

average crop revenue election payments under section 8715<sup>1</sup> of this title among the producers on a farm on a fair and equitable basis.

**(f) Extension of 2008 signup**

**(1) In general**

Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subchapter by producers on a farm with base acres of 10 acres or less until the later of—

- (A) November 14, 2008; or
- (B) the end of the 45-day period beginning on October 13, 2008.

**(2) Penalties**

The Secretary shall ensure that no penalty with respect to benefits under this subchapter is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.

(Pub. L. 110-234, title I, §1305, May 22, 2008, 122 Stat. 972; Pub. L. 110-246, §4(a), title I, §1305, June 18, 2008, 122 Stat. 1664, 1701; Pub. L. 110-398, §1(b)(2), Oct. 13, 2008, 122 Stat. 4213.)

REFERENCES IN TEXT

Section 8715 of this title, referred to in subsecs. (a)(1) and (e), was repealed by Pub. L. 113-79, title I, §1103(a), Feb. 7, 2014, 128 Stat. 658.

The Food Security Act of 1985, referred to in subsec. (a)(1)(A), (B), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2008—Subsec. (f). Pub. L. 110-398 added subsec. (f).

**§ 8756. Planting flexibility**

**(a) Permitted crops**

Subject to subsection (b), any commodity or crop may be planted on the base acres for peanuts 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 for peanuts 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 for peanuts.

**(3) Covered agricultural commodities**

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

- (A) Fruits.

(B) Vegetables (other than mung beans and pulse crops).

(C) Wild rice.

**(c) Exceptions**

Paragraphs (1) and (2) of subsection (b) 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 peanuts with agricultural commodities specified in subsection (b)(3), 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) on the base acres for peanuts, 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), 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.

(Pub. L. 110-234, title I, §1306, May 22, 2008, 122 Stat. 973; Pub. L. 110-246, §4(a), title I, §1306, June 18, 2008, 122 Stat. 1664, 1702.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**§ 8757. Marketing assistance loans and loan deficiency payments for peanuts**

**(a) Nonrecourse loans available**

**(1) Availability**

For each of the 2008 through 2012 crops of peanuts, the Secretary shall make available to producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

**(2) Terms and conditions**

The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

**(3) Eligible production**

The producers on a farm shall be eligible for a marketing assistance loan under this subsection for any quantity of peanuts produced on the farm.

**(4) Options for obtaining loan**

A marketing assistance loan under this subsection, and loan deficiency payments under