

the approved insurance provider that submits the application and by any additional approved insurance provider that—

(i) agrees to pay maintenance fees or other payments to the approved insurance provider that submitted the application in an amount agreed to by the applicant and the additional approved insurance provider, on the condition that the fees or payments shall be reasonable and appropriate to ensure that the policies or plans of insurance may be made available by additional approved insurance providers; and

(ii) meets the eligibility criteria of paragraph (3)(B), as determined by the Board.

(G) Relationship to other provisions

The requirements of this paragraph shall apply notwithstanding paragraph (6).

(5) Oversight

The Corporation shall develop and publish procedures to administer policies or plans of insurance approved under this subsection that—

(A) require each approved insurance provider to report sales, acreage and claim data, and any other data that the Corporation determines to be appropriate, to allow the Corporation to evaluate sales and performance of the product; and

(B) contain such other requirements as the Corporation determines necessary to ensure that the products—

(i) do not have a significant adverse impact on the crop insurance delivery system;

(ii) are in the best interests of producers; and

(iii) do not result in a reduction of program integrity.

(6) Confidentiality

(A) In general

All reports required under paragraph (5) and all other proprietary information and data generated or derived from applicants under this subsection shall be considered to be confidential commercial or financial information for the purposes of section 552(b)(4) of title 5.

(B) Standard

If information concerning a proposal could be withheld by the Secretary under the standard for privileged or confidential information pertaining to trade secrets and commercial or financial information under section 552(b)(4) of title 5, the information shall not be released to the public.

(7) Ineligible purposes

In no case shall a policy or plan of insurance made available under this subsection provide coverage substantially similar to privately available hail insurance.

(8) Funding

(A) Limitation on expenditures

Notwithstanding any other provision in this subsection, of the funds of the Corporation, the Corporation shall use to carry out

this section not more than \$12,500,000 for each of fiscal years 2015 through 2018, to remain available until expended.

(B) Relation to other programs

The amount of funds made available under this section shall be in addition to amounts made available under other provisions of this subchapter, including amounts made available under subsection (b).

(Feb. 16, 1938, ch. 30, title V, § 523, as added Pub. L. 106-224, title I, § 132(a), June 20, 2000, 114 Stat. 383; amended Pub. L. 107-171, title X, § 10004, May 13, 2002, 116 Stat. 487; Pub. L. 110-234, title XII, §§ 12025(a), 12033(c)(2)(B), May 22, 2008, 122 Stat. 1389, 1405; Pub. L. 110-246, § 4(a), title XII, §§ 12025(a), 12033(c)(2)(B), June 18, 2008, 122 Stat. 1664, 2151, 2167; Pub. L. 113-79, title XI, §§ 11025, 11026, Feb. 7, 2014, 128 Stat. 974.)

REFERENCES IN TEXT

Section 1522(e)(4) of this title, referred to in subsec. (c)(1), was repealed by Pub. L. 113-79, title XI, § 11022(b)(3), Feb. 7, 2014, 128 Stat. 973.

The date of enactment of this subsection, referred to in subssecs. (f)(3), (g)(4), and (h)(4), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a)(1). Pub. L. 113-79, § 11025(1), inserted “, at the sole discretion of the Corporation,” after “the Corporation may”.

Subsec. (a)(5). Pub. L. 113-79, § 11025(2), struck out par. (5) which related to evaluation of the pilot program.

Subsec. (i). Pub. L. 113-79, § 11026, added subsec. (i).

2008—Subsecs. (a), (b), (d). Pub. L. 110-246, § 12033(c)(2)(B), substituted “this subchapter” for “this chapter” wherever appearing.

Subsec. (f). Pub. L. 110-246, § 12033(c)(2)(B), substituted “this subchapter” for “this chapter”.

Pub. L. 110-246, § 12025(a), added subsec. (f).

Subsecs. (g), (h). Pub. L. 110-246, § 12025(a), added subssecs. (g) and (h).

2002—Subsec. (e). Pub. L. 107-171 added subsec. (e).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of this title.

EFFECTIVE DATE

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

§ 1524. Education and risk management assistance

(a) Education assistance

(1) In general

Subject to the amounts made available under paragraph (5)—

(A) the Corporation shall carry out the program established under paragraph (2); and

(B) the Secretary, acting through the National Institute of Food and Agriculture,

shall carry out the program established under paragraph (3).

(2) Education and information

The Corporation shall establish a program under which crop insurance education and information is provided to producers in States in which (as determined by the Secretary)—

(A) there is traditionally, and continues to be, a low level of Federal crop insurance participation and availability; and

(B) producers are underserved by the Federal crop insurance program.

(3) Partnerships for risk management education

(A) Authority

The Secretary, acting through the National Institute of Food and Agriculture, shall establish a program under which competitive grants are made to qualified public and private entities (including land grant colleges, cooperative extension services, and colleges or universities), as determined by the Secretary, for the purpose of educating agricultural producers about the full range of risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction, farm financial benchmarking, and other risk management strategies.

(B) Basis for grants

A grant under this paragraph shall be awarded on the basis of merit and shall be subject to peer or merit review.

(C) Obligation period

Funds for a grant under this paragraph shall be available to the Secretary for obligation for a 2-year period.

(D) Administrative costs

The Secretary may use not more than 4 percent of the funds made available for grants under this paragraph for administrative costs incurred by the Secretary in carrying out this paragraph.

(4) Requirements

In carrying out the programs established under paragraphs (2) and (3), the Secretary shall place special emphasis on risk management strategies (including farm financial benchmarking), education, and outreach specifically targeted at—

(A) beginning farmers or ranchers;

(B) legal immigrant farmers or ranchers that are attempting to become established producers in the United States;

(C) socially disadvantaged farmers or ranchers;

(D) farmers or ranchers that—

(i) are preparing to retire; and

(ii) are using transition strategies to help new farmers or ranchers get started; and

(E) new or established farmers or ranchers that are converting production and marketing systems to pursue new markets.

(5) Funding

From the insurance fund established under section 1516(c) of this title, there is transferred—

(A) for the education and information program established under paragraph (2), \$5,000,000 for fiscal year 2001 and each subsequent fiscal year; and

(B) for the partnerships for risk management education program established under paragraph (3), \$5,000,000 for fiscal year 2001 and each subsequent fiscal year.

(b) Agricultural management assistance

(1) Authority

The Secretary shall provide financial assistance to producers in the States of Connecticut, Delaware, Hawaii, Maryland, Massachusetts, Maine, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

(2) Uses

A producer may use financial assistance provided under this subsection to—

(A) construct or improve—

(i) watershed management structures; or

(ii) irrigation structures;

(B) plant trees to form windbreaks or to improve water quality;

(C) mitigate financial risk through production or marketing diversification or resource conservation practices, including—

(i) soil erosion control;

(ii) integrated pest management;

(iii) organic farming; or

(iv) to develop and implement a plan to create marketing opportunities for the producer, including through value-added processing;

(D) enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

(E) enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

(F) conduct any other activity relating to an activity described in subparagraphs (A) through (E), as determined by the Secretary.

(3) Payment limitation

The total amount of payments made to a person (as defined in section 1308(5)¹ of this title) (before the amendment made by section 1603(a)¹ of the Food, Conservation, and Energy Act of 2008) under this subsection for any year may not exceed \$50,000.

(4) Commodity Credit Corporation

(A) In general

The Secretary shall carry out this subsection through the Commodity Credit Corporation.

(B) Funding

(i) In general

Except as provided in clause (ii), the Commodity Credit Corporation shall make

¹ See References in Text note below.

available to carry out this subsection not less than \$10,000,000 for each fiscal year.

(ii) Exception for certain fiscal years

For each of fiscal years 2008 through 2014, the Commodity Credit Corporation shall make available to carry out this subsection \$15,000,000.

(C) Certain uses

Of the amounts made available to carry out this subsection for a fiscal year, the Commodity Credit Corporation shall use not less than—

(i) 50 percent to carry out subparagraphs (A), (B), and (C) of paragraph (2) through the Natural Resources Conservation Service;

(ii) 10 percent to provide organic certification cost share assistance through the Agricultural Marketing Service; and

(iii) 40 percent to conduct activities to carry out subparagraph (F) of paragraph (2) through the Risk Management Agency.

(Feb. 16, 1938, ch. 30, title V, § 524, as added Pub. L. 106-224, title I, § 133, June 20, 2000, 114 Stat. 387; amended Pub. L. 107-171, title II, § 2501, May 13, 2002, 116 Stat. 263; Pub. L. 108-199, div. A, title VII, § 769, Jan. 23, 2004, 118 Stat. 40; Pub. L. 110-234, title I, § 1603(g)(3), title II, § 2801, title VII, § 7511(c)(2), title XII, § 12026, May 22, 2008, 122 Stat. 1011, 1085, 1267, 1390; Pub. L. 110-246, § 4(a), title I, § 1603(g)(3), title II, § 2801, title VII, § 7511(c)(2), title XII, § 12026, June 18, 2008, 122 Stat. 1664, 1739, 1813, 2028, 2152; Pub. L. 112-55, div. A, title VII, § 716(a), Nov. 18, 2011, 125 Stat. 582; Pub. L. 113-79, title I, § 1609(b)(1), title XI, § 11027(c), Feb. 7, 2014, 128 Stat. 709, 977.)

REFERENCES IN TEXT

Section 1308(5) of this title, which required the Secretary to issue regulations defining “person”, referred to in subsec. (b)(3), was redesignated section 1308(e) and amended by section 1603(b)(1) of Pub. L. 107-171. Section 1603(a) of the Food, Conservation, and Energy Act of 2008, Pub. L. 110-246, subsequently amended the definition of “covered commodity” in section 1308(a)(1). Section 1603(b) of Pub. L. 110-246 amended section 1308 by, among other things, striking out subsec. (e) and adding subsec. (a)(4) which defined “person”. The amendments by section 1603 of Pub. L. 110-246 to section 1308 were effective May 22, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

AMENDMENTS

2014—Subsec. (a)(3)(A). Pub. L. 113-79, § 11027(c)(1), inserted “farm financial benchmarking,” after “risk reduction.”

Subsec. (a)(4). Pub. L. 113-79, § 11027(c)(2), inserted “(including farm financial benchmarking)” after “management strategies” in introductory provisions.

Subsec. (b)(3). Pub. L. 113-79, § 1609(b)(1), amended language inserted by Pub. L. 110-246, § 1603(g)(3). See 2008 Amendment note below.

2011—Subsec. (b)(4)(B)(ii). Pub. L. 112-55 substituted “certain fiscal years” for “fiscal years 2008 through 2012” in heading and “2014” for “2012” in text.

2008—Subsec. (a)(1). Pub. L. 110-246, § 12026(1), substituted “paragraph (5)” for “paragraph (4)” in introductory provisions.

Subsec. (a)(1)(B), (3)(A). Pub. L. 110-246, § 7511(c)(2), substituted “the National Institute of Food and Agriculture” for “the Cooperative State Research, Education, and Extension Service”.

Subsec. (a)(4), (5). Pub. L. 110-246, § 12026(2), (3), added par. (4) and redesignated former par. (4) as (5).

Subsec. (b)(1). Pub. L. 110-246, § 2801(a), inserted “Hawaii,” after “Delaware.”

Subsec. (b)(3). Pub. L. 110-246, § 1603(g)(3), as amended by Pub. L. 113-79, § 1609(b)(1), inserted “(before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008)” after “section 1308(5) of this title”.

Subsec. (b)(4)(B)(i). Pub. L. 110-246, § 2801(b)(1), substituted “Except as provided in clause (ii)” for “Except as provided in clauses (ii) and (iii)”.

Subsec. (b)(4)(B)(ii), (iii). Pub. L. 110-246, § 2801(b)(2), added cl. (ii) and struck out former cls. (ii) and (iii) which related to exception for fiscal years 2003 through 2007 and minimum amounts to carry out certain uses.

Subsec. (b)(4)(C). Pub. L. 110-246, § 2801(c), added subpar. (C).

2004—Subsec. (b)(4)(B)(i). Pub. L. 108-199, § 769(1), substituted “clauses (ii) and (iii)” for “clause (ii)”.

Subsec. (b)(4)(B)(iii). Pub. L. 108-199, § 769(2), added cl. (iii).

2002—Subsec. (b). Pub. L. 107-171 added subsec. (b) and struck out heading and text of former subsec. (b). Text read as follows:

“(1) AUTHORITY.—The Secretary shall provide cost share assistance to producers, in a manner determined by the Secretary, in not less than 10, nor more than 15, States in which participation in the Federal crop insurance program is historically low, as determined by the Secretary.

“(2) USES.—A producer may use cost share assistance provided under this subsection to—

“(A) construct or improve—

“(i) watershed management structures; or

“(ii) irrigation structures;

“(B) plant trees to form windbreaks or to improve water quality;

“(C) mitigate financial risk through production diversification or resource conservation practices, including—

“(i) soil erosion control;

“(ii) integrated pest management; or

“(iii) transition to organic farming;

“(D) enter into futures, hedging, or options contracts in a manner designed to help reduce production, price, or revenue risk;

“(E) enter into agricultural trade options as a hedging transaction to reduce production, price, or revenue risk; or

“(F) conduct any other activity related to the activities described in subparagraphs (A) through (E), as determined by the Secretary.

“(2) PAYMENT LIMITATION.—The total amount of payments made to a person (as defined in section 1308(5) of this title) under this subsection for any year may not exceed \$50,000.

“(3) COMMODITY CREDIT CORPORATION.—

“(A) IN GENERAL.—The Secretary shall carry out this subsection through the Commodity Credit Corporation.

“(B) FUNDING.—The Commodity Credit Corporation shall make available to carry out this subsection \$10,000,000 for fiscal year 2001 and each subsequent fiscal year.”

EFFECTIVE DATE OF 2014 AMENDMENT

Amendment by Pub. L. 113-79 effective as if included in Pub. L. 110-246, see section 1609(b)(2) of Pub. L. 113-79, set out as a note under section 1471g of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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, except as other-

wise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of this title.

Amendment by section 7511(c)(2) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of this title.

EFFECTIVE DATE

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

SUBCHAPTER II—SUPPLEMENTAL AGRICULTURAL DISASTER ASSISTANCE

§ 1531. Supplemental agricultural disaster assistance

(a) Definitions

In this section:

(1) Actual production history yield

The term “actual production history yield” means the weighted average of the actual production history for each insurable commodity or noninsurable commodity, as calculated under subchapter I or the noninsured crop disaster assistance program, respectively.

(2) Actual production on the farm

The term “actual production on the farm” means the sum of the value of all crops produced on the farm, as determined under subsection (b)(6)(B).

(3) Adjusted actual production history yield

The term “adjusted actual production history yield” means—

(A) in the case of an eligible producer on a farm that has at least 4 years of actual production history yields for an insurable commodity that are established other than pursuant to section 1508(g)(4)(B) of this title, the actual production history for the eligible producer without regard to any yields established under that section;

(B) in the case of an eligible producer on a farm that has less than 4 years of actual production history yields for an insurable commodity, of which 1 or more were established pursuant to section 1508(g)(4)(B) of this title, the actual production history for the eligible producer as calculated without including the lowest of the yields established pursuant to section 1508(g)(4)(B) of this title; and

(C) in all other cases, the actual production history of the eligible producer on a farm.

(4) Adjusted noninsured crop disaster assistance program yield

The term “adjusted noninsured crop disaster assistance program yield” means—

(A) in the case of an eligible producer on a farm that has at least 4 years of production history under the noninsured crop disaster assistance program that are not replacement yields, the noninsured crop disaster assistance program yield without regard to any replacement yields;

(B) in the case of an eligible producer on a farm that has less than 4 years of production history under the noninsured crop disaster assistance program that are not replacement

yields, the noninsured crop disaster assistance program yield as calculated without including the lowest of the replacement yields; and

(C) in all other cases, the production history of the eligible producer on the farm under the noninsured crop disaster assistance program.

(5) Counter-cyclical program payment yield

The term “counter-cyclical program payment yield” means the weighted average payment yield established under—

(A) section 7912 or 7952 of this title;

(B) section 1102 or 1301(6) of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8712, 8751(6)); or

(C) a successor section.

(6) Crop of economic significance

The term “crop of economic significance” shall have the uniform meaning given the term by the Secretary for purposes of subsections (b)(1)(B) and (g)(6).

(7) Disaster county

(A) In general

The term “disaster county” means a county included in the geographic area covered by a qualifying natural disaster declaration.

(B) Inclusion

The term “disaster county” includes—

(i) a county contiguous to a county described in subparagraph (A); and

(ii) any farm in which, during a calendar year the actual production on the farm is less than 50 percent of the normal production on the farm.

(8) Eligible producer on a farm

(A) In general

The term “eligible producer on a farm” means an individual or entity described in subparagraph (B) that, as determined by the Secretary, assumes the production and market risks associated with the agricultural production of crops or livestock.

(B) Description

An individual or entity referred to in subparagraph (A) is—

(i) a citizen of the United States;

(ii) a resident alien;

(iii) a partnership of citizens of the United States; or

(iv) a corporation, limited liability corporation, or other farm organizational structure organized under State law.

(9) Farm

(A) In general

The term “farm” means, in relation to an eligible producer on a farm, the sum of all crop acreage in all counties that is planted or intended to be planted for harvest for sale or on-farm livestock feeding (including native grassland intended for haying) by the eligible producer.

(B) Aquaculture

In the case of aquaculture, the term “farm” means, in relation to an eligible pro-