

Stat. 31, which is classified principally to chapter 35 (§1281 et seq.) of this title. Parts II through V of subtitle B of title III of the Act are classified generally to subparts II (§1321 et seq.), III (§1331 et seq.), IV (§1341 et seq.), and V (§1351, which was omitted from the Code), respectively, of part B of subchapter II of chapter 35 of this title. Subtitle D of title III of the Act is classified generally to part D (§1379a et seq.) of subchapter II of chapter 35 of this title. Title IV of the Act was classified generally to subchapter III (§1401 et seq.) of chapter 35 of this title, and was omitted from the Code. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

The Agricultural Act of 1949, referred to in subsec. (b), is act Oct. 31, 1949, ch. 792, 63 Stat. 1051, which is classified principally to chapter 35A (§1421 et seq.) of this title. Title III of the Act is classified generally to sections 1447 to 1449 of this title. Title IV of the Act is classified principally to subchapter I (§1421 et seq.) of chapter 35A of this title. Title V of the Act, which was classified generally to subchapter IV (§1461 et seq.) of chapter 35A of this title, was omitted from the Code. Title VI of the Act is classified generally to subchapter V (§1471 et seq.) of chapter 35A of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1421 of this title and Tables.

The joint resolution relating to corn and wheat marketing quotas under the Agricultural Adjustment Act of 1938, referred to in subsec. (c), is act May 26, 1941, ch. 133, 55 Stat. 203, which enacted sections 1330 and 1340 of this title.

#### CODIFICATION

Section is comprised of section 1602 of Pub. L. 107-171. Subsec. (d) of section 1602 of Pub. L. 107-171 amended section 7301 of this title.

#### § 7993. Repealed. Pub. L. 110-234, title I, § 1623(a), May 22, 2008, 122 Stat. 1025, and Pub. L. 110-246, § 4(a), title I, § 1623(a), June 18, 2008, 122 Stat. 1664, 1753

Section, Pub. L. 107-171, title I, §1605, May 13, 2002, 116 Stat. 216, related to Commission on the Application of Payment Limitations for Agriculture.

#### Editorial Notes

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 7994. Study

##### (1) In general

The Secretary shall conduct a study on the effects on the limitation on producers to move quota to a farm other than the farm to which the quota was initially assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

##### (2) Report

Not later than 90 days after May 13, 2002, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and

the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

(Pub. L. 107-171, title I, §1611(b), May 13, 2002, 116 Stat. 219.)

#### Editorial Notes

#### REFERENCES IN TEXT

The Agricultural Adjustment Act of 1938, referred to in par. (1), is act Feb. 16, 1938, ch. 30, 52 Stat. 31. Part I of subtitle B of title III of the Act was classified generally to subpart I (§1311 et seq.) of part B of subchapter II of chapter 35 of this title prior to repeal by Pub. L. 108-357, title VI, §611(a), Oct. 22, 2004, 118 Stat. 1522. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

#### § 7995. Assignment of payments

The provisions of section 590h(g) of title 16, relating to assignment of payments, shall apply to payments made under the authority of this Act. The producer making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this section.

(Pub. L. 107-171, title I, §1612, May 13, 2002, 116 Stat. 219.)

#### Editorial Notes

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 107-171, May 13, 2002, 116 Stat. 134, known as the Farm Security and Rural Investment Act of 2002. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of this title and Tables.

#### § 7996. Equitable relief from ineligibility for loans, payments, or other benefits

##### (a) Definitions

In this section:

##### (1) Agricultural commodity

The term “agricultural commodity” means any agricultural commodity, food, feed, fiber, or livestock that is subject to a covered program.

##### (2) Covered program

##### (A) In general

The term “covered program” means—

(i) a program administered by the Secretary under which price or income support, or production or market loss assistance, is provided to producers of agricultural commodities; and

(ii) a conservation program administered by the Secretary.

##### (B) Exclusions

The term “covered program” does not include—

(i) an agricultural credit program carried out under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.); or

(ii) the crop insurance program carried out under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

##### (3) Participant

The term “participant” means a participant in a covered program.

**(4) State Conservationist**

The term “State Conservationist” means the State Conservationist with respect to a program administered by the Natural Resources Conservation Service.

**(5) State Director**

The term “State Director” means the State Executive Director of the Farm Service Agency with respect to a program administered by the Farm Service Agency.

**(b) Equitable relief**

The Secretary may provide relief to any participant that is determined to be not in compliance with the requirements of a covered program, and therefore ineligible for a loan, payment, or other benefit under the covered program, if the participant—

- (1) acting in good faith, relied on the action or advice of the Secretary (including any authorized representative of the Secretary) to the detriment of the participant; or
- (2) failed to comply fully with the requirements of the covered program, but made a good faith effort to comply with the requirements.

**(c) Forms of relief**

The Secretary may authorize a participant in a covered program to—

- (1) retain loans, payments, or other benefits received under the covered program;
- (2) continue to receive loans, payments, and other benefits under the covered program;
- (3) continue to participate, in whole or in part, under any contract executed under the covered program;
- (4) in the case of a conservation program, reenroll all or part of the land covered by the program; and
- (5) receive such other equitable relief as the Secretary determines to be appropriate.

**(d) Remedial action**

As a condition of receiving relief under this section, the Secretary may require the participant to take actions designed to remedy any failure to comply with the covered program.

**(e) Equitable relief by State Directors and State Conservationists****(1) In general**

A State Director, in the case of programs administered by the State Director, and the State Conservationist, in the case of programs administered by the State Conservationist, may grant relief to a participant in accordance with subsections (b) through (d) if—

- (A) the amount of loans, payments, and benefits for which relief will be provided to the participant under this subsection is less than \$20,000;
- (B) the total amount of loans, payments, and benefits for which relief has been previously provided to the participant under this subsection is not more than \$5,000; and
- (C) the total amount of loans, payments, and benefits for which relief is provided to similarly situated participants under this subsection is not more than \$1,000,000, as determined by the Secretary.

**(2) Consultation, approval, and reversal**

The decision by a State Director or State Conservationist to grant relief under this subsection—

- (A) shall not require prior approval by the Administrator of the Farm Service Agency, the Chief of the Natural Resources Conservation Service, or any other officer or employee of the Agency or Service;
- (B) shall be made only after consultation with, and the approval of, the Office of General Counsel of the Department of Agriculture; and
- (C) is subject to reversal only by the Secretary (who may not delegate the reversal authority).

**(3) Nonapplicability**

The authority of a State Director or State Conservationist under this subsection does not apply to the administration of—

- (A) payment limitations under—
  - (i) sections 1001 through 1001F of the Food Security Act of 1985 (7 U.S.C. 1308 et seq.); or
  - (ii) a conservation program administered by the Secretary.
- (B) highly erodible land and wetland conservation requirements under subtitle B or C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.).

**(4) Other authority**

The authority provided to a State Director and State Conservationist under this subsection is in addition to any other applicable authority and does not limit other authority provided by law or the Secretary.

**(f) Judicial review**

A discretionary decision by the Secretary, the State Director, or the State Conservationist under this section shall be final, and shall not be subject to review under chapter 7 of title 5.

**(g) Reports**

Not later than February 1 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes for the previous calendar year—

- (1) the number of requests for equitable relief under subsections (b) and (e) and the disposition of the requests; and
- (2) the number of requests for equitable relief under section 6998(d) of this title and the disposition of the requests.

**(h) Relationship to other law**

The authority provided in this section is in addition to any other authority provided in this or any other Act.

(Pub. L. 107-171, title I, §1613, May 13, 2002, 116 Stat. 219.)

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

The Consolidated Farm and Rural Development Act, referred to in subsec. (a)(2)(B)(i), is title III of Pub. L. 87-128, Aug. 8, 1961, 75 Stat. 307, which is classified prin-

cipally to chapter 50 (§1921 et seq.) of this title. For complete classification of the Act to the Code, see Short Title note set out under section 1921 of this title and Tables.

The Federal Crop Insurance Act, referred to in subsec. (a)(2)(B)(ii), 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.

The Food Security Act of 1985, referred to in subsec. (e)(3)(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.

#### CODIFICATION

Section is comprised of section 1613 of Pub. L. 107-171. Subsec. (i) of section 1613 of Pub. L. 107-171 amended section 7001 of this title. Subsec. (j) of section 1613 amended section 6998 of this title and repealed sections 1339a of this title and section 3830a of Title 16, Conservation.

#### § 7997. Tracking of benefits

As soon as practicable after May 13, 2002, the Secretary shall establish procedures to track the benefits provided, directly or indirectly, to individuals and entities under titles I and II and the amendments made by those titles.

(Pub. L. 107-171, title I, §1614, May 13, 2002, 116 Stat. 222.)

#### Editorial Notes

##### REFERENCES IN TEXT

Titles I and II, referred to in text, mean titles I and II of Pub. L. 107-171, May 13, 2002, 116 Stat. 143. For complete classification of titles I and II of Pub. L. 107-171 to the Code, see Tables.

#### § 7998. Estimates of net farm income

In each issuance of projections of net farm income, the Secretary shall include (as determined by the Secretary)—

- (1) an estimate of the net farm income earned by commercial producers in the United States; and
- (2) an estimate of the net farm income attributable to commercial producers of each of the following:
  - (A) Livestock.
  - (B) Loan commodities.
  - (C) Agricultural commodities other than loan commodities.

(Pub. L. 107-171, title I, §1615, May 13, 2002, 116 Stat. 222.)

#### § 7999. Availability of incentive payments for certain producers

##### (a) Incentive payments required

Subject to subsection (b), the Secretary shall make available a total of \$20,000,000 of funds of the Commodity Credit Corporation during the 2003 through 2005 crop years to provide incentive payments to producers of hard white wheat.

##### (b) Conditions on implementation

The Secretary shall implement subsection (a)—

(1) only with regard to production that meets minimum quality criteria; and

(2) on not more than 2,000,000 acres or the equivalent volume of production.

##### (c) Demand for wheat

To be eligible to obtain an incentive payment under subsection (a), a producer shall demonstrate to the satisfaction of the Secretary that buyers and end-users are available for the wheat to be covered by the incentive payment.

(Pub. L. 107-171, title I, §1616, May 13, 2002, 116 Stat. 222.)

#### § 8000. Repealed. Pub. L. 110-234, title I, § 1623(b), May 22, 2008, 122 Stat. 1025, and Pub. L. 110-246, § 4(a), title I, § 1623(b), June 18, 2008, 122 Stat. 1664, 1753

Section, Pub. L. 107-171, title I, §1617, May 13, 2002, 116 Stat. 222, related to renewed availability of market loss assistance and certain emergency assistance to persons that failed to receive assistance under earlier authorities.

#### Editorial Notes

##### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal 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.

#### § 8001. Producer retention of erroneously paid loan deficiency payments and marketing loan gains

Notwithstanding any other provision of law, the Secretary and the Commodity Credit Corporation shall not require producers in Erie County, Pennsylvania, to repay loan deficiency payments and marketing loan gains erroneously paid or determined to have been earned by the Commodity Credit Corporation for certain 1998 and 1999 crops under subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.). In the case of a producer who has already made the repayment on or before May 13, 2002, the Commodity Credit Corporation shall reimburse the producer for the full amount of the repayment.

(Pub. L. 107-171, title I, §1618, May 13, 2002, 116 Stat. 223.)

#### Editorial Notes

##### REFERENCES IN TEXT

Federal Agriculture Improvement and Reform Act of 1996, referred to in text, is Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888. Subtitle C of title I of the Act is classified generally to subchapter III (§7231 et seq.) of chapter 100 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7201 of this title and Tables.