

Navigation and Navigable Waters, and Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 9001 of this title and Tables.

The Farm Security and Rural Investment Act of 2002, referred to in subsec. (b)(2)(C), is Pub. L. 107–171, May 13, 2002, 116 Stat. 134. Title II of the Act enacted, amended, and repealed numerous sections and provisions set out as notes in this title, Title 16, Conservation, and Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of this title and Tables.

The Food, Conservation, and Energy Act of 2008, referred to in subsec. (b)(2)(C), is Pub. L. 110–246, June 18, 2008, 122 Stat. 1651. Title II of the Act enacted, amended, and repealed numerous sections and provisions set out as notes in this title, Title 16, Conservation, and Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The Food Security Act of 1985, referred to in subsec. (b)(2)(C), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354. Title XII of the Act is classified principally to chapter 58 (§3801 et seq.) 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.

#### 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 L. 110–234 were repealed by section 4(a) of Pub.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.

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

#### PRIOR PROVISIONS

A prior section 1001D of Pub. L. 99–198 was renumbered section 1001E and is classified to section 1308–4 of this title.

#### AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–334, §1704(b), inserted “subject to paragraph (3),” after “provision of law.”

Subsec. (b)(2)(C). Pub. L. 115–334, §1704(a)(1), inserted “title II of the Agriculture Improvement Act of 2018,” after “under”.

Subsec. (b)(3). Pub. L. 115–334, §1704(a)(2), added par. (3).

2014—Subsec. (a)(1). Pub. L. 113–79, §1605(b), amended par. (1) generally. Prior to amendment, par. (1) defined “average adjusted gross income”, “average adjusted gross farm income”, and “average adjusted gross nonfarm income”.

Subsec. (a)(2). Pub. L. 113–79, §1605(d)(1), struck out “subparagraph (A) or (B) of” after “average under” and “, the average adjusted gross farm income, and the average adjusted gross nonfarm income” after “average adjusted gross income”.

Subsec. (a)(3). Pub. L. 113–79, §1605(d)(2), struck out “, average adjusted gross farm income, and average adjusted gross nonfarm income” after “average adjusted gross income” in two places.

Subsec. (b). Pub. L. 113–79, §1605(a), substituted “Limitations on commodity and conservation programs” for “Limitations” in heading, added pars. (1) and (2), and struck out former pars. (1) and (2), which related to commodity programs and conservation programs, respectively.

Subsec. (c). Pub. L. 113–79, §1605(c), redesignated subsec. (d) as (c) and struck out former subsec. (c) which related to income determination.

Subsec. (c)(1). Pub. L. 113–79, §1605(d)(3)(A), struck out “, average adjusted gross farm income, and average adjusted gross nonfarm income” after “average adjusted gross income” in subpars. (A) and (B).

Subsec. (c)(2). Pub. L. 113–79, §1605(d)(3)(B), substituted “subsection (b)(2)” for “paragraphs (1)(C) and (2)(B) of subsection (b)”.

Subsec. (d). Pub. L. 113–79, §1605(d)(4), substituted “subsection (b)(2)” for “paragraphs (1)(C) and (2)(B) of subsection (b)” and struck out “, average adjusted gross farm income, or average adjusted gross nonfarm income” after “average adjusted gross income”.

Pub. L. 113–79, §1605(c)(2), redesignated subsec. (e) as (d). Former subsec. (d) redesignated (c).

Subsec. (e). Pub. L. 113–79, §1605(e), struck out subsec. (e). Text read as follows: “This section shall apply only during the 2009 through 2012 crop, program, or fiscal years, as appropriate.”

Pub. L. 113–79, §1605(c)(2), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 113–79, §1605(c)(2), redesignated subsec. (f) as (e).

2008—Pub. L. 110–246, §1604(a), amended section generally, substituting subsecs. (a) to (f) for former provisions which related to: in subsec. (a), definition of “average adjusted gross income”; in subsec. (b), limitation on benefits if average adjusted gross income exceeded \$2,500,000; in subsec. (c), certification that average adjusted gross income did not exceed limitation; in subsec. (d), reduction of benefits commensurate with ownership interest; and in subsec. (e), applicability of section during 2003 through 2007 crop years.

#### Statutory Notes and Related Subsidiaries

##### 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.

##### TRANSITION PROVISIONS

Pub. L. 115–334, title I, §1704(c), Dec. 20, 2018, 132 Stat. 4526, provided that: “Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of enactment of this Act [Dec. 20, 2018], shall apply with respect to the 2018 crop, fiscal, or program year, as appropriate, for each program described in subsection (b)(2) of that section (as so in effect on that day).”

Pub. L. 113–79, title I, §1605(g), Feb. 7, 2014, 128 Stat. 708, provided that: “Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on the day before the date of the enactment of this Act [Feb. 7, 2014], shall apply with respect to the 2013 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as so in effect on that day).”

Pub. L. 110–234, title I, §1604(b), May 22, 2008, 122 Stat. 1016, and Pub. L. 110–246, §4(a), title I, §1604(b), June 18, 2008, 122 Stat. 1664, 1744, provided that: “Section 1001D of the Food Security Act of 1985 (7 U.S.C. 1308–3a), as in effect on September 30, 2007, shall apply with respect to the 2007 and 2008 crop, fiscal, or program year, as appropriate, for each program described in paragraphs (1)(C) and (2)(B) of subsection (b) of that section (as amended by subsection (a)).”

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of this title.]

#### § 1308–4. Education program

##### (a) In general

The Secretary shall carry out a payment provisions education program for appropriate personnel of the Department of Agriculture and members and other personnel of county and State committees established under section 590h(b) of title 16, for the purpose of fostering more effective and uniform application of the payment limitations and restrictions established under sections 1308 through 1308–3 of this title.

**(b) Training**

The education program shall provide training to the personnel in the fair, accurate, and uniform application to individual farming operations of the provisions of law and regulation relating to the payment provisions of sections 1308 through 1308-3 of this title.

**(c) Administration**

The State office of the Agricultural Stabilization and Conservation Service shall make the initial determination concerning the application of payment limitations and restrictions established under sections 1308 through 1308-3 of this title to farm operations consisting of more than 5 persons, subject to review by the Secretary.

**(d) Commodity Credit Corporation**

The Secretary shall carry out the program provided under this section through the Commodity Credit Corporation.

(Pub. L. 99-198, title X, §1001E, formerly §1001D, as added Pub. L. 101-624, title XI, §1111(g), Nov. 28, 1990, 104 Stat. 3499; renumbered §1001E, Pub. L. 107-171, title I, §1604(1), May 13, 2002, 116 Stat. 215.)

**Editorial Notes****CODIFICATION**

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

**PRIOR PROVISIONS**

A prior section 1001E of Pub. L. 99-198 was renumbered section 1001F and is classified to section 1308-5 of this title.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

**§ 1308-5. Treatment of multiyear program contract payments****(a) In general**

Notwithstanding any other provision of law, in the event of a transfer of ownership of land (or an ownership interest in land) by way of devise or descent, the Secretary of Agriculture may, if the new owner succeeds to the prior owner's contract entered into under title XII,<sup>1</sup> make payments to the new owner under such contract without regard to the amount of payments received by the new owner under any contract entered into under title XII<sup>1</sup> executed prior to such devise or descent.

**(b) Limitation**

Payments made pursuant to this section shall not exceed the amount to which the previous owner was entitled to receive under the terms of the contract at the time of the death of the prior owner.

(Pub. L. 99-198, title X, §1001F, formerly §1001E, as added Pub. L. 101-624, title XI, §1111(h), Nov.

28, 1990, 104 Stat. 3499; renumbered §1001F, Pub. L. 107-171, title I, §1604(1), May 13, 2002, 116 Stat. 215.)

**Editorial Notes****REFERENCES IN TEXT**

Title XII, referred to in subsec. (a), is title XII of the Food Security Act of 1985, Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1504, which is classified principally to chapter 58 (§3801 et seq.) of Title 16, Conservation. For complete classification of title XII to the Code, see Tables.

**CODIFICATION**

Section was enacted as part of the Food Security Act of 1985, and not as part of the Agricultural Adjustment Act of 1938 which comprises this chapter.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE**

Section effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as an Effective Date of 1990 Amendment note under section 1421 of this title.

**§ 1308a. Cost reduction options****(a) Authority of Secretary to take action**

Notwithstanding any other provision of law, whenever the Secretary of Agriculture determines that an action authorized under subsection (c), (d), or (e) will reduce the total of the direct and indirect costs to the Federal Government of a commodity program administered by the Secretary without adversely affecting income to small- and medium-sized producers participating in such program, the Secretary shall take such action with respect to the commodity program involved.

**(b) Reservation of Secretary's right to reopen or change contracts if producer agrees**

In the announcement of the specific provisions of any commodity program administered by the Secretary of Agriculture, the Secretary shall include a statement setting forth which, if any, of the actions are to be initially included in the program, and a statement that the Secretary reserves the right to initiate at a later date any action not previously included but authorized by this section, including the right to reopen and change a contract entered into by a producer under the program if the producer voluntarily agrees to the change.

**(c) Purchase from other sources of commodities covered by nonrecourse loans**

When a nonrecourse loan program is in effect for a crop of a commodity, the Secretary may enter the commercial market to purchase such commodity if the Secretary determines that the cost of such purchases plus appropriate carrying charges will probably be less than the comparable cost of later acquiring the commodity through defaults on nonrecourse loans under the program.

**(d) Reduction in settlement price of nonrecourse loans**

When the domestic market price of a commodity for which a nonrecourse loan program (including the program authorized by section

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