

[CHAPTER 107]

AN ACT

April 7, 1938
[H. R. 9915]
[Public, No. 470]

To amend the Agricultural Adjustment Act of 1938, and for other purposes.

Agricultural Ad-
justment Act of 1938,
amendments.
Ante, p. 36.
Farming operations
in 1938, payments
based on soil-deplet-
ing crops.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 105 of the Agricultural Adjustment Act of 1938 is amended by inserting after the first sentence the following: "Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this Act."

Definitions; textual
modifications.
Ante, p. 41.
Normal yield for
county, as to corn.

SEC. 2. Section 301 (b) (13) (A) of the Agricultural Adjustment Act of 1938 is hereby amended by striking out the word "farm" in the expressions "for any farm" and "for the farm", respectively, and inserting in lieu thereof "county".

Wheat or cotton.
Ante, p. 41.

SEC. 3. Section 301 (b) (13) (B) of the Agricultural Adjustment Act of 1938 is hereby amended by striking out the word "farm" in the expressions "for any farm" and "for the farm", respectively, and inserting in lieu thereof "county".

Ante, p. 42.

SEC. 4. Section 301 (b) (13) of the Agricultural Adjustment Act of 1938 is hereby amended by adding the following new subparagraph:

"Normal yield" for
any farm in the case of
designated commodi-
ties.

"(E) 'Normal yield' for any farm, in the case of corn, wheat, or cotton, shall be the average yield per acre of corn, wheat, or cotton, as the case may be, for the farm, adjusted for abnormal weather conditions and, in the case of corn and wheat, but not in the case of cotton, for trends in yields, during the ten calendar years in the case of corn and wheat, and five calendar years in the case of cotton, immediately preceding the year with respect to which such normal yield is used in any computation authorized under this title. 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."

Basis of apportion-
ment of national mar-
keting quotas.
Ante, p. 47.
Ante, p. 48.

SEC. 5. (a) Section 313 (a) of the Agricultural Adjustment Act of 1938 is amended by striking out the word "net".

(b) Section 313 of the Agricultural Adjustment Act of 1938 is amended by adding at the end thereof the following:

Flue-cured tobacco.
Post, p. 586.

"(e) In case of flue-cured tobacco, the national quota for 1938 is increased by a number of pounds required to provide for each State in addition to the State poundage allotment a poundage not in excess of 2 per centum of the allotment which shall be apportioned in amounts which the Secretary determines to be fair and reasonable to farms in the State receiving allotments under the Agricultural Adjustment Act of 1938 which the Secretary determines are inadequate in view of past production of tobacco, and for each year by a number of pounds sufficient to assure that any State receiving a State poundage allotment of flue-cured tobacco shall receive a minimum State poundage allotment of flue-cured tobacco equal to the average national yield for the preceding five years of five hundred acres of such tobacco."

Acreage allotment,
corn.
Ante, p. 52.

SEC. 6. Section 328 of the Agricultural Adjustment Act of 1938 is amended by inserting after the words "during the ten calendar years immediately preceding such calendar year" a comma and the following: "adjusted for abnormal weather conditions and trends in yield."

SEC. 7. Section 334 (b) of the Agricultural Adjustment Act of 1938 is amended by striking out the word "net".

SEC. 8. Section 343 (c) of the Agricultural Adjustment Act of 1938 is amended by striking out "for 1938 and for 1939" and inserting in lieu thereof "for any year".

SEC. 9. (a) The second sentence of section 344 (b) of the Agricultural Adjustment Act of 1938 is amended to read as follows: "Such number of acres plus the number of acres allotted to the State pursuant to subsection (e) (2) is referred to as the 'State acreage allotment'."

(b) Section 344 (d) (3) of the Agricultural Adjustment Act of 1938 is amended by inserting after "excluding from such acreage the acres devoted to the production of" the following: "sugarcane for sugar,"; and by inserting after "rice for market or" the following: "wheat or rice".

(c) Section 344 (e) of the Agricultural Adjustment Act of 1938 is amended by inserting after "(e)" at the beginning of such subsection "(1)", and by adding at the end thereof the following:

"(2) The Secretary shall allot to each State to which an allotment is made under subsection (b), and in which at least three thousand five hundred bales were produced in any of the five years immediately preceding the year for which the allotment is made, a number of acres sufficient to provide a total State acreage allotment for such State of not less than five thousand acres."

(d) Section 344 of the Agricultural Adjustment Act of 1938 is amended by inserting at the end thereof the following:

"(g) For each of the years 1938 and 1939 an acreage equal to 4 per centum of the State acreage allotment shall be apportioned by the Secretary, to counties and farms in the State receiving allotments under this Part, in the following manner:

"(1) An amount of the additional allotment provided for in this subsection sufficient to allot to each farm the acreage allotments provided for in subparagraphs (A) and (B) of paragraph (1) of subsection (d) of this section shall be used for making such acreage allotments as therein provided.

"(2) In counties in which the allotment is not sufficient to provide adequate and representative allotments to other farms in the county as a result of the allotments required by section 344 (d) (1) (A) and (B), an additional acreage shall be allotted to such farms to make the allotment to each of such farms as nearly equal to the allotment which would have been made to such farms in the absence of the provisions of (A) and (B) of subsection 344 (d) (1) as the remainder of the 4 per centum will permit.

"(3) After making the allotments provided for in paragraphs (1) and (2) of this subsection the remainder of the 4 per centum may be apportioned in amounts determined by the Secretary to be fair and reasonable to farms or counties receiving allotments which the Secretary determines are inadequate and not representative in view of past production of cotton on the farm or in the county.

"(h) Notwithstanding any other provisions of this section, the cotton acreage allotment for any farm for each of the years 1938 and 1939, after making the allotments provided in subsection (g), shall be increased by such amount as may be necessary to provide an allotment of not less than 50 per centum of the sum of the acreage planted in cotton in 1937 and the acreage diverted from cotton production in 1937 under the agricultural conservation program, as determined for

State acreage allotment, wheat.
Ante, p. 54.

Amount of national allotments, cotton.
Ante, p. 57.

"State acreage allotment", cotton.
Ante, p. 57.

Lands excluded from tilled acreage, commodities added.
Ante, p. 58.

Ante, p. 58.

Cotton; State allotments.

Ante, p. 58.

County and farm acreage allotment.

Basis.

Increased allotment for 1938 and 1939.
Post, p. 586.

- Proviso.*
Limitation.
- each farm in accordance with regulations prescribed by the Secretary: *Provided*, That this subsection shall not operate to raise the cotton acreage of any farm above 40 per centum of the acreage on such farm which is tilled annually or in regular rotation, as determined under regulations prescribed by the Secretary.
- Acreage to be additional to State acreage allotment, etc.
- “(i) The acreage required for apportionment under subsection (g) and (h) shall be in addition to the State acreage allotment, and the production of such acreage shall be in addition to the national allotment.”
- Ante*, p. 60.
- SEC. 10. Section 349 (b) of the Agricultural Adjustment Act of 1938 is amended to read as follows:
- Statement respecting acreage planted.
- “(b) All persons applying for any payment of money under the Soil Conservation and Domestic Allotment Act, as amended, with respect to any farm located in a county in which cotton has been planted during the year for which such payment is offered, shall file with the application a statement that the applicant has not knowingly planted, during the current year, cotton on land on his farm in excess of the acreage allotted to the farm under section 344 for such year.”
- Ante*, p. 57.
- SEC. 11. Section 372 of the Agricultural Adjustment Act of 1938 is amended by adding at the end thereof the following:
- Penalties.
Ante, p. 65.
- “(c) Whenever, pursuant to a claim filed with the Secretary within one year after payment to him of any penalty collected from any person pursuant to this Act, the Secretary finds that such penalty was erroneously, illegally, or wrongfully collected, 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.
- Refund of penalties erroneously collected.
- “(d) No penalty shall be collected under this Act with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station.”
- Regulations to be prescribed.
- “(d) No penalty shall be collected under this Act with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station.”
- Commodities grown for experimental purposes.
- “(d) No penalty shall be collected under this Act with respect to the marketing of any agricultural commodity grown for experimental purposes only by any publicly owned agricultural experiment station.”
- Cotton price adjustment payments.
Ante, p. 66.
- SEC. 12. The fourth sentence of section 381 (a) of such Act is amended to read as follows: “In cases where in 1937 a total or partial crop failure resulted from hail, drought, flood, or boll-weevil infestation, or where any part of a producer’s 1937 cotton crop was destroyed after the harvesting thereof by fire or other unavoidable natural cause, if the producer is otherwise eligible for payment, payment shall be made at the same rate per pound on the same percentage of the producer’s normal base production established by the Secretary as in the case of other producers.”
- Crop failure; crops destroyed, after harvesting, by fire, etc.
- SEC. 13. Section 403 of the Agricultural Adjustment Act of 1938 is amended by striking out the date “May 1, 1937” and inserting in lieu thereof the following: “or before May 1, 1938”.
- Cotton pool participation trust certificates, textual changes.
Ante, p. 70.
- SEC. 14. Section 404 of the Agricultural Adjustment Act of 1938 is amended by striking out the date “May 1937” and inserting in lieu thereof the date “May 1938”.
- Ante*, p. 71.
- SEC. 15. Section 407 of the Agricultural Adjustment Act of 1938 is amended by striking out “on or before” wherever it occurs in such section and inserting in lieu thereof the following: “subsequent to”.
- Assignee, payment.
Ante, p. 71.
- SEC. 16. Subparagraph (5) of section 8 (c) of the Soil Conservation and Domestic Allotment Act, as amended by section 101 of the Agricultural Adjustment Act of 1938, is hereby amended by striking out the words “on any farm” in the first sentence and inserting in lieu thereof “for any county”; and by striking out the word “thereon” in the first sentence and inserting in lieu thereof “therein”.
- Wheat or corn, normal yield for any county.
Ante, p. 33.

SEC. 17. Section 8 (c) of the Soil Conservation and Domestic Allotment Act, as amended by section 101 of the Agricultural Adjustment Act of 1938, is hereby amended by adding the following new subparagraph:

“(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and 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 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.”

SEC. 18. Section 8 (g) of the Soil Conservation and Domestic Allotment Act, as amended, is amended by striking out the second and third sentences and inserting in lieu thereof the following: “Such assignment shall be signed by the farmer and witnessed by a member of the county or other local committee, or by the treasurer or the secretary of such committee, and filed with the county agent or the county committee. Such assignment shall include the statement that the assignment is not made to pay or secure any preexisting indebtedness.”

SEC. 19. The proclamations heretofore issued by the Secretary of Agriculture under sections 312 (a), 327, 328, and 345 of the Agricultural Adjustment Act of 1938 shall be effective as provided in said sections, and no provision of any amendment made by this Act shall be construed as requiring any further action under section 312 (c) or 347 of the Agricultural Adjustment Act of 1938 with respect to marketing years beginning in 1938.

Approved, April 7, 1938.

[CHAPTER 108]

AN ACT

To amend the Commodity Exchange Act, as amended, to extend its provisions to wool tops.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third sentence of section 2 of the Commodity Exchange Act, as amended (U. S. C., 1934 edition, Supp. II, title 7, sec. 2), is amended to read as follows: “The word ‘commodity’ shall mean wheat, cotton, rice, corn, oats, barley, rye, flaxseed, grain sorghums, mill feeds, butter, eggs, *Solanum tuberosum* (Irish potatoes), and wool tops.”

Approved, April 7, 1938.

[CHAPTER 109]

AN ACT

Authorizing the State of Maryland, by and through its State Roads Commission or the successors of said commission, to construct, maintain, and operate certain bridges across streams, rivers, and navigable waters which are wholly or partly within the State.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to promote interstate commerce, improve the postal service, and provide for military and other purposes, the State of Maryland by and through its State Roads Commission or the successors of said commission be,

Wheat or corn, determining normal yield for any farm.
Ante, p. 33.

Assignment of payment.
Ante, p. 35.

Proclamations by Secretary of Agriculture under designated sections, when effective.
Ante, pp. 46, 51, 52, 58.
Ante, pp. 46, 59.

April 7, 1938
[S. 3105]
[Public, No. 471]

Commodity Exchange Act, amendment.
Provisions of, extended to wool tops.
49 Stat. 1491.
7 U. S. C., Supp. III, § 2.

April 7, 1938
[H. R. 8714]
[Public, No. 472]

State of Maryland. Bridge or tunnel construction, etc.