

TITLE 7 - AGRICULTURE**CHAPTER 35 - AGRICULTURAL ADJUSTMENT ACT OF 1938****SUBCHAPTER II - LOANS, PARITY PAYMENTS, CONSUMER SAFEGUARDS,
MARKETING QUOTAS, AND MARKETING CERTIFICATES****Part C - Administrative Provisions****subpart ii - adjustment of quotas and enforcement****§ 1374. Measurement of farms and report of plantings; remeasurement**

(a) The Secretary shall provide for ascertaining, by measurement or otherwise, the acreage of any agricultural commodity or land use on farms for which the ascertainment of such acreage is necessary to determine compliance under any program administered by the Secretary. Insofar as practicable, the acreage of the commodity and land use shall be ascertained prior to harvest, and, if any acreage so ascertained is not in compliance with the requirements of the program the Secretary, under such terms and conditions as he prescribes, may provide a reasonable time for the adjustment of the acreage of the commodity or land use to the requirements of the program. Where cotton is planted in skiprow patterns, the same rules that were in effect for the 1971 through 1973 crops for classifying the acreage planted to cotton and the area skipped shall also apply to the 1974 through 1995 crops, except that, for the 1991 through 1995 crops, the rules shall allow 30 inch rows (or, at the option of those cotton producers who had an established practice of using 32 inch rows before the 1991 crop, 32 inch rows) to be taken into account for classifying the acreage planted to cotton and the area skipped. For the 1992 through 1995 crops, the rules establishing the requirements for eligibility for conserving use for payment acres shall be the same rules as were in effect for 1991 crops.

(b) With respect to cotton, the Secretary, upon such terms and conditions as he may by regulation prescribe, shall provide, through the county and local committees for the measurement prior to planting of an acreage on the farm equal to the farm acreage allotment if so requested by the farm operator, and any farm on which the acreage planted to cotton does not exceed such measured acreage shall be deemed to be in compliance with the farm acreage allotment.

(c) The Secretary shall by appropriate regulations provide for the remeasurement upon request by the farm operator of the acreage planted to such commodity on the farm and for the measurement of the acreage planted to such commodity on the farm remaining after any adjustment of excess acreage hereunder and shall prescribe the conditions under which the farm operator shall be required to pay the county committee for the expense of the measurement of adjusted acreage or the expense of remeasurement after the initial measurement or the measurement of adjusted acreage. The regulations shall also provide for the refund of any deposit or payment made for the expense of the remeasurement of the initially determined acreage or the adjusted acreage when because of an error in the determination of such acreage the remeasurement brings the acreage within the allotment or permitted acreage or results in a change in acreage in excess of a reasonable variation normal to measurements of acreage of the commodity. Unless the requirements for measurement of adjusted acreage are met by the farm operator, the acreage prior to such adjustment as determined by the county committee shall be considered the acreage of the commodity on the farm in determining whether the applicable farm allotment has been exceeded.

(Feb. 16, 1938, ch. 30, title III, § 374, 52 Stat. 65; Apr. 3, 1941, ch. 39, § 8, 55 Stat. 92; Aug. 29, 1949, ch. 518, § 2(b), 63 Stat. 676; Aug. 28, 1954, ch. 1041, title III, § 311(b), 68 Stat. 904; Pub. L. 86-553, §§ 1, 2, June 30, 1960, 74 Stat. 258; Pub. L. 89-321, title VII, §§ 701, 702, Nov. 3, 1965, 79 Stat. 1210; Pub. L. 91-524, title VI, § 612, Nov. 30, 1970, as added Pub. L. 93-86, § 1(25), Aug. 10, 1973, 87 Stat. 236; Pub. L. 95-113, title VI, § 605, Sept. 29, 1977, 91 Stat. 940; Pub. L. 97-98, title V, § 505, Dec. 22, 1981, 95 Stat. 1241; Pub. L. 99-198, title V, § 505, Dec. 23, 1985, 99 Stat. 1418; Pub. L. 101-624, title V, § 504, Nov. 28, 1990, 104 Stat. 3440; Pub. L. 102-237, title I, § 116(2), Dec. 13, 1991, 105 Stat. 1840.)

Amendments

1991—Subsec. (a). Pub. L. 102–237 inserted “(or, at the option of those cotton producers who had an established practice of using 32 inch rows before the 1991 crop, 32 inch rows)” after “30 inch rows” and inserted at end “For the 1992 through 1995 crops, the rules establishing the requirements for eligibility for conserving use for payment acres shall be the same rules as were in effect for 1991 crops.”

1990—Subsec. (a). Pub. L. 101–624 substituted “1995 crops, except that, for the 1991 through 1995 crops, the rules shall allow 30 inch rows to be taken into account for classifying the acreage planted to cotton and the area skipped” for “1990 crops”.

1985—Subsec. (a). Pub. L. 99–198 substituted “1990 crops” for “1985 crops”.

1981—Subsec. (a). Pub. L. 97–98 substituted “1985 crops” for “1981 crops”.

1977—Subsec. (a). Pub. L. 95–113 substituted “1981” for “1977” in provisions setting the last year for application of the 1971 through 1973 skiprow patterns in classifying the acreage planted to cotton.

1973—Subsec. (a). Pub. L. 91–524, § 612, as added by Pub. L. 93–86, inserted provisions relating to cotton planted in skiprow patterns.

1965—Subsec. (a). Pub. L. 89–321, § 701, removed references to county and local committees as the agent for measuring commodity or land use acreage, substituted a general reference to any agricultural commodity or land use on farms requiring ascertainment of acreage for specific reference to corn, wheat, cotton, peanuts, or rice, and substituted provisions requiring ascertainment of commodity and land use prior to harvesting and allowing a reasonable time for adjustment of acreage requirements for provisions requiring the filing of a written report by the local committee with the state committee in the event of planting in excess of farm acreage allotment.

Subsec. (c). Pub. L. 89–321, § 702, struck out sentence directing the Secretary to provide by regulation for the adjustment of planted acreage to the farm acreage allotment if the acreage determined to be planted to any basic agricultural commodity on the farm is in excess of the farm acreage allotment.

1960—Subsec. (b). Pub. L. 86–553, § 1, struck out second sentence which read as follows: “The Secretary shall similarly provide for the remeasurement upon request by the farm operator of the acreage planted to cotton on the farm, but the operator shall be required to reimburse the local committee for the expense of such remeasurement if the planted acreage is found to be in excess of the allotted acreage” which is now covered by subsec. (c) of this section.

Subsec. (c). Pub. L. 86–553, § 2, authorized Secretary to provide by regulations for remeasurement of acreage planted to a basic agricultural commodity and for measurement of acreage planted to such commodity remaining after adjustment of excess of measurement and remeasurement and to provide for refunds, and prescribed method of computing acreage in determining whether the applicable farm allotment has been exceeded.

1954—Subsec. (b). Act Aug. 28, 1954, struck out last sentence relating to overplanting of cotton acreage.

Subsec. (c). Act Aug. 28, 1954, added subsec. (c).

1949—Act Aug. 29, 1949, redesignated existing provisions as subsec. (a) and added subsec. (b).

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

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.

Effective Date of 1977 Amendment

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