

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”.

2008, 122 Stat. 1664, 1699, related to availability of counter-cyclical payments for peanuts for 2008 through 2012 crop years.

### Statutory Notes and Related Subsidiaries

#### 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 producers on a farm in the base acres for peanuts for which direct payments or

counter-cyclical payments are made, or on which average crop revenue election payments are based, shall result in the termination of the direct payments, counter-cyclical payments, or average crop revenue election payments to the extent the payments are made or based on the base acres, 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 direct payment, counter-cyclical payment, or average crop revenue election payment 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

##### (1) In general

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

##### (2) Penalties

No penalty with respect to benefits under this subchapter shall be assessed against the producers on a farm for an inaccurate acreage report unless the producers on the farm knowingly and willfully falsified the acreage report.

#### (d) Tenants and sharecroppers

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

#### (e) Sharing of payments

The Secretary shall provide for the sharing of direct payments, counter-cyclical payments, or average crop revenue election payments under section 8715<sup>1</sup> of this title among the producers on a farm on a fair and equitable basis.

#### (f) Extension of 2008 signup

##### (1) In general

Notwithstanding any other provision of law, the Secretary shall extend the 2008 crop year deadline for the signup for benefits under this subchapter by producers on a farm with base acres of 10 acres or less until the later of—

(A) November 14, 2008; or

(B) the end of the 45-day period beginning on October 13, 2008.

##### (2) Penalties

The Secretary shall ensure that no penalty with respect to benefits under this subchapter is assessed against producers on a farm described in paragraph (1) for failure to submit reports under this section or timely comply with other program requirements as a result of compliance with the extended signup deadline under that paragraph.

(Pub. L. 110-234, title I, §1305, May 22, 2008, 122 Stat. 972; Pub. L. 110-246, §4(a), title I, §1305,

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