

1359aa to 1359gg, 1359ii, 7272, and 7971 of this title, repealed former section 1359kk of this title, and enacted provisions set out as notes under sections 3602 and 7272 of this title. Subtitle E enacted subchapter IV (§8771 et seq.) of this chapter and amended sections 608c, 1637b, 4502, 4504, 4531, and 4553 of this title and section 713a-14 of Title 15, Commerce and Trade. For complete classification of subtitles B to E to the Code, see Tables.

The date of enactment of this Act, referred to in subsec. (d)(2)(A), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

The Federal Advisory Committee Act, referred to in subsec. (d)(3)(B), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, which is set out in the Appendix to Title 5, Government Organization and Employees.

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 L. 110-234 was repealed by section 4(a) of Pub.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

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.

SUBCHAPTER III—PEANUTS

§ 8751. Definitions

In this subchapter:

(1) Base acres for peanuts

(A) In general

The term “base acres for peanuts” means the number of acres assigned to a farm pursuant to section 7952 of this title, as in effect on September 30, 2007, subject to any adjustment under section 8752 of this title.

(B) Covered commodities

The term “base acres”, with respect to a covered commodity, has the meaning given the term in section 8711 of this title.

(2) Counter-cyclical payment

The term “counter-cyclical payment” means a payment made to producers on a farm under section 8754¹ of this title.

(3) Direct payment

The term “direct payment” means a direct payment made to producers on a farm under section 8753¹ of this title.

(4) Effective price

The term “effective price” means the price calculated by the Secretary under section 8754¹ of this title for peanuts to determine whether counter-cyclical payments are required to be made under that section for a crop year.

(5) Payment acres

The term “payment acres” means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of peanuts on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 per-

cent of the base acres for peanuts on a farm on which direct payments are made.

(6) Payment yield

The term “payment yield” means the yield established for direct payments and the yield established for counter-cyclical payments under section 7952 of this title, as in effect on September 30, 2007, for a farm for peanuts.

(7) Producer

(A) In general

The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop on a farm and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) Hybrid seed

In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this subchapter.

(8) State

The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(9) Target price

The term “target price” means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

(10) United States

The term “United States”, when used in a geographical sense, means all of the States.

(Pub. L. 110-234, title I, §1301, May 22, 2008, 122 Stat. 966; Pub. L. 110-246, §4(a), title I, §1301, June 18, 2008, 122 Stat. 1664, 1695.)

REFERENCES IN TEXT

Section 8754 of this title, referred to in pars. (2) and (4), was repealed by Pub. L. 113-79, title I, §1102(a), Feb. 7, 2014, 128 Stat. 658.

Section 8753 of this title, referred to in par. (3), was repealed by Pub. L. 113-79, title I, §1101, 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.

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.

§ 8752. Base acres for peanuts for a farm

(a) Adjustment of base acreage for peanuts

(1) In general

The Secretary shall provide for an adjustment, as appropriate, in the base acres for pea-

¹ See References in Text note below.