

merly §405, title VI, §606, Nov. 30, 1970, 84 Stat. 1366, 1378, renumbered §405(a) and amended Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229.)

Editorial Notes

REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in text, is act Feb. 16, 1938, ch. 30, 52 Stat. 31, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

AMENDMENTS

1973—Pub. L. 93-86 amended Pub. L. 91-524. See 1970 Amendment notes below.

1970—Pub. L. 91-524, §606, temporarily inserted at end “The term ‘acreage allotments’ as used in this section includes the farm base acreage allotments for upland cotton.” See Effective and Termination Dates of 1970 Amendment note below.

Pub. L. 91-524, §405(2), which temporarily inserted at end “The term ‘acreage allotments’ as used in this section includes the domestic allotment for wheat.”, was repealed by Pub. L. 93-86.

Pub. L. 91-524, §405(a), formerly §405, as renumbered and amended by Pub. L. 93-86, temporarily inserted “or the Agricultural Act of 1949, as amended,” after “title 16,”. See Effective and Termination Dates of 1970 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1973 AMENDMENT

Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229, provided that the repeal of section 405(2) of Pub. L. 91-524 is effective with the 1974 crop.

EFFECTIVE AND TERMINATION DATES OF 1970 AMENDMENT

Pub. L. 91-524, title IV, §405(a), formerly §405, Nov. 30, 1970, 84 Stat. 1366, as renumbered and amended by Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229, provided that the amendment made by section 405(a) of Pub. L. 91-524 is effective only with respect to the 1971 through 1977 crops of wheat.

Pub. L. 91-524, title VI, §606, Nov. 30, 1970, 84 Stat. 1378, as amended by Pub. L. 93-86, §1(22), Aug. 10, 1973, 87 Stat. 235, provided that the amendment made by section 606 of Pub. L. 91-524 is effective only with respect to the 1971 through 1977 crops.

§ 1306. Projected yields; determination; base period

Notwithstanding any other provision of law, in the determination of farm yields the Secretary may use projected yields in lieu of normal yields. In the determination of such yields the Secretary shall take into account the actual yield proved by the producer for the base period used in determining the projected yield, and the projected yield shall not be less than such actual yield proved by the producer.

(Pub. L. 89-321, title VII, §708, Nov. 3, 1965, 79 Stat. 1211; Pub. L. 91-524, title IV, §405(b), as added Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1965, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

AMENDMENTS

1973—Pub. L. 91-524, §405(b), as added by Pub. L. 93-86, temporarily inserted “(except that in the case of wheat, if the yield is abnormally low in any one of the calendar years of the base period because of drought, flood, or other natural disaster, the Secretary shall take into account the actual yield proved by the producer in the other four years of such base period)” after “determining the projected yield”. See Effective and Termination Dates of 1973 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE AND TERMINATION DATES OF 1973 AMENDMENT

Pub. L. 91-524, title IV, §405(b), as added by Pub. L. 93-86, §1(12)(a), Aug. 10, 1973, 87 Stat. 229, provided that the amendment made by Pub. L. 91-524 is effective with respect to the 1974 through 1977 crops.

§ 1307. Limitation on payments under wheat, feed grains, and cotton programs for 1974 through 1977 crops

Notwithstanding any other provision of law—

(1) The total amount of payments which a person shall be entitled to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1976 crops of the commodities and by titles IV and V of the Food and Agriculture Act of 1977 and titles IV, V, and VI of this Act for the 1977 crop of the commodities shall not exceed \$20,000.

(2) The term “payments” as used in this section shall not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment or public access for recreation.

(3) If the Secretary determines that the total amount of payments which will be earned by any person under the program in effect for any crop will be reduced under this section, the set-aside acreage for the farm or farms on which such person will be sharing in payments earned under such program shall be reduced to such extent and in such manner as the Secretary determines will be fair and reasonable in relation to the amount of the payment reduction.

(4) The Secretary shall issue regulations defining the term “person” and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation: *Provided*, That the provisions of this Act which limit payments to any person shall not be applicable to lands owned by States, political subdivisions, or agencies thereof, so long as such lands are farmed primarily in the direct furtherance of a public function, as determined by the Secretary. The rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970.

(Pub. L. 91-524, title I, §101, Nov. 30, 1970, 84 Stat. 1358; Pub. L. 93-86, §1(1), Aug. 10, 1973, 87 Stat.

221; Pub. L. 95-113, title I, §104, Sept. 29, 1977, 91 Stat. 919.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in pars. (1) and (4), is Pub. L. 91-524, Nov. 30, 1970, 84 Stat. 1358, known as the Agricultural Act of 1970. Title IV of that Act enacted section 1334a-1 of this title, amended sections 1301, 1305, 1306, 1378, 1379, 1379b, 1379c, 1379d, 1379e, 1379g, 1385, 1427, 1428, and 1445a of this title, and enacted provisions set out as notes under sections 1301, 1305, 1306, 1330 to 1334, 1335, 1336, 1338, 1339, and 1379c of this title. Title V of that Act amended section 1444b of this title and provisions set out as a note under section 1444b of this title. Title VI of that Act enacted sections 1342a, 1350a, and 2119 of this title, amended sections 1305, 1344b, 1350, 1374, 1378, 1379, 1385, 1427, 1428, 1444, and 1444a of this title, and enacted provisions set out as notes under sections 1305, 1342, 1342a, 1343, 1344, 1344b, 1345, 1346, 1377, 1378, 1379, 1385, 1427, 1428, 1444, and 1446d of this title. For complete classification of this Act to the Code, see Short Title of 1970 Amendment note set out under section 1281 of this title and Tables.

The Food and Agriculture Act of 1977, referred to in par. (1), is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913. Title IV of the Food and Agriculture Act of 1977 enacted section 1445b of this title, amended sections 1385, 1427, and 1428 of this title, and enacted provisions set out as notes under sections 1330, 1331, 1379d, 1385, 1427, 1428, 1445a, and 1445b of this title. Title V of the Food and Agriculture Act of 1977 enacted section 1444c of this title and enacted provisions set out as notes under sections 1444b and 1444c of this title. For complete classification of this Act to the Code, see Short Title of 1977 Amendment note set out under 1281 of this title and Tables.

CODIFICATION

Section was enacted as part of the Agricultural Act of 1970, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

AMENDMENTS

1977—Par. (1). Pub. L. 95-113 substituted “to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1976 crops of the commodities and by titles IV and V of the Food and Agriculture Act of 1977 and titles IV, V, and VI of this Act for the 1977 crop” for “to receive under one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1977 crops”.

1973—Par. (1). Pub. L. 93-86 substituted “one or more of the annual programs established by titles IV, V, and VI of this Act for the 1974 through 1977 crops of the Commodities shall not exceed \$20,000” for “each of the annual programs established by titles IV, V, and VI of this Act for the 1971, 1972, or 1973 crop of the commodity shall not exceed \$55,000”.

Par. (2). Pub. L. 93-86 substituted “shall not include loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment or public access for recreation” for “includes price-support payments, set-aside payments, diversion payments, public access payments, and marketing certificates, but does not include loans or purchases”.

Par. (3). Pub. L. 93-86 reenacted par. (3) without change.

Par. (4). Pub. L. 93-86 inserted provision that the rules for determining whether corporations and their stockholders may be considered as separate persons shall be in accordance with the regulations issued by the Secretary on December 18, 1970.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1977 AMENDMENT

Pub. L. 95-113, title XIX, §1901, Sept. 29, 1977, 91 Stat. 1045, provided that: “Except as otherwise provided herein, the provisions of this Act [see Short Title of 1977 Amendment note set out under section 1281 of this title] shall become effective October 1, 1977.”

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

Pub. L. 95-156, Nov. 8, 1977, 91 Stat. 1264, provided: “That, notwithstanding any other provision of law, the term ‘payments’ as used in section 101 of the Agricultural Act of 1970, as amended [this section], and section 101(g)(13) of the Agricultural Act of 1949, as amended [section 1441(g)(13) of this title], 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 the 1977 crops of wheat, feed grains, upland cotton, and rice.”

§ 1308. Payment limitations

(a) Definitions

In this section through section 1308-5 of this title:

(1) Covered commodity

The term “covered commodity” has the meaning given that term in section 1111 of the Agricultural Act of 2014 (7 U.S.C. 9011).

(2) Family member

The term “family member” means a person to whom a member in the farming operation is related as lineal ancestor, lineal descendant, sibling, first cousin, niece, nephew, spouse, or otherwise by marriage.

(3) Legal entity

The term “legal entity” means an entity that is created under Federal or State law and that—

- (A) owns land or an agricultural commodity; or
- (B) produces an agricultural commodity.

(4) Person

The term “person” means a natural person, and does not include a legal entity.

(5) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Limitation on payments for covered commodities (other than peanuts)

The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under sections 1116 and 1117 of the Agricultural Act of 2014 (7 U.S.C. 9016, 9017) (other than for peanuts) may not exceed \$125,000.

(c) Limitation on payments for peanuts

The total amount of payments received, directly or indirectly, by a person or legal entity (except a joint venture or general partnership) for any crop year under sections 1116 and 1117 of the Agricultural Act of 2014 (7 U.S.C. 9016, 9017) for peanuts may not exceed \$125,000.

(d) Limitation on applicability

Nothing in this section authorizes any limitation on any benefit associated with the for-