

7 U.S. Code § 1301. Definitions

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(a) GENERAL DEFINITIONS For the purposes of this subchapter and the declaration of policy—

(1)

(A)

The “parity price” for any agricultural commodity, as of any date, shall be determined by multiplying the adjusted base price of such commodity as of such date by the [parity index](#) as of such date.

(B)

The “adjusted base price” of any agricultural commodity, as of any date, shall be (i) the average of the [prices](#) received by farmers for such commodity, at such times as the [Secretary](#) may select during each year of the ten-year period ending on the 31st of December last before such date, or during each marketing season beginning in such period if the [Secretary](#) determines use of a calendar year basis to be impracticable, divided by (ii) the ratio of the general level of [prices](#) received by farmers for agricultural commodities during such period to the general level of [prices](#) received by farmers for agricultural commodities during the period January 1910 to December 1914, inclusive. As used in this subparagraph, the term “[prices](#)” shall include wartime subsidy payments made to producers under programs designed to maintain maximum [prices](#) established under the [Emergency Price Control Act of 1942](#).

(C)

The “[parity index](#)”, as of any date, shall be the ratio of (i) the general level of [prices](#) for articles and services that farmers buy, wages paid hired farm labor, interest on farm indebtedness secured by farm real estate, and taxes on farm real estate, for the calendar month ending last before such date to (ii) the general level of such [prices](#), wages, rates, and taxes during the period January 1910 to December 1914, inclusive.

(D)

The [prices](#) and indices provided for herein, and the data used in computing them, shall be determined by the [Secretary](#), whose determination shall be final.

(E) Notwithstanding the provisions of subparagraph (A) of this paragraph, the transitional parity price for any agricultural commodity, computed as provided in this subparagraph, shall be used as the parity price for such commodity until such date after January 1, 1950, as such transitional parity price may be lower than the parity price, computed as provided in

subparagraph (A) of this paragraph, for such commodity. The transitional parity price for any agricultural commodity as of any date shall be—

(i)

its parity price determined in the manner used prior to the effective date of the [Agricultural Act of 1948](#), less

(ii)

5 per centum of the parity price so determined multiplied by the number of full calendar years (not counting 1956 in the case of basic agricultural commodities) which, as of such date, have elapsed after January 1, 1949, in the case of non-basic agricultural commodities, and after January 1, 1955, in the case of the basic agricultural commodities.

(F)

Notwithstanding the provisions of subparagraphs (A) and (E) of this paragraph, if the parity price for any agricultural commodity, computed as provided in subparagraphs (A) and (E) of this paragraph, appears to be seriously out of line with the parity [prices](#) of other agricultural commodities, the [Secretary](#) may, and upon the request of a substantial number of interested producers shall, hold public hearings to determine the proper relationship between the parity price of such commodity and the parity [prices](#) of other agricultural commodities. Within sixty days after commencing such hearing the [Secretary](#) shall complete such hearing, proclaim his findings as to whether the facts require a revision of the method of computing the parity price of such commodity, and put into effect any revision so found to be required.

(G)

Notwithstanding the foregoing provisions of this section, the parity price for any basic agricultural commodity, as of any date during the six-year period beginning January 1, 1950, shall not be less than its parity price computed in the manner used prior to October 31, 1949.

(2)

“Parity”, as applied to income, shall be that gross income from agriculture which will provide the farm operator and his family with a standard of living equivalent to those afforded [persons](#) dependent upon other gainful occupation. “Parity” as applied to income from any agricultural commodity for any year, shall be that gross income which bears the same relationship to parity income from agriculture for such year as the average gross income from such commodity for the preceding ten calendar years bears to the average gross income from agriculture for such ten calendar years.

(3)

The term “[interstate and foreign commerce](#)” means sale, marketing, trade, and traffic between any [State](#) or Territory or the District of Columbia or Puerto Rico, and any place outside thereof; or between points within the same [State](#) or Territory or within the District of Columbia or Puerto Rico, through any place outside thereof; or within any Territory or within the District of Columbia or Puerto Rico.

(4)

The term “[affect interstate and foreign commerce](#)” means, among other things, in such commerce, or to burden or obstruct such commerce or the free and orderly flow thereof; or to create or tend to create a surplus of any agricultural commodity which burdens or obstructs such commerce or the free and orderly flow thereof.

(5)

The term “[United States](#)” means the several [States](#) and Territories and the District of Columbia and Puerto [Rico](#).

(6)

The term “[State](#)” includes a Territory and the District of Columbia and Puerto [Rico](#).

(7)

The term “[Secretary](#)” means the [Secretary](#) of Agriculture, and the term “[Department](#)” means the Department of Agriculture.

(8)

The term “[person](#)” means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or any agency of a [State](#).

(9)

The term “[corn](#)” means field [corn](#).

(b) DEFINITIONS APPLICABLE TO ONE OR MORE COMMODITIES For the purposes of this subchapter—

(1)

(A)

“Actual production” as applied to any acreage of [corn](#) means the number of [bushels](#) of [corn](#) which the local committee determines would be harvested as grain from such acreage if all the [corn](#) on such acreage were so harvested. In case of a disagreement between the farmer and the local committee as to the actual production of the acreage of [corn](#) on the farm, or in case the local committee determines that such actual production is substantially below normal, the local committee, in accordance with regulations of the [Secretary](#), shall weigh representative samples of ear [corn](#) taken from the acreage involved, make proper deductions for moisture content, and determine the actual production of such acreage on the basis of such samples.

(B)

“Actual production” of any number of acres of cotton, rice or peanuts on a farm means the actual average yield for the farm times such number of acres.

(2)

“[Bushel](#)” means in the case of ear [corn](#) that amount of ear [corn](#), including not to exceed 15½ per centum of moisture content, which weighs seventy pounds, and in the case of shelled [corn](#), means that amount of

shelled [corn](#) including not to exceed 15½ per centum of moisture content, which weighs fifty-six pounds.

(3)

(A)

“Carry-over”, in the case of [corn](#), rice, and peanuts for any [marketing year](#) shall be the quantity of the commodity on hand in the [United States](#) at the beginning of such [marketing year](#), not including any quantity which was produced in the [United States](#) during the calendar year then current.

(B)

“Carry-over” of cotton for any [marketing year](#) shall be the quantity of cotton on hand in the [United States](#) at the beginning of such [marketing year](#), not including any part of the crop which was produced in the [United States](#) during the calendar year then current.

(C)

“Carry-over” of wheat, for any [marketing year](#) shall be the quantity of wheat on hand in the [United States](#) at the beginning of such [marketing year](#), not including any wheat which was produced in the [United States](#) during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under the [Federal Crop Insurance Act](#) [7 U.S.C. 1501 et seq.].

(4)

(A)

“[Commercial corn-producing area](#)” shall include all counties in which the average production of [corn](#) (excluding [corn](#) used as silage) during the ten calendar years immediately preceding the calendar year for which such area is determined, after adjustment for abnormal weather conditions, is four hundred and fifty [bushels](#) or more per farm and four [bushels](#) or more for each acre of farm land in the county.

(B)

Whenever prior to February 1 of any calendar year the [Secretary](#) has reason to believe that any county which is not included in the [commercial corn-producing area](#) determined pursuant to the provisions of subparagraph (A) of this subsection, but which borders upon one of the counties in such area, or that any minor civil division in a county bordering on such area, is producing (excluding [corn](#) used for silage) an average of at least four hundred and fifty [bushels](#) of [corn](#) per farm and an average of at least four [bushels](#) for each acre of farm land in the county or in the minor civil division, as the case may be, he shall cause immediate investigation to be made to determine such fact. If, upon the basis of such investigation, the [Secretary](#) finds that such county or minor civil division is likely to produce [corn](#) in such average amounts during such calendar year, he shall proclaim such determination and, commencing with such calendar year, such county shall be included in the [commercial corn-producing area](#). In the case of a county included in the [commercial corn-producing area](#) pursuant to this subparagraph, whenever prior to February 1 of any calendar year the [Secretary](#) has reason

to believe that facts justifying the inclusion of such county are not likely to exist in such calendar year, he shall cause an immediate investigation to be made with respect thereto. If, upon the basis of such investigation, the [Secretary](#) finds that such facts are not likely to exist in such calendar year, he shall proclaim such determination, and commencing with such calendar year, such county shall be excluded from the [commercial corn-producing area](#).

(5)

“[Farm consumption](#)” of [corn](#) means consumption by the farmer’s family, employees, or household, or by his work stock; or consumption by poultry or livestock on his farm if such poultry or livestock, or the products thereof, are consumed or to be consumed by the farmer’s family, employees, or household.

(6)

(A)

“[Market](#)”, in the case of [corn](#), cotton, rice, and wheat, means to dispose of, in raw or processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos, and, in the case of [corn](#) and wheat, by feeding (in any form) to poultry or livestock which, or the products of which, are sold, bartered, or exchanged, or to be so disposed of, but does not include disposing of any such commodities as premium to the Federal Crop Insurance Corporation under the [Federal Crop Insurance Act \[7 U.S.C. 1501 et seq.\]](#).

(B)

“Marketed”, “marketing”, and “for [market](#)” shall have corresponding meanings to the term “[market](#)” in the connection in which they are used.

(C)

“[Market](#)”, in the case of peanuts, means to dispose of peanuts, including farmers’ stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form, by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos.

(7)

“[Marketing year](#)” means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Corn, September 1–August 31;

Cotton, August 1–July 31;

Rice, August 1–July 31;

Tobacco (flue-cured), July 1–June 30;

Tobacco (other than flue-cured), October 1–September 30;

Wheat, June 1–May 31.

(8)

(A)

“National average yield” as applied to cotton or wheat shall be the national average yield per acre of the commodity during the ten calendar years in the case of wheat, and during the five calendar years in the case of cotton, preceding the year in which such national average yield is used in any computation authorized in this subchapter, adjusted for abnormal weather conditions and, in the case of wheat, but not in the case of cotton, for trends in yields.

(B)

“Projected national yield” as applied to any crop of wheat shall be determined on the basis of the national yield per harvested acre of the commodity during each of the five calendar years immediately preceding the year in which such projected national yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(9)

“Normal production” as applied to any number of acres of [corn](#) or rice means the normal yield for the farm times such number of acres. “Normal production” as applied to any number of acres of cotton or wheat means the [projected farm yield](#) times such number of acres.

(10)

(A)

“Normal supply” in the case of [corn](#), rice, wheat, and peanuts for any [marketing year](#) shall be (i) the estimated domestic consumption of the commodity for the [marketing year](#) ending immediately prior to the [marketing year](#) for which normal supply is being determined, plus (ii) the estimated exports of the commodity for the [marketing year](#) for which normal supply is being determined, plus (iii) an allowance for carry-over. The allowance for carry-over shall be the following percentage of the sum of the consumption and exports used in computing normal supply: 15 per centum in the case of [corn](#); 10 per centum in the case of rice; 20 per centum in the case of wheat; and 15 per centum in the case of peanuts. In determining normal supply the [Secretary](#) shall make such adjustments for current trends in consumption and for unusual conditions as he may deem necessary.

(B)

The “normal supply” of cotton for any [marketing year](#) shall be the estimated domestic consumption of cotton for the [marketing year](#) for which such normal supply is being determined, plus the estimated exports of cotton for such [marketing year](#), plus, 30 per centum of the sum of such consumption and exports as an allowance for carry-over.

(11)

(A)

“Normal year’s domestic consumption”, in the case of [corn](#) and wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed ^[1] in the [United States](#) during the ten [marketing](#)

years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

(B)

“Normal year’s domestic consumption”, in the case of cotton, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

(C)

“Normal year’s domestic consumption”, in the case of rice, shall be the yearly average quantity of rice produced in the United States that was consumed in the United States during the five marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

(12)

“Normal year’s exports” in the case of corn, cotton, rice, and wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years (or, in the case of rice, the five marketing years) immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

(13)

(A)

Repealed. Pub. L. 87-703, title III, § 320(1), Sept. 27, 1962, 76 Stat. 625.

(B)

“Normal yield” for any county, in the case of peanuts, shall be the average yield per acre of peanuts for the county, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. For 1942, the normal yield for any county, in the case of peanuts, shall be the average yield per acre for peanuts for the county, adjusted for abnormal conditions, during the years 1936-1940, inclusive, except that for any county in which the years 1935-1939, inclusive, are equally as representative, such period may be used in determining the normal yields for counties in the State.

(C)

In applying subparagraph (A) or (B) of this paragraph, if for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the Secretary, shall be used as the actual yield for such year. In applying such subparagraphs, if, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period or five-year period, as the case may be, is less than 75 per centum of the average (computed without regard to such year) such year shall be eliminated in calculating the normal yield per acre.

(D)

“Normal yield” for any county, in the case of rice and wheat, shall be the average yield per acre of rice or wheat, as the case may be, for the county during the five calendar years immediately preceding the year for which such normal yield is determined in the case of rice, or during the five years immediately preceding the year in which such normal yield is determined in the case of wheat, adjusted for abnormal weather conditions and for trends in yields. If for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the [Secretary](#), taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

(E)

“Normal yield” for any farm, in the case of rice and wheat, shall be the average yield per acre of rice or wheat, as the case may be, for the farm during the five calendar years immediately preceding the year for which such normal yield is determined in the case of rice, or during the five years immediately preceding the year in which such normal yield is determined in the case of wheat, adjusted for abnormal weather conditions and for trends in yields. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations issued by the [Secretary](#), taking into consideration abnormal weather conditions, trends in yields, the normal yield for the county, the yields obtained on adjacent farms during such year and the yield in years for which data are available.

(F)

In applying subparagraphs (D) and (E) of this paragraph, if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any year of such five-year period is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre. If, on account of abnormally favorable weather conditions, the yield for any year of such five-year period is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

(G)

“Normal yield” for any farm, in the case of [corn](#) or peanuts, shall be the average yield per acre of [corn](#) or peanuts, as the case may be, for the farm, adjusted for abnormal weather conditions, during the five calendar years immediately preceding the year in which such normal yield is determined. For 1942, the normal yield for any farm, in the case of peanuts, shall be the average yield per acre of peanuts for the farm, adjusted for abnormal conditions, during the years 1936–1940, inclusive, except that for any county in which the years 1935–1939, inclusive, are equally as representative, such period may be used in determining normal yields for farms in the county. If for any such year the data are not available or there is no actual yield, then

the normal yield for the farm shall be appraised in accordance with regulations of the [Secretary](#), taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(H)

“Normal yield” for any county, for any crop of cotton, shall be the average yield per acre of cotton for the county, adjusted for abnormal weather conditions and any significant changes in production practices during the five calendar years immediately preceding the year in which the national marketing quota for such crop is proclaimed. If for any such year the data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations issued by the [Secretary](#), shall be used as the actual yield for such year.

(I)

“Normal yield” for any farm, for any crop of cotton, shall be the average yield per acre of cotton for the farm, adjusted for abnormal weather conditions and any significant changes in production practices during the three calendar years immediately preceding the year in which such normal yield is determined. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the [Secretary](#), taking into consideration abnormal weather conditions, the normal yield for the county, changes in production practices, and the yield in years for which data are available.

(J)

“[Projected county yield](#)” for any crop of wheat shall be determined on the basis of the yield per harvested acre of such commodity in the county during each of the five calendar years immediately preceding the year in which such [projected county yield](#) is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices.

(K)

“[Projected farm yield](#)” for any crop of wheat shall be determined on the basis of the yield per harvested acre of such commodity on the farm during each of the three calendar years immediately preceding the year in which such [projected farm yield](#) is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields and for any significant changes in production practices, but in no event shall such [projected farm yield](#) be less than the normal yield for such farm as provided in subparagraph (E) of this paragraph.

(L)

“Projected national, [State](#), and county yields” for any crop of cotton shall be determined on the basis of the yield per harvested acre of such crop in the [United States](#), the [State](#) and the county, respectively, during each of the five calendar years immediately preceding the year in which such projected yield for the [United States](#), the [State](#), and the county, respectively, is

determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields, and for any significant changes in production practices.

(M)

“Projected farm yield” for any crop of cotton shall be determined on the basis of the yield per harvested acre of such crop on the farm during each of the three calendar years immediately preceding the year in which such projected farm yield is determined, adjusted for abnormal weather conditions affecting such yield, for trends in yields, and for any significant changes in production practices, but in no event shall such projected farm yield be less than the normal yield for such farm as provided in subparagraph (I) of this paragraph.

(14)

“Reserve supply level”, in the case of corn, shall be a normal year’s domestic consumption and exports of corn plus 10 per centum of a normal year’s domestic consumption and exports, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

(15)

(A)

“Total supply” of wheat, corn, rice, and peanuts for any marketing year shall be the carry-over of the commodity for such marketing year, plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins and the estimated imports of the commodity into the United States during such marketing year.

(B)

“Total supply” of cotton for any marketing year shall be the carry-over at the beginning of such marketing year, plus the estimated production of cotton in the United States during the calendar year in which such marketing year begins and the estimated imports of cotton into the United States during such marketing year.

(c)USE OF FEDERAL STATISTICS

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this chapter.

(d)EXCLUSION OF STOCKS OF CERTAIN COMMODITIES

In making any determination under this chapter or under the Agricultural Act of 1949 [7 U.S.C. 1421 et seq.] with respect to the carryover of any agricultural commodity, the Secretary shall exclude from such determination the stocks of any commodity acquired pursuant to, or under the authority of, the Strategic and Critical Materials Stock Piling Act (60 Stat. 596) [50 U.S.C. 98 et seq.].