

shall be determined in the same manner as eligible oilseed acreage under section 7911(a)(2) of this title.

**(3) Selection of acres**

The Secretary shall give the owner of the farm the opportunity to select the base acres for peanuts or the base acres for covered commodities against which the reduction required by paragraph (1) will be made.

**(4) Exception for double-cropped acreage**

In applying paragraph (1), the Secretary shall make an exception in the case of double cropping, as determined by the Secretary.

**(5) Coordinated application of requirements**

The Secretary shall take into account section 8711(b) of this title when applying the requirements of this subsection.

**(c) Reduction in base acres**

**(1) Reduction at option of owner**

**(A) In general**

The owner of a farm may reduce, at any time, the base acres for peanuts for the farm.

**(B) Effect of reduction**

A reduction under subparagraph (A) shall be permanent and made in a manner prescribed by the Secretary.

**(2) Required action by Secretary**

**(A) In general**

The Secretary shall proportionately reduce base acres on a farm for peanuts for land that has been subdivided and developed for multiple residential units or other non-farming uses if the size of the tracts and the density of the subdivision is such that the land is unlikely to return to the previous agricultural use, unless the producers on the farm demonstrate that the land—

- (i) remains devoted to commercial agricultural production; or
- (ii) is likely to be returned to the previous agricultural use.

**(B) Requirement**

The Secretary shall establish procedures to identify land described in subparagraph (A).

**(3) Review and report**

Each year, to ensure, to the maximum extent practicable, that payments are received only by producers, the Secretary shall submit to Congress a report that describes the results of the actions taken under paragraph (2).

**(d) Treatment of farms with limited base acres**

**(1) Prohibition on payments**

Except as provided in paragraph (2) and notwithstanding any other provision of this chapter, 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.)

**Editorial Notes**

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).

**Statutory Notes and Related Subsidiaries**

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.

**§ 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,

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