

115TH CONGRESS
1ST SESSION

S. 1259

To improve and extend agricultural commodity programs, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 25, 2017

Mr. THUNE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To improve and extend agricultural commodity programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) IN GENERAL.—This Act may be cited as the
5 “Commodity Program Improvement Act of 2017”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—COMMODITY POLICY

Sec. 101. Base acres.
Sec. 102. Payment yields.

- Sec. 103. Payment acres.
- Sec. 104. Producer election.
- Sec. 105. Price loss coverage.
- Sec. 106. Agriculture risk coverage.
- Sec. 107. Producer agreements.

TITLE II—MARKETING LOANS

- Sec. 201. Availability of nonrecourse marketing assistance loans for loan commodities.
- Sec. 202. Loan rates for nonrecourse marketing assistance loans.
- Sec. 203. Term of loans.
- Sec. 204. Repayment of loans.
- Sec. 205. Loan deficiency payments.
- Sec. 206. Payments in lieu of loan deficiency payments for grazed acreage.
- Sec. 207. Special marketing loan provisions for upland cotton.
- Sec. 208. Special competitive provisions for extra long staple cotton.
- Sec. 209. Availability of recourse loans for high moisture feed grains and seed cotton.
- Sec. 210. Adjustments of loans.

TITLE III—ADMINISTRATION

- Sec. 301. Administration generally.
- Sec. 302. Suspension of permanent price support authority.
- Sec. 303. Conforming amendments.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ACTUAL CROP REVENUE.**—The term “ac-
 4 tual crop revenue”, with respect to a covered com-
 5 modity for a crop year, means the amount deter-
 6 mined by the Secretary under section 106(b).

7 (2) **AGRICULTURE RISK COVERAGE.**—The term
 8 “agriculture risk coverage” means coverage provided
 9 under section 106.

10 (3) **AGRICULTURE RISK COVERAGE GUAR-**
 11 **ANTEE.**—The term “agriculture risk coverage guar-
 12 antee”, with respect to a covered commodity for a
 13 crop year, means the amount determined by the Sec-
 14 retary under section 106(c).

1 (4) **BASE ACRES.**—The term “base acres”
2 means the number of acres on a farm designated as
3 base acres pursuant to part II of subtitle A of title
4 I of the Agricultural Act of 2014 (7 U.S.C. 9011 et
5 seq.) for the 2018 crop year.

6 (5) **COUNTY COVERAGE.**—The term “county
7 coverage” means agriculture risk coverage selected
8 under section 104(b)(1) to be obtained at the county
9 level.

10 (6) **COVERED COMMODITY.**—The term “covered
11 commodity” means wheat, oats, and barley (includ-
12 ing wheat, oats, and barley used for haying and
13 grazing), corn, grain sorghum, long grain rice, me-
14 dium grain rice, pulse crops, soybeans, other oil-
15 seeds, and peanuts.

16 (7) **EFFECTIVE PRICE.**—The term “effective
17 price”, with respect to a covered commodity for a
18 crop year, means the price calculated by the Sec-
19 retary under section 105(b) to determine whether
20 price loss coverage payments are required to be pro-
21 vided for that crop year.

22 (8) **EXTRA LONG STAPLE COTTON.**—The term
23 “extra long staple cotton” means cotton that—

24 (A) is produced from pure strain varieties
25 of the Barbadosense species or any hybrid of the

1 species, or other similar types of extra long sta-
2 ple cotton, designated by the Secretary, having
3 characteristics needed for various end uses for
4 which United States upland cotton is not suit-
5 able and grown in irrigated cotton-growing re-
6 gions of the United States designated by the
7 Secretary or other areas designated by the Sec-
8 retary as suitable for the production of the vari-
9 eties or types; and

10 (B) is ginned on a roller-type gin or, if au-
11 thorized by the Secretary, ginned on another
12 type gin for experimental purposes.

13 (9) INDIVIDUAL COVERAGE.—The term “indi-
14 vidual coverage” means agriculture risk coverage se-
15 lected under section 104(b)(2) to be obtained at the
16 farm level.

17 (10) MEDIUM GRAIN RICE.—The term “medium
18 grain rice” includes short grain rice and temperate
19 japonica rice.

20 (11) OTHER OILSEED.—The term “other oil-
21 seed” means a crop of sunflower seed, rapeseed,
22 canola, safflower, flaxseed, mustard seed, crambe,
23 sesame seed, or any oilseed designated by the Sec-
24 retary.

1 (12) PAYMENT ACRES.—The term “payment
2 acres”, with respect to the provision of price loss
3 coverage payments and agriculture risk coverage
4 payments, means the number of acres determined
5 for a farm under section 103.

6 (13) PAYMENT YIELD.—The term “payment
7 yield”, for a farm for a covered commodity, means—

8 (A) the yield used to make payments pur-
9 suant to section 1104 or 1304 of the Food,
10 Conservation, and Energy Act of 2008 (7
11 U.S.C. 8714, 8754), as in effect on September
12 30, 2013; or

13 (B) the yield established under section
14 102.

15 (14) PRICE LOSS COVERAGE.—The term “price
16 loss coverage” means coverage provided under sec-
17 tion 105.

18 (15) PRODUCER.—

19 (A) IN GENERAL.—The term “producer”
20 means an owner, operator, landlord, tenant, or
21 sharecropper that shares in the risk of pro-
22 ducing a crop and is entitled to share in the
23 crop available for marketing from the farm, or
24 would have shared had the crop been produced.

1 (B) HYBRID SEED.—In determining
2 whether a grower of hybrid seed is a producer,
3 the Secretary shall—

4 (i) not take into consideration the ex-
5 istence of a hybrid seed contract; and

6 (ii) ensure that program requirements
7 do not adversely affect the ability of the
8 grower to receive a payment under this
9 Act.

10 (16) PULSE CROP.—The term “pulse crop”
11 means dry peas, lentils, small chickpeas, and large
12 chickpeas.

13 (17) REFERENCE PRICE.—The term “reference
14 price”, with respect to a covered commodity for a
15 crop year, means the following:

16 (A) For wheat, \$5.50 per bushel.

17 (B) For corn, \$3.70 per bushel.

18 (C) For grain sorghum, \$3.95 per bushel.

19 (D) For barley, \$4.95 per bushel.

20 (E) For oats, \$2.40 per bushel.

21 (F) For long grain rice, \$14.00 per hun-
22 dredweight.

23 (G) For medium grain rice, \$14.00 per
24 hundredweight.

25 (H) For soybeans, \$8.40 per bushel.

1 (I) For other oilseeds, \$20.15 per hundred-
2 weight.

3 (J) For peanuts, \$535.00 per ton.

4 (K) For dry peas, \$11.00 per hundred-
5 weight.

6 (L) For lentils, \$19.97 per hundredweight.

7 (M) For small chickpeas, \$19.04 per hun-
8 dredweight.

9 (N) For large chickpeas, \$21.54 per hun-
10 dredweight.

11 (18) SECRETARY.—The term “Secretary”
12 means the Secretary of Agriculture.

13 (19) STATE.—The term “State” means—

14 (A) a State;

15 (B) the District of Columbia;

16 (C) the Commonwealth of Puerto Rico;

17 and

18 (D) any other territory or possession of the
19 United States.

20 (20) TEMPERATE JAPONICA RICE.—The term
21 “temperate japonica rice” means rice that is grown
22 in high altitudes or temperate regions of high lati-
23 tudes with cooler climate conditions, in the Western
24 United States, as determined by the Secretary, for
25 the purpose of—

1 (A) the update of base acres under section
2 101;

3 (B) the establishment of a reference price
4 (as required under section 105(g)) and an effective price pursuant to section 105; and

5
6 (C) the determination of the actual crop
7 revenue and agriculture risk coverage guarantee
8 pursuant to section 106.

9 (21) TRANSITIONAL YIELD.—The term “transi-
10 tional yield” has the meaning given the term in sec-
11 tion 502(b) of the Federal Crop Insurance Act (7
12 U.S.C. 1502(b)).

13 (22) UNITED STATES.—The term “United
14 States”, when used in a geographical sense, means
15 all of the States.

16 (23) UNITED STATES PREMIUM FACTOR.—The
17 term “United States Premium Factor” means the
18 percentage by which the difference in the United
19 States loan schedule premiums for Strict Middling
20 (SM) 1¹/₈-inch upland cotton and for Middling (M)
21 1³/₃₂-inch upland cotton exceeds the difference in the
22 applicable premiums for comparable international
23 qualities.

24 (24) UPDATED BASE ACRES.—The term “up-
25 dated base acres”, with respect to a covered com-

1 modity on a farm, means the number of base acres
2 updated by the Secretary under section 101.

3 **TITLE I—COMMODITY POLICY**

4 **SEC. 101. BASE ACRES.**

5 (a) MANDATORY ONE-TIME UPDATE OF BASE
6 ACRES.—

7 (1) IN GENERAL.—As soon as practicable after
8 the date of enactment of this Act, the Secretary
9 shall update base acres on a farm for the 2019 crop
10 year in accordance with this section.

11 (2) MANDATORY UPDATE.—For the purpose of
12 applying this title to covered commodities, the Sec-
13 retary shall determine the updated base acres on a
14 farm by updating all of the base acres for covered
15 commodities on the farm among those covered com-
16 modities planted on the farm at any time during the
17 2014 through 2017 crop years.

18 (3) UPDATE FORMULA.—The updated base
19 acres among covered commodities on a farm shall be
20 the proportion that—

21 (A) the 4-year average of—

22 (i) the acreage planted on the farm to
23 each covered commodity for harvest, graz-
24 ing, haying, silage, or other similar pur-

1 poses for the 2014 through 2017 crop
2 years; and

3 (ii) any acreage on the farm that the
4 producers were prevented from planting
5 during the 2014 through 2017 crop years
6 to that covered commodity because of
7 drought, flood, or other natural disaster, or
8 other condition beyond the control of the
9 producers, as determined by the Secretary;
10 bears to

11 (B) the 4-year average of—

12 (i) the acreage planted on the farm to
13 all covered commodities for harvest, graz-
14 ing, haying, silage, or other similar pur-
15 poses for the 2014 through 2017 crop
16 years; and

17 (ii) any acreage on the farm that the
18 producers were prevented from planting
19 during the 2014 through 2017 crop years
20 to covered commodities because of drought,
21 flood, or other natural disaster, or other
22 condition beyond the control of the pro-
23 ducers, as determined by the Secretary.

24 (4) INCLUSION OF ALL 4 YEARS IN AVERAGE.—

25 For the purpose of determining a 4-year acreage av-

1 erage under paragraph (3) for a farm, the Secretary
2 shall not exclude any crop year in which a covered
3 commodity was not planted.

4 (5) TREATMENT OF MULTIPLE PLANTING OR
5 PREVENTED PLANTING.—For the purpose of deter-
6 mining under paragraph (3) the acreage on a farm
7 that producers planted or were prevented from
8 planting during the 2014 through 2017 crop years
9 to covered commodities, if the acreage that was
10 planted or prevented from being planted was devoted
11 to another covered commodity in the same crop year
12 (other than a covered commodity produced under an
13 established practice of double cropping), the owner—

14 (A) may elect the commodity to be used
15 for that crop year in determining the 4-year av-
16 erage; but

17 (B) may not include both the initial com-
18 modity and the subsequent commodity.

19 (b) ADJUSTMENT OF BASE ACRES.—

20 (1) IN GENERAL.—Notwithstanding the update
21 of base acres under subsection (a), the Secretary
22 shall provide for an adjustment, as appropriate, in
23 the updated base acres for covered commodities for
24 a farm whenever any of the following circumstances
25 occur:

1 (A) A conservation reserve contract en-
2 tered into under section 1231 of the Food Secu-
3 rity Act of 1985 (16 U.S.C. 3831) with respect
4 to the farm expires or is voluntarily terminated.

5 (B) Cropland is released from coverage
6 under a conservation reserve contract by the
7 Secretary.

8 (C) The producer has eligible oilseed acre-
9 age as the result of the Secretary designating
10 additional oilseeds, which shall be determined in
11 the same manner as eligible oilseed acreage
12 under section 1101(a)(1)(D) of the Food, Con-
13 servation, and Energy Act of 2008 (7 U.S.C.
14 8711(a)(1)(D)).

15 (2) SPECIAL CONSERVATION RESERVE ACREAGE
16 PAYMENT RULES.—For the crop year in which an
17 updated base acres adjustment under subparagraph
18 (A) or (B) of paragraph (1) is first made, the owner
19 of the farm shall elect to receive price loss coverage
20 or agriculture risk coverage with respect to the acre-
21 age added to the farm under this subsection or a
22 prorated payment under the conservation reserve
23 contract, but not both.

24 (c) PREVENTION OF EXCESS UPDATED BASE
25 ACRES.—

1 (1) REQUIRED REDUCTION.—If the updated
2 base acres for a farm exceeds the actual cropland
3 acreage of the farm, the Secretary shall reduce the
4 updated base acres for one or more covered commod-
5 ities for the farm so that the sum of the base acres
6 and the other acreage described in paragraph (2)
7 does not exceed the actual cropland acreage of the
8 farm.

9 (2) OTHER ACREAGE.—The other acreage re-
10 ferred to in paragraph (1) is the following:

11 (A) Any acreage on the farm enrolled in
12 the conservation reserve program or wetlands
13 reserve program (or successor programs) under
14 chapter 1 of subtitle D of title XII of the Food
15 Security Act of 1985 (16 U.S.C. 3830 et seq.).

16 (B) Any other acreage on the farm en-
17 rolled in a Federal conservation program for
18 which payments are made in exchange for not
19 producing an agricultural commodity on the
20 acreage.

21 (C) If the Secretary designates additional
22 oilseeds, any eligible oilseed acreage, which shall
23 be determined in the same manner as eligible
24 oilseed acreage under subsection (b)(1)(C).

1 (3) SELECTION OF ACRES.—The Secretary shall
2 give the owner of the farm the opportunity to select
3 the updated base acres for a covered commodity for
4 the farm against which the reduction required by
5 paragraph (1) will be made.

6 (4) EXCEPTION FOR DOUBLE-CROPPED ACRE-
7 AGE.—In applying paragraph (1), the Secretary
8 shall make an exception in the case of double crop-
9 ping, as determined by the Secretary.

10 (d) REDUCTION IN UPDATED BASE ACRES.—

11 (1) REDUCTION AT OPTION OF OWNER.—

12 (A) IN GENERAL.—The owner of a farm
13 may reduce, at any time, the updated base
14 acres for any covered commodity for the farm.

15 (B) EFFECT OF REDUCTION.—A reduction
16 under subparagraph (A) shall be permanent
17 and made in a manner prescribed by the Sec-
18 retary.

19 (2) REQUIRED ACTION BY SECRETARY.—

20 (A) IN GENERAL.—The Secretary shall
21 proportionately reduce updated base acres on a
22 farm for land that has been subdivided and de-
23 veloped for multiple residential units or other
24 nonfarming uses if the size of the tracts and
25 the density of the subdivision is such that the

1 land is unlikely to return to the previous agri-
2 cultural use, unless the producers on the farm
3 demonstrate that the land—

4 (i) remains devoted to commercial ag-
5 ricultural production; or

6 (ii) is likely to be returned to the pre-
7 vious agricultural use.

8 (B) REQUIREMENT.—The Secretary shall
9 establish procedures to identify land described
10 in subparagraph (A).

11 **SEC. 102. PAYMENT YIELDS.**

12 (a) EFFECT OF LACK OF PAYMENT YIELD.—In the
13 case of a covered commodity on a farm for which updated
14 base acres have been established, if no payment yield is
15 otherwise established for the covered commodity on the
16 farm, the Secretary shall establish an appropriate pay-
17 ment yield for the covered commodity on the farm under
18 subsection (b).

19 (b) USE OF SIMILARLY SITUATED FARMS.—

20 (1) IN GENERAL.—To establish an appropriate
21 payment yield for a covered commodity on a farm as
22 required by subsection (a), the Secretary shall take
23 into consideration the farm program payment yields
24 applicable to that covered commodity for similarly
25 situated farms.

1 (2) APPLICABILITY OF OTHER LAWS.—The use
2 of any data described in paragraph (1) in an appeal,
3 by the Secretary or by the producer, shall not be
4 subject to any other provision of law.

5 **SEC. 103. PAYMENT ACRES.**

6 (a) DETERMINATION OF PAYMENT ACRES.—

7 (1) GENERAL RULE.—For the purpose of price
8 loss coverage and agriculture risk coverage when
9 county coverage has been selected, subject to sub-
10 section (c), the payment acres for each covered com-
11 modity on a farm shall be equal to 85 percent of the
12 updated base acres for the covered commodity on the
13 farm.

14 (2) EFFECT OF INDIVIDUAL COVERAGE.—In
15 the case of agriculture risk coverage when individual
16 coverage has been selected, subject to subsection (c),
17 the payment acres for a farm shall be equal to 65
18 percent of the updated base acres for all of the cov-
19 ered commodities on the farm.

20 (b) EFFECT OF MINIMAL PAYMENT ACRES.—

21 (1) PROHIBITION ON PAYMENTS.—Notwith-
22 standing any other provision of this Act, a producer
23 on a farm may not receive price loss coverage pay-
24 ments or agriculture risk coverage payments if the

1 sum of the updated base acres on the farm is 10
2 acres or less, as determined by the Secretary.

3 (2) EXCEPTIONS.—Paragraph (1) does not
4 apply to a producer that is—

5 (A) a socially disadvantaged farmer or
6 rancher (as defined in section 355(e) of the
7 Consolidated Farm and Rural Development Act
8 (7 U.S.C. 2003(e))); or

9 (B) a limited resource farmer or rancher,
10 as defined by the Secretary.

11 (c) EFFECT OF PLANTING FRUITS AND VEGETA-
12 BLES.—

13 (1) REDUCTION REQUIRED.—In the manner
14 provided in this subsection, payment acres on a farm
15 shall be reduced in any crop year in which fruits,
16 vegetables (other than mung beans and pulse crops),
17 or wild rice have been planted on updated base acres
18 on a farm.

19 (2) PRICE LOSS COVERAGE AND COUNTY COV-
20 ERAGE.—In the case of price loss coverage payments
21 and agricultural risk coverage payments using coun-
22 ty coverage, the reduction under paragraph (1) shall
23 be the amount equal to the updated base acres
24 planted to crops referred to in that paragraph in ex-
25 cess of 15 percent of updated base acres.

1 (3) INDIVIDUAL COVERAGE.—In the case of ag-
 2 ricultural risk coverage payments using individual
 3 coverage, the reduction under paragraph (1) shall be
 4 the amount equal to the updated base acres planted
 5 to crops referred to in that paragraph in excess of
 6 35 percent of updated base acres.

7 (4) REDUCTION EXCEPTIONS.—No reduction to
 8 payment acres shall be made under this subsection
 9 if—

10 (A) cover crops or crops referred to in
 11 paragraph (1) are grown solely for conservation
 12 purposes and not harvested for use or sale, as
 13 determined by the Secretary; or

14 (B) in any region in which there is a his-
 15 tory of double-cropping covered commodities
 16 with crops referred to in paragraph (1) and
 17 those crops were so double-cropped on the up-
 18 dated base acres, as determined by the Sec-
 19 retary.

20 **SEC. 104. PRODUCER ELECTION.**

21 (a) ELECTION REQUIRED.—For the 2019 through
 22 2024 crop years, all of the producers on a farm shall make
 23 a one-time, irrevocable election to obtain—

24 (1) price loss coverage on a covered commodity-
 25 by-covered-commodity basis; or

1 (2) agriculture risk coverage.

2 (b) COVERAGE OPTIONS.—In the election under sub-
3 section (a), the producers on a farm that elect under para-
4 graph (2) of that subsection to obtain agriculture risk cov-
5 erage shall unanimously select whether to receive agri-
6 culture risk coverage payments based on—

7 (1) county coverage applicable on a covered
8 commodity-by-covered-commodity basis; or

9 (2) individual coverage applicable to all of the
10 covered commodities on the farm.

11 (c) EFFECT OF FAILURE TO MAKE UNANIMOUS
12 ELECTION.—If all the producers on a farm fail to make
13 a unanimous election under subsection (a) for the 2019
14 crop year—

15 (1) the Secretary shall not make any payments
16 with respect to the farm for the 2019 crop year
17 under this title; and

18 (2) the producers on the farm shall be deemed
19 to have elected price loss coverage for all covered
20 commodities on the farm for the 2020 through 2024
21 crop years.

22 (d) EFFECT OF SELECTION OF COUNTY COV-
23 ERAGE.—If all the producers on a farm select county cov-
24 erage for a covered commodity, the Secretary may not

1 make price loss coverage payments to the producers on
2 the farm with respect to that covered commodity.

3 (e) EFFECT OF SELECTION OF INDIVIDUAL COV-
4 ERAGE.—If all the producers on a farm select individual
5 coverage, in addition to the selection and election under
6 this section applying to each producer on the farm, the
7 Secretary shall consider, for purposes of making the cal-
8 culations required by subsections (b)(2) and (c)(3) of sec-
9 tion 106, the share of the producer of all farms in the
10 same State—

11 (1) in which the producer has an interest; and

12 (2) for which individual coverage has been se-
13 lected.

14 (f) PROHIBITION ON RECONSTITUTION.—The Sec-
15 retary shall ensure that producers on a farm do not recon-
16 stitute the farm to void or change an election or selection
17 made under this section.

18 **SEC. 105. PRICE LOSS COVERAGE.**

19 (a) PRICE LOSS COVERAGE PAYMENTS.—If all of the
20 producers on a farm make the election under subsection
21 (a) of section 104 to obtain price loss coverage or, subject
22 to subsection (c)(1) of that section, are deemed to have
23 made that election under subsection (c)(2) of that section,
24 the Secretary shall make price loss coverage payments to
25 producers on the farm on a covered commodity-by-cov-

1 ered-commodity basis if the Secretary determines that, for
2 any of the 2019 through 2024 crop years—

3 (1) the effective price for the covered com-
4 modity for the crop year; is less than

5 (2) the reference price for the covered com-
6 modity for the crop year.

7 (b) EFFECTIVE PRICE.—The effective price for a cov-
8 ered commodity for a crop year shall be the higher of—

9 (1) the national average market price received
10 by producers during the 12-month marketing year
11 for the covered commodity, as determined by the
12 Secretary; or

13 (2) the national average loan rate for a mar-
14 keting assistance loan for the covered commodity in
15 effect for that crop year under title II.

16 (c) PAYMENT RATE.—The payment rate shall be
17 equal to the difference between—

18 (1) the reference price for the covered com-
19 modity; and

20 (2) the effective price determined under sub-
21 section (b) for the covered commodity.

22 (d) PAYMENT AMOUNT.—If price loss coverage pay-
23 ments are required to be provided under this section for
24 any of the 2019 through 2024 crop years for a covered
25 commodity, the amount of the price loss coverage payment

1 to be paid to the producers on a farm for the crop year
2 shall be equal to the product obtained by multiplying—

3 (1) the payment rate for the covered commodity
4 under subsection (c);

5 (2) the payment yield for the covered com-
6 modity; and

7 (3) the payment acres for the covered com-
8 modity.

9 (e) TIME FOR PAYMENTS.—If the Secretary deter-
10 mines under this section that price loss coverage payments
11 are required to be provided for the covered commodity,
12 the payments shall be made beginning October 1, or as
13 soon as practicable thereafter, after the end of the applica-
14 ble marketing year for the covered commodity.

15 (f) EFFECTIVE PRICE FOR BARLEY.—In determining
16 the effective price for barley under subsection (b), the Sec-
17 retary shall use the all-barley price.

18 (g) REFERENCE PRICE FOR TEMPERATE JAPONICA
19 RICE.—The Secretary shall provide a reference price with
20 respect to temperate japonica rice in an amount equal to
21 115 percent of the amount established in subparagraphs
22 (F) and (G) of section 2(17) in order to reflect price pre-
23 miums.

1 **SEC. 106. AGRICULTURE RISK COVERAGE.**

2 (a) AGRICULTURE RISK COVERAGE PAYMENTS.—If
3 all of the producers on a farm make the election under
4 section 104(a) to obtain agriculture risk coverage, the Sec-
5 retary shall make agriculture risk coverage payments
6 based on the physical location of the farm to producers
7 on the farm if the Secretary determines that, for any of
8 the 2019 through 2024 crop years—

9 (1) the actual crop revenue determined under
10 subsection (b) for the crop year; is less than

11 (2) the agriculture risk coverage guarantee de-
12 termined under subsection (c) for the crop year.

13 (b) ACTUAL CROP REVENUE.—

14 (1) COUNTY COVERAGE.—In the case of county
15 coverage, the amount of the actual crop revenue for
16 a county for a crop year of a covered commodity
17 shall be equal to the product obtained by multi-
18 plying—

19 (A) the actual average county yield per
20 planted acre for the covered commodity, as de-
21 termined by the Secretary; and

22 (B) the higher of—

23 (i) the national average market price
24 received by producers during the 12-month
25 marketing year for the covered commodity,
26 as determined by the Secretary; or

1 (ii) the national average loan rate for
2 a marketing assistance loan for the covered
3 commodity in effect for that crop year
4 under title II.

5 (2) INDIVIDUAL COVERAGE.—In the case of in-
6 dividual coverage, the amount of the actual crop rev-
7 enue for a producer on a farm for a crop year shall
8 be based on the share of the producer of all covered
9 commodities planted on all farms for which indi-
10 vidual coverage has been selected and in which the
11 producer has an interest, to be determined by the
12 Secretary as follows:

13 (A) For each covered commodity, the prod-
14 uct obtained by multiplying—

15 (i) the total production of the covered
16 commodity on those farms, as determined
17 by the Secretary; and

18 (ii) the higher of—

19 (I) the national average market
20 price received by producers during the
21 12-month marketing year, as deter-
22 mined by the Secretary; or

23 (II) the national average loan
24 rate for a marketing assistance loan

1 for the covered commodity in effect
2 for that crop year under title II.

3 (B) The sum of the amounts determined
4 under subparagraph (A) for all covered com-
5 modities on those farms.

6 (C) The quotient obtained by dividing—

7 (i) the amount determined under sub-
8 paragraph (B); by

9 (ii) the total planted acres of all cov-
10 ered commodities on those farms.

11 (c) AGRICULTURE RISK COVERAGE GUARANTEE.—

12 (1) IN GENERAL.—The agriculture risk cov-
13 erage guarantee for a crop year for a covered com-
14 modity shall be equal to 86 percent of the bench-
15 mark revenue.

16 (2) BENCHMARK REVENUE FOR COUNTY COV-
17 ERAGE.—In the case of county coverage, the bench-
18 mark revenue shall be the product obtained by mul-
19 tiplying—

20 (A) subject to paragraph (4), the average
21 historical county yield, as determined by the
22 Secretary, for the most recent 5 crop years, ex-
23 cluding each of the crop years with the highest
24 and lowest yields; and

1 (B) subject to paragraph (5), the national
2 average market price received by producers dur-
3 ing the 12-month marketing year for the most
4 recent 5 crop years, excluding each of the crop
5 years with the highest and lowest prices.

6 (3) BENCHMARK REVENUE FOR INDIVIDUAL
7 COVERAGE.—In the case of individual coverage, the
8 benchmark revenue for a producer on a farm for a
9 crop year shall be based on the share of the pro-
10 ducer of all covered commodities planted on all
11 farms for which individual coverage has been se-
12 lected and in which the producer has an interest, to
13 be determined by the Secretary as follows:

14 (A) For each covered commodity for each
15 of the most recent 5 crop years, the product ob-
16 tained by multiplying—

17 (i) subject to paragraph (4), the yield
18 per planted acre for the covered commodity
19 on those farms, as determined by the Sec-
20 retary; and

21 (ii) subject to paragraph (5), the na-
22 tional average market price received by
23 producers during the 12-month marketing
24 year.

1 (B) For each covered commodity, the aver-
2 age of the revenues determined under subpara-
3 graph (A) for the most recent 5 crop years, ex-
4 cluding each of the crop years with the highest
5 and lowest revenues.

6 (C) For each of the 2019 through 2024
7 crop years, the sum of the amounts determined
8 under subparagraph (B) for all covered com-
9 modities on those farms, but adjusted to reflect
10 the proportion that—

11 (i) the total number of acres planted
12 on those farms to a covered commodity;
13 bears to

14 (ii) the total number of acres of all
15 covered commodities planted on those
16 farms.

17 (4) YIELD CONDITIONS.—If the yield per plant-
18 ed acre for the covered commodity or historical
19 county yield per planted acre for the covered com-
20 modity for any of the 5 most recent crop years, as
21 determined by the Secretary, is less than 70 percent
22 of the transitional yield, as determined by the Sec-
23 retary, the amounts used for any of those years in
24 paragraph (2)(A) or (3)(A)(i) shall be 70 percent of
25 the transitional yield.

1 (5) REFERENCE PRICE.—If the national aver-
2 age market price received by producers during the
3 12-month marketing year for any of the 5 most re-
4 cent crop years is lower than the reference price for
5 the covered commodity, the Secretary shall use the
6 reference price for any of those years for the
7 amounts in paragraph (2)(B) or (3)(A)(ii).

8 (d) PAYMENT RATE.—The payment rate for a cov-
9 ered commodity, in the case of county coverage, or a farm,
10 in the case of individual coverage, shall be equal to the
11 lesser of—

12 (1) the amount that—

13 (A) the agriculture risk coverage guarantee
14 for the crop year applicable under subsection
15 (c); exceeds

16 (B) the actual crop revenue for the crop
17 year applicable under subsection (b); or

18 (2) 10 percent of the benchmark revenue for
19 the crop year applicable under subsection (c).

20 (e) PAYMENT AMOUNT.—If agriculture risk coverage
21 payments are required to be paid for any of the 2019
22 through 2024 crop years, the amount of the agriculture
23 risk coverage payment for the crop year shall be deter-
24 mined by multiplying—

1 (1) the payment rate determined under sub-
2 section (d); and

3 (2) the payment acres.

4 (f) TIME FOR PAYMENTS.—If the Secretary deter-
5 mines that agriculture risk coverage payments are re-
6 quired to be provided for the covered commodity, pay-
7 ments shall be made beginning October 1, or as soon as
8 practicable thereafter, after the end of the applicable mar-
9 keting year for the covered commodity.

10 (g) ADDITIONAL DUTIES OF THE SECRETARY.—In
11 providing agriculture risk coverage, the Secretary shall—

12 (1) to the maximum extent practicable, use all
13 available information and analysis, including data
14 mining, to check for anomalies in the determination
15 of agriculture risk coverage payments;

16 (2) to the maximum extent practicable, cal-
17 culate a separate actual crop revenue and agri-
18 culture risk coverage guarantee for irrigated and
19 nonirrigated covered commodities;

20 (3) in the case of individual coverage, assign an
21 average yield for a farm on the basis of the yield his-
22 tory of representative farms in the State, region, or
23 crop reporting district, as determined by the Sec-
24 retary, if the Secretary determines that the farm has
25 planted acreage in a quantity that is insufficient to

1 calculate a representative average yield for the farm;
2 and

3 (4) in the case of county coverage, assign an ac-
4 tual or benchmark county yield for each planted acre
5 for the crop year for the covered commodity on the
6 basis of the yield history of representative farms in
7 the State, region, or crop reporting district, as deter-
8 mined by the Secretary, if—

9 (A) the Secretary cannot establish the ac-
10 tual or benchmark county yield for each planted
11 acre for a crop year for a covered commodity in
12 the county in accordance with subsection (b)(1)
13 or (c)(2); or

14 (B) the yield determined under subsection
15 (b)(1) or (c)(2) is an unrepresentative average
16 yield for the county, as determined by the Sec-
17 retary.

18 **SEC. 107. PRODUCER AGREEMENTS.**

19 (a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

20 (1) REQUIREMENTS.—Before the producers on
21 a farm may receive payments under this title with
22 respect to the farm, the producers shall agree, dur-
23 ing the crop year for which the payments are made
24 and in exchange for the payments—

1 (A) to comply with applicable conservation
2 requirements under subtitle B of title XII of
3 the Food Security Act of 1985 (16 U.S.C. 3811
4 et seq.);

5 (B) to comply with applicable wetland pro-
6 tection requirements under subtitle C of title
7 XII of that Act (16 U.S.C. 3821 et seq.);

8 (C) to effectively control noxious weeds
9 and otherwise maintain the land in accordance
10 with sound agricultural practices, as determined
11 by the Secretary; and

12 (D) to use the land on the farm, in a
13 quantity equal to the attributable updated base
14 acres for the farm and any updated base acres
15 for an agricultural or conserving use, and not
16 for a nonagricultural commercial, industrial, or
17 residential use, as determined by the Secretary.

18 (2) COMPLIANCE.—The Secretary may issue
19 such rules as the Secretary considers necessary to
20 ensure producer compliance with paragraph (1).

21 (3) MODIFICATION.—At the request of the
22 transferee or owner, the Secretary may modify the
23 requirements of this subsection if the modifications
24 are consistent with the objectives of this subsection,
25 as determined by the Secretary.

1 (b) TRANSFER OR CHANGE OF INTEREST IN
2 FARM.—

3 (1) TERMINATION.—

4 (A) IN GENERAL.—Except as provided in
5 paragraph (2), a transfer of (or change in) the
6 interest of the producers on a farm for which
7 payments under this title are provided shall re-
8 sult in the termination of the payments, unless
9 the transferee or owner of the acreage agrees to
10 assume all obligations under subsection (a).

11 (B) EFFECTIVE DATE.—The termination
12 shall take effect on the date determined by the
13 Secretary.

14 (2) EXCEPTION.—If a producer entitled to a
15 payment under this title dies, becomes incompetent,
16 or is otherwise unable to receive the payment, the
17 Secretary shall make the payment in accordance
18 with rules issued by the Secretary.

19 (c) ACREAGE REPORTS.—As a condition on the re-
20 ceipt of any benefits under this Act, the Secretary shall
21 require producers on a farm to submit to the Secretary
22 annual acreage reports with respect to all cropland on the
23 farm.

24 (d) PRODUCTION REPORTS.—As an additional condi-
25 tion on receiving agriculture risk coverage payments for

1 individual coverage, the Secretary shall require a producer
2 on a farm to submit to the Secretary annual production
3 reports with respect to all covered commodities produced
4 on all farms in the same State—

5 (1) in which the producer has an interest; and

6 (2) for which individual coverage has been se-
7 lected.

8 (e) EFFECT OF INACCURATE REPORTS.—No penalty
9 with respect to benefits under this Act shall be assessed
10 against a producer on a farm for an inaccurate acreage
11 or production report unless the Secretary determines that
12 the producer on the farm knowingly and willfully falsified
13 the acreage or production report.

14 (f) TENANTS AND SHARECROPPERS.—In carrying
15 out this title, the Secretary shall provide adequate safe-
16 guards to protect the interests of tenants and share-
17 croppers.

18 (g) SHARING OF PAYMENTS.—The Secretary shall
19 provide for the sharing of payments made under this title
20 among the producers on a farm on a fair and equitable
21 basis.

1 **TITLE II—MARKETING LOANS**

2 **SEC. 201. AVAILABILITY OF NONRECOURSE MARKETING AS-**
3 **SISTANCE LOANS FOR LOAN COMMODITIES.**

4 (a) DEFINITION OF LOAN COMMODITY.—In this title,
5 the term “loan commodity” means wheat, corn, grain sor-
6 ghum, barley, oats, upland cotton, extra long staple cot-
7 ton, long grain rice, medium grain rice, peanuts, soybeans,
8 other oilseeds, graded wool, nongraded wool, mohair,
9 honey, dry peas, lentils, small chickpeas, and large chick-
10 peas.

11 (b) NONRECOURSE LOANS AVAILABLE.—

12 (1) IN GENERAL.—For each of the 2019
13 through 2024 crops of each loan commodity, the
14 Secretary shall make available to producers on a
15 farm nonrecourse marketing assistance loans for
16 loan commodities produced on the farm.

17 (2) TERMS AND CONDITIONS.—The marketing
18 assistance loans shall be made under terms and con-
19 ditions that are prescribed by the Secretary and at
20 the loan rate established under section 202 for the
21 loan commodity.

22 (c) ELIGIBLE PRODUCTION.—The producers on a
23 farm shall be eligible for a marketing assistance loan
24 under subsection (b) for any quantity of a loan commodity
25 produced on the farm.

1 (d) COMPLIANCE WITH CONSERVATION AND WET-
2 LANDS REQUIREMENTS.—As a condition of the receipt of
3 a marketing assistance loan under subsection (b), the pro-
4 ducer shall comply with applicable conservation require-
5 ments under subtitle B of title XII of the Food Security
6 Act of 1985 (16 U.S.C. 3811 et seq.) and applicable wet-
7 land protection requirements under subtitle C of title XII
8 of that Act (16 U.S.C. 3821 et seq.) during the term of
9 the loan.

10 (e) SPECIAL RULES FOR PEANUTS.—

11 (1) IN GENERAL.—This subsection shall apply
12 only to producers of peanuts.

13 (2) OPTIONS FOR OBTAINING LOAN.—A mar-
14 keting assistance loan under this section, and loan
15 deficiency payments under section 205, may be ob-
16 tained at the option of the producers on a farm
17 through—

18 (A) a designated marketing association or
19 marketing cooperative of producers that is ap-
20 proved by the Secretary; or

21 (B) the Farm Service Agency.

22 (3) STORAGE OF LOAN PEANUTS.—As a condi-
23 tion on the approval by the Secretary of an indi-
24 vidual or entity to provide storage for peanuts for

1 which a marketing assistance loan is made under
2 this section, the individual or entity shall agree—

3 (A) to provide the storage on a nondiscrim-
4 inatory basis; and

5 (B) to comply with such additional require-
6 ments as the Secretary considers appropriate to
7 accomplish the purposes of this section and pro-
8 mote fairness in the administration of the bene-
9 fits of this section.

10 (4) STORAGE, HANDLING, AND ASSOCIATED
11 COSTS.—

12 (A) IN GENERAL.—To ensure proper stor-
13 age of peanuts for which a loan is made under
14 this section, the Secretary shall pay handling
15 and other associated costs (other than storage
16 costs) incurred at the time at which the peanuts
17 are placed under loan, as determined by the
18 Secretary.

19 (B) REDEMPTION AND FORFEITURE.—The
20 Secretary shall—

21 (i) require the repayment of handling
22 and other associated costs paid under sub-
23 paragraph (A) for all peanuts pledged as
24 collateral for a loan that is redeemed under
25 this section; and

1 (ii) pay storage, handling, and other
2 associated costs for all peanuts pledged as
3 collateral that are forfeited under this sec-
4 tion.

5 (5) **MARKETING.**—A marketing association or
6 cooperative may market peanuts for which a loan is
7 made under this section in any manner that con-
8 forms to consumer needs, including the separation of
9 peanuts by type and quality.

10 (6) **REIMBURSABLE AGREEMENTS AND PAY-**
11 **MENT OF ADMINISTRATIVE EXPENSES.**—The Sec-
12 retary may implement any reimbursable agreements
13 or provide for the payment of administrative ex-
14 penses under this subsection only in a manner that
15 is consistent with those activities in regard to other
16 loan commodities.

17 **SEC. 202. LOAN RATES FOR NONRECOURSE MARKETING AS-**
18 **SISTANCE LOANS.**

19 (a) **IN GENERAL.**—For purposes of each of the 2019
20 through 2024 crop years, the loan rate for a marketing
21 assistance loan under section 201 for a loan commodity
22 shall be equal to the following:

- 23 (1) In the case of wheat, \$2.94 per bushel.
24 (2) In the case of corn, \$1.95 per bushel.

1 (3) In the case of grain sorghum, \$1.95 per
2 bushel.

3 (4) In the case of barley, \$1.95 per bushel.

4 (5) In the case of oats, \$1.39 per bushel.

5 (6) In the case of base quality of upland cotton,
6 for each of the 2019 through 2024 crop years, the
7 simple average of the adjusted prevailing world price
8 for the 2 immediately preceding marketing years, as
9 determined by the Secretary and announced October
10 1 preceding the next domestic plantings, but in no
11 case less than \$0.45 per pound or more than \$0.52
12 per pound.

13 (7) In the case of extra long staple cotton,
14 \$0.7977 per pound.

15 (8) In the case of long grain rice, \$6.50 per
16 hundredweight.

17 (9) In the case of medium grain rice, \$6.50 per
18 hundredweight.

19 (10) In the case of soybeans, \$5.00 per bushel.

20 (11) In the case of other oilseeds, \$10.09 per
21 hundredweight for each of the following kinds of oil-
22 seeds:

23 (A) Sunflower seed.

24 (B) Rapeseed.

25 (C) Canola.

1 (D) Safflower.

2 (E) Flaxseed.

3 (F) Mustard seed.

4 (G) Crambe.

5 (H) Sesame seed.

6 (I) Other oilseeds designated by the Sec-
7 retary.

8 (12) In the case of dry peas, \$5.40 per hun-
9 dredweight.

10 (13) In the case of lentils, \$11.28 per hundred-
11 weight.

12 (14) In the case of small chickpeas, \$7.43 per
13 hundredweight.

14 (15) In the case of large chickpeas, \$11.28 per
15 hundredweight.

16 (16) In the case of graded wool, \$1.15 per
17 pound.

18 (17) In the case of nongraded wool, \$0.40 per
19 pound.

20 (18) In the case of mohair, \$4.20 per pound.

21 (19) In the case of honey, \$0.69 per pound.

22 (20) In the case of peanuts, \$355 per ton.

23 (b) SINGLE COUNTY LOAN RATE FOR OTHER OIL-
24 SEEDS.—The Secretary shall establish a single loan rate

1 in each county for each kind of other oilseeds described
2 in subsection (a)(11).

3 **SEC. 203. TERM OF LOANS.**

4 (a) **TERM OF LOAN.**—In the case of each loan com-
5 modity, a marketing assistance loan under section 201
6 shall have a term of 9 months beginning on the first day
7 of the first month after the month in which the loan is
8 made.

9 (b) **EXTENSIONS PROHIBITED.**—The Secretary may
10 not extend the term of a marketing assistance loan for
11 any loan commodity.

12 **SEC. 204. REPAYMENT OF LOANS.**

13 (a) **GENERAL RULE.**—The Secretary shall permit the
14 producers on a farm to repay a marketing assistance loan
15 under section 201 for a loan commodity (other than up-
16 land cotton, long grain rice, medium grain rice, extra long
17 staple cotton, peanuts and confectionery and each other
18 kind of sunflower seed (other than oil sunflower seed)) at
19 a rate that is the lesser of—

20 (1) the loan rate established for the commodity
21 under section 202, plus interest (determined in ac-
22 cordance with section 163 of the Federal Agriculture
23 Improvement and Reform Act of 1996 (7 U.S.C.
24 7283));

1 (2) a rate (as determined by the Secretary)
2 that—

3 (A) is calculated based on average market
4 prices for the loan commodity during the pre-
5 ceding 30-day period; and

6 (B) will minimize discrepancies in mar-
7 keting loan benefits across State boundaries
8 and across county boundaries; or

9 (3) a rate that the Secretary may develop using
10 alternative methods for calculating a repayment rate
11 for a loan commodity that the Secretary determines
12 will—

13 (A) minimize potential loan forfeitures;

14 (B) minimize the accumulation of stocks of
15 the commodity by the Federal Government;

16 (C) minimize the cost incurred by the Fed-
17 eral Government in storing the commodity;

18 (D) allow the commodity produced in the
19 United States to be marketed freely and com-
20 petitively, both domestically and internationally;
21 and

22 (E) minimize discrepancies in marketing
23 loan benefits across State boundaries and
24 across county boundaries.

1 (b) REPAYMENT RATES FOR UPLAND COTTON, LONG
2 GRAIN RICE, AND MEDIUM GRAIN RICE.—The Secretary
3 shall permit producers to repay a marketing assistance
4 loan under section 201 for upland cotton, long grain rice,
5 and medium grain rice at a rate that is the lesser of—

6 (1) the loan rate established for the commodity
7 under section 202, plus interest (determined in ac-
8 cordance with section 163 of the Federal Agriculture
9 Improvement and Reform Act of 1996 (7 U.S.C.
10 7283)); or

11 (2) the prevailing world market price for the
12 commodity, as determined and adjusted by the Sec-
13 retary in accordance with this section.

14 (c) REPAYMENT RATES FOR EXTRA LONG STAPLE
15 COTTON.—Repayment of a marketing assistance loan for
16 extra long staple cotton shall be at the loan rate estab-
17 lished for the commodity under section 202, plus interest
18 (determined in accordance with section 163 of the Federal
19 Agriculture Improvement and Reform Act of 1996 (7
20 U.S.C. 7283)).

21 (d) PREVAILING WORLD MARKET PRICE.—For pur-
22 poses of this section and section 207, the Secretary shall
23 prescribe by regulation—

1 (1) a formula to determine the prevailing world
2 market price for each of upland cotton, long grain
3 rice, and medium grain rice; and

4 (2) a mechanism by which the Secretary shall
5 announce periodically those prevailing world market
6 prices.

7 (e) ADJUSTMENT OF PREVAILING WORLD MARKET
8 PRICE FOR UPLAND COTTON, LONG GRAIN RICE, AND
9 MEDIUM GRAIN RICE.—

10 (1) RICE.—The prevailing world market price
11 for long grain rice and medium grain rice deter-
12 mined under subsection (d) shall be adjusted to
13 United States quality and location.

14 (2) COTTON.—The prevailing world market
15 price for upland cotton determined under subsection
16 (d)—

17 (A) shall be adjusted to United States
18 quality and location, with the adjustment to in-
19 clude—

20 (i) a reduction equal to any United
21 States Premium Factor for upland cotton
22 of a quality higher than Middling (M)
23 $1\frac{3}{32}$ -inch; and

24 (ii) the average costs to market the
25 commodity, including average transpor-

1 tation costs, as determined by the Sec-
2 retary; and

3 (B) may be further adjusted, during the
4 period beginning on the date of enactment of
5 this Act and ending on July 31, 2025, if the
6 Secretary determines the adjustment is nec-
7 essary—

8 (i) to minimize potential loan forfeit-
9 ures;

10 (ii) to minimize the accumulation of
11 stocks of upland cotton by the Federal
12 Government;

13 (iii) to ensure that upland cotton pro-
14 duced in the United States can be mar-
15 keted freely and competitively, both domes-
16 tically and internationally; and

17 (iv) to ensure an appropriate transi-
18 tion between current-crop and forward-
19 crop price quotations, except that the Sec-
20 retary may use forward-crop price
21 quotations prior to July 31 of a marketing
22 year only if—

23 (I) there are insufficient current-
24 crop price quotations; and

1 (II) the forward-crop price
2 quotation is the lowest such quotation
3 available.

4 (3) GUIDELINES FOR ADDITIONAL ADJUST-
5 MENTS.—In making adjustments under this sub-
6 section, the Secretary shall establish a mechanism
7 for determining and announcing the adjustments in
8 order to avoid undue disruption in the United States
9 market.

10 (f) REPAYMENT RATES FOR CONFECTIONERY AND
11 OTHER KINDS OF SUNFLOWER SEEDS.—The Secretary
12 shall permit the producers on a farm to repay a marketing
13 assistance loan under section 201 for confectionery and
14 each other kind of sunflower seed (other than oil sunflower
15 seed) at a rate that is the lesser of—

16 (1) the loan rate established for the commodity
17 under section 202, plus interest (determined in ac-
18 cordance with section 163 of the Federal Agriculture
19 Improvement and Reform Act of 1996 (7 U.S.C.
20 7283)); or

21 (2) the repayment rate established for oil sun-
22 flower seed.

23 (g) PAYMENT OF COTTON STORAGE COSTS.—Effec-
24 tive for each of the 2019 through 2024 crop years, the
25 Secretary shall make cotton storage payments available in

1 the same manner, and at the same rates as the Secretary
2 provided storage payments for the 2006 crop of cotton,
3 except that the rates shall be reduced by 10 percent.

4 (h) REPAYMENT RATE FOR PEANUTS.—The Sec-
5 retary shall permit producers on a farm to repay a mar-
6 keting assistance loan for peanuts under section 201 at
7 a rate that is the lesser of—

8 (1) the loan rate established for peanuts under
9 section 202(a)(20), plus interest (determined in ac-
10 cordance with section 163 of the Federal Agriculture
11 Improvement and Reform Act of 1996 (7 U.S.C.
12 7283)); or

13 (2) a rate that the Secretary determines will—

14 (A) minimize potential loan forfeitures;

15 (B) minimize the accumulation of stocks of
16 peanuts by the Federal Government;

17 (C) minimize the cost incurred by the Fed-
18 eral Government in storing peanuts; and

19 (D) allow peanuts produced in the United
20 States to be marketed freely and competitively,
21 both domestically and internationally.

22 (i) AUTHORITY TO TEMPORARILY ADJUST REPAY-
23 MENT RATES.—

24 (1) ADJUSTMENT AUTHORITY.—In the event of
25 a severe disruption to marketing, transportation, or

1 related infrastructure, the Secretary may modify the
2 repayment rate otherwise applicable under this sec-
3 tion for marketing assistance loans under section
4 201 for a loan commodity.

5 (2) DURATION.—Any adjustment made under
6 paragraph (1) in the repayment rate for marketing
7 assistance loans for a loan commodity shall be in ef-
8 fect on a short-term and temporary basis, as deter-
9 mined by the Secretary.

10 **SEC. 205. LOAN DEFICIENCY PAYMENTS.**

11 (a) AVAILABILITY OF LOAN DEFICIENCY PAY-
12 MENTS.—

13 (1) IN GENERAL.—Except as provided in sub-
14 section (d), the Secretary may make loan deficiency
15 payments available to producers on a farm that, al-
16 though eligible to obtain a marketing assistance loan
17 under section 201 with respect to a loan commodity,
18 agree to forgo obtaining the loan for the commodity
19 in return for loan deficiency payments under this
20 section.

21 (2) UNSHORN PELTS, HAY, AND SILAGE.—

22 (A) MARKETING ASSISTANCE LOANS.—
23 Subject to subparagraph (B), nongraded wool
24 in the form of unshorn pelts and hay and silage
25 derived from a loan commodity are not eligible

1 for a marketing assistance loan under section
2 201.

3 (B) LOAN DEFICIENCY PAYMENT.—Effective
4 for each of the 2019 through 2024 crop
5 years, the Secretary may make loan deficiency
6 payments available under this section to pro-
7 ducers on a farm that produce unshorn pelts or
8 hay and silage derived from a loan commodity.

9 (b) COMPUTATION.—A loan deficiency payment for a
10 loan commodity or commodity referred to in subsection
11 (a)(2) shall be equal to the product obtained by multi-
12 plying—

13 (1) the payment rate determined under sub-
14 section (c) for the commodity; and

15 (2) the quantity of the commodity produced by
16 the eligible producers, excluding any quantity for
17 which the producers obtain a marketing assistance
18 loan under section 201.

19 (c) PAYMENT RATE.—

20 (1) IN GENERAL.—In the case of a loan com-
21 modity, the payment rate shall be the amount by
22 which—

23 (A) the loan rate established under section
24 202 for the loan commodity; exceeds

1 (B) the rate at which a marketing assist-
2 ance loan for the loan commodity may be repaid
3 under section 204.

4 (2) UNSHORN PELTS.—In the case of unshorn
5 pelts, the payment rate shall be the amount by
6 which—

7 (A) the loan rate established under section
8 202 for ungraded wool; exceeds

9 (B) the rate at which a marketing assist-
10 ance loan for ungraded wool may be repaid
11 under section 204.

12 (3) HAY AND SILAGE.—In the case of hay or si-
13 lage derived from a loan commodity, the payment
14 rate shall be the amount by which—

15 (A) the loan rate established under section
16 202 for the loan commodity from which the hay
17 or silage is derived; exceeds

18 (B) the rate at which a marketing assist-
19 ance loan for the loan commodity may be repaid
20 under section 204.

21 (d) EXCEPTION FOR EXTRA LONG STAPLE COT-
22 TON.—This section shall not apply with respect to extra
23 long staple cotton.

24 (e) EFFECTIVE DATE FOR PAYMENT RATE DETER-
25 MINATION.—The Secretary shall determine the amount of

1 the loan deficiency payment to be made under this section
2 to the producers on a farm with respect to a quantity of
3 a loan commodity or commodity referred to in subsection
4 (a)(2) using the payment rate in effect under subsection
5 (c) as of the date the producers request the payment.

6 **SEC. 206. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAY-**
7 **MENTS FOR GRAZED ACREAGE.**

8 (a) ELIGIBLE PRODUCERS.—

9 (1) IN GENERAL.—Effective for each of the
10 2019 through 2024 crop years, in the case of a pro-
11 ducer that would be eligible for a loan deficiency
12 payment under section 205 for wheat, barley, or
13 oats, but that elects to use acreage planted to the
14 wheat, barley, or oats for the grazing of livestock,
15 the Secretary shall make a payment to the producer
16 under this section if the producer enters into an
17 agreement with the Secretary to forgo any other
18 harvesting of the wheat, barley, or oats on that acre-
19 age.

20 (2) GRAZING OF TRITICALE ACREAGE.—Effec-
21 tive for each of the 2019 through 2024 crop years,
22 with respect to a producer on a farm that uses acre-
23 age planted to triticale for the grazing of livestock,
24 the Secretary shall make a payment to the producer
25 under this section if the producer enters into an

1 agreement with the Secretary to forgo any other
2 harvesting of triticale on that acreage.

3 (b) PAYMENT AMOUNT.—

4 (1) IN GENERAL.—The amount of a payment
5 made under this section to a producer on a farm de-
6 scribed in subsection (a)(1) shall be equal to the
7 amount determined by multiplying—

8 (A) the loan deficiency payment rate deter-
9 mined under section 205(c) in effect, as of the
10 date of the agreement, for the county in which
11 the farm is located; and

12 (B) the payment quantity determined by
13 multiplying—

14 (i) the quantity of the grazed acreage
15 on the farm with respect to which the pro-
16 ducer elects to forgo harvesting of wheat,
17 barley, or oats; and

18 (ii)(I) the payment yield in effect for
19 the calculation of price loss coverage with
20 respect to that loan commodity on the
21 farm;

22 (II) in the case of a farm for which
23 agriculture risk coverage is elected under
24 section 106(a), the payment yield that
25 would otherwise be in effect with respect to

1 that loan commodity on the farm in the
2 absence of that election; or

3 (III) in the case of a farm for which
4 no payment yield is otherwise established
5 for that loan commodity on the farm, an
6 appropriate yield established by the Sec-
7 retary in a manner consistent with section
8 102(a).

9 (2) GRAZING OF TRITICALE ACREAGE.—The
10 amount of a payment made under this section to a
11 producer on a farm described in subsection (a)(2)
12 shall be equal to the amount determined by multi-
13 plying—

14 (A) the loan deficiency payment rate deter-
15 mined under section 205(c) in effect for wheat,
16 as of the date of the agreement, for the county
17 in which the farm is located; and

18 (B) the payment quantity determined by
19 multiplying—

20 (i) the quantity of the grazed acreage
21 on the farm with respect to which the pro-
22 ducer elects to forgo harvesting of triticale;
23 and

1 (ii)(I) the payment yield in effect for
2 the calculation of price loss coverage with
3 respect to wheat on the farm;

4 (II) in the case of a farm for which
5 agriculture risk coverage is elected under
6 section 106(a), the payment yield that
7 would otherwise be in effect for wheat on
8 the farm in the absence of that election; or

9 (III) in the case of a farm for which
10 no payment yield is otherwise established
11 for wheat on the farm, an appropriate
12 yield established by the Secretary in a
13 manner consistent with section 102(a).

14 (c) TIME, MANNER, AND AVAILABILITY OF PAY-
15 MENT.—

16 (1) TIME AND MANNER.—A payment under this
17 section shall be made at the same time and in the
18 same manner as loan deficiency payments are made
19 under section 205.

20 (2) AVAILABILITY.—

21 (A) IN GENERAL.—The Secretary shall es-
22 tablish an availability period for the payments
23 authorized by this section.

24 (B) CERTAIN COMMODITIES.—In the case
25 of wheat, barley, and oats, the availability pe-

1 riod shall be consistent with the availability pe-
2 riod for the commodity established by the Sec-
3 retary for marketing assistance loans under this
4 title.

5 (d) PROHIBITION ON CROP INSURANCE INDEMNITY
6 OR NONINSURED CROP ASSISTANCE.—A 2019 through
7 2024 crop of wheat, barley, oats, or triticale planted on
8 acreage that a producer elects, in the agreement required
9 by subsection (a), to use for the grazing of livestock in
10 lieu of any other harvesting of the crop shall not be eligible
11 for an indemnity under a policy or plan of insurance au-
12 thorized under the Federal Crop Insurance Act (7 U.S.C.
13 1501 et seq.) or noninsured crop assistance under section
14 196 of the Federal Agriculture Improvement and Reform
15 Act of 1996 (7 U.S.C. 7333).

16 **SEC. 207. SPECIAL MARKETING LOAN PROVISIONS FOR UP-**
17 **LAND COTTON.**

18 (a) SPECIAL IMPORT QUOTA.—

19 (1) DEFINITION OF SPECIAL IMPORT QUOTA.—

20 In this subsection, the term “special import quota”
21 means a quantity of imports that is not subject to
22 the overquota tariff rate of a tariff rate quota.

23 (2) ESTABLISHMENT.—

1 (A) IN GENERAL.—The President shall
2 carry out an import quota program, as provided
3 in this subsection.

4 (B) PROGRAM REQUIREMENTS.—Whenever
5 the Secretary determines and announces that
6 for any consecutive 4-week period, the Friday
7 through Thursday average price quotation for
8 the lowest-priced United States growth, as
9 quoted for Middling (M) 1³/₃₂-inch cotton, deliv-
10 ered to a definable and significant international
11 market, as determined by the Secretary, ex-
12 ceeds the prevailing world market price, there
13 shall immediately be in effect a special import
14 quota.

15 (3) QUANTITY.—The quota shall be equal to
16 the consumption during a 1-week period of cotton by
17 domestic mills at the seasonally adjusted average
18 rate of the most recent 3 months for which official
19 data of the Department of Agriculture are available
20 or, in the absence of sufficient data, as estimated by
21 the Secretary.

22 (4) APPLICATION.—The quota shall apply to
23 upland cotton—

1 (A) purchased not later than 90 days after
2 the date of the announcement of the Secretary
3 under paragraph (2); and

4 (B) entered into the United States not
5 later than 180 days after that date.

6 (5) OVERLAP.—A special quota period may be
7 established that overlaps any existing quota period if
8 required by paragraph (2), except that a special
9 quota period may not be established under this sub-
10 section if a quota period has been established under
11 subsection (b).

12 (6) PREFERENTIAL TARIFF TREATMENT.—The
13 quantity under a special import quota shall be con-
14 sidered to be an in-quota quantity for purposes of—

15 (A) section 213(d) of the Caribbean Basin
16 Economic Recovery Act (19 U.S.C. 2703(d));

17 (B) section 204 of the Andean Trade Pref-
18 erence Act (19 U.S.C. 3203);

19 (C) section 503(d) of the Trade Act of
20 1974 (19 U.S.C. 2463(d)); and

21 (D) General Note 3(a)(iv) to the Har-
22 monized Tariff Schedule.

23 (7) LIMITATION.—The quantity of cotton en-
24 tered into the United States during any marketing
25 year under the special import quota established

1 under this subsection may not exceed the equivalent
2 of 10 weeks of consumption of upland cotton by do-
3 mestic mills at the seasonally adjusted average rate
4 of the 3 months immediately preceding the first spe-
5 cial import quota established in any marketing year.

6 (b) LIMITED GLOBAL IMPORT QUOTA FOR UPLAND
7 COTTON.—

8 (1) DEFINITIONS.—In this subsection:

9 (A) DEMAND.—The term “demand”
10 means—

11 (i) the average seasonally adjusted an-
12 nual rate of domestic mill consumption of
13 cotton during the most recent 3 months
14 for which official data of the Department
15 of Agriculture are available or, in the ab-
16 sence of sufficient data, as estimated by
17 the Secretary; and

18 (ii) the larger of—

19 (I) average exports of upland cot-
20 ton during the preceding 6 marketing
21 years; or

22 (II) cumulative exports of upland
23 cotton plus outstanding export sales
24 for the marketing year in which the
25 quota is established.

1 (B) LIMITED GLOBAL IMPORT QUOTA.—

2 The term “limited global import quota” means
3 a quantity of imports that is not subject to the
4 overquota tariff rate of a tariff rate quota.

5 (C) SUPPLY.—The term “supply” means,
6 using the latest official data of the Department
7 of Agriculture—

8 (i) the carryover of upland cotton at
9 the beginning of the marketing year (ad-
10 justed to 480-pound bales) in which the
11 quota is established;

12 (ii) production of the current crop;
13 and

14 (iii) imports to the latest date avail-
15 able during the marketing year.

16 (2) PROGRAM.—The President shall carry out
17 an import quota program that provides that when-
18 ever the Secretary determines and announces that
19 the average price of the base quality of upland cot-
20 ton, as determined by the Secretary, in the des-
21 ignated spot markets for a month exceeded 130 per-
22 cent of the average price of the quality of cotton in
23 the markets for the preceding 36 months, notwith-
24 standing any other provision of law, there shall im-

1 mediately be in effect a limited global import quota
2 subject to the following conditions:

3 (A) QUANTITY.—The quantity of the quota
4 shall be equal to 21 days of domestic mill con-
5 sumption of upland cotton at the seasonally ad-
6 justed average rate of the most recent 3 months
7 for which official data of the Department of Ag-
8 riculture are available or, in the absence of suf-
9 ficient data, as estimated by the Secretary.

10 (B) QUANTITY IF PRIOR QUOTA.—If a
11 quota has been established under this sub-
12 section during the preceding 12 months, the
13 quantity of the quota next established under
14 this subsection shall be the smaller of 21 days
15 of domestic mill consumption calculated under
16 subparagraph (A) or the quantity required to
17 increase the supply to 130 percent of the de-
18 mand.

19 (C) PREFERENTIAL TARIFF TREAT-
20 MENT.—The quantity under a limited global
21 import quota shall be considered to be an in-
22 quota quantity for purposes of—

23 (i) section 213(d) of the Caribbean
24 Basin Economic Recovery Act (19 U.S.C.
25 2703(d));

1 (ii) section 204 of the Andean Trade
2 Preference Act (19 U.S.C. 3203);

3 (iii) section 503(d) of the Trade Act
4 of 1974 (19 U.S.C. 2463(d)); and

5 (iv) General Note 3(a)(iv) to the Har-
6 monized Tariff Schedule.

7 (D) QUOTA ENTRY PERIOD.—When a
8 quota is established under this subsection, cot-
9 ton may be entered under the quota during the
10 90-day period beginning on the date the quota
11 is established by the Secretary.

12 (3) NO OVERLAP.—Notwithstanding paragraph
13 (2), a quota period may not be established that over-
14 laps an existing quota period or a special quota pe-
15 riod established under subsection (a).

16 (c) ECONOMIC ADJUSTMENT ASSISTANCE TO USERS
17 OF UPLAND COTTON.—

18 (1) IN GENERAL.—Subject to paragraph (2),
19 the Secretary shall, on a monthly basis, make eco-
20 nomic adjustment assistance available to domestic
21 users of upland cotton in the form of payments for
22 all documented use of that upland cotton during the
23 previous monthly period regardless of the origin of
24 the upland cotton.

1 (2) VALUE OF ASSISTANCE.—The value of the
2 assistance provided under paragraph (1) shall be 3
3 cents per pound.

4 (3) ALLOWABLE PURPOSES.—Economic adjust-
5 ment assistance under this subsection shall be made
6 available only to domestic users of upland cotton
7 that certify that the assistance shall be used only to
8 acquire, construct, install, modernize, develop, con-
9 vert, or expand land, plant, buildings, equipment, fa-
10 cilities, or machinery.

11 (4) REVIEW OR AUDIT.—The Secretary may
12 conduct such review or audit of the records of a do-
13 mestic user under this subsection as the Secretary
14 determines necessary to carry out this subsection.

15 (5) IMPROPER USE OF ASSISTANCE.—If the
16 Secretary determines, after a review or audit of the
17 records of the domestic user, that economic adjust-
18 ment assistance under this subsection was not used
19 for the purposes specified in paragraph (3), the do-
20 mestic user shall be—

21 (A) liable for the repayment of the assist-
22 ance to the Secretary, plus interest, as deter-
23 mined by the Secretary; and

1 (B) ineligible to receive assistance under
2 this subsection for a period of 1 year following
3 the determination of the Secretary.

4 **SEC. 208. SPECIAL COMPETITIVE PROVISIONS FOR EXTRA**
5 **LONG STAPLE COTTON.**

6 (a) **COMPETITIVENESS PROGRAM.**—Notwithstanding
7 any other provision of law, during the period beginning
8 on the date of enactment of this Act and ending on July
9 31, 2025, the Secretary shall carry out a program—

10 (1) to maintain and expand the domestic use of
11 extra long staple cotton produced in the United
12 States;

13 (2) to increase exports of extra long staple cot-
14 ton produced in the United States; and

15 (3) to ensure that extra long staple cotton pro-
16 duced in the United States remains competitive in
17 world markets.

18 (b) **PAYMENTS UNDER PROGRAM; TRIGGER.**—Under
19 the program, the Secretary shall make payments available
20 under this section whenever—

21 (1) for a consecutive 4-week period, the world
22 market price for the lowest priced competing growth
23 of extra long staple cotton (adjusted to United
24 States quality and location and for other factors af-
25 fecting the competitiveness of that cotton), as deter-

1 mined by the Secretary, is below the prevailing
2 United States price for a competing growth of extra
3 long staple cotton; and

4 (2) the lowest priced competing growth of extra
5 long staple cotton (adjusted to United States quality
6 and location and for other factors affecting the com-
7 petitiveness of that cotton), as determined by the
8 Secretary, is less than 134 percent of the loan rate
9 for extra long staple cotton.

10 (c) ELIGIBLE RECIPIENTS.—The Secretary shall
11 make payments available under this section to domestic
12 users of extra long staple cotton produced in the United
13 States and exporters of extra long staple cotton produced
14 in the United States that enter into an agreement with
15 the Commodity Credit Corporation to participate in the
16 program under this section.

17 (d) PAYMENT AMOUNT.—Payments under this sec-
18 tion shall be based on the product obtained by multi-
19 plying—

20 (1) the difference in the prices referred to in
21 subsection (b)(1) during the fourth week of the con-
22 secutive 4-week period; and

23 (2) the amount of documented purchases by do-
24 mestic users and sales for export by exporters made
25 in the week following that consecutive 4-week period.

1 **SEC. 209. AVAILABILITY OF RECOURSE LOANS FOR HIGH**
2 **MOISTURE FEED GRAINS AND SEED COTTON.**

3 (a) HIGH MOISTURE FEED GRAINS.—

4 (1) DEFINITION OF HIGH MOISTURE STATE.—

5 In this subsection, the term “high moisture state”
6 means corn or grain sorghum having a moisture con-
7 tent in excess of Commodity Credit Corporation
8 standards for marketing assistance loans made by
9 the Secretary under section 201.

10 (2) RECOURSE LOANS AVAILABLE.—For each of
11 the 2019 through 2024 crops of corn and grain sor-
12 ghum, the Secretary shall make available recourse
13 loans, as determined by the Secretary, to producers
14 on a farm that—

15 (A) normally harvest all or a portion of
16 their crop of corn or grain sorghum in a high
17 moisture state;

18 (B) present—

19 (i) certified scale tickets from an in-
20 spected, certified commercial scale, includ-
21 ing a licensed warehouse, feedlot, feed mill,
22 distillery, or other similar entity approved
23 by the Secretary, pursuant to regulations
24 issued by the Secretary; or

25 (ii) field or other physical measure-
26 ments of the standing or stored crop in re-

1 gions of the United States, as determined
2 by the Secretary, that do not have certified
3 commercial scales from which certified
4 scale tickets may be obtained within rea-
5 sonable proximity of harvest operation;

6 (C) certify that the producers on the farm
7 were the owners of the feed grain at the time
8 of delivery to, and that the quantity to be
9 placed under loan under this subsection was in
10 fact harvested on the farm and delivered to, a
11 feedlot, feed mill, or commercial or on-farm
12 high-moisture storage facility, or to a facility
13 maintained by the users of corn and grain sor-
14 ghum in a high moisture state; and

15 (D) comply with deadlines established by
16 the Secretary for harvesting the corn or grain
17 sorghum and submit applications for loans
18 under this subsection within deadlines estab-
19 lished by the Secretary.

20 (3) ELIGIBILITY OF ACQUIRED FEED GRAINS.—
21 A loan under this subsection shall be made on a
22 quantity of corn or grain sorghum of the same crop
23 acquired by the producer in a quantity equal to the
24 product obtained by multiplying—

1 (A) the acreage of the corn or grain sor-
2 ghum in a high moisture state harvested on the
3 farm of the producer; and

4 (B) the lower of—

5 (i) the payment yield in effect for the
6 calculation of price loss coverage, or the
7 payment yield deemed to be in effect or es-
8 tablished under subclause (II) or (III) of
9 section 206(b)(1)(B)(ii), with respect to
10 corn or grain sorghum on a field that is
11 similar to the field from which the corn or
12 grain sorghum referred to in subparagraph
13 (A) was obtained; or

14 (ii) the actual yield of corn or grain
15 sorghum on a field, as determined by the
16 Secretary, that is similar to the field from
17 which the corn or grain sorghum referred
18 to in subparagraph (A) was obtained.

19 (b) RECOURSE LOANS AVAILABLE FOR SEED COT-
20 TON.—For each of the 2019 through 2024 crops of upland
21 cotton and extra long staple cotton, the Secretary shall
22 make available recourse seed cotton loans, as determined
23 by the Secretary, on any production.

24 (c) REPAYMENT RATES.—Repayment of a recourse
25 loan made under this section shall be at the loan rate es-

1 tablished for the commodity by the Secretary, plus interest
2 (determined in accordance with section 163 of the Federal
3 Agriculture Improvement and Reform Act of 1996 (7
4 U.S.C. 7283)).

5 **SEC. 210. ADJUSTMENTS OF LOANS.**

6 (a) **ADJUSTMENT AUTHORITY.**—Subject to sub-
7 section (e), the Secretary may make appropriate adjust-
8 ments in the loan rates for any loan commodity (other
9 than cotton) for differences in grade, type, quality, loca-
10 tion, and other factors.

11 (b) **MANNER OF ADJUSTMENT.**—The adjustments
12 under subsection (a) shall, to the maximum extent prac-
13 ticable, be made in such a manner that the average loan
14 level for the commodity will, on the basis of the anticipated
15 incidence of the factors, be equal to the level of support
16 determined in accordance with this title.

17 (c) **ADJUSTMENT ON COUNTY BASIS.**—

18 (1) **IN GENERAL.**—The Secretary may establish
19 loan rates for a crop for producers in individual
20 counties in a manner that results in the lowest loan
21 rate being 95 percent of the national average loan
22 rate, if those loan rates do not result in an increase
23 in outlays.

1 (2) PROHIBITION.—Adjustments under this
2 subsection shall not result in an increase in the na-
3 tional average loan rate for any year.

4 (d) ADJUSTMENT IN LOAN RATE FOR COTTON.—

5 (1) IN GENERAL.—The Secretary may make
6 appropriate adjustments in the loan rate for cotton
7 for differences in quality factors.

8 (2) TYPES OF ADJUSTMENTS.—Loan rate ad-
9 justments under paragraph (1) may include—

10 (A) the use of non-spot market price data,
11 in addition to spot market price data, that
12 would enhance the accuracy of the price infor-
13 mation used in determining quality adjustments
14 under this subsection;

15 (B) adjustments in the premiums or dis-
16 counts associated with upland cotton with a sta-
17 ple length of 33 or above due to micronaire
18 with the goal of eliminating any unnecessary ar-
19 tificial splits in the calculations of the pre-
20 miums or discounts; and

21 (C) such other adjustments as the Sec-
22 retary determines appropriate, after consulta-
23 tions conducted in accordance with paragraph
24 (3).

25 (3) CONSULTATION WITH PRIVATE SECTOR.—

1 (A) PRIOR TO REVISION.—In making ad-
 2 justments to the loan rate for cotton (including
 3 any review of the adjustments) as provided in
 4 this subsection, the Secretary shall consult with
 5 representatives of the United States cotton in-
 6 dustry.

7 (B) INAPPLICABILITY OF FEDERAL ADVI-
 8 SORY COMMITTEE ACT.—The Federal Advisory
 9 Committee Act (5 U.S.C. App.) shall not apply
 10 to consultations under this subsection.

11 (4) REVIEW OF ADJUSTMENTS.—The Secretary
 12 may review the operation of the upland cotton qual-
 13 ity adjustments implemented pursuant to this sub-
 14 section and may make further adjustments to the
 15 administration of the loan program for upland cot-
 16 ton, by revoking or revising any adjustment taken
 17 under paragraph (2).

18 (e) RICE.—The Secretary shall not make adjust-
 19 ments in the loan rates for long grain rice and medium
 20 grain rice, except for differences in grade and quality (in-
 21 cluding milling yields).

22 **TITLE III—ADMINISTRATION**

23 **SEC. 301. ADMINISTRATION GENERALLY.**

24 (a) USE OF COMMODITY CREDIT CORPORATION.—
 25 The Secretary shall use the funds, facilities, and authori-

1 ties of the Commodity Credit Corporation to carry out this
2 Act.

3 (b) DETERMINATIONS BY SECRETARY.—A deter-
4 mination made by the Secretary under this Act shall be
5 final and conclusive.

6 (c) REGULATIONS.—

7 (1) IN GENERAL.—Except as otherwise pro-
8 vided in this subsection, not later than 90 days after
9 the date of enactment of this Act, the Secretary and
10 the Commodity Credit Corporation, as appropriate,
11 shall promulgate such regulations as are necessary
12 to implement this Act and the amendments made by
13 this Act.

14 (2) PROCEDURE.—The promulgation of the reg-
15 ulations and administration of this Act and the
16 amendments made by this Act shall be made without
17 regard to—

18 (A) the notice and comment provisions of
19 section 553 of title 5, United States Code;

20 (B) chapter 35 of title 44, United States
21 Code (commonly known as the “Paperwork Re-
22 duction Act”); and

23 (C) the Statement of Policy of the Sec-
24 retary of Agriculture effective July 24, 1971
25 (36 Fed. Reg. 13804), relating to notices of

1 proposed rulemaking and public participation in
2 rulemaking.

3 (3) CONGRESSIONAL REVIEW OF AGENCY RULE-
4 MAKING.—In carrying out this subsection, the Sec-
5 retary shall use the authority provided under section
6 808 of title 5, United States Code.

7 (d) ADJUSTMENT AUTHORITY RELATED TO TRADE
8 AGREEMENTS COMPLIANCE.—

9 (1) REQUIRED DETERMINATION; ADJUST-
10 MENT.—If the Secretary determines that expendi-
11 tures under this Act that are subject to the total al-
12 lowable domestic support levels under the Uruguay
13 Round Agreements (as defined in section 2 of the
14 Uruguay Round Agreements Act (19 U.S.C. 3501))
15 will exceed those allowable levels for any applicable
16 reporting period, the Secretary shall, to the max-
17 imum extent practicable, make adjustments in the
18 amount of those expenditures during that period to
19 ensure that those expenditures do not exceed the al-
20 lowable levels.

21 (2) CONGRESSIONAL NOTIFICATION.—Before
22 making any adjustment under paragraph (1), the
23 Secretary shall submit to the Committee on Agri-
24 culture of the House of Representatives and the
25 Committee on Agriculture, Nutrition, and Forestry

1 of the Senate a report describing the determination
2 made under that paragraph and the extent of the
3 adjustment to be made.

4 **SEC. 302. SUSPENSION OF PERMANENT PRICE SUPPORT**
5 **AUTHORITY.**

6 (a) AGRICULTURAL ADJUSTMENT ACT OF 1938.—
7 The following provisions of the Agricultural Adjustment
8 Act of 1938 shall not be applicable to the 2019 through
9 2024 crops of covered commodities and cotton:

10 (1) Parts II through V of subtitle B of title III
11 (7 U.S.C. 1326 et seq.).

12 (2) In the case of upland cotton, section 377 (7
13 U.S.C. 1377).

14 (3) Subtitle D of title III (7 U.S.C. 1379a et
15 seq.).

16 (4) Title IV (7 U.S.C. 1401 et seq.).

17 (b) AGRICULTURAL ACT OF 1949.—The following
18 provisions of the Agricultural Act of 1949 shall not be ap-
19 plicable to the 2019 through 2024 crops of covered com-
20 modities and cotton:

21 (1) Section 101 (7 U.S.C. 1441).

22 (2) Section 103(a) (7 U.S.C. 1444(a)).

23 (3) Section 105 (7 U.S.C. 1444b).

24 (4) Section 107 (7 U.S.C. 1445a).

25 (5) Section 110 (7 U.S.C. 1445e).

1 (6) Section 112 (7 U.S.C. 1445g).

2 (7) Section 115 (7 U.S.C. 1445k).

3 (8) Section 201 (7 U.S.C. 1446).

4 (9) Title III (7 U.S.C. 1447 et seq.).

5 (10) Title IV (7 U.S.C. 1421 et seq.), other
6 than sections 404, 412, and 416 (7 U.S.C. 1424,
7 1429, and 1431).

8 (11) Title V (7 U.S.C. 1461 et seq.).

9 (12) Title VI (7 U.S.C. 1471 et seq.).

10 (c) **SUSPENSION OF CERTAIN QUOTA PROVISIONS.—**

11 The joint resolution entitled “A joint resolution relating
12 to corn and wheat marketing quotas under the Agricul-
13 tural Adjustment Act of 1938, as amended”, approved
14 May 26, 1941 (7 U.S.C. 1330 and 1340), shall not be
15 applicable to the crops of wheat planted for harvest in the
16 calendar years 2019 through 2024.

17 **SEC. 303. CONFORMING AMENDMENTS.**

18 Sections 1207 and 1208 of the Agricultural Act of
19 2014 (7 U.S.C. 9037, 9038) are repealed.

○