

SUBCHAPTER B—FARM MARKETING QUOTAS, ACREAGE ALLOTMENTS, AND PRODUCTION ADJUSTMENT

PART 711—MARKETING QUOTA REVIEW REGULATIONS

GENERAL

GENERAL

- Sec.
- 711.1 Effective date.
- 711.2 Expiration of time limitations.
- 711.3 Definitions.
- 711.4 Forms.
- 711.5 Public information.

REVIEW COMMITTEE

- 711.6 Eligibility as member of a panel.
- 711.7 Appointment of members of a panel.
- 711.8 Oath of office.
- 711.9 Composition of review committee.
- 711.10 Term of office.
- 711.11 Compensation.
- 711.12 Effect of change in composition of review committee.

JURISDICTION

- 711.13 Areas of venue and jurisdiction.

APPLICATION FOR REVIEW OF QUOTA

- 711.14 Application for review.
- 711.15 Matters subject to review.
- 711.16 County committee answer.
- 711.17 Amendments.

HEARING AND DETERMINATION

- 711.18 Place and schedule of hearing.
- 711.19 Notice of hearing.
- 711.20 Continuances.
- 711.21 Conduct of hearing.
- 711.22 Nonappearance of applicant.
- 711.23 Determination by review committee.
- 711.24 Service of determination.
- 711.25 Reopening of hearing.
- 711.26 Record of hearing.

COURT PROCEEDINGS

- 711.27 Procedure in the case of court proceedings.

PUERTO RICO

- 711.28 Special provisions applicable to Puerto Rico.

OMB CONTROL NUMBERS

- 711.29 OMB control numbers assigned pursuant to the Paperwork Reduction Act.

AUTHORITY: Secs. 301, 363-368, 371, 374, 375, 379, 52 Stat. 38, as amended, 63-66, amended, 79 Stat. 1211, as amended; 7 U.S.C. 1301, 1363-1368, 1371, 1374, 1375, 1379.

SOURCE: 35 FR 15355, Oct. 2, 1970, unless otherwise noted.

§ 711.1 Effective date.

The Marketing Quota Review Regulations (26 FR 10204, 27 FR 4831, 6539, 28 FR 3913, 31 FR 4271, 5663, 32 FR 15704) shall remain in effect and shall apply to all actions and proceedings taken prior to October 15, 1970, and such regulations are superseded as of midnight, October 14, 1970. The provisions of §§711.1 to 711.50 are effective October 15, 1970.

§ 711.2 Expiration of time limitations.

The provisions of part 720 of this chapter concerning the expiration of time limitations shall apply to this part.

§ 711.3 Definitions.

(a) *General terms.* In determining the meaning of the provisions of this part, unless the context indicates otherwise, words importing the singular include and apply to several persons or things, words importing the plural include the singular, words importing the masculine gender include the feminine as well, and words used in the present tense include the future as well as the present. The definitions in part 719 of this chapter shall apply to this part.

(b) *Act.* Act means the Agricultural Adjustment Act of 1938, and any amendments or supplements thereto.

(c) *Applicant.* Applicant means the farmer who filed an application for review of a farm marketing quota and if a hearing involves the quota of a farm resulting from the reconstitution by division of a parent farm, the farm operator of each farm resulting from such reconstitution shall be considered an applicant for purposes of this part.

(d) *Clerk.* Clerk means the county executive director for the county in which the application for review is filed unless another employee of the county or State office is designated by the State executive director to serve as clerk to the review committee.

(e) *Review committee.* Review committee means three farmers designated

Farm Service Agency, USDA

§711.7

to review a quota by the State executive director from the panel of farmers appointed by the Secretary under section 363 of the Act.

(f) *Quota*. Quota means the farm marketing quota established under the Act for a farm during a year in which quotas are approved in the national referendum for a commodity, including any of the following factors:

(1) Farm acreage allotment, farm marketing quota, and any adjustments in such allotment and quota resulting from: (i) Program violations; (ii) lease and transfer; (iii) sale and purchase; (iv) overmarketing and undermarketing; (v) release and reapportionment; (vi) eminent domain transactions; and (vii) forfeiture and reallocation.

(2) Farm preliminary yield, farm normal yield and farm yield.

(3) A determination of the land constituting a farm for which a farm acreage allotment or farm marketing quota is established, including the following: (i) Land devoted to nonagricultural use, (ii) land used for agricultural purposes, (iii) cropland acreage; and (iv) tillable cropland.

(4) Acreage planted to the commodity on the farm.

(5) Actual production for the farm.

(6) Farm marketing excess (acres or pounds).

(7) Marketing quota penalties, including but not limited to, assessments for marketing quota violations involving: (i) False identification, (ii) failure to account for production and disposition, (iii) failure to file a report, and (iv) the filing of a false report.

(Secs. 301, 363-368, 371, 374, 375, 379, 52 Stat. 38 as amended, 63-64, as amended, 66, as amended; 7 U.S.C. 1301, 1363-1368, 1375)

[35 FR 15355, Oct. 2, 1970, as amended by Amdt. 9, 45 FR 37398, June 3, 1980; 49 FR 38240, Sept. 28, 1984]

§711.4 Forms.

The following general forms, as revised from time to time, are prescribed for use in connection with review proceedings;

(a) MQ-53 Application for Review of Farm Marketing Quota.

(b) MQ-54 Notice of Untimely Filing of Review Application.

(c) MQ-56 Notice of Hearing of Review Application.

(d) MQ-58 Determination of Review Committee Farm Marketing Quota.

(e) MQ-59 Oath of Review Committeeman.

§711.5 Public information.

The clerk shall maintain a record of applications and review committee proceedings which shall be available at the office of the clerk for public inspection and copying in accordance with part 798 of this chapter.

REVIEW COMMITTEE

§711.6 Eligibility as member of a panel.

Any farmer who meets the eligibility requirements for county committeeman prescribed in the regulations in part 7 of subtitle A of this title, as amended, in a county within the area of venue for which he is to be appointed shall be eligible for appointment as a member of a review committee panel for such area of venue. If the area of venue consists of only one county or a part of a county, these eligibility requirements must be met in such county or in a nearby county. No farmer whose legal residence is in one State shall be eligible for appointment as a member of a review committee panel for an area of venue in another State.

§711.7 Appointment of members of a panel.

The Secretary shall appoint six or more eligible farmers to serve as members of a review committee panel in each area of venue. Notice of appointment shall be sent to the State committee, which shall notify the farmers so appointed. Appointments may be made before, during, or after the period in which applications for review of quotas are required to be filed. Notwithstanding the foregoing, the Secretary shall have the continuing power to revoke or suspend any appointment made pursuant to the regulations in this part, and subject to the provisions of the act, to make such other appointment deemed proper.