

Sec.

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1301, 1391, 6933 of this title; title 12 section 1150a; title 21 section 889; title 26 section 6109; title 42 section 405.

§ 1501. Short title; application of other laws

This chapter may be cited as the "Federal Crop Insurance Act". Except as otherwise expressly provided the provisions in titles I to IV, inclusive, shall not apply with respect to this chapter, and the term "Act" wherever it appears in such titles shall not be construed to include this chapter.

(Feb. 16, 1938, ch. 30, title V, § 501, 52 Stat. 72.)

REFERENCES IN TEXT

"Titles I to IV, inclusive," and "such titles", referred to in text, are references to titles I to IV of act Feb. 16, 1938, ch. 30, 52 Stat. 31, as amended, known as the Agricultural Adjustment Act of 1938, which is classified principally to chapter 35 (§ 1281 et seq.) of this title. For complete classification of this Act to the Code, see section 1281 of this title and Tables.

EFFECTIVE DATE OF 2000 AMENDMENT

Pub. L. 106-224, title I, § 171, June 20, 2000, 114 Stat. 397, provided that:

"(a) IN GENERAL.—Except as provided in subsection (b), this Act [probably means this title, see Tables for classification] and the amendments made by this Act take effect on the date of the enactment of this Act [June 20, 2000].

"(b) EXCEPTIONS.—

"(1) 2001 FISCAL YEAR.—The following provisions and the amendments made by the provisions take effect on October 1, 2000:

"(A) Subtitle C [§§ 131-134 of Pub. L. 106-224, enacting sections 1522 to 1524 of this title and amending sections 1518 and 7331 of this title].

"(B) Section 146 [amending section 1508 of this title].

"(C) Section 163 [114 Stat. 395].

"(2) 2001 CROP YEAR.—The amendments made by the following provisions apply beginning with the 2001 crop of an agricultural commodity:

"(A) Subsections (a), (b), and (c) of section 101 [amending section 1508 of this title].

"(B) Section 102(a) [amending section 1508 of this title].

"(C) Subsections (a), (b), and (c) of section 103 [amending section 1508 of this title and provisions set out as a note under section 1508 of this title].

"(D) Section 104 [amending section 1508 of this title].

"(E) Section 105(b) [amending section 1508 of this title].

"(F) Section 108 [enacting section 1508a of this title].

"(G) Section 109 [amending section 7333 of this title].

"(H) Section 162 [amending section 1508 of this title].

"(3) 2001 REINSURANCE YEAR.—The amendments made by the following provisions apply beginning with the 2001 reinsurance year:

"(A) Section 101(d) [amending section 1508 of this title].

"(B) Section 102(b) [amending section 1508 of this title].

"(C) Section 103(d) [amending section 1508 of this title]."

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-224, § 1(a), June 20, 2000, 114 Stat. 358, provided that: "This Act [see Tables for classification] may be cited as the 'Agricultural Risk Protection Act of 2000'."

SHORT TITLE OF 1994 AMENDMENT

Pub. L. 103-354, title I, § 101(a), Oct. 13, 1994, 108 Stat. 3179, provided that: "This title [enacting sections 1433f, 1515, 1521, and 2008f of this title, amending sections 1441-2, 1444-2, 1444f, 1445b-3a, 1502 to 1509, 1511, 1513, 1516, and 1518 to 1520 of this title, sections 901 and 902 of Title 2, The Congress, and section 1014 of Title 18, Crimes and Criminal Procedure, repealing sections 1446i and 1508a of this title, enacting provisions set out as notes under sections 1502, 1506, and 1508 of this title and sections 901 and 902 of Title 2, and repealing provisions set out as a note under section 1421 of this title] may be cited as the 'Federal Crop Insurance Reform Act of 1994'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-365, § 1, Sept. 26, 1980, 94 Stat. 1312, provided: "That this Act [amending sections 1441, 1444, 1444c, 1445b, 1504, 1505, 1506, 1507, 1508, 1516, and 1518 and repealing section 1515 of this title and enacting provisions set out as notes under sections 1504, 1508, and 1516 of this title] may be cited as the 'Federal Crop Insurance Act of 1980'."

REGULATIONS

Pub. L. 106-224, title I, § 172, June 20, 2000, 114 Stat. 397, provided that: "Not later than 120 days after the date of the enactment of this Act [June 20, 2000], the Secretary of Agriculture shall promulgate regulations to carry out this Act [probably means this title, see Tables for classification] and the amendments made by this Act."

SAVINGS CLAUSE

Pub. L. 106-224, title I, § 173, June 20, 2000, 114 Stat. 398, provided that: "The Federal Crop Insurance Act (7

U.S.C. 1501 et seq.) and section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), as in effect on day before the date of the enactment of this Act [June 20, 2000], shall—

“(1) continue to apply with respect to the 1999 crop year; and

“(2) apply with respect to the 2000 crop year, to the extent the application of an amendment made by this Act [probably means this title, see Tables for classification] is delayed under section 171(b) [set out as an Effective Date of 2000 Amendment note above] or by the terms of the amendment.”

§ 1502. Purpose; definitions; protection of information; relation to other laws

(a) Purpose

It is the purpose of this chapter to promote the national welfare by improving the economic stability of agriculture through a sound system of crop insurance and providing the means for the research and experience helpful in devising and establishing such insurance.

(b) Definitions

As used in this chapter:

(1) Additional coverage

The term “additional coverage” means a plan of crop insurance coverage providing a level of coverage greater than the level available under catastrophic risk protection.

(2) Approved insurance provider

The term “approved insurance provider” means a private insurance provider that has been approved by the Corporation to provide insurance coverage to producers participating in the Federal crop insurance program established under this chapter.

(3) Board

The term “Board” means the Board of Directors of the Corporation established under section 1505(a) of this title.

(4) Corporation

The term “Corporation” means the Federal Crop Insurance Corporation established under section 1503 of this title.

(5) Department

The term “Department” means the United States Department of Agriculture.

(6) Loss ratio

The term “loss ratio” means the ratio of all sums paid by the Corporation as indemnities under any eligible crop insurance policy to that portion of the premium designated for anticipated losses and a reasonable reserve, other than that portion of the premium designated for operating and administrative expenses.

(7) Secretary

The term “Secretary” means the Secretary of Agriculture.

(8) Transitional yield

The term “transitional yield” means the maximum average production per acre or equivalent measure that is assigned to acreage for a crop year by the Corporation in accordance with the regulations of the Corporation whenever the producer fails—

(A) to certify that acceptable documentation of production and acreage for the crop year is in the possession of the producer; or

(B) to present the acceptable documentation on the demand of the Corporation or an insurance company reinsured by the Corporation.

(c) Protection of confidential information

(1) General prohibition against disclosure

Except as provided in paragraph (2), the Secretary, any other officer or employee of the Department or an agency thereof, an approved insurance provider and its employees and contractors, and any other person may not disclose to the public information furnished by a producer under this chapter.

(2) Authorized disclosure

(A) Disclosure in statistical or aggregate form

Information described in paragraph (1) may be disclosed to the public if the information has been transformed into a statistical or aggregate form that does not allow the identification of the person who supplied particular information.

(B) Consent of producer

A producer may consent to the disclosure of information described in paragraph (1). The participation of the producer in, and the receipt of any benefit by the producer under, this chapter or any other program administered by the Secretary may not be conditioned on the producer providing consent under this paragraph.

(3) Violations; penalties

Section 2276(c) of this title shall apply with respect to the release of information collected in any manner or for any purpose prohibited by this subsection.

(d) Relation to other laws

(1) Terms and conditions of policies and plans

The terms and conditions of any policy or plan of insurance offered under this chapter that is reinsured by the Corporation shall not—

(A) be subject to the jurisdiction of the Commodity Futures Trading Commission or the Securities and Exchange Commission; or

(B) be considered to be accounts, agreements (including any transaction that is of the character of, or is commonly known to the trade as, an “option”, “privilege”, “indemnity”, “bid”, “offer”, “put”, “call”, “advance guaranty”, or “decline guaranty”), or transactions involving contracts of sale of a commodity for future delivery, traded or executed on a contract market for the purposes of the Commodity Exchange Act (7 U.S.C. 1 et seq.).

(2) Effect on CFTC and Commodity Exchange Act

Nothing in this chapter affects the jurisdiction of the Commodity Futures Trading Commission or the applicability of the Commodity Exchange Act (7 U.S.C. 1 et seq.) to any transaction conducted on a contract market under