

AMENDMENTS

2018—Subsec. (e)(2). Pub. L. 115-334 substituted “2023” for “2018”.

2014—Subsec. (e). Pub. L. 113-79 struck out “sums as are necessary” after “appropriated”, substituted “section—” for “section for each of fiscal years 2008 through 2012, to remain available until expended.”, and added pars. (1) and (2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

DEFINITION OF “SECRETARY”

“Secretary” as meaning the Secretary of Agriculture, see section 8701 of this title.

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§ 9001. Definition of Secretary of Agriculture

In this Act, the term “Secretary” means the Secretary of Agriculture.

(Pub. L. 113-79, § 2, Feb. 7, 2014, 128 Stat. 658.)

Editorial Notes

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649, known as the Agricultural Act of 2014. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

CODIFICATION

This section was not enacted as part of title I of Pub. L. 113-79 which comprises this chapter.

Statutory Notes and Related Subsidiaries

SHORT TITLE OF 2018 AMENDMENT

Pub. L. 115-334, § 1(a), Dec. 20, 2018, 132 Stat. 4490, provided that: “This Act [see Tables for classification] may be cited as the ‘Agriculture Improvement Act of 2018.’”

Pub. L. 115-123, div. F, Feb. 9, 2018, 132 Stat. 312, provided that: “This division [amending sections 1508b, 1516, 1523, 9011, 9013 to 9016, 9032, 9051, 9052, and 9054 to 9057 of this title and sections 3839aa-2 and 3841 of Title 16, Conservation, and enacting provisions set out as notes under sections 9011 and 9051 of this title] may be cited as the ‘Improvements to Agriculture Programs Act of 2018.’”

SHORT TITLE

Pub. L. 113-79, § 1(a), Feb. 7, 2014, 128 Stat. 649, provided that: “This Act [see Tables for classification] may be cited as the ‘Agricultural Act of 2014.’”

DEFINITION OF “SECRETARY”

Pub. L. 115-334, § 2, Dec. 20, 2018, 132 Stat. 4500, provided that: “In this Act [see Tables for classification], the term ‘Secretary’ means the Secretary of Agriculture.”

SUBCHAPTER I—COMMODITY POLICY

§ 9011. Definitions

In this subchapter and subchapter II:

(1) Actual crop revenue

The term “actual crop revenue”, with respect to a covered commodity for a crop year, means the amount determined by the Secretary under section 9017(b) of this title.

(2) Agriculture risk coverage

The term “agriculture risk coverage” means coverage provided under section 9017 of this title.

(3) Agriculture risk coverage guarantee

The term “agriculture risk coverage guarantee”, with respect to a covered commodity

for a crop year, means the amount determined by the Secretary under section 9017(c) of this title.

(4) Base acres

(A) In general

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres in effect under sections 8702 and 8751 of this title, as adjusted pursuant to sections 8711, 8718, and 8752 of this title, as in effect on September 30, 2013, subject to any reallocation, adjustment, or reduction under section 9012 of this title.

(B) Inclusion of generic base acres

The term “base acres” includes any generic base acres planted to a covered commodity as determined in section 9014(b) of this title.

(5) County coverage

The term “county coverage” means agriculture risk coverage selected under section 9015(b)(1) of this title to be obtained at the county level.

(6) Covered commodity

(A) In general

The term “covered commodity” means wheat, oats, and barley (including wheat, oats, and barley used for haying and grazing), corn, grain sorghum, long grain rice, medium grain rice, pulse crops, soybeans, other oilseeds, and peanuts.

(B) Inclusion

Effective beginning with the 2018 crop year, the term “covered commodity” includes seed cotton.

(7) Effective price

The term “effective price”, with respect to a covered commodity for a crop year, means the price calculated by the Secretary under section 9016(b) of this title to determine whether price loss coverage payments are required to be provided for that crop year.

(8) Effective reference price

The term “effective reference price”, with respect to a covered commodity for a crop year, means the lesser of the following:

- (A) An amount equal to 115 percent of the reference price for such covered commodity.
- (B) An amount equal to the greater of—
 - (i) the reference price for such covered commodity; or
 - (ii) 85 percent of the average of the marketing year average price of the covered commodity for the most recent 5 crop years, excluding each of the crop years with the highest and lowest marketing year average price.

(9) Extra long staple cotton

The term “extra long staple cotton” means cotton that—

- (A) is produced from pure strain varieties of the *Barbadense* species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for

various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

(10) Generic base acres

The term “generic base acres” means the number of base acres for cotton in effect under section 8702 of this title, as adjusted pursuant to section 8711 of this title, as in effect on September 30, 2013, subject to any adjustment or reduction under section 9012 of this title.

(11) Individual coverage

The term “individual coverage” means agriculture risk coverage selected under section 9015(b)(2) of this title to be obtained at the farm level.

(12) Medium grain rice

The term “medium grain rice” includes short grain rice and temperate japonica rice.

(13) Other oilseed

The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

(14) Payment acres

The term “payment acres”, with respect to the provision of price loss coverage payments and agriculture risk coverage payments, means the number of acres determined for a farm under section 9014 of this title.

(15) Payment yield

The term “payment yield”, for a farm for a covered commodity—

- (A) means the yield used to make payments pursuant to section 8714 or 8754 of this title, as in effect on September 30, 2013; or
- (B) means the yield established under section 9013 of this title.

(16) Price loss coverage

The term “price loss coverage” means coverage provided under section 9016 of this title.

(17) Producer

(A) In general

The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

(B) Hybrid seed

In determining whether a grower of hybrid seed is a producer, the Secretary shall—

- (i) not take into consideration the existence of a hybrid seed contract; and
- (ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this chapter.

(18) Pulse crop

The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

(19) Reference price

The term “reference price”, with respect to a covered commodity for a crop year, means the following:

- (A) For wheat, \$5.50 per bushel.
- (B) For corn, \$3.70 per bushel.
- (C) For grain sorghum, \$3.95 per bushel.
- (D) For barley, \$4.95 per bushel.
- (E) For oats, \$2.40 per bushel.
- (F) For long grain rice, \$14.00 per hundredweight.
- (G) For medium grain rice, \$14.00 per hundredweight.
- (H) For soybeans, \$8.40 per bushel.
- (I) For other oilseeds, \$20.15 per hundredweight.
- (J) For peanuts, \$535.00 per ton.
- (K) For dry peas, \$11.00 per hundredweight.
- (L) For lentils, \$19.97 per hundredweight.
- (M) For small chickpeas, \$19.04 per hundredweight.
- (N) For large chickpeas, \$21.54 per hundredweight.
- (O) For seed cotton, \$0.367 per pound.

(20) Secretary

The term “Secretary” means the Secretary of Agriculture.

(21) Seed cotton

The term “seed cotton” means unginned upland cotton that includes both lint and seed.

(22) State

The term “State” means—

- (A) a State;
- (B) the District of Columbia;
- (C) the Commonwealth of Puerto Rico; and
- (D) any other territory or possession of the United States.

(23) Temperate japonica rice

The term “temperate japonica rice” means rice that is grown in high altitudes or temperate regions of high latitudes with cooler climate conditions, in the Western United States, as determined by the Secretary, for the purpose of—

- (A) the reallocation of base acres under section 9012 of this title;
- (B) the establishment of a reference price (as required under section 9016(g) of this title) and an effective price pursuant to section 9016 of this title; and
- (C) the determination of the actual crop revenue and agriculture risk coverage guarantee pursuant to section 9017 of this title.

(24) Transitional yield

The term “transitional yield” has the meaning given the term in section 1502(b) of this title.

(25) United States

The term “United States”, when used in a geographical sense, means all of the States.

(26) United States Premium Factor

The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1½-inch upland cotton and for Middling (M) 1¾-inch upland cot-

ton exceeds the difference in the applicable premiums for comparable international qualities.

(Pub. L. 113–79, title I, §1111, Feb. 7, 2014, 128 Stat. 659; Pub. L. 115–123, div. F, §60101(a)(1)–(3), Feb. 9, 2018, 132 Stat. 308; Pub. L. 115–334, title I, §1101, Dec. 20, 2018, 132 Stat. 4500.)

Editorial Notes**REFERENCES IN TEXT**

This subchapter, referred to in text, was in the original “this subtitle”, meaning subtitle A (§§1101–1109) of title I of Pub. L. 113–79, Feb. 7, 2014, 128 Stat. 658, which is classified principally to this subchapter. For complete classification of subtitle A to the Code, see Tables.

This chapter, referred to in par. (17)(B)(ii), was in the original “this title”, meaning title I of Pub. L. 113–79, Feb. 7, 2014, 128 Stat. 658, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

AMENDMENTS

2018—Par. (6). Pub. L. 115–123, §60101(a)(1), designated existing provisions as subpar. (A), inserted heading, and added subpar. (B).

Pars. (8) to (18). Pub. L. 115–334, §1101, added par. (8) and redesignated former pars. (8) to (17) as (9) to (18), respectively. Former par. (18) redesignated (19).

Par. (18)(O). Pub. L. 115–123, §60101(a)(2), added subpar. (O).

Par. (19). Pub. L. 115–334, §1101(1), redesignated par. (18) as (19). Former par. (19) redesignated (20).

Pars. (20) to (25). Pub. L. 115–334, §1101(1), redesignated pars. (19) to (24) as (20) to (25), respectively. Former par. (25) redesignated (26).

Pub. L. 115–123, §60101(a)(3), added par. (20) and redesignated former pars. (20) to (24) as (21) to (25), respectively.

Par. (26). Pub. L. 115–334, §1101(1), redesignated par. (25) as (26).

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2018 AMENDMENT**

Pub. L. 115–123, div. F, §60101(a)(13), Feb. 9, 2018, 132 Stat. 311, provided that: “Except as provided in paragraph (10) [amending section 1508b of this title], the amendments made by this subsection [amending this section and sections 1508b, 9013 to 9016, and 9032 of this title] shall apply beginning with the 2018 crop year.”

ADMINISTRATION

Pub. L. 115–123, div. F, §60101(a)(12), Feb. 9, 2018, 132 Stat. 311, provided that: “The Secretary of Agriculture shall carry out the amendments made by this subsection [amending this section and sections 1508b, 9013 to 9016, and 9032 of this title] in accordance with section 1601 of the Agricultural Act of 2014 (7 U.S.C. 9091).”

POPCORN ACREAGE

Pub. L. 108–7, div. A, title VII, §767, Feb. 20, 2003, 117 Stat. 48, as amended by Pub. L. 113–79, title I, §1609(c), Feb. 7, 2014, 128 Stat. 709, provided that: “Notwithstanding any other provision of law, for purposes of administering subtitle A of title I of the Agricultural Act of 2014 [7 U.S.C. 9011 et seq.], acreage planted to, or prevented from being planted to, popcorn shall be considered as acreage planted to, or prevented from being planted to, corn: *Provided*, That if a farm program payment yield for corn is otherwise established for a farm under such subtitle, the same yield shall be used for the acreage on the farm planted to, or prevented from being planted to, popcorn: *Provided further*, That with respect to all other farms, the farm program payment yield for such popcorn acreage shall be established by

the Secretary on a fair and equitable basis to reflect the farm program payment yields for corn on similar farms in the area.”

§ 9012. Base acres

(a) Retention or 1-time reallocation of base acres

(1) Election required

(A) Notice of election opportunity

As soon as practicable after February 7, 2014, the Secretary shall provide notice to the owners of a farm regarding their opportunity to make an election, in the manner provided in this subsection—

(i) to retain base acres, including any generic base acres, as provided in paragraph (2); or

(ii) in lieu of retaining base acres, to reallocate base acres, other than any generic base acres, as provided in paragraph (3).

(B) Content of notice

The notice under subparagraph (A) shall include the following:

(i) Information that the opportunity of an owner to make the election is being provided only once.

(ii) Information regarding the manner in which the owner must make the election and the manner of notifying the Secretary of the election.

(iii) Information regarding the deadline before which the owner must notify the Secretary of the election to be in effect beginning with the 2014 crop year.

(C) Effect of failure to make election

If the owner of a farm fails to make the election under this subsection, or fails to timely notify the Secretary of the election as required by subparagraph (B)(iii), the owner shall be deemed to have elected to retain base acres, including generic base acres, as provided in paragraph (2).

(2) Retention of base acres

(A) Election to retain

For the purpose of applying this subchapter to a covered commodity, the Secretary shall give an owner of a farm an opportunity to elect to retain all of the base acres for each covered commodity on the farm.

(B) Treatment of generic base acres

Generic base acres are automatically retained.

(3) Reallocation of base acres

(A) Election to reallocate

For the purpose of applying this subchapter to covered commodities, the Secretary shall give an owner of a farm an opportunity to elect to reallocate all of the base acres for covered commodities on the farm, as in effect on September 30, 2013, among those covered commodities planted on the farm at any time during the 2009 through 2012 crop years.

(B) Reallocation formula

The reallocation of base acres among covered commodities on a farm shall be in proportion to the ratio of—

(i) the 4-year average of—

(I) the acreage planted on the farm to each covered commodity for harvest, grazing, haying, silage, or other similar purposes for the 2009 through 2012 crop years; and

(II) any acreage on the farm that the producers were prevented from planting during the 2009 through 2012 crop years to that covered commodity because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary; to

(ii) the 4-year average of—

(I) the acreage planted on the farm to all covered commodities for harvest, grazing, haying, silage, or other similar purposes for such crop years; and

(II) any acreage on the farm that the producers were prevented from planting during such crop years to covered commodities because of drought, flood, or other natural disaster, or other condition beyond the control of the producers, as determined by the Secretary.

(C) Treatment of generic base acres

Generic base acres are retained and may not be reallocated under this paragraph.

(D) Inclusion of all 4 years in average

For the purpose of determining a 4-year acreage average under subparagraph (B) for a farm, the Secretary shall not exclude any crop year in which a covered commodity was not planted.

(E) Treatment of multiple planting or prevented planting

For the purpose of determining under subparagraph (B) the acreage on a farm that producers planted or were prevented from planting during the 2009 through 2012 crop years to covered commodities, if the acreage that was planted or prevented from being planted was devoted to another covered commodity in the same crop year (other than a covered commodity produced under an established practice of double cropping), the owner may elect the commodity to be used for that crop year in determining the 4-year average, but may not include both the initial commodity and the subsequent commodity.

(F) Limitation

The reallocation of base acres among covered commodities on a farm under this paragraph may not result in a total number of base acres (including generic base acres) for the farm in excess of the number of base acres in effect for the farm on September 30, 2013.

(4) Application of election to all covered commodities

The election made under this subsection, or deemed to be made under paragraph (1)(C), with respect to a farm shall apply to all of the covered commodities on the farm.