

mation described in clauses (i) and (ii) of subparagraph (A) for the 2018 crop year.

(2) Actual average county yield

As soon as practicable after each crop year, the Secretary shall determine and publish each actual average county yield for each covered commodity, as determined under subsection (b)(1)(A).

(3) Data sources for county yields

For the 2018 crop year and each crop year thereafter, the Secretary shall make publicly available information describing, for the most recent crop year—

(A) the sources of data used to calculate county yields under subsection (c)(2)(A) for each covered commodity—

- (i) by county; and
- (ii) nationally; and

(B) the number and outcome of occurrences in which the Farm Service Agency reviewed, changed, or determined not to change a source of data used to calculate county yields under subsection (c)(2)(A).

(i) Administrative units

(1) In general

For purposes of agriculture risk coverage payments in the case of county coverage, a county may be divided into not greater than 2 administrative units in accordance with this subsection.

(2) Eligible counties

A county that may be divided into administrative units under this subsection is a county that—

- (A) is larger than 1,400 square miles; and
- (B) contains more than 190,000 base acres.

(3) Elections

Before making any agriculture risk coverage payments for the 2019 crop year, the Farm Service Agency State committee, in consultation with the Farm Service Agency county or area committee of a county described in paragraph (2), may make a 1-time election to divide the county into administrative units under this subsection along a boundary that better reflects differences in weather patterns, soil types, or other factors.

(4) Limitation

The Secretary shall—

(A) limit the number of counties that may be divided into administrative units under paragraph (3) to 25 counties; and

(B) give preference to the division of counties that have greater variation in climate, soils, and expected productivity between the proposed administrative units.

(5) Administration

For purposes of providing agriculture risk coverage payments in the case of county coverage, the Secretary shall consider an administrative unit elected under paragraph (3) to be a county for the 2019 through 2023 crop years.

(Pub. L. 113–79, title I, §1117, Feb. 7, 2014, 128 Stat. 669; Pub. L. 115–334, title I, §1107, Dec. 20, 2018, 132 Stat. 4505.)

REFERENCES IN TEXT

The Federal Crop Insurance Act, referred to in subsec. (c)(5), is subtitle A of title V of act Feb. 16, 1938, ch. 30, 52 Stat. 72, which is classified generally to subchapter I (§1501 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see section 1501 of this title and Tables.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115–334, §1107(1), in introductory provisions, inserted “(beginning with the 2019 crop year, based on the physical location of the farm)” after “payments” and “or the 2019 through 2023 crop years, as applicable” after “the 2014 through 2018 crop years”.

Subsec. (c)(2)(A). Pub. L. 115–334, §1107(2)(A)(i), substituted “paragraphs (4) and (5)” for “paragraph (4)”.

Subsec. (c)(2)(B). Pub. L. 115–334, §1107(2)(A)(ii), substituted “paragraph (6)” for “paragraph (5)”.

Subsec. (c)(3)(A)(ii). Pub. L. 115–334, §1107(2)(B)(i), substituted “paragraph (6)” for “paragraph (5)”.

Subsec. (c)(3)(C). Pub. L. 115–334, §1107(2)(B)(ii), substituted “2023” for “2018”.

Subsec. (c)(4). Pub. L. 115–334, §1107(2)(C), designated existing provisions as subpar. (A), inserted heading, substituted “Effective for the 2014 through 2018 crop years, if” for “If”, and added subpar. (B).

Subsec. (c)(5). Pub. L. 115–334, §1107(2)(E), added par. (5). Former par. (5) redesignated (6).

Subsec. (c)(6). Pub. L. 115–334, §1107(2)(D), (F), redesignated par. (5) as (6), substituted “Low national average market price” for “Reference price” in par. heading, designated existing provisions as subpar. (A), inserted subpar. heading, substituted “For the 2014 through 2018 crop years, if the national average market price” for “If the national average market price”, and added subpar. (B).

Subsec. (d). Pub. L. 115–334, §1107(3), designated existing provisions as par. (1) and inserted heading, redesignated former par. (1) and subpars. (A) and (B) thereof as subpar. (A) and cls. (i) and (ii) thereof, respectively, redesignated former par. (2) as subpar. (B), realigned margins, and added par. (2).

Subsec. (e). Pub. L. 115–334, §1107(4), substituted “2023” for “2018” in introductory provisions.

Subsec. (g)(2). Pub. L. 115–334, §1107(5)(A), struck out “to the maximum extent practicable,” before “calculate”.

Subsec. (g)(4). Pub. L. 115–334, §1107(5)(C), inserted “effective for the 2014 through 2018 crop years,” before “in the case of” in introductory provisions and substituted “; and” for period at end.

Subsec. (g)(5). Pub. L. 115–334, §1107(5)(B), (D), added par. (5).

Subsecs. (h), (i). Pub. L. 115–334, §1107(6), added subsecs. (h) and (i).

§ 9018. Producer agreements

(a) Compliance with certain requirements

(1) Requirements

Before the producers on a farm may receive payments under this subchapter 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 effectively control noxious weeds and otherwise maintain the land in accordance with sound agricultural practices, as determined by the Secretary; and

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

(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 producers on a farm for which payments under this subchapter are provided shall result in the termination of the payments, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

(B) Effective date

The termination shall take effect on the date determined by the Secretary.

(2) Exception

If a producer entitled to a payment under this subchapter dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment in accordance with rules issued by the Secretary.

(c) Acreage reports

As a condition on the receipt of any benefits under this subchapter or subchapter II, the Secretary shall require producers on a farm to submit to the Secretary annual acreage reports with respect to all cropland on the farm.

(d) Production reports

As an additional condition on receiving agriculture risk coverage payments for individual coverage, the Secretary shall require a producer on a farm to submit to the Secretary annual production reports with respect to all covered commodities produced on all farms in the same State—

- (1) in which the producer has an interest; and
- (2) for which individual coverage has been selected.

(e) Effect of inaccurate reports

No penalty with respect to benefits under this subchapter or subchapter II shall be assessed against a producer on a farm for an inaccurate acreage or production report unless the Secretary determines that the producer on the farm knowingly and willfully falsified the acreage or production report.

(f) Tenants and sharecroppers

In carrying out this subchapter, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

(g) Sharing of payments

The Secretary shall provide for the sharing of payments made under this subchapter among the producers on a farm on a fair and equitable basis.

(Pub. L. 113-79, title I, § 1118, Feb. 7, 2014, 128 Stat. 672.)

REFERENCES IN TEXT

This subchapter, referred to in subsecs. (a)(1), (b)(1)(A), (2), (c), and (e) to (g), was in the original “this subtitle”, meaning subtitle A (§§ 1101-1109) of title I of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 658, which is classified principally to this subchapter. For complete classification of subtitle A to the Code, see Tables.

The Food Security Act of 1985, referred to in subsec. (a)(1)(A), (B), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subtitles B and C of title XII of the Act are classified generally to subchapters II (§3811 et seq.) and III (§3821 et seq.), respectively, 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.

§ 9019. Repealed. Pub. L. 115-334, title I, § 1108, Dec. 20, 2018, 132 Stat. 4508

Section, Pub. L. 113-79, title I, § 1119, Feb. 7, 2014, 128 Stat. 673, related to transition assistance for producers of upland cotton.

SUBCHAPTER II—MARKETING LOANS

§ 9031. Availability of nonrecourse marketing assistance loans for loan commodities

(a) Definition of loan commodity

In this subchapter, the term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, peanuts, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

(b) Nonrecourse loans available

(1) In general

For each of the 2014 through 2023 crops of each loan commodity, the Secretary shall make available to producers on a farm nonrecourse 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 9032 of this title for the loan commodity.

(c) Eligible production

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

(d) Compliance with conservation and wetlands requirements

As a condition of the receipt of a marketing assistance loan under subsection (b), 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