitions.
7443. Issuance and amendment of orders.
7444. Required terms in orders.
7445. Assessments.
7446. Referenda.
7447. Petition and review.
7448. Enforcement.
7449. Investigations and power to subpoena.
7450. Suspension or termination.
7451. Regulations.
7452. Authorization of appropriations.

SUBCHAPTER IV—KIWIFRUIT

7461. Findings and purposes.
7462. Definitions.
7463. Issuance of orders.
7464. National Kiwifruit Board.
7465. Required terms in order.
7466. Permissive terms in order.
7467. Petition and review.
7468. Enforcement.
7469. Investigations and power to subpoena.
7470. Referenda.
7471. Suspension or termination.
7472. Regulations.
7473. Authorization of appropriations.

SUBCHAPTER V—POPCORN

7481. Findings and declaration of policy.
7482. Definitions.
7483. Issuance of orders.
7484. Required terms in orders.
7485. Referenda.
7486. Petition and review.
7487. Enforcement.
7488. Investigations and power to subpoena.
7489. Relation to other programs.
7490. Regulations.
7491. Authorization of appropriations.

SUBCHAPTER I—COMMODITY PROMOTION
AND EVALUATION

§ 7401. Commodity promotion and evaluation

(a) “Commodity promotion law” defined

In this section, the term “commodity promotion law” means a Federal law that provides for the establishment and operation of a promotion program regarding an agricultural commodity that includes a combination of promotion, research, industry information, or consumer information activities, is funded by mandatory assessments on producers or processors, and is designed to maintain or expand markets and uses for the commodity (as determined by the Secretary). The term includes—

- (1) the marketing promotion provisions under section 608c(6)(I) of this title;
- (2) Public Law 89-502 (7 U.S.C. 2101 et seq.);
- (3) title III of Public Law 91-670 (7 U.S.C. 2611 et seq.);
- (4) Public Law 93-428 (7 U.S.C. 2701 et seq.);
- (5) Public Law 94-294 (7 U.S.C. 2901 et seq.);
- (6) subtitle B of title I of Public Law 98-180 (7 U.S.C. 4501 et seq.);
- (7) Public Law 98-590 (7 U.S.C. 4601 et seq.);
- (8) subtitle B of title XVI of Public Law 99-198 (7 U.S.C. 4801 et seq.);
- (9) subtitle C of title XVI of Public Law 99-198 (7 U.S.C. 4901 et seq.);
- (10) subtitle B of title XIX of Public Law 101-624 (7 U.S.C. 6101 et seq.);
- (11) subtitle E of title XIX of Public Law 101-624 (7 U.S.C. 6301 et seq.);
- (12) subtitle H of title XIX of Public Law 101-624 (7 U.S.C. 6401 et seq.);
- (13) Public Law 103-190 (7 U.S.C. 6801 et seq.);
- (14) Public Law 103-407 (7 U.S.C. 7101 et seq.);
- (15) subchapter II;
- (16) subchapter III;
- (17) subchapter IV;
- (18) subchapter V; or
- (19) any other provision of law enacted after April 4, 1996, that provides for the establishment and operation of a promotion program described in the first sentence.

(b) Findings

Congress finds the following:

(1) It is in the national public interest and vital to the welfare of the agricultural economy of the United States to maintain and expand existing markets and develop new markets and uses for agricultural commodities through industry-funded, Government-supervised, generic commodity promotion programs established under commodity promotion laws.

(2) These generic commodity promotion programs, funded by the agricultural producers or processors who most directly reap the benefits of the programs and supervised by the Secretary of Agriculture, provide a unique opportunity for producers and processors to inform consumers about their products.

(3) The central congressional purpose underlying each commodity promotion law has always been to maintain and expand markets for the agricultural commodity covered by the law, rather than to maintain or expand the share of those markets held by any individual producer or processor.

(4) The commodity promotion laws were neither designed nor intended to prohibit or restrict, and the promotion programs established and funded pursuant to these laws do not prohibit or restrict, individual advertising or promotion of the covered commodities by any producer, processor, or group of producers or processors.

(5) It has never been the intent of Congress for the generic commodity promotion programs established and funded by the commodity promotion laws to replace the individual advertising and promotion efforts of producers or processors.

(6) An individual producer’s or processor’s own advertising initiatives are typically designed to increase the share of the market held by that producer or processor rather than to increase or expand the overall size of the market.

(7) In contrast, a generic commodity promotion program is intended and designed to maintain or increase the overall demand for the agricultural commodity covered by the program and increase the size of the market for that commodity, often by utilizing promotion methods and techniques that individual producers and processors typically are unable, or have no incentive, to employ.

(8) The commodity promotion laws establish promotion programs that operate as “self-help” mechanisms for producers and processors to fund generic promotions for covered commodities which, under the required supervision and oversight of the Secretary of Agriculture—

(A) further specific national governmental goals, as established by Congress; and

(B) produce nonideological and commercial communication the purpose of which is to further the governmental policy and objective of maintaining and expanding the markets for the covered commodities.

(9) While some commodity promotion laws grant a producer or processor the option of crediting individual advertising conducted by the producer or processor for all or a portion of the producer’s or processor’s marketing promotion assessments, all promotion programs established under the commodity promotion laws, both those programs that permit credit for individual advertising and those programs that do not contain such provisions, are very narrowly tailored to fulfill the congressional purposes of the commodity promotion laws without impairing or infringing the legal or constitutional rights of any individual producer or processor.

(10) These generic commodity promotion programs are of particular benefit to small producers who often lack the resources or market power to advertise on their own and who are otherwise often unable to benefit from the economies of scale available in promotion and advertising.

(11) Periodic independent evaluation of the effectiveness of these generic commodity promotion programs will assist Congress and the Secretary of Agriculture in ensuring that the objectives of the programs are met.