

Pub. L. 91-524, title VI, §601(1), Nov. 30, 1970, 84 Stat. 1371, as amended by Pub. L. 93-86, §1(19)(A), Aug. 10, 1973, 87 Stat. 233, provided that this section is inapplicable to 1971 through 1977 crops of upland cotton.

§ 1378. Transfer of acreage allotments ensuing from agency acquisition of farmlands

(a) Allotment pool

Notwithstanding any other provision of this chapter, the allotment determined for any commodity for any land from which the owner is displaced because of acquisition of the land for any purpose, other than for the continued production of allotted crops, by any Federal, State, or other agency having the right of eminent domain shall be placed in an allotment pool and shall be available only for use in providing allotments for other farms owned by the owner so displaced. Upon application to the county committee, within three years after the date of such displacement, any owner so displaced shall be entitled to have allotments established for other farms owned by him, taking into consideration the land, labor, and equipment available on such other farms for the production of the commodity, crop-rotation practices, and the soil and other physical factors affecting the production of the commodity: *Provided*, That the acreage used to establish or increase the allotments for such farms shall be transferred from the pool and shall not exceed the allotment most recently established for the farm acquired from the applicant and placed in the pool. During the period of eligibility for the making of allotments under this section for a displaced owner, acreage allotments for the farm from which the owner was so displaced shall be established in accordance with the procedure applicable to other farms, and such allotments shall be considered to have been fully planted. After such allotment is made under this section, the proportionate part, or all, as the case may be, of the past acreage used in establishing the allotment most recently placed in the pool for the farm from which the owner was so displaced shall be transferred to and considered for the purposes of future State, county, and farm acreage allotments to have been planted on the farm to which allotment is made under this section. Except where paragraph (c)¹ requires the transfer of allotment to another portion of the same farm, for the purpose of this section (1) that part of any farm from which the owner is so displaced and that part from which he is not so displaced shall be considered as separate farms; and (2) an owner who voluntarily relinquishes possession of the land subsequent to its acquisition by an agency having the right of eminent domain shall be considered as having been displaced because of such acquisition. The former owner of land acquired as described in this subsection shall not be considered for the purposes hereof to have been displaced from such land during any period for which such land is leased to such former owner: *Provided*, That the occupancy of the former owner under the lease follows immediately after his occupancy as owner: *And provided further*, That if a former owner has been displaced prior to April 9, 1960, and no al-

lotment from the land owned by such former owner has been transferred from the allotment pool and such former owner leases the land formerly owned by him prior to two years from April 9, 1960, such allotment shall be retransferred from the pool to such land and the occupancy of such former owner under the lease for the purposes of this subsection shall be deemed to have begun immediately after his displacement as owner. During any year of the 3-year period the allotment from a farm may remain in the allotment pool, the displaced owner may, in accordance with regulations of the Secretary, release for one year at a time any part or all of such farm allotment to the county committee for reapportionment to other farms in the county having allotments for such commodity on the basis of the past acreage of the commodity, land, labor, equipment available for the production of the commodity, crop rotation practices, and soil and other physical facilities affecting the production of the commodity; and the allotment reapportioned shall, for purposes of establishing future farm allotments, not be regarded as planted on the farm to which the allotment was transferred.

(b) Circumstances precluding application of provisions

The provisions of this section shall not be applicable if (1) there is any marketing quota penalty due with respect to the marketing of the commodity from the farm acquired by the Federal, State, or other agency or by the owner of the farm; (2) any of the commodity produced on such farm has not been accounted for as required by the Secretary; or (3) the allotment next established for the farm acquired by the Federal, State, or other agency would have been reduced because of false or improper identification of the commodity produced on or marketed from such farm or due to a false acreage report.

(c) Time of displacement determining application of provisions

This section shall not be applicable, in the case of and² cotton, to any farm from which the owner was displaced prior to 1950, in the case of wheat and corn, to any farm from which the owner was displaced prior to 1954, and in the case of rice, to any farm from which the owner was displaced prior to 1955. In any case where the cropland acquired for nonfarming purposes from an owner by an agency having the right of eminent domain represents less than 15 per centum of the total cropland on the farm, the allotment attributable to that portion of the farm so acquired shall be transferred to that portion of the farm not so acquired.

(Feb. 16, 1938, ch. 30, title III, §378, as added Pub. L. 85-835, title V, §501, Aug. 28, 1958, 72 Stat. 995; amended Pub. L. 86-423, §1, Apr. 9, 1960, 74 Stat. 41; Pub. L. 87-33, May 16, 1961, 75 Stat. 78; Pub. L. 91-524, title IV, §404(3), title VI, §605(1), Nov. 30, 1970, 84 Stat. 1366, 1378; Pub. L. 92-10, §2, Apr. 14, 1971, 85 Stat. 27; Pub. L. 92-354, July 26, 1972, 86 Stat. 499; Pub. L. 107-171, title I, §1309(h)(4), May 13, 2002, 116 Stat. 182; Pub. L. 108-357, title VI, §611(l), Oct. 22, 2004, 118 Stat. 1523.)

¹ So in original. Probably should read "subsection (c)".

² So in original. The word "and" probably should not appear.

Editorial Notes

CODIFICATION

Part of subsec. (d) of section 378 of act Feb. 16, 1938, is set out as a Savings Provision note below. The remainder of such subsec. (d) repealed sections 1313(h), 1334(d), 1344(h), 1353(f), and 1358(h) of this title.

AMENDMENTS

2004—Subsec. (c). Pub. L. 108-357, § 611(l)(1), which directed amendment of subsec. (c) by substituting “and cotton” for “cotton, and tobacco”, was executed by making the substitution for “cotton and tobacco”, to reflect the probable intent of Congress.

Subsecs. (d), (e). Pub. L. 108-357, § 611(l)(2), directed the repeal of subsecs. (d) and (e), added by Pub. L. 91-524, which had temporarily included farm base acreage allotment for upland cotton and domestic allotment for wheat within the term “allotment” as used in this section. See Codification note above and 1970 Amendment note below.

Subsec. (f). Pub. L. 108-357, § 611(l)(2), struck out subsec. (f), which provided that the terms “allotment” and “acreage” would be construed to mean “marketing quota” and “poundage”, respectively, in applying provisions to a farm for which a quota had been determined under section 1314e of this title.

2002—Subsec. (c). Pub. L. 107-171 substituted “cotton and tobacco,” for “cotton, tobacco, and peanuts.”

1972—Subsec. (a). Pub. L. 92-354 struck out the alternative time limitation for filing applications to the county committee and substituted provisions describing allotments for provisions requiring the allotments to be comparable with allotments determined for other farms in the same area which are similar except for the past acreage of the commodity.

1971—Subsec. (f). Pub. L. 92-10 added subsec. (f).

1970—Subsec. (d). Pub. L. 91-524, § 605(l), temporarily added subsec. (d). See Effective and Termination Dates of 1970 Amendment note below.

Subsec. (e). Pub. L. 91-524, § 404(3), temporarily added subsec. (e). See Effective and Termination Dates of 1970 Amendment note below.

1961—Pub. L. 87-33 substituted provisions permitting displaced owners to release part or all of any allotment remaining in the allotment pool for reapportionment to other farms in the county having allotments for such commodity, for provisions making sections 1344(m)(2), 1353(e), and 1358(g) of this title inapplicable to allotments held under the lease by a displaced owner.

1960—Subsec. (a). Pub. L. 86-423 inserted sentences providing that the former owner of land shall not be considered to have been displaced during any period for which such land is leased to him if his occupancy under the lease immediately follows after his occupancy as owner, authorizing retransfer of allotments in cases where a former owner leases land formerly owned by him prior to two years from April 9, 1960, and making sections 1344(m)(2), 1353(e), and 1358(g) of this title inapplicable to allotments on lands held under the lease by a displaced owner which are subject to the provisions of this amendment.

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 AND TERMINATION DATES OF 1970 AMENDMENT

Pub. L. 91-524, title IV, § 404, title VI, § 605, Nov. 30, 1970, 84 Stat. 1366, 1378, as amended by Pub. L. 93-86, § 1(11), (22), Aug. 10, 1973, 87 Stat. 229, 235, provided that the amendments made by sections 404 and 605 are effective only with respect to the 1971 through 1977 crops.

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.

Act Feb. 16, 1938, ch. 30, title III, § 378(d), as added by Pub. L. 85-835, title V, § 501, Aug. 28, 1958, 72 Stat. 995, provided in part that: “any transfer or reassignment of allotment heretofore made under the provisions of these sections [former sections 1313(h), 1334(d), 1344(h), 1353(f), and 1358(h) of this title] shall remain in effect, and any displaced farm owner for whom an allotment has been established under such repealed sections [such sections] shall not be eligible for additional allotment under subsection (a) of this section [7 U.S.C. 1378(a)] because of such displacement.”

§ 1379. Reconstitution of farms

In any case in which the ownership of a tract of land is transferred from a parent farm, the acreage allotments, history acreages, and base acreages for the farm shall be divided between such tract and the parent farm in the same proportion that the cropland acreage in such tract bears to the cropland acreage in the parent farm, except that the Secretary shall provide by regulation the method to be used in determining the division, if any, of the acreage allotments, histories, and bases in any case in which—

(1) the tract of land transferred from the parent farm has been or is being transferred to any agency having the right to acquire it by eminent domain;

(2) the tract of land transferred from the parent farm is to be used for nonagricultural purposes;

(3) the parent farm resulted from a combination of two or more tracts of land and records are available showing the contribution of each tract to the allotments, histories, and bases of the parent farm;

(4) the appropriate county committee determines that a division based on cropland proportions would result in allotments and bases not representative of the operations normally carried out on any transferred tract during the base period;

(5) the parent farm is divided among heirs in settling an estate; or

(6) neither the tract transferred from the parent farm nor the remaining portion of the parent farm receives allotments in excess of allotments for similar farms in the community having allotments of the commodity or commodities involved and such allotments are consistent with good land uses.

(Feb. 16, 1938, ch. 30, title III, § 379, as added Pub. L. 89-321, title VII, § 707, Nov. 3, 1965, 79 Stat. 1211; amended Pub. L. 91-524, title IV, § 404(4), title VI, § 605(2), Nov. 30, 1970, 84 Stat. 1366, 1378; Pub. L. 98-180, title II, § 212(b), Nov. 29, 1983, 97 Stat. 1149; Pub. L. 101-577, § 2(c), Nov. 15, 1990, 104 Stat. 2856; Pub. L. 102-237, title I, § 116(3), Dec. 13, 1991, 105 Stat. 1841; Pub. L. 106-78, title VIII, § 803(c)(6)(C), Oct. 22, 1999, 113 Stat. 1178; Pub. L. 108-357, title VI, § 611(m), Oct. 22, 2004, 118 Stat. 1523.)

Editorial Notes

AMENDMENTS

2004—Pub. L. 108-357 struck out “(a)” before “In any case”, struck out “, but this clause (6) shall not be ap-