(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 2031 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, the 2019 crop year, or the 2026 crop year, as applicable—

(1) the Secretary shall not make any payments with respect to the farm for the 2014 crop year, the 2019 crop year, or the 2026 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;

(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; and

(C) the same coverage for each covered commodity on the farm for the 2027 through 2031 crop years as was applicable for the 2025 crop year.

(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 subsection (a) to reflect the designation of seed cotton as a covered commodity for that crop year under section 9011(6)(B) of this title.

(2) Effect of failure to make unanimous election

If all the producers on a farm fail to make a unanimous election under paragraph (1), the producers on the farm shall be deemed to have elected price loss coverage under section 9016 of this title for acres allocated on the farm to seed cotton.

(h) Option to change election

(1) In general

For the 2021 crop year and each crop year thereafter, all of the producers on a farm may change the election under subsection (a), subsection (c), or this subsection, as applicable, to price loss coverage or agriculture risk coverage, as applicable.

(2) Applicability

An election change under paragraph (1) shall apply to—

(A) the crop year for which the election change is made; and

(B) each crop year thereafter until another election change is made under that paragraph.

(i) Higher of price loss coverage payments and agriculture risk coverage payments

For the 2025 crop year, the Secretary shall, on a covered commodity-by-covered commodity basis, make the higher of price loss coverage payments under section 9016 of this title and agriculture risk coverage county coverage payments under section 9017 of this title to the producers on a farm for the payment acres for each covered commodity on the farm.

(Pub. L. 113–79, title I, §1115, Feb. 7, 2014, 128 Stat. 667; Pub. L. 115–123, div. F, §60101(a)(7), Feb. 9, 2018, 132 Stat. 309; Pub. L. 115–334, title I, §1105, Dec. 20, 2018, 132 Stat. 4503; Pub. L. 119–21, title I, §10303(a), July 4, 2025, 139 Stat. 89.)

Editorial Notes

CODIFICATION

Provisions of law applicable to a covered commodity for the 2024 crop year pursuant to title I of Pub. L. 113–79 applicable to the 2025 crop year for that covered commodity, see section 4101(c)(1) of Pub. L. 118–158, set out in an Extension of Agricultural Programs note under section 9001 of this title.

Provisions of law applicable to a covered commodity for the 2023 crop year pursuant to title I of Pub. L. 113–79 applicable to the 2024 crop year for that covered commodity, see section 102(c)(1) of Pub. L. 118–22, set out in an Extension of Agricultural Programs note under section 9001 of this title.

AMENDMENTS

2025—Subsec. (a). Pub. L. 119–21, §10303(a)(1), substituted ''2031'' for ''2023'' in introductory provisions.

Subsec. (c). Pub. L. 119–21, §10303(a)(2)(A), in introductory provisions, substituted ''crop year,'' for ''crop year or'' and inserted ''or the 2026 crop year,'' after ''2019 crop year,''.

Subsec. (c)(1). Pub. L. 119–21, §10303(a)(2)(B), substituted ''crop year,'' for ''crop year or'' and inserted ''or the 2026 crop year,'' after ''2019 crop year,''.

Subsec. (c)(2)(C). Pub. L. 119–21, §10303(a)(2)(C), added subpar. (C).

Subsec. (i). Pub. L. 119–21, §10303(a)(3), added subsec. (i).

2018—Subsec. (a). Pub. L. 115–334, §1105(1), substituted ''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))'' for ''Except as provided in subsection (g), for the 2014 through 2018 crop years'' in introductory provisions.

Pub. L. 115–123, §60101(a)(7)(A), substituted ''Except as provided in subsection (g), for'' for ''For'' in introductory provisions.

Subsec. (b). Pub. L. 115–334, §1105(2), substituted ''In the election under subsection (a) or (h), as applicable, the producers on a farm that elect to obtain agriculture risk coverage'' for ''In the election under subsection (a), the producers on a farm that elect under paragraph (2) of such subsection to obtain agriculture risk coverage under section 9017 of this title'' in introductory provisions.

Subsec. (c). Pub. L. 115–334, §1105(3)(A), inserted ''or the 2019 crop year, as applicable'' after ''the 2014 crop year'' in introductory provisions.

Subsec. (c)(1). Pub. L. 115–334, §1105(3)(B), inserted ''or the 2019 crop year, as applicable,'' after ''the 2014 crop year''.

Subsec. (c)(2). Pub. L. 115–334, §1105(3)(C), added par. (2) and struck out former par. (2) which read as follows: ''the producers on the farm shall be deemed to have elected price loss coverage under section 9016 of this title for all covered commodities on the farm for the 2015 through 2018 crop years.''

Subsec. (g). Pub. L. 115–123, §60101(a)(7)(B), added subsec. (g).

Subsec. (g)(1). Pub. L. 115–334, § 1105(4), inserted ''for the 2018 crop year,'' after ''allocated to seed cotton on a farm,''.

Subsec. (h). Pub. L. 115–334, § 1105(5), added subsec. (h).

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.

§ 9016. Price loss coverage

(a) Price loss coverage payments

If all of the producers on a farm make the election under subsection (a) or (h) of section 9015 of this title to obtain price loss coverage or, subject to subsection (c)(1) of such section, are deemed to have made such election under subsection (c)(2) of such section, the Secretary shall make price loss coverage payments to producers on the farm on a covered commodity-by-covered-commodity basis if the Secretary determines that—

(1) for any of the 2014 through 2018 crop years—

(A) the effective price for the covered commodity for the crop year; is less than

(B) the reference price for the covered commodity for the crop year; or

(2) for any of the 2019 through 2031 crop years—

(A) the effective price for the covered commodity for the crop year; is less than

(B) the effective reference price for the covered commodity for the crop year.

(b) Effective price

The effective price for a covered commodity for a crop year shall be the higher of—

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

(2) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

(c) Payment rate

(1) In general

(A) 2014 through 2018 crop years

For the 2014 through 2018 crop years, the payment rate shall be equal to the difference between—

(i) the reference price for the covered commodity; and

(ii) the effective price determined under subsection (b) for the covered commodity.

(B) 2019 through 2031 crop years

For the 2019 through 2031 crop years, the payment rate shall be equal to the difference between—

(i) the effective reference price for the covered commodity; and

(ii) the effective price determined under subsection (b) for the covered commodity.

(2) Announcement

Not later than 30 days after the end of each applicable 12-month marketing year for each covered commodity, the Secretary shall publish the payment rate determined under paragraph (1).

(3) Insufficient data

In the case of a covered commodity, such as temperate japonica rice, for which the Secretary cannot determine the payment rate for the most recent 12-month marketing year by the date described in paragraph (2) due to insufficient reporting of timely pricing data by 1 or more nongovernmental entities, including a marketing cooperative for the covered commodity, the Secretary shall publish the payment rate as soon as practicable after the marketing year data are made available.

(d) Payment amount

If price loss coverage payments are required to be provided under this section for any of the 2014 through 2031 crop years for a covered commodity, the amount of the price loss coverage payment to be paid to the producers on a farm for the crop year shall be equal to the product obtained by multiplying—

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

(2) the payment yield for the covered commodity; and

(3) the payment acres for the covered commodity.

(e) Time for payments

If the Secretary determines under this section that price loss coverage payments are required to be provided for the covered commodity, the payments shall be made beginning October 1, or as soon as practicable thereafter, after the end of the applicable marketing year for the covered commodity.

(f) Effective price for barley

In determining the effective price for barley under subsection (b), the Secretary shall use the all-barley price.

(g) Reference price for temperate japonica rice

In order to reflect price premiums, the Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to the amount established under paragraph (19)(A)(vi) of section 9011 of this title, as adjusted by paragraph (8) of such section, multiplied by the ratio obtained by dividing—

(1) the simple average of the marketing year average price of medium grain rice from the 2017 through 2021 crop years; by

(2) the simple average of the marketing year average price of all rice from the 2017 through 2021 crop years.

(h) Effective price for seed cotton

(1) In general

The effective price for seed cotton under subsection (b) shall be equal to the marketing year average price for seed cotton, as calculated under paragraph (2).

(2) Calculation

The marketing year average price for seed cotton for a crop year shall be equal to the quotient obtained by dividing—

(A) the sum obtained by adding—