

§ 8783. Availability of quality incentive payments for covered oilseed producers

(a) Incentive payments required

Subject to subsection (b) and the availability of appropriations under subsection (h), the Secretary shall use funds made available under subsection (h) to provide quality incentive payments for the production of oilseeds with specialized traits that enhance human health, as determined by the Secretary.

(b) Covered oilseeds

The Secretary shall make payments under this section only for the production of an oilseed variety that has, as determined by the Secretary—

(1) been demonstrated to improve the health profile of the oilseed for use in human consumption by—

(A) reducing or eliminating the need to partially hydrogenate the oil derived from the oilseed for use in human consumption; or

(B) adopting new technology traits; and

(2) 1 or more impediments to commercialization.

(c) Request for proposals

(1) Issuance

If funds are made available to carry out this section for a crop year, the Secretary shall issue a request for proposals for payments under this section.

(2) Multiyear proposals

A proponent may submit a multiyear proposal for payments under this section.

(3) Content of proposals

A proposal for payments under this section shall include a description of—

(A) how use of the oilseed enhances human health;

(B) the impediments to commercial use of the oilseed;

(C) each oilseed variety described in subsection (b) and the value of the oilseed variety as a matter of public policy;

(D) a range for the base price and premiums per bushel or hundredweight to be paid to producers;

(E) a per bushel or hundredweight amount of incentive payments requested for each year under this section that does not exceed $\frac{1}{3}$ of the total premium offered for any year;

(F) the period of time, not to exceed 4 years, during which incentive payments are to be provided to producers; and

(G) the targeted total quantity of production and estimated acres needed to produce the targeted quantity for each year under this section.

(d) Contracts for production

(1) In general

The Secretary shall approve successful proposals submitted under subsection (c) on a timely basis.

(2) Timing of payments

The Secretary shall make payments to producers under this section after the Secretary

receives documentation that the premium required under a contract has been paid to covered producers.

(e) Administration

(1) In general

If funding provided for a crop year is not fully allocated under the initial request for proposals under subsection (c), the Secretary shall issue additional requests for proposals for subsequent crop years under this section.

(2) Prorated payments

If funding provided for a crop year is less than the amount otherwise approved by the Secretary or for which approval is sought, the Secretary shall prorate the payments or approvals in a manner determined by the Secretary so that the total payments do not exceed the funding level.

(f) Proprietary information

The Secretary shall protect proprietary information provided to the Secretary for the purpose of administering this section.

(g) Program compliance and penalties

(1) Guarantee

The proponent, if approved, shall be required to guarantee that the oilseed on which a payment is made by the Secretary under this section is used for human consumption as described in the proposal, as approved by the Secretary.

(2) Noncompliance

If oilseeds on which a payment is made by the Secretary under this section are not actually used for the purpose the payment is made, the proponent shall be required to pay to the Secretary an amount equal to, as determined by the Secretary—

(A) in the case of an inadvertent failure, twice the amount of the payment made by the Secretary under this section to the producer of the oilseeds; and

(B) in any other case, up to twice the full value of the oilseeds involved.

(3) Documentation

The Secretary may require such assurances and documentation as may be needed to enforce the guarantee.

(4) Additional penalties

(A) In general

In addition to payments required under paragraph (2), the Secretary may impose penalties on additional persons that use oilseeds the use of which is restricted under this section for a purpose other than the intended use.

(B) Amount

The amount of a penalty under this paragraph shall—

(i) be in an amount determined appropriated by the Secretary; but

(ii) not to exceed twice the full value of the oilseeds.

(h) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2009 through 2012.

(Pub. L. 110-234, title I, §1605, May 22, 2008, 122 Stat. 1016; Pub. L. 110-246, §4(a), title I, §1605, June 18, 2008, 122 Stat. 1664, 1744.)

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.

§ 8784. Assignment of payments

(a) In general

The provisions of section 590h(g) of title 16, relating to assignment of payments, shall apply to payments made under this chapter.

(b) Notice

The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

(Pub. L. 110-234, title I, §1608, May 22, 2008, 122 Stat. 1018; Pub. L. 110-246, §4(a), title I, §1608, June 18, 2008, 122 Stat. 1664, 1746.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which is classified principally to this chapter. For complete classification of title I to the Code, see 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.

§ 8785. Tracking of benefits

As soon as practicable after the date of enactment of this Act, the Secretary may track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

(Pub. L. 110-234, title I, §1609, May 22, 2008, 122 Stat. 1018; Pub. L. 110-246, §4(a), title I, §1609, June 18, 2008, 122 Stat. 1664, 1746.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in text, is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

Titles I and II, referred to in text, are titles I and II of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, 1753, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of titles I and II to the Code, see 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.

§ 8786. Prevention of deceased individuals receiving payments under farm commodity programs

(a) Regulations

Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations that—

- (1) describe the circumstances under which, in order to allow for the settlement of estates

and for related purposes, payments may be issued in the name of a deceased individual; and

(2) preclude the issuance of payments to, and on behalf of, deceased individuals that were not eligible for the payments.

(b) Coordination

At least twice each year, the Secretary shall reconcile the social security numbers of all individuals who receive payments under this chapter, whether directly or indirectly, with the Social Security Administration to determine if the individuals are alive.

(Pub. L. 110-234, title I, §1611, May 22, 2008, 122 Stat. 1018; Pub. L. 110-246, §4(a), title I, §1611, June 18, 2008, 122 Stat. 1664, 1746.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

This chapter, referred to in subsec. (b), was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which is classified principally to this chapter. For complete classification of title I to the Code, see 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.

§ 8787. Hard white wheat development program

(a) Definitions

In this section:

(1) Eligible hard white wheat seed

The term “eligible hard white wheat seed” means hard white wheat seed that, as determined by the Secretary, is—

(A) certified;

(B) of a variety that is suitable for the State in which the seed will be planted;

(C) rated at least superior with respect to quality; and

(D) specifically approved under a seed establishment program established by the State Department of Agriculture and the State Wheat Commission of the 1 or more States in which the seed will be planted.

(2) Program

The term “program” means the hard white wheat development program established under subsection (b)(1).

(3) Secretary

The term “Secretary” means the Secretary of Agriculture, in consultation with the State Departments of Agriculture and the State Wheat Commissions of the States in regions in which hard white wheat is produced, as determined by the Secretary.

(b) Establishment

(1) In general

Subject to the availability of appropriations, the Secretary shall establish a hard white wheat development program in accordance with paragraph (2) to promote the establishment of hard white wheat as a viable market class of wheat in the United States by encour-