

section to determine the effects of the pilot project on the supply and price of—

- (i) fresh fruits and vegetables; and
- (ii) fruits and vegetables for processing.

(B) Determination

An evaluation under subparagraph (A) shall include a determination as to whether—

- (i) producers of fresh fruits and vegetables are being negatively impacted; and
- (ii) existing production capacities are being supplanted.

(C) Report

As soon as practicable after conducting an evaluation under subparagraph (A), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the evaluation.

(Pub. L. 110-234, title I, §1107, May 22, 2008, 122 Stat. 950; Pub. L. 110-246, §4(a), title I, §1107, June 18, 2008, 122 Stat. 1664, 1679.)

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 L. 110-234 was repealed by section 4(a) of Pub.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.

§ 8718. Special rule for long grain and medium grain rice

(a) Calculation method

Subject to subsections (b) and (c), for the purposes of determining the amount of the counter-cyclical payments to be paid to the producers on a farm for long grain rice and medium grain rice under section 8714¹ of this title, the base acres of rice on the farm shall be apportioned using the 4-year average of the percentages of acreage planted in the applicable State to long grain rice and medium grain rice during the 2003 through 2006 crop years, as determined by the Secretary.

(b) Producer election

As an alternative to the calculation method described in subsection (a), the Secretary shall provide producers on a farm the opportunity to elect to apportion rice base acres on the farm using the 4-year average of—

- (1) the percentages of acreage planted on the farm to long grain rice and medium grain rice during the 2003 through 2006 crop years;
- (2) the percentages of any acreage on the farm that the producers were prevented from planting to long grain rice and medium grain rice during the 2003 through 2006 crop years because of drought, flood, other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; and

(3) in the case of a crop year for which a producer on a farm elected not to plant to long grain and medium grain rice during the 2003 through 2006 crop years, the percentages of acreage planted in the applicable State to long grain rice and medium grain rice, as determined by the Secretary.

¹ See References in Text note below.

(c) Limitation

In carrying out this section, the Secretary shall use the same total base acres, payment acres, and payment yields established with respect to rice under sections 7911 and 7912 of this title, as in effect on September 30, 2007, subject to any adjustment under section 8711 of this title.

(Pub. L. 110-234, title I, §1108, May 22, 2008, 122 Stat. 952; Pub. L. 110-246, §4(a), title I, §1108, June 18, 2008, 122 Stat. 1664, 1681.)

REFERENCES IN TEXT

Section 8714 of this title, referred to in subsec. (a), was repealed by Pub. L. 113-79, title I, §1102(a), Feb. 7, 2014, 128 Stat. 658.

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.

§ 8719. Period of effectiveness

This subchapter shall be effective beginning with the 2008 crop year of each covered commodity through the 2012 crop year.

(Pub. L. 110-234, title I, §1109, May 22, 2008, 122 Stat. 953; Pub. L. 110-246, §4(a), title I, §1109, June 18, 2008, 122 Stat. 1664, 1681.)

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.

SUBCHAPTER II—MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS

§ 8731. Availability of nonrecourse marketing assistance loans for loan commodities

(a) Nonrecourse loans available

(1) Availability

For each of the 2008 through 2012 crops of each loan commodity, the Secretary shall make available to producers on a farm non-recourse 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 prescribed by the Secretary and at the loan rate established under section 8732 of this title for the loan commodity.

(b) Eligible production

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

(c) Compliance with conservation and wetlands requirements

As a condition of the receipt of a marketing assistance loan under subsection (a), the producer shall comply with applicable conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.) during the term of the loan.