

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 (d) repealed sections 1313(h), 1334(d), 1344(h), 1353(f), and 1358(h) of this title.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-

plicable in the case of burley tobacco” before period at end of par. (6), and struck out subsecs. (b) and (c), which related to combination of tracts in contiguous counties, and to burley tobacco poundage quota when a farm is divided through reconstitution, respectively.

1999—Subsec. (b). Pub. L. 106-78 inserted “or flue-cured” after “Burley”.

1991—Subsecs. (a)(4) to (7), (c). Pub. L. 102-237 struck out “or” at end of par. (4), substituted “; or” for period at end of par. (5), substituted a period for “; or” at end of par. (6), and redesignated par. (7) as subsec. (c) and moved subsec. (c) to follow subsec. (b).

1990—Subsec. (a)(7). Pub. L. 101-577 added par. (7).

1983—Pub. L. 98-180 designated existing provisions as subsec. (a) and added subsec. (b).

1970—Pub. L. 91-524 temporarily inserted provision that term “acreage allotments” include the farm base acreage allotments for upland cotton and the domestic allotment for wheat. See Effective and Termination Dates of 1970 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2004 AMENDMENT

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SAVINGS PROVISION

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PART D—WHEAT MARKETING ALLOCATION

§ 1379a. Legislative findings

Wheat, in addition to being a basic food, is one of the great export crops of American agriculture and its production for domestic consumption and for export is necessary to the maintenance of a sound national economy and to the general welfare. The movement of wheat from producer to consumer, in the form of the commodity or any of the products thereof, is preponderantly in interstate and foreign commerce. Unreasonably low prices of wheat to producers impair their purchasing power for non-agriculture products and place them in a position of serious disparity with other industrial groups. The conditions affecting the production of wheat are such that without Federal assistance, producers cannot effectively prevent disastrously low prices for wheat. It is necessary, in order to assist wheat producers in obtaining fair prices, to regulate the price of wheat used for domestic food and for exports in the manner provided in this part.

(Feb. 16, 1938, ch. 30, title III, §379a, as added Pub. L. 87-703, title III, §324(2), Sept. 27, 1962, 76 Stat. 626.)

Statutory Notes and Related Subsidiaries

INAPPLICABILITY OF SECTION

Section inapplicable to 2014 through 2018 crops of covered commodities, cotton, and sugar and inapplicable

to milk during period beginning Feb. 7, 2014, through Dec. 31, 2018, see section 9092(a)(3) of this title.

Section inapplicable to 2008 through 2012 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning June 18, 2008, through Dec. 31, 2012, see section 8782(a)(3) of this title.

Section inapplicable to 2002 through 2007 crops of covered commodities, peanuts, and sugar and inapplicable to milk during period beginning May 13, 2002, through Dec. 31, 2007, see section 7992(a)(3) of this title.

Section inapplicable to 1996 through 2001 crops of loan commodities, peanuts, and sugar and inapplicable to milk during period beginning Apr. 4, 1996, and ending Dec. 31, 2002, see section 7301(a)(1)(H) of this title.

§ 1379b. Wheat marketing allocation; amount; national allocation percentage; commercial and noncommercial wheat-producing areas

During any marketing year for which a marketing quota is in effect for wheat, beginning with the marketing year for the 1964 crop, a wheat marketing allocation program shall be in effect as provided in this part. Whenever a wheat marketing allocation program is in effect for any marketing year the Secretary shall determine (1) the wheat marketing allocation for such year which shall be the amount of wheat which in determining the national marketing quota for such marketing year he estimated would be used during such year for food products for consumption in the United States, and that portion of the amount of wheat which in determining such quota he estimated would be exported in the form of wheat or products thereof during the marketing year on which the Secretary determines that marketing certificates shall be issued to producers in order to achieve, insofar as practicable, the price and income objectives of this part, and (2) the national allocation percentage which shall be the percentage which the national marketing allocation is of the national marketing quota. Each farm shall receive a wheat marketing allocation for such marketing year equal to the number of bushels obtained by multiplying the number of acres in the farm acreage allotment for wheat by the projected farm yield, and multiplying the resulting number of bushels by the national allocation percentage. If a noncommercial wheat-producing area is established for any marketing year, farms in such area shall be given wheat marketing allocations which are determined by the Secretary to be fair and reasonable in relation to the wheat marketing allocation given producers in the commercial wheat-producing area.

(Feb. 16, 1938, ch. 30, title III, §379b, as added Pub. L. 87-703, title III, §324(2), Sept. 27, 1962, 76 Stat. 626; amended Pub. L. 88-297, title II, §202(10), (11), Apr. 11, 1964, 78 Stat. 179, 180; Pub. L. 89-321, title V, §§502, 503, Nov. 3, 1965, 79 Stat. 1202; Pub. L. 90-559, §1(1), Oct. 11, 1968, 82 Stat. 996; Pub. L. 91-524, title IV, §402(a), (b)(B), (C), Nov. 30, 1970, 84 Stat. 1362, as renumbered and amended Pub. L. 93-86, §1(9), Aug. 10, 1973, 87 Stat. 225.)

Editorial Notes

AMENDMENTS

1973—Subsec. (c)(1). Pub. L. 91-524, §402(b)(B)(i)-(vi), as added by Pub. L. 93-86, temporarily substituted