

Subchapter III of this chapter, referred to in subsec. (a)(1)(D), was in the original “subtitle C”, meaning subtitle C (§§1301–1310) of title I of Pub. L. 107–171, May 13, 2002, 116 Stat. 166, which is classified principally to subchapter III of this chapter. For complete classification of subtitle C to the Code, see References in Text note set out under section 7951 of this title and Tables.

Subchapter II of this chapter, referred to in subsec. (c), was in the original “subtitle B”, meaning subtitle B (§§1201–1209) of title I of Pub. L. 107–171, May 13, 2002, 116 Stat. 155, which is classified principally to subchapter II of this chapter. For complete classification of subtitle B to the Code, see Tables.

### § 7916. Planting flexibility

#### (a) Permitted crops

Subject to subsection (b) of this section, any commodity or crop may be planted on base acres on a farm.

#### (b) Limitations regarding certain commodities

##### (1) General limitation

The planting of an agricultural commodity specified in paragraph (3) shall be prohibited on base acres unless the commodity, if planted, is destroyed before harvest.

##### (2) Treatment of trees and other perennials

The planting of an agricultural commodity specified in paragraph (3) that is produced on a tree or other perennial plant shall be prohibited on base acres.

##### (3) Covered agricultural commodities

Paragraphs (1) and (2) apply to the following agricultural commodities:

- (A) Fruits.
- (B) Vegetables (other than lentils, mung beans, and dry peas).
- (C) Wild rice.

#### (c) Exceptions

Paragraphs (1) and (2) of subsection (b) of this section shall not limit the planting of an agricultural commodity specified in paragraph (3) of that subsection—

(1) in any region in which there is a history of double-cropping of covered commodities with agricultural commodities specified in subsection (b)(3) of this section, as determined by the Secretary, in which case the double-cropping shall be permitted;

(2) on a farm that the Secretary determines has a history of planting agricultural commodities specified in subsection (b)(3) of this section on base acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to such an agricultural commodity; or

(3) by the producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in subsection (b)(3) of this section, except that—

(A) the quantity planted may not exceed the average annual planting history of such agricultural commodity by the producers on the farm in the 1991 through 1995 or 1998 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

(B) direct payments and counter-cyclical payments shall be reduced by an acre for

each acre planted to such agricultural commodity.

#### (d) Special rule for 2002 crop year

For the 2002 crop year only, if the calculation of base acres under section 7911(a) of this title results in total base acres for a farm in excess of the contract acreage (as defined in section 7202 of this title) for the farm used to calculate the fiscal year 2002 payment authorized under section 7214 of this title, paragraphs (1) and (2) of subsection (b) of this section shall not limit the harvesting of an agricultural commodity specified in paragraph (3) of that subsection on the excess base acres, except that direct payments and counter-cyclical payments for the 2002 crop year shall be reduced by an acre for each acre of the excess base acres planted to such an agricultural commodity.

(Pub. L. 107–171, title I, §1106, May 13, 2002, 116 Stat. 153.)

### § 7917. Relation to remaining payment authority under production flexibility contracts

#### (a) Termination of superseded payment authority

Notwithstanding section 7213(a)(7) of this title or any other provision of law, the Secretary shall not make payments for fiscal year 2002 after May 13, 2002, under a production flexibility contract entered into under section 7211 of this title unless requested by the producer that is a party to the contract.

#### (b) Contract payments made before enactment

If a producer receives all or any portion of the payment authorized for fiscal year 2002 under a production flexibility contract, the Secretary shall reduce the amount of the direct payment otherwise due the producer for the 2002 crop year under section 7913 of this title by the amount of the fiscal year 2002 payment received by the producer under the production flexibility contract.

(Pub. L. 107–171, title I, §1107, May 13, 2002, 116 Stat. 154.)

### § 7918. Period of effectiveness

This subchapter shall be effective beginning with the 2002 crop year of each covered commodity through the 2007 crop year.

(Pub. L. 107–171, title I, §1108, May 13, 2002, 116 Stat. 155.)

## SUBCHAPTER II—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS

### § 7931. Availability of nonrecourse marketing assistance loans for loan commodities

#### (a) Nonrecourse loans available

##### (1) Availability

For each of the 2002 through 2007 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for loan commodities produced on the farm.

##### (2) Terms and conditions

The marketing assistance loans shall be made under terms and conditions that are pre-