

PRIOR PROVISIONS

A prior section 1359kk, act Feb. 16, 1938, ch. 30, title III, § 359k, as added Pub. L. 107-171, title I, § 1403, May 13, 2002, 116 Stat. 204, related to reallocation of sugar quota import shortfalls in 2002 through 2007 calendar years, prior to repeal by Pub. L. 110-234, title I, § 1403(i), May 22, 2008, 122 Stat. 988; Pub. L. 110-246, § 4, title I, § 1403(i), June 18, 2008, 122 Stat. 1664, 1716, effective May 22, 2008.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

§ 1359ll. Period of effectiveness

(a) In general

This subpart shall be effective only for the 2008 through 2023 crop years for sugar.

(b) Transition

The Secretary shall administer flexible marketing allotments for sugar for the 2007 crop year for sugar on the terms and conditions provided in this subpart as in effect on the day before the date of enactment of this section.

(Feb. 16, 1938, ch. 30, title III, § 359l, as added Pub. L. 110-234, title I, § 1403(k), May 22, 2008, 122 Stat. 989, and Pub. L. 110-246, § 4(a), title I, § 1403(k), June 18, 2008, 122 Stat. 1664, 1717; amended Pub. L. 113-79, title I, § 1301(b)(2), Feb. 7, 2014, 128 Stat. 688; Pub. L. 115-334, title I, § 1301(b)(2), Dec. 20, 2018, 132 Stat. 4511.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334 substituted “2023” for “2018”.

2014—Subsec. (a). Pub. L. 113-79 substituted “2018” for “2012”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment 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 a note under section 8701 of this title.

PART C—ADMINISTRATIVE PROVISIONS

SUBPART I—PUBLICATION AND REVIEW OF QUOTAS

Statutory Notes and Related Subsidiaries

INAPPLICABILITY OF SUBPART

Subpart inapplicable to 1996 through 2001 crops of peanuts, see section 7301(a)(1)(F) of this title.

Pub. L. 101-624, title VIII, § 801(4), Nov. 28, 1990, 104 Stat. 3459, provided that subpart I of part C of this subchapter (§ 1361 et seq.) is inapplicable to 1991 through 1995 crops of peanuts.

Pub. L. 99-198, title VII, § 701(4), Dec. 23, 1985, 99 Stat. 1430, provided that subpart I of part C of this subchapter (§ 1361 et seq.) is inapplicable to 1986 through 1990 crops of peanuts.

Pub. L. 97-98, title VII, § 701(4), Dec. 22, 1981, 95 Stat. 1248, provided that subpart I of part C of this subchapter (§ 1361 et seq.) is inapplicable to 1982 through 1985 crops of peanuts.

§ 1361. Application of subpart

This subpart shall apply to the publication and review of farm marketing quotas established for corn, wheat, cotton, and rice, established under part B of this subchapter.

(Feb. 16, 1938, ch. 30, title III, § 361, 52 Stat. 62; Apr. 3, 1941, ch. 39, § 4, 55 Stat. 92; Pub. L. 107-171, title I, § 1309(h)(1), May 13, 2002, 116 Stat. 181; Pub. L. 108-357, title VI, § 611(h), Oct. 22, 2004, 118 Stat. 1522.)

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-357 struck out “tobacco,” after “established for”.

2002—Pub. L. 107-171 struck out “peanuts,” after “cotton.”.

1941—Act Apr. 3, 1941, inserted “peanuts,” after “cotton.”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-357 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

Amendment by sections 611 to 614 of Pub. L. 108-357 not to affect the liability of any person under any provision of law so amended 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.

§ 1362. Publication of marketing quota; mailing of allotment notice

All acreage allotments, and the farm marketing quotas established for farms in a county or other local administrative area shall, in accordance with regulations of the Secretary, be made and kept freely available for public inspection in such county or other local administrative area. An additional copy of this information shall be kept available in the office of the county agricultural extension agent or with the chairman of the local committee. Notice of the farm marketing quota of his farm shall be mailed to the farmer.

Notice of the farm acreage allotment established for each farm shown by the records of the county committee to be entitled to such allotment shall insofar as practicable be mailed to the farm operator in sufficient time to be received prior to the date of the referendum.

(Feb. 16, 1938, ch. 30, title III, § 362, 52 Stat. 62; Aug. 29, 1949, ch. 518, § 2(c), 63 Stat. 676.)

Editorial Notes**AMENDMENTS**

1949—Act Aug. 29, 1949, inserted paragraph providing for mailing of notice of allotment.

§ 1363. Review of quota; review committee

Any farmer who is dissatisfied with his farm marketing quota may, within fifteen days after mailing to him of notice as provided in section 1362 of this title, have such quota reviewed by a local review committee composed of three farmers from the same or nearby counties appointed by the Secretary. Such committee shall not include any member of the local committee which determined the farm acreage allotment, the normal yield, or the farm marketing quota for such farm. Unless application for review is made within such period, the original determination of the farm marketing quota shall be final.

(Feb. 16, 1938, ch. 30, title III, § 363, 52 Stat. 63; Apr. 12, 1951, ch. 28, § 3, 65 Stat. 31.)

Editorial Notes**AMENDMENTS**

1951—Act Apr. 12, 1951, provided that the Secretary appoint a local review committee composed of 3 farmers from the same or nearby counties.

Statutory Notes and Related Subsidiaries**REVIEW OF 1950 COTTON FARM ACREAGE ALLOTMENT**

Act Mar. 31, 1950, ch. 81, § 2, 64 Stat. 41, provided that any farmer dissatisfied with his farm acreage allotment for the 1950 cotton crop could have such allotment reviewed in accordance with the provisions of this chapter.

§ 1364. Compensation of review committee

The members of the review committee shall receive as compensation for their services the same per diem as that received by the members of the committee utilized for the purposes of chapter 3B of title 16. The members of the review committee shall not be entitled to receive compensation for more than thirty days in any one year.

(Feb. 16, 1938, ch. 30, title III, § 364, 52 Stat. 63.)

Editorial Notes**REFERENCES IN TEXT**

Chapter 3B [§590a et seq.] of title 16, referred to in text, was in the original a reference to the Soil Conservation and Domestic Allotment Act.

§ 1365. Institution of proceeding for court review of committee findings

If the farmer is dissatisfied with the determination of the review committee, he may, within fifteen days after a notice of such determination is mailed to him by registered mail or by certified mail, file a bill in equity against the review committee as defendant in the United States district court, or institute proceedings for review in any court of record of the State having general jurisdiction, sitting in the county or the district in which his farm is located, for the purpose of obtaining a review of such determination. Bond shall be given in an amount

and with surety satisfactory to the court to secure the United States for the costs of the proceeding. The bill of complaint in such proceeding may be served by delivering a copy thereof to any one of the members of the review committee. Thereupon the review committee shall certify and file in the court a transcript of the record upon which the determination complained of was made, together with its findings of fact.

(Feb. 16, 1938, ch. 30, title III, § 365, 52 Stat. 63; Pub. L. 86-507, § 1(5), June 11, 1960, 74 Stat. 200.)

Editorial Notes**AMENDMENTS**

1960—Pub. L. 86-507 inserted “or by certified mail” after “registered mail”.

§ 1366. Court review

The review by the court shall be limited to questions of law, and the findings of fact by the review committee, if supported by evidence shall be conclusive. If application is made to the court for leave to adduce additional evidence, and it is shown to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for failure to adduce such evidence in the hearing before the review committee, the court may direct such additional evidence to be taken before the review committee in such manner and upon such terms and conditions as to the court may seem proper. The review committee may modify its findings of fact or its determination by reason of the additional evidence so taken, and it shall file with the court such modified findings or determination, which findings of fact shall be conclusive. The court shall hear and determine the case upon the original record of the hearing before the review committee, and upon such record as supplemented if supplemented, by further hearing before the review committee pursuant to direction of the court. The court shall affirm the review committee's determination, or modified determination, if the court determines that the same is in accordance with law. If the court determines that such determination or modified determination is not in accordance with law, the court shall remand the proceeding to the review committee with direction either to make such determination as the court shall determine to be in accordance with law or to take such further proceedings as, in the court's opinion, the law requires.

(Feb. 16, 1938, ch. 30, title III, § 366, 52 Stat. 63; Pub. L. 98-620, title IV, § 402(6), Nov. 8, 1984, 98 Stat. 3357.)

Editorial Notes**AMENDMENTS**

1984—Pub. L. 98-620 substituted “The court” for “At the earliest convenient time, the court, in term time or vacation.”.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 1984 AMENDMENT**

Amendment by Pub. L. 98-620 not applicable to cases pending on Nov. 8, 1984, see section 403 of Pub. L. 98-620,