

ter, a producer on a farm may not receive direct payments, counter-cyclical payments, or average crop revenue election payments if the sum of the base acres of the farm is 10 acres or less, as determined by the Secretary.

**(2) Exceptions**

Paragraph (1) shall not apply to a farm owned by—

(A) a socially disadvantaged farmer or rancher (as defined in section 2003(e) of this title;<sup>1</sup> or

(B) a limited resource farmer or rancher, as defined by the Secretary.

**(3) Suspension of prohibition**

Paragraphs (1) and (2) shall not apply during the 2008 crop year.

(Pub. L. 110-234, title I, §1302, May 22, 2008, 122 Stat. 968; Pub. L. 110-246, §4(a), title I, §1302, June 18, 2008, 122 Stat. 1664, 1696; Pub. L. 110-398, §1(a)(2), Oct. 13, 2008, 122 Stat. 4213; Pub. L. 113-188, title I, §101(a), Nov. 26, 2014, 128 Stat. 2017.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (a)(1)(A), (B), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

The Food Security Act of 1985, referred to in subsec. (b)(2)(B), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Chapter 1 of subtitle D of title XII of the Act is classified generally to part I (§3830 et seq.) of subchapter IV 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.

This chapter, referred to in subsec. (d)(1), 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 L. 110-234 was repealed by section 4(a) of Pub.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.

AMENDMENTS

2014—Subsec. (d)(3). Pub. L. 113-188, §101(a)(1), (3), redesignated par. (4) as (3) and struck out former par. (3) which related to required data collection and publication.

Subsec. (d)(4). Pub. L. 113-188, §101(a)(2), (3), substituted “Paragraphs (1) and (2)” for “Paragraphs (1) through (3)” and redesignated par. (4) as (3).

2008—Subsec. (d)(4). Pub. L. 110-398 added par. (4).

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

**§ 8753. Repealed. Pub. L. 113-79, title I, § 1101, Feb. 7, 2014, 128 Stat. 658**

Section, Pub. L. 110-234, title I, §1303, May 22, 2008, 122 Stat. 970; Pub. L. 110-246, §4(a), title I, §1303, June 18, 2008, 122 Stat. 1664, 1698, related to availability of direct payments for peanuts for 2008 through 2012 crop years.

<sup>1</sup> So in original. There probably should be a closing parenthesis after “title”.

**§ 8754. Repealed. Pub. L. 113-79, title I, § 1102(a), Feb. 7, 2014, 128 Stat. 658**

Section, Pub. L. 110-234, title I, §1304, May 22, 2008, 122 Stat. 971; Pub. L. 110-246, §4(a), title I, §1304, June 18, 2008, 122 Stat. 1664, 1699, related to availability of counter-cyclical payments for peanuts for 2008 through 2012 crop years.

CONTINUED APPLICATION FOR 2013 CROP YEAR

For continued application of this section, as in effect on the day before Feb. 7, 2014, through the 2013 crop year, see section 1102(b) of Pub. L. 113-79, set out as a note under section 8714 of this title.

**§ 8755. Producer agreement required as condition on provision of payments**

**(a) Compliance with certain requirements**

**(1) Requirements**

Before the producers on a farm may receive direct payments or counter-cyclical payments under this subchapter, or average crop revenue election payments under section 8715<sup>1</sup> of this title, with respect to the farm, the producers shall agree, during the crop year for which the payments are made and in exchange for the payments—

(A) to 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.);

(B) to comply with applicable wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

(C) to comply with the planting flexibility requirements of section 8756 of this title;

(D) to use the land on the farm, in a quantity equal to the attributable base acres for peanuts and any base acres for the farm under subchapter I, for an agricultural or conserving use, and not for a non-agricultural commercial, industrial, or residential use, as determined by the Secretary; and

(E) to effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary, if the agricultural or conserving use involves the noncultivation of any portion of the land referred to in subparagraph (D).

**(2) Compliance**

The Secretary may issue such rules as the Secretary considers necessary to ensure producer compliance with the requirements of paragraph (1).

**(3) Modification**

At the request of the transferee or owner, the Secretary may modify the requirements of this subsection if the modifications are consistent with the objectives of this subsection, as determined by the Secretary.

**(b) Transfer or change of interest in farm**

**(1) Termination**

**(A) In general**

Except as provided in paragraph (2), a transfer of (or change in) the interest of the

<sup>1</sup> See References in Text note below.