

prior to such date, receive loans and payments on the 1978 crop of the commodity as computed under the Agricultural Act of 1949 [see Short Title note set out under section 1421 of this title], as amended by the Food and Agriculture Act of 1977 [see Short Title of 1977 Amendment note set out under section 1281 of this title] may elect after September 30, 1978, to receive loans and payments as computed under this title.”

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

§ 1310. American agriculture protection program

(a) Determination of short supply; suspension of commercial export sales; parity price

Notwithstanding any other provision of law, whenever the President or any other member of the executive branch of the Federal Government causes to be suspended, based upon a determination of short supply, the commercial export sales of any commodity, as defined in subsection (c) of this section, to any country or area with which the United States otherwise continues commercial trade, the Secretary of Agriculture shall, on the day the suspension is initiated, set the loan level for such commodity under the Agricultural Act of 1949, as amended [7 U.S.C. 1421 et seq.], if a loan program is in effect for the commodity, at 90 per centum of the parity price for the commodity, as such parity price is determined on the day the suspension is initiated.

(b) Duration of loan level

Any loan level established pursuant to subsection (a) of this section shall remain in effect as long as the suspension of commercial export sales described in subsection (a) remains in effect.

(c) “Commodity” defined

For purposes of this section, the term “commodity” shall include any of the following: wheat, corn, grain sorghum, soybeans, oats, rye, barley, rice, flaxseed, and cotton.

(Pub. L. 95–113, title X, §1002, Sept. 29, 1977, 91 Stat. 950.)

Editorial Notes

REFERENCES IN TEXT

The Agricultural Act of 1949, referred to in subsec. (a), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, which is classified principally to chapter 35A (§1421 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95–113, set out as an Effective Date of 1977 Amendment note under section 1307 of this title.

§ 1310a. Normal supply of commodity for 1986 through 1995 crops

Notwithstanding any other provision of law, if the Secretary of Agriculture determines that

the supply of wheat, corn, upland cotton, or rice for the marketing year for any of the 1986 through 1995 crops of such commodity is not likely to be excessive and that program measures to reduce or control the planted acreage of the crop are not necessary, such a decision shall constitute a determination that the total supply of the commodity does not exceed the normal supply and no determination to the contrary shall be made by the Secretary with respect to such commodity for such marketing year.

(Pub. L. 99–198, title X, §1019, Dec. 23, 1985, 99 Stat. 1459; Pub. L. 101–624, title XI, §1142, Nov. 28, 1990, 104 Stat. 3515.)

Editorial Notes

CODIFICATION

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

PRIOR PROVISIONS

A prior section 1310a, Pub. L. 97–98, title XI, §1107, Dec. 22, 1981, 95 Stat. 1266, provided for a normal supply of commodities for the 1982 through 1985 crops.

AMENDMENTS

1990—Pub. L. 101–624 substituted “1995” for “1990”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–624 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 a note under section 1421 of this title.

PART B—MARKETING QUOTAS

SUBPART I—MARKETING QUOTAS—TOBACCO

§§ 1311 to 1314–1. Repealed. Pub. L. 108–357, title VI, § 611(a), Oct. 22, 2004, 118 Stat. 1522

Section 1311, act Feb. 16, 1938, ch. 30, title III, §311, 52 Stat. 45, set forth legislative findings.

Section 1312, acts Feb. 16, 1938, ch. 30, title III, §312, 52 Stat. 46; Mar. 26, 1938, ch. 54, 52 Stat. 120; Aug. 7, 1939, ch. 562, 563, 53 Stat. 1261; June 13, 1940, ch. 360, §§2, 3, 54 Stat. 392; Nov. 22, 1940, ch. 914, §§2, 5, 54 Stat. 1209, 1210; Feb. 28, 1942, ch. 123, 56 Stat. 121; July 3, 1948, ch. 827, title II, §208, 62 Stat. 1257; Aug. 9, 1955, ch. 639, 69 Stat. 557; June 22, 1956, ch. 427, 70 Stat. 330; Pub. L. 99–272, title I, §1104(a), Apr. 7, 1986, 100 Stat. 89, related to national tobacco marketing quotas.

Section 1313, acts Feb. 16, 1938, ch. 30, title III, §313, 52 Stat. 47; Apr. 7, 1938, ch. 107, §5, 52 Stat. 202; May 31, 1938, ch. 292, §2, 52 Stat. 586; Aug. 7, 1939, ch. 564, 53 Stat. 1261; June 13, 1940, ch. 360, §4, 54 Stat. 392; Feb. 6, 1942, ch. 44, §1, 56 Stat. 51; Apr. 29, 1943, ch. 80, 57 Stat. 69; Oct. 17, 1951, ch. 511, 65 Stat. 422; Mar. 31, 1955, ch. 21, §§3, 4, 69 Stat. 24; Aug. 11, 1955, ch. 789, 69 Stat. 670; Aug. 11, 1955, ch. 799, 69 Stat. 684; Pub. L. 85–489, §1, July 2, 1958, 72 Stat. 291; Feb. 16, 1938, ch. 30, title III, §378(d), as added Pub. L. 85–835, title V, §501, Aug. 28, 1958, 72 Stat. 995; Pub. L. 89–12, §2, Apr. 16, 1965, 79 Stat. 72; Pub. L. 90–106, Oct. 12, 1967, 81 Stat. 275, related to apportionment of national marketing quotas.

Section 1314, acts Feb. 16, 1938, ch. 30, title III, §314, 52 Stat. 48; Aug. 7, 1939, ch. 565, 53 Stat. 1262; June 13, 1940, ch. 360, §5, 54 Stat. 393; Feb. 19, 1946, ch. 31, §2, 60 Stat. 21; June 22, 1954, ch. 339, 68 Stat. 270; Mar. 31, 1955, ch. 21, §5, 69 Stat. 24; Pub. L. 97–218, title I, §103, title II, §206(a), July 20, 1982, 96 Stat. 201, 206, related to penalties for marketing of tobacco which is in excess of quotas or not eligible for price supports.

Section 1314-1, act Feb. 16, 1938, ch. 30, title III, §1314A, as added Pub. L. 97-218, title III, §306, July 20, 1982, 96 Stat. 215, related to limitation on sale of tobacco floor sweepings.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

SAVINGS PROVISION

Repeal not to affect the liability of any person under this subpart 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.

§ 1314a. Repealed. Pub. L. 90-51, § 2, July 7, 1967, 81 Stat. 121

Section, act Feb. 16, 1938, ch. 30, title III, §315, as added Aug. 21, 1958, Pub. L. 85-705, 72 Stat. 703, provided for a referendum among producers of type 21 (Virginia) fire-cured tobacco and type 37 Virginia sun-cured tobacco on the question of a single combined tobacco acreage allotment and provided for establishment and subsequent increases and decreases in allotments.

§§ 1314b to 1314j. Repealed. Pub. L. 108-357, title VI, § 611(a), Oct. 22, 2004, 118 Stat. 1522

Section 1314b, act Feb. 16, 1938, ch. 30, title III, §316, as added Pub. L. 87-200, Sept. 6, 1961, 75 Stat. 469; amended Pub. L. 87-530, July 10, 1962, 76 Stat. 151; Pub. L. 87-824, Oct. 15, 1962, 76 Stat. 947; Pub. L. 88-68, July 19, 1963, 77 Stat. 81; Pub. L. 88-80, July 30, 1963, 77 Stat. 114; Pub. L. 88-469, §§1, 2, Aug. 20, 1964, 78 Stat. 581; Pub. L. 89-29, May 27, 1965, 79 Stat. 118; Pub. L. 89-321, title VII, §703, Nov. 3, 1965, 79 Stat. 1210; Pub. L. 89-471, June 24, 1966, 80 Stat. 220; Pub. L. 90-6, Mar. 29, 1967, 81 Stat. 6; Pub. L. 90-52, July 7, 1967, 81 Stat. 121; Pub. L. 90-559, §1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91-284, §§1-4, June 19, 1970, 84 Stat. 314; Pub. L. 92-311, June 6, 1972, 86 Stat. 215; Pub. L. 93-80, Aug. 1, 1973, 87 Stat. 178; Pub. L. 93-464, Oct. 24, 1974, 88 Stat. 1416; Pub. L. 94-445, Oct. 1, 1976, 90 Stat. 1489; Pub. L. 95-54, June 25, 1977, 91 Stat. 250; Pub. L. 97-218, title II, §201, July 20, 1982, 96 Stat. 201; Pub. L. 98-180, title II, §§205(a), 206, Nov. 29, 1983, 97 Stat. 1145, 1147; Pub. L. 100-203, title I, §1112(a), Dec. 22, 1987, 101 Stat. 1330-7; Pub. L. 101-134, §2(b), Oct. 30, 1989, 103 Stat. 781; Pub. L. 106-78, title VIII, §803(c)(6)(A), (B), Oct. 22, 1999, 113 Stat. 1177, 1178; Pub. L. 107-171, title I, §1611(a), May 13, 2002, 116 Stat. 218, related to lease or sale of acreage allotments.

Section 1314b-1, act Feb. 16, 1938, ch. 30, title III, §316A, as added Pub. L. 97-218, title II, §202, July 20, 1982, 96 Stat. 205; amended Pub. L. 98-180, title II, §207(a), Nov. 29, 1983, 97 Stat. 1148, related to mandatory sale of certain Flue-cured tobacco acreage allotments and marketing quotas.

Section 1314b-2, act Feb. 16, 1938, ch. 30, title III, §316B, as added Pub. L. 97-218, title III, §302, July 20, 1982, 96 Stat. 210; amended Pub. L. 98-180, title II, §207(b), Nov. 29, 1983, 97 Stat. 1148, related to mandatory sale of certain Burley tobacco acreage allotments and marketing quotas.

Section 1314c, act Feb. 16, 1938, ch. 30, title III, §317, as added Pub. L. 89-12, §1, Apr. 16, 1965, 79 Stat. 66; amended Pub. L. 91-284, §5, June 19, 1970, 84 Stat. 314; Pub. L. 97-218, title II, §§203, 205(a), 206(b), July 20, 1982, 96 Stat. 205-207; Pub. L. 98-180, title II, §§205(b), 208-210, Nov. 29, 1983, 97 Stat. 1147-1149; Pub. L. 99-182, §4, Dec. 13, 1985, 99 Stat. 1173; Pub. L. 99-241, §1, Jan. 30, 1986, 100 Stat. 3; Pub. L. 99-272, title I, §§1103(b), 1104(c), 1105(a)(1), Apr. 7, 1986, 100 Stat. 86, 89, 90; Pub. L. 100-203, title I, §1112(b), Dec. 22, 1987, 101 Stat. 1330-8; Pub. L. 101-134, §2(a)(2), Oct. 30, 1989, 103 Stat. 781; Pub. L. 103-66, title I, §1106(d)(2), Aug. 10, 1993, 107 Stat. 323;

Pub. L. 103-437, §4(a)(5), Nov. 2, 1994, 108 Stat. 4581, related to acreage-poundage quotas.

Section 1314d, act Feb. 16, 1938, ch. 30, title III, §318, as added Pub. L. 90-51, §1, July 7, 1967, 81 Stat. 120; amended Pub. L. 90-387, July 5, 1968, 82 Stat. 293; Pub. L. 92-144, Oct. 23, 1971, 85 Stat. 393; Pub. L. 98-180, title II, §212(a), Nov. 29, 1983, 97 Stat. 1149; Pub. L. 102-566, §1, Oct. 28, 1992, 106 Stat. 4269; Pub. L. 106-224, title II, §204(b)(8), June 20, 2000, 114 Stat. 402, related to transfers involving fire-cured, dark air-cured, and Virginia sun-cured tobacco.

Section 1314e, act Feb. 16, 1938, ch. 30, title III, §319, as added Pub. L. 92-10, §1, Apr. 14, 1971, 85 Stat. 23; amended Pub. L. 97-218, title III, §303(b)-(j), July 20, 1982, 96 Stat. 211-214; Pub. L. 98-59, §2, July 25, 1983, 97 Stat. 296; Pub. L. 98-180, title II, §211, Nov. 29, 1983, 97 Stat. 1149; Pub. L. 99-241, §2, Jan. 30, 1986, 100 Stat. 3; Pub. L. 99-272, title I, §§1103(c), 1104(b), (d), 1105(a)(2), 1107, Apr. 7, 1986, 100 Stat. 86, 89-91; Pub. L. 100-387, title III, §304(a)(1), Aug. 11, 1988, 102 Stat. 948; Pub. L. 101-134, §2(a)(1), Oct. 30, 1989, 103 Stat. 781; Pub. L. 101-577, §2(a), (b), (d), (e), Nov. 15, 1990, 104 Stat. 2856, 2857; Pub. L. 102-237, title I, §116(1), Dec. 13, 1991, 105 Stat. 1840; Pub. L. 103-66, title I, §1106(d)(1), Aug. 10, 1993, 107 Stat. 323; Pub. L. 106-78, title VII, §755(a), Oct. 22, 1999, 113 Stat. 1170; Pub. L. 106-224, title II, §204(b)(9)-(12), June 20, 2000, 114 Stat. 403; Pub. L. 108-7, div. A, title VII, §765(a), Feb. 20, 2003, 117 Stat. 47, related to farm poundage quotas for certain kinds of tobacco.

Section 1314f, act Feb. 16, 1938, ch. 30, title III, §320, as added Pub. L. 93-411, Sept. 3, 1974, 88 Stat. 1089; amended Pub. L. 95-592, §17, Nov. 4, 1978, 92 Stat. 2534; Pub. L. 97-98, title XI, §1108, Dec. 22, 1981, 95 Stat. 1266; Pub. L. 97-218, title II, §204, July 20, 1982, 96 Stat. 206, related to nonquota tobacco subject to quota.

Section 1314g, act Feb. 16, 1938, ch. 30, title III, §320A, as added Pub. L. 99-272, title I, §1103(d), Apr. 7, 1986, 100 Stat. 88, related to submission of purchase intentions by cigarette manufacturers.

Section 1314h, act Feb. 16, 1938, ch. 30, title III, §320B, as added Pub. L. 99-272, title I, §1106(a), Apr. 7, 1986, 100 Stat. 90; amended Pub. L. 108-357, title VI, §613, Oct. 22, 2004, 118 Stat. 1524, related to purchase requirements and penalty for failure to meet them.

Section 1314i, act Feb. 16, 1938, ch. 30, title III, §320C, as added Pub. L. 103-66, title I, §1106(a), Aug. 10, 1993, 107 Stat. 318; amended Pub. L. 103-465, title IV, §422(a), Dec. 8, 1994, 108 Stat. 4964, related to quantity of tobacco grown in the United States that is required to be used by a cigarette manufacturer.

Section 1314j, act Feb. 16, 1938, ch. 30, title III, §320D, as added Pub. L. 106-47, §1, Aug. 13, 1999, 113 Stat. 228, and Pub. L. 106-78, title VII, §755(b), Oct. 22, 1999, 113 Stat. 1170; amended Pub. L. 106-113, div. B, §1000(a)(5) [title II, §211], Nov. 29, 1999, 113 Stat. 1536, 1501A-295, related to release of tobacco production and marketing information.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal 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.

SAVINGS PROVISION

Repeal not to affect the liability of any person under this subpart 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.

TOBACCO DEFINITION AND INCREASE OF MARKETING QUOTAS AND ACREAGE ALLOTMENTS TO MEET DEMAND UNAFFECTED BY ACREAGE-POUNDAGE MARKETING QUOTAS AND PRICE SUPPORT PROVISIONS

Pub. L. 89-12, §4, Apr. 16, 1965, 79 Stat. 72, which provided that nothing in the Act could be construed as affecting the authority or responsibility of the Secretary of Agriculture under former sections 1301(b)(15) or