

travel expenses including per diem in lieu of subsistence, as authorized by section 5703 of title 5, when engaged in the performance of Commission duties.

(b) Staff

(1) Appointment

The Commission shall appoint a staff director, who shall be paid at a rate not to exceed the maximum rate of basic pay under section 5376 of title 5, and such professional and clerical personnel as may be reasonable and necessary to enable the Commission to carry out its duties under this subchapter without regard to the provisions of title 5 governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title, or any other provision of law, relating to the number, classification, and General Schedule rates.

(2) Limitation on compensation

No employee appointed under this subsection (other than the staff director) may be compensated at a rate to exceed the maximum rate applicable to level GS-15 of the General Schedule.

(c) Detailed personnel

On the request of the chairperson of the Commission, the head of any department or agency of the Federal Government is authorized to detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties under this section. The detail of any individual may not result in the interruption or loss of civil service status or other privilege of the individual.

(Pub. L. 104-127, title I, §187, Apr. 4, 1996, 110 Stat. 941.)

REFERENCES IN TEXT

The General Schedule, referred to in subsec. (b), is set out under section 5332 of Title 5.

REFERENCES TO MAXIMUM RATE UNDER 5 U.S.C. 5376

For reference to maximum rate under section 5376 of Title 5, Government Organization and Employees, see section 2(d)(3) of Pub. L. 110-372, set out as an Effective Date of 2008 Amendment note under section 5376 of Title 5.

§ 7318. Termination of Commission

The Commission shall terminate on submission of the final report required by section 7314 of this title.

(Pub. L. 104-127, title I, §188, Apr. 4, 1996, 110 Stat. 941.)

SUBCHAPTER VIII—MISCELLANEOUS
COMMODITY PROVISIONS

§ 7331. Options pilot program

(a) Pilot programs authorized

Until December 31, 2002, the Secretary of Agriculture may conduct a pilot program for 1 or more agricultural commodities supported under this chapter to ascertain whether futures and options contracts can provide producers with

reasonable protection from the financial risks of fluctuations in price, yield, and income inherent in the production and marketing of the commodities. The pilot program shall be an alternative to other related programs of the Department of Agriculture.

(b) Distribution of pilot program

For each agricultural commodity included in the pilot program, the Secretary may operate the pilot program in not more than 300 counties, except that not more than 25 of the counties may be located in any 1 State. The pilot program for a commodity shall not be operated in any county for more than 3 of the 1996 through 2002 calendar years.

(c) Eligible participants

In operating the pilot program, the Secretary may enter into contract with a producer who—

- (1) is eligible for a production flexibility contract, a marketing assistance loan, or other assistance under this chapter;
- (2) volunteers to participate in the pilot program during any calendar year in which a county in which the farm of the producer is located is included in the pilot program;
- (3) operates a farm located in a county selected for the pilot program; and
- (4) meets such other eligibility requirements as the Secretary may establish.

(d) Notice to producers

The Secretary shall provide notice to each producer participating in the pilot program that—

- (1) the participation of the producer is voluntary; and
- (2) neither the United States, the Commodity Credit Corporation, the Federal Crop Insurance Corporation, the Department of Agriculture, nor any other Federal agency is authorized to guarantee that participants in the pilot program will be better or worse off financially as a result of participation in the pilot program than the producer would have been if the producer had not participated in the pilot program.

(e) Contracts

The Secretary shall set forth in each contract under the pilot program the terms and conditions for participation in the pilot program and the notice required by subsection (d).

(f) Eligible markets

Trades for futures and options contracts under the pilot program shall be carried out on commodity futures and options markets designated as contract markets under the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(g) Recordkeeping

A producer participating in the pilot program shall compile, maintain, and submit (or authorize the compilation, maintenance, and submission) of such documentation as the regulations governing the pilot program require.

(h) Use of Commodity Credit Corporation

The Secretary shall fund and operate the pilot program through the Commodity Credit Corporation, except that the amount of Commodity

Credit Corporation funds used to carry out this section shall not exceed, to the maximum extent practicable, \$9,000,000 for fiscal year 2001, \$15,000,000 for fiscal year 2002, and \$2,000,000 for fiscal year 2003. To the maximum extent practicable, the Secretary shall operate the pilot program in a budget neutral manner.

(Pub. L. 104-127, title I, §191, Apr. 4, 1996, 110 Stat. 941; Pub. L. 106-224, title I, §134, June 20, 2000, 114 Stat. 388.)

REFERENCES IN TEXT

For definition of “this chapter”, referred to in subsecs. (a) and (c)(1), see note set out under section 7201 of this title.

The Commodity Exchange Act, referred to in subsec. (f), is act Sept. 21, 1922, ch. 369, 42 Stat. 998, as amended, which is classified generally to chapter 1 (§1 et seq.) of this title. For complete classification of this Act to the Code, see section 1 of this title and Tables.

CODIFICATION

Section is comprised of section 191 of Pub. L. 104-127. Subsec. (i) of section 191 of Pub. L. 104-127 repealed provisions set out as a note under section 1421 of this title.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-224, §134(1), substituted “300 counties, except that not more than 25” for “100 counties, except that not more than 6” in first sentence.

Subsec. (c)(2). Pub. L. 106-224, §134(2), inserted before semicolon at end “during any calendar year in which a county in which the farm of the producer is located is included in the pilot program”.

Subsec. (h). Pub. L. 106-224, §134(3), inserted before period at end of first sentence “, except that the amount of Commodity Credit Corporation funds used to carry out this section shall not exceed, to the maximum extent practicable, \$9,000,000 for fiscal year 2001, \$15,000,000 for fiscal year 2002, and \$2,000,000 for fiscal year 2003”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-224 effective Oct. 1, 2000, see section 171(b)(1)(A) of Pub. L. 106-224, set out as a note under section 1501 of this title.

§ 7332. Risk management education

In consultation with the Commodity Futures Trading Commission, the Secretary shall provide such education in management of the financial risks inherent in the production and marketing of agricultural commodities as the Secretary considers appropriate. As part of such educational activities, the Secretary may develop and implement programs to facilitate the participation of agricultural producers in commodity futures trading programs, forward contracting options, and insurance protection programs by assisting and training producers in the usage of such programs. In implementing this authority, the Secretary may use existing research and extension authorities and resources of the Department of Agriculture.

(Pub. L. 104-127, title I, §192, Apr. 4, 1996, 110 Stat. 942.)

§ 7333. Administration and operation of non-insured crop assistance program

(a) Operation and administration of program

(1) In general

(A) Coverages

In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

(i) catastrophic risk protection available under section 1508(b) of this title; or

(ii) except in the case of crops and grasses used for grazing, additional coverage available under subsections (c) and (h) of section 1508 of this title that does not exceed 65 percent, as described in subsection (1).

(B) Administration

The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the “Agency”).

(2) Eligible crops

(A) In general

In this section, the term “eligible crop” means each commercial crop or other agricultural commodity (except livestock)—

(i) for which catastrophic risk protection under section 1508(b) of this title is not available;

(ii) for which additional coverage under subsections (c) and (h) of section 1508 of this title is not available; and

(iii) that is produced for food or fiber.

(B) Crops specifically included

The term “eligible crop” shall include floricultural, ornamental nursery, and Christmas tree crops, turfgrass sod, seed crops, aquaculture (including ornamental fish), sea grass and sea oats, camelina, sweet sorghum, biomass sorghum, and industrial crops (including those grown expressly for the purpose of producing a feedstock for renewable biofuel, renewable electricity, or biobased products).

(C) Combination of similar types or varieties

At the option of the Secretary, all types or varieties of a crop or commodity, described in subparagraphs (A) and (B), may be considered to be a single eligible crop under this section.

(3) Cause of loss

To qualify for assistance under this section, the losses of the noninsured commodity shall be due to drought, flood, or other natural disaster, as determined by the Secretary.

(4) Program reduction in benefits relating to crop production on native sod

(A) Definition of native sod

In this paragraph, the term “native sod” means land—

(i) on which the plant cover is composed principally of native grasses, grasslike plants, forbs, or shrubs suitable for grazing and browsing; and