

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, set out as an Effective Date note under section 1657 of Title 28, Judiciary and Judicial Procedure.

§ 1367. Stay of proceedings and exclusive jurisdiction

The commencement of judicial proceedings under this subpart shall not, unless specifically ordered by the court, operate as a stay of the review committee’s determination. Notwithstanding any other provision of law, the jurisdiction conferred by this subpart to review the legal validity of a determination made by a review committee pursuant to this subpart shall be exclusive. No court of the United States or of any State shall have jurisdiction to pass upon the legal validity of any such determination except in a proceeding under this subpart.

(Feb. 16, 1938, ch. 30, title III, §367, 52 Stat. 64.)

§ 1368. Effect of increase on other quotas

Notwithstanding any increase of any farm marketing quota for any farm as a result of review of the determination thereof under this subpart, the marketing quotas for other farms shall not be affected.

(Feb. 16, 1938, ch. 30, title III, §368, 52 Stat. 64.)

SUBPART II—ADJUSTMENT OF QUOTAS AND ENFORCEMENT

§ 1371. General adjustment of quotas**(a) Investigation and adjustment to maintain normal supply**

If at any time the Secretary has reason to believe that in the case of cotton,¹ or rice the operation of farm marketing quotas in effect will cause the amount of such commodity which is free of marketing restrictions to be less than the normal supply for the marketing year for the commodity then current, he shall cause an immediate investigation to be made with respect thereto. In the course of such investigation due notice and opportunity for hearing shall be given to interested persons. If upon the basis of such investigation the Secretary finds the existence of such fact, he shall proclaim the same forthwith. He shall also in such proclamation specify such increase in, or termination of, existing quotas as he finds, on the basis of such investigation, is necessary to make the amount of such commodity which is free of marketing restrictions equal the normal supply.

(b) Adjustment because of emergency or export demand

If the Secretary has reason to believe that, because of a national emergency or because of a

material increase in export demand, any national marketing quota or acreage allotment for cotton,¹ or rice should be increased or terminated, he shall cause an immediate investigation to be made to determine whether the increase or termination is necessary to meet such emergency or increase in export demand. If, on the basis of such investigation, the Secretary finds that such increase or termination is necessary, he shall immediately proclaim such finding (and if he finds an increase is necessary, the amount of the increase found by him to be necessary) and thereupon such quota or allotment shall be increased, or shall terminate, as the case may be.

(c) Increase of farm quota on increase of national quota

In case any national marketing quota or acreage allotment for any commodity is increased under this section, each farm marketing quota or acreage allotment for the commodity shall be increased in the same ratio.

(Feb. 16, 1938, ch. 30, title III, §371, 52 Stat. 64; Apr. 3, 1941, ch. 39, §5, 55 Stat. 92; Aug. 28, 1954, ch. 1041, title III, §312, 68 Stat. 904; Pub. L. 87-703, title III, §321, Sept. 27, 1962, 76 Stat. 626; Pub. L. 107-171, title I, §1309(h)(2), May 13, 2002, 116 Stat. 182; Pub. L. 108-357, title VI, §611(i), Oct. 22, 2004, 118 Stat. 1522.)

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2004—Subsec. (a). Pub. L. 108-357, §611(i)(1), substituted “or rice” for “rice, or tobacco” in first sentence.

Subsec. (b). Pub. L. 108-357, §611(i)(2), which directed amendment of first sentence of subsec. (b) by substituting “or rice” for “rice, or tobacco”, was executed by making the substitution for “rice, or tobacco”, to reflect the probable intent of Congress.

2002—Subsec. (a). Pub. L. 107-171, §1309(h)(2)(A), struck out “peanuts,” before “or tobacco” in first sentence.

Subsec. (b). Pub. L. 107-171, §1309(h)(2)(B), struck out “peanuts” before “or tobacco” in first sentence.

1962—Subsec. (a). Pub. L. 87-703, §321(1), struck out “corn, wheat,” before “cotton”.

Subsec. (b). Pub. L. 87-703, §321(2), struck out “any national acreage allotment for corn, or” after “export demand,” “wheat,” before “cotton” and “in order to effect the declared policy of this chapter or” before “to meet such emergency”.

1954—Subsec. (b). Act Aug. 28, 1954, §312(a), inserted proviso relating to national acreage allotment for corn, and struck out corn from national marketing quota provision.

Subsec. (c). Act Aug. 28, 1954, §312(b), inserted “or acreage allotment” after “marketing quota” wherever appearing.

Subsec. (d). Act Aug. 28, 1954, §312(c), repealed subsec. (d) which related to the adjustment of corn storage regulations on change in marketing quotas.

1941—Subsecs. (a), (b). Act Apr. 3, 1941, inserted “peanuts,” after “rice.”.

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.

EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-703 effective only with respect to programs applicable to the crops planted for

¹ So in original.

harvest in the calendar year 1964 or any subsequent year and the marketing years beginning in the calendar year 1964, or any subsequent year, see section 323 of Pub. L. 87-703, set out as a note under section 1301 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.

INAPPLICABILITY TO 1991 THROUGH 1995 CROPS OF PEANUTS

Pub. L. 101-624, title VIII, §801(5), Nov. 28, 1990, 104 Stat. 3459, provided that this section is inapplicable to 1991 through 1995 crops of peanuts.

INAPPLICABILITY TO 1986 THROUGH 1990 CROPS OF PEANUTS

Pub. L. 99-198, title VII, §701(5), Dec. 23, 1985, 99 Stat. 1430, provided that this section is inapplicable to 1986 through 1990 crops of peanuts.

INAPPLICABILITY TO 1982 THROUGH 1985 CROPS OF PEANUTS

Pub. L. 97-98, title VII, §701(5), Dec. 22, 1981, 95 Stat. 1248, provided that this section is inapplicable to 1982 through 1985 crops of peanuts.

§ 1372. Payment, collection, and refund of penalties

(a) The penalty with respect to the marketing, by sale, of wheat, cotton, or rice, if the sale is to any person within the United States, shall be collected by the buyer.

(b) All penalties provided for in part B of this subchapter shall be collected and paid in such manner, at such times, and under such conditions as the Secretary may by regulations prescribe. Such penalties shall be remitted to the Secretary by the person liable for the penalty, except that if any other person is liable for the collection of the penalty, such other person shall remit the penalty. Except as provided in section 1314h¹ of this title, the amount of such penalties shall be covered into the general fund of the Treasury of the United States.

(c) Whenever, pursuant to a claim filed with the Secretary within two years after payment to him of any penalty collected from any person pursuant to this chapter, the Secretary finds that such penalty was erroneously, illegally, or wrongfully collected and the claimant bore the burden of the payment of such penalty, the Secretary shall certify to the Secretary of the Treasury for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury, such amount as the Secretary finds the claimant is entitled to receive as a refund of such penalty.

Notwithstanding any other provision of law, the Secretary is authorized to prescribe by regulations for the identification of farms and it shall be sufficient to schedule receipts into special deposit accounts or to schedule such receipts for transfer therefrom, or directly, into the separate fund provided for in subsection (b) by means of such identification without reference to the names of the producers on such farms.

The Secretary is authorized to prescribe regulations governing the filing of such claims and the determination of such refunds.

(d) No penalty shall be collected under this chapter with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station. Effective with the 1978 crops, no penalty shall be collected under this chapter with respect to the marketing of any agricultural commodity grown on State prison farms for consumption within such State prison system.

(Feb. 16, 1938, ch. 30, title III, §372, 52 Stat. 65; Apr. 7, 1938, ch. 107, §11, 52 Stat. 204; July 2, 1940, ch. 521, §6, 54 Stat. 728; Pub. L. 96-113, Nov. 16, 1979, 93 Stat. 850; Pub. L. 99-272, title I, §1106(b), Apr. 7, 1986, 100 Stat. 91.)

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REFERENCES IN TEXT

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

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-272 substituted “Except as provided in section 1314h of this title, the” for “The”.

1979—Subsec. (d). Pub. L. 96-113 inserted provisions respecting exemption from marketing quota penalties for State prison farms.

1940—Subsec. (c). Act July 2, 1940, substituted “within two years” for “within one year” and inserted “and the claimant bore the burden of the payment of such penalty” after “wrongfully collected” in first par. and inserted second par. authorizing regulations for farm identification, etc.

1938—Subsecs. (c), (d). Act Apr. 7, 1938, added subsecs. (c) and (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1986 AMENDMENT

Pub. L. 99-272, title I, §1106(b), Apr. 7, 1986, 100 Stat. 91, provided that the amendment made by that section is effective for the 1986 and subsequent crops of tobacco.

RULEMAKING PROCEDURES

Secretary of Agriculture to implement amendments by Pub. L. 99-272 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.

§ 1373. Reports and records

(a) Persons reporting

This subsection shall apply to warehousemen, processors, and common carriers of corn, wheat, cotton, or rice, and¹ all ginnerers of cotton,² all persons engaged in the business of purchasing corn, wheat, cotton, or rice from producers. Any such person shall, from time to time on request of the Secretary, report to the Secretary such information and keep such records as the Secretary finds to be necessary to enable him to

¹ So in original. The word “and” probably should not appear.

² So in original. The word “and” probably should appear.

¹ See References in Text note below.