

ered commodity on the farm for which the election is made.

(2) Method of updating yields for covered commodities

If the owner of a farm elects to update yields under paragraph (1), the payment yield for a covered commodity on the farm, for the purpose of calculating price loss coverage payments only, shall be equal to the product obtained by multiplying—

(A) 90 percent;

(B) the average of the yield per planted acre for the crop of covered commodities on the farm for the 2013 through 2017 crop years, as determined by the Secretary, excluding any crop year in which the acreage planted to the covered commodity was zero; and

(C) subject to paragraph (3), the ratio obtained by dividing—

(i) the average of the 2008 through 2012 national average yield per planted acre for the covered commodity, as determined by the Secretary; by

(ii) the average of the 2013 through 2017 national average yield per planted acre for the covered commodity, as determined by the Secretary.

(3) Limitation

In no case shall the ratio obtained under paragraph (2)(C) be less than 90 percent or greater than 100 percent.

(4) Use of county average yield

For the purposes of determining the average yield per planted acre under paragraph (2)(B), if the yield per planted acre for a crop of a covered commodity for a farm for any of the crop years described in that subparagraph was less than 75 percent of the average of county yields for those crop years for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2013 through 2017 county yield for the covered commodity.

(5) Upland cotton conversion

In the case of seed cotton, for purposes of determining the average of the yield per planted acre under this subsection, the average yield for seed cotton per planted acre shall be equal to 2.4 times the average yield for upland cotton per planted acre.

(6) Time for election

An election under this subsection shall be made at a time and manner so as to be in effect beginning with the 2020 crop year, as determined by the Secretary.

(e) Payment yield for seed cotton

(1) Payment yield

Subject to paragraph (2), the payment yield for seed cotton for a farm shall be equal to 2.4 times the payment yield for upland cotton for the farm established under section 8714(e)(3) of this title (as in effect on September 30, 2013).

(2) Update

At the sole discretion of the owner of a farm with a yield for upland cotton described in paragraph (1), the owner of the farm shall have

a 1-time opportunity to update the payment yield for upland cotton for the farm, as provided in subsection (d), for the purpose of calculating the payment yield for seed cotton under paragraph (1).

(Pub. L. 113-79, title I, § 1113, Feb. 7, 2014, 128 Stat. 664; Pub. L. 115-123, div. F, § 60101(a)(4), Feb. 9, 2018, 132 Stat. 308; Pub. L. 115-334, title I, § 1103, Dec. 20, 2018, 132 Stat. 4501.)

Editorial Notes

AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115-334, § 1103(a)(1), substituted “oilseeds designated before December 20, 2018” for “designated oilseeds”.

Subsec. (b)(2), (3). Pub. L. 115-334, § 1103(a)(2), substituted “an oilseed designated before December 20, 2018,” for “a designated oilseed” wherever appearing.

Subsec. (b)(4). Pub. L. 115-334, § 1103(a)(3), added par. (4).

Subsec. (d). Pub. L. 115-334, § 1103(b), added subsec. (d) and struck out former subsec. (d) which consisted of pars. (1) to (4) relating to election to update payment yield, time for election, method of updating yields, and use of county average yield, respectively.

Subsec. (e). Pub. L. 115-123 added subsec. (e).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-123 applicable beginning with the 2018 crop year, see section 60101(a)(13) of Pub. L. 115-123, set out as a note under section 9011 of this title.

§ 9014. Payment acres

(a) Determination of payment acres

(1) General rule

For the purpose of price loss coverage and agriculture risk coverage when county coverage has been selected under section 9015(b)(1) of this title, but subject to subsection (e), the payment acres for each covered commodity on a farm shall be equal to 85 percent of the base acres for the covered commodity on the farm.

(2) Effect of individual coverage

In the case of agriculture risk coverage when individual coverage has been selected under section 9015(b)(2) of this title, but subject to subsection (e), the payment acres for a farm shall be equal to 65 percent of the base acres for all of the covered commodities on the farm.

(b) Treatment of generic base acres

(1) In general

In the case of generic base acres, price loss coverage payments and agriculture risk coverage payments are made only with respect to generic base acres planted to a covered commodity for the crop year.

(2) Attribution

With respect to a farm containing generic base acres, for the purpose of applying paragraphs (1) and (2) of subsection (a), generic base acres on the farm are attributed to a covered commodity in the following manner:

(A) If a single covered commodity is planted and the total acreage planted exceeds the

generic base acres on the farm, the generic base acres are attributed to that covered commodity in an amount equal to the total number of generic base acres.

(B) If multiple covered commodities are planted and the total number of acres planted to all covered commodities on the farm exceeds the generic base acres on the farm, the generic base acres are attributed to each of the covered commodities on the farm on a pro rata basis to reflect the ratio of—

- (i) the acreage planted to a covered commodity on the farm; to
- (ii) the total acreage planted to all covered commodities on the farm.

(C) If the total number of acres planted to all covered commodities on the farm does not exceed the generic base acres on the farm, the number of acres planted to a covered commodity is attributed to that covered commodity.

(3) Treated as additional acreage

When generic base acres are planted to a covered commodity or acreage planted to a covered commodity is attributed to generic base acres, the generic base acres are in addition to other base acres on the farm.

(4) Seed cotton

(A) In general

Not later than 90 days after February 9, 2018, the Secretary shall require the owner of a farm to allocate all generic base acres on the farm under subparagraph (B) or (C), or both.

(B) No recent history of covered commodities

In the case of a farm on which no covered commodities (including seed cotton) were planted or were prevented from being planted at any time during the 2009 through 2016 crop years, the owner of such farm shall allocate generic base acres on the farm to unassigned crop base for which no payments may be made under section 9016 or 9017 of this title.

(C) Recent history of covered commodities

In the case of a farm not described in subparagraph (B), the owner of such farm shall allocate generic base acres on the farm—

- (i) subject to subparagraph (D), to seed cotton base acres in a quantity equal to the greater of—
 - (I) 80 percent of the generic base acres on the farm; or
 - (II) the average number of seed cotton acres planted or prevented from being planted on the farm during the 2009 through 2012 crop years (not to exceed the total generic base acres on the farm); or
- (ii) to base acres for covered commodities (including seed cotton), by applying subparagraphs (B), (D), (E), and (F) of section 9012(a)(3) of this title.

(D) Treatment of residual generic base acres

In the case of a farm on which generic base acres are allocated under subparagraph

(C)(i), the residual generic base acres shall be allocated to unassigned crop base for which no payments may be made under section 9016 or 9017 of this title.

(E) Effect of failure to allocate

In the case of a farm not described in subparagraph (B) for which the owner of the farm fails to make an election under subparagraph (C), the owner of the farm shall be deemed to have elected to allocate all generic base acres in accordance with subparagraph (C)(i).

(c) Exclusion

The quantity of payment acres determined under subsection (a) may not include any crop subsequently planted during the same crop year on the same land for which the first crop is eligible for price loss coverage payments or agriculture risk coverage payments, unless the crop was approved for double cropping in the county, as determined by the Secretary.

(d) Effect of minimal payment acres

(1) Prohibition on payments

Notwithstanding any other provision of this chapter, a producer on a farm may not receive price loss coverage payments or agriculture risk coverage payments if the sum of the base acres on the farm is 10 acres or less, as determined by the Secretary, unless the sum of the base acres on the farm, when combined with the base acres of other farms in which the producer has an interest, is more than 10 acres.

(2) Exceptions

Paragraph (1) does not apply to a producer that is—

- (A) a socially disadvantaged farmer or rancher (as defined in section 2003(e) of this title);
- (B) a limited resource farmer or rancher, as defined by the Secretary;
- (C) a beginning farmer or rancher (as defined in subsection (a) of section 2279 of this title); or
- (D) a veteran farmer or rancher (as defined in subsection (a) of section 2279 of this title).

(e) Effect of planting fruits and vegetables

(1) Reduction required

In the manner provided in this subsection, payment acres on a farm shall be reduced in any crop year in which fruits, vegetables (other than mung beans and pulse crops), or wild rice have been planted on base acres on a farm.

(2) Price loss coverage and county coverage

In the case of price loss coverage payments and agricultural risk coverage payments using county coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 15 percent of base acres.

(3) Individual coverage

In the case of agricultural risk coverage payments using individual coverage, the reduction under paragraph (1) shall be the amount equal to the base acres planted to crops referred to in such paragraph in excess of 35 percent of base acres.

(4) Reduction exceptions

No reduction to payment acres shall be made under this subsection if—

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

(B) in any region in which there is a history of double-cropping covered commodities with crops referred to in paragraph (1) and such crops were so double-cropped on the base acres, as determined by the Secretary.

(5) Effect of reduction

For each crop year for which fruits, vegetables (other than mung beans and pulse crops), or wild rice are planted to base acres on a farm for which a reduction in payment acres is made under this subsection, the Secretary shall consider such base acres to be planted, or prevented from being planted, to a covered commodity for purposes of any adjustment or reduction of base acres for the farm under section 9012 of this title.

(f) Unassigned crop base

The Secretary shall maintain information on generic base acres on a farm allocated as unassigned crop base under subsection (b)(4).

(Pub. L. 113-79, title I, §1114, Feb. 7, 2014, 128 Stat. 666; Pub. L. 115-123, div. F, §60101(a)(5), (6), (11), Feb. 9, 2018, 132 Stat. 308, 309, 311; Pub. L. 115-334, title I, §1104, Dec. 20, 2018, 132 Stat. 4502.)

Editorial Notes

REFERENCES IN TEXT

This chapter, referred to in subsec. (d)(1), 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—Subsec. (b)(2). Pub. L. 115-123, §60101(a)(11), substituted “paragraphs (1) and (2)” for “paragraphs (1)(B) and (2)(B)”.

Subsec. (b)(4). Pub. L. 115-123, §60101(a)(5), added par. (4).

Subsec. (d)(1). Pub. L. 115-334, §1104(1)(A), inserted “, unless the sum of the base acres on the farm, when combined with the base acres of other farms in which the producer has an interest, is more than 10 acres” before period at end.

Subsec. (d)(2)(C), (D). Pub. L. 115-334, §1104(1)(B), added subpars. (C) and (D).

Subsec. (e)(5). Pub. L. 115-334, §1104(2), added par. (5).

Subsec. (f). Pub. L. 115-123, §60101(a)(6), added subsec. (f).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-123 applicable beginning with the 2018 crop year, see section 60101(a)(13) of Pub. L. 115-123, set out as a note under section 9011 of this title.

§ 9015. Producer election**(a) Election required**

For the 2014 through 2018 crop years (except as provided in subsection (g)) and for the 2019 through 2023 crop years (subject to subsection

(h)), all of the producers on a farm shall make a 1-time, irrevocable election to obtain—

(1) price loss coverage under section 9016 of this title on a covered commodity-by-covered-commodity basis; or

(2) agriculture risk coverage under section 9017 of this title.

(b) Coverage options

In the election under subsection (a) or (h), as applicable, the producers on a farm that elect to obtain agriculture risk coverage shall unanimously select whether to receive agriculture risk coverage payments based on—

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

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

(c) Effect of failure to make unanimous election

If all the producers on a farm fail to make a unanimous election under subsection (a) for the 2014 crop year or the 2019 crop year, as applicable—

(1) the Secretary shall not make any payments with respect to the farm for the 2014 crop year or the 2019 crop year, as applicable, under section 9016 or 9017 of this title; and

(2) subject to subsection (h), the producers on the farm shall be deemed to have elected, as applicable—

(A) price loss coverage for all covered commodities on the farm for the 2015 through 2018 crop years; and

(B) the same coverage for each covered commodity on the farm for the 2020 through 2023 crop years as was applicable for the 2015 through 2018 crop years.

(d) Effect of selection of county coverage

If all the producers on a farm select county coverage for a covered commodity under subsection (b)(1), the Secretary may not make price loss coverage payments under section 9016 of this title to the producers on the farm with respect to that covered commodity.

(e) Effect of selection of individual coverage

If all the producers on a farm select individual coverage under subsection (b)(2), in addition to the selection and election under this section applying to each producer on the farm, the Secretary shall consider, for purposes of making the calculations required by subsections (b)(2) and (c)(3) of section 9017 of this title, the producer’s share of all farms in the same State—

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

(2) for which individual coverage has been selected.

(f) Prohibition on reconstitution

The Secretary shall ensure that producers on a farm do not reconstitute the farm to void or change an election or selection made under this section.

(g) Special election**(1) In general**

In the case of acres allocated to seed cotton on a farm, for the 2018 crop year, all of the producers on the farm shall be given the opportunity to make a new 1-time election under