

Islands of the United States, and any other territory or possession of the United States.

(Pub. L. 113–79, title I, §1401, Feb. 7, 2014, 128 Stat. 688; Pub. L. 115–123, div. F, §60101(b)(1)(A), Feb. 9, 2018, 132 Stat. 311; Pub. L. 115–334, title I, §§1401(k)(2), 1404(b)(2), Dec. 20, 2018, 132 Stat. 4516, 4521.)

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115–334, §1404(b)(2), struck out “and part B” after “this part” in introductory provisions.

Par. (4). Pub. L. 115–123 redesignated par. (5) as (4) and struck out former par. (4). Prior to amendment, text read as follows: “The term ‘consecutive 2-month period’ refers to the 2-month period consisting of the months of January and February, March and April, May and June, July and August, September and October, or November and December, respectively.”

Pars. (5), (6). Pub. L. 115–334, §1401(k)(2)(A), added pars. (5) and (6) and struck out former pars. (5) and (6) which defined the terms “margin protection program” and “margin protection program payment”, respectively.

Pub. L. 115–123, §60101(b)(1)(A)(ii), redesignated pars. (6) and (7) as (5) and (6), respectively. Former par. (5) redesignated (4).

Pars. (7), (8). Pub. L. 115–334, §1401(k)(2)(B), substituted “dairy margin coverage” for “the margin protection program”.

Pub. L. 115–123, §60101(b)(1)(A)(ii), redesignated pars. (8) and (9) as (7) and (8), respectively. Former par. (7) redesignated (6).

Pars. (9) to (11). Pub. L. 115–123, §60101(b)(1)(A)(ii), redesignated pars. (10) and (11) as (9) and (10), respectively. Former par. (9) redesignated (8).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Pub. L. 115–334, title I, §1401(m), Dec. 20, 2018, 132 Stat. 4518, provided that: “The amendments made by this section [amending this section and sections 9052 to 9060 of this title] shall take effect on January 1, 2019.”

Pub. L. 115–123, div. F, §60101(b)(5), Feb. 9, 2018, 132 Stat. 312, provided that: “The amendments made by this subsection [amending this section and sections 9052 and 9054 to 9057 of this title] shall apply beginning with the 2018 calendar year.”

#### § 9052. Calculation of average feed cost and actual dairy production margins

##### (a) Calculation of average feed cost

The Secretary shall calculate the national average feed cost for each month using the following data:

(1) The price of corn for a month shall be the price received during that month by farmers in the United States for corn, as reported in the monthly Agricultural Prices report by the Secretary.

(2) The price of soybean meal for a month shall be the central Illinois price for soybean meal, as reported in the Market News—Monthly Soybean Meal Price Report by the Secretary.

(3) The price of alfalfa hay for a month shall be the price received during that month by farmers in the United States for alfalfa hay, as reported in the monthly Agricultural Prices report by the Secretary.

#### (b) Calculation of actual dairy production margin

##### (1) In general

For use in dairy margin coverage, the Secretary shall calculate the actual dairy production margin for each month by subtracting—

(A) the average feed cost for that month, determined in accordance with subsection (a); from

(B) the all-milk price for that month.

##### (2) Time for calculation

The calculation required by this subsection shall be made as soon as practicable using the full-month price of the applicable reference month.

(Pub. L. 113–79, title I, §1402, Feb. 7, 2014, 128 Stat. 689; Pub. L. 115–123, div. F, §60101(b)(1)(B), Feb. 9, 2018, 132 Stat. 311; Pub. L. 115–334, title I, §1401(k)(3), Dec. 20, 2018, 132 Stat. 4516.)

#### Editorial Notes

##### AMENDMENTS

2018—Subsec. (b)(1). Pub. L. 115–334 substituted “dairy margin coverage” for “the margin protection program” in introductory provisions.

Pub. L. 115–123 substituted “month” for “consecutive 2-month period” wherever appearing.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–334 effective on Jan. 1, 2019, see section 1401(m) of Pub. L. 115–334, set out as a note under section 9051 of this title.

Amendment by Pub. L. 115–123 applicable beginning with the 2018 calendar year, see section 60101(b)(5) of Pub. L. 115–123, set out as a note under section 9051 of this title.

##### COLLECTION OF ALFALFA HAY DATA

Pub. L. 115–334, title I, §1401(c), Dec. 20, 2018, 132 Stat. 4512, provided that: “Not later than 120 days after the date of the enactment of this Act [Dec. 20, 2018], the Secretary [of Agriculture], acting through the National Agricultural Statistics Service, shall revise monthly price survey reports to include prices for high-quality alfalfa hay in the top five milk producing States, as measured by volume of milk produced during the previous month.”

#### § 9053. Dairy margin coverage

##### (a) In general

The Secretary shall continue to administer a dairy margin coverage program for dairy producers under which participating dairy operations are paid a dairy margin coverage payment when actual dairy production margins are less than the threshold levels for a dairy margin coverage payment.

##### (b) Regulations

Subpart A of part 1430 of title 7, Code of Federal Regulations (as in effect on December 20, 2018), shall remain in effect for dairy margin coverage beginning with the 2019 calendar year, except to the extent that the regulations are inconsistent with any provision of this Act.

(Pub. L. 113–79, title I, §1403, Feb. 7, 2014, 128 Stat. 689; Pub. L. 115–334, title I, §1401(k)(4), Dec. 20, 2018, 132 Stat. 4516.)

**Editorial Notes****REFERENCES IN TEXT**

This Act, referred to in subsec. (b), 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 under section 9001 of this title and Tables.

**AMENDMENTS**

2018—Pub. L. 115-334, § 1401(k)(4)(B)–(D), designated existing provisions as subsec. (a), inserted heading, substituted “The Secretary shall continue to administer a dairy margin coverage program” for “Not later than September 1, 2014, the Secretary shall establish and administer a margin protection program”, substituted “dairy margin coverage payment” for “margin protection payment” in two places, and added subsec. (b).

Pub. L. 115-334, § 1401(k)(4)(A), substituted “Dairy margin coverage” for “Establishment of margin protection program for dairy producers” in section catchline.

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

Amendment by Pub. L. 115-334 effective on Jan. 1, 2019, see section 1401(m) of Pub. L. 115-334, set out as a note under section 9051 of this title.

**§ 9054. Participation of dairy operations in dairy margin coverage****(a) Eligibility**

All dairy operations in the United States shall be eligible to participate in dairy margin coverage to receive dairy margin coverage payments.

**(b) Registration process****(1) In general**

The Secretary shall specify the manner and form by which a participating dairy operation may register to participate in dairy margin coverage, including the establishment of a date each calendar year by which a dairy operation shall register for the calendar year.

**(2) Extension of election period for 2018 calendar year****(A) In general**

The Secretary shall extend the election period for the 2018 calendar year by not less than 90 days after February 9, 2018, or such additional period as the Secretary determines is necessary for dairy operations to make new elections to participate for that calendar year, including dairy operations that elected to so participate before February 9, 2018.

**(B) Retroactive program option**

In the case of a dairy operation that, by operation of subsection (d) (as in effect on the day before December 20, 2018), was ineligible to participate in the margin protection program for any part of calendar year 2018, the Secretary shall establish a new election period for that calendar year that ends on a date that is not less than 90 days after December 20, 2018, and the Secretary determines is necessary for dairy operations to make new elections to participate in the margin protection program (as in effect on the day before December 20, 2018) for that

calendar year, including dairy operations that elected to participate in the livestock gross margin for dairy program under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) before February 9, 2018.

**(3) Election period for 2019 calendar year**

For the 2019 calendar year, the Secretary shall—

(A) open the election period not later than 60 days after the effective date described in section 1401(m) of the Agriculture Improvement Act of 2018; and

(B) hold that election period open for not less than 90 days.

**(4) Treatment of multiproducer dairy operation****(A) In general**

If a participating dairy operation is operated by more than 1 dairy producer, the dairy producers of the dairy operation who elect to participate shall be treated as a single dairy operation for purposes of participating in dairy margin coverage.

**(B) Rule of construction**

Subparagraph (A) shall not be construed to allow a producer to adjust the proportion of their share covered under tier I or tier II premiums from the proportion covered for the operation.

**(5) Treatment of producers with multiple dairy operations**

If a dairy producer operates 2 or more dairy operations, each dairy operation of the producer shall separately register to participate in dairy margin coverage.

**(c) Annual administrative fee****(1) Administrative fee required**

Each participating dairy operation shall—

(A) pay an administrative fee to register to participate in dairy margin coverage; and

(B) pay the administrative fee annually through the duration of dairy margin coverage specified in section 9059 of this title.

**(2) Amount of fee**

The administrative fee for a participating dairy operation shall be \$100.

**(3) Use of fees**

The Secretary shall use administrative fees collected under this subsection to cover administrative costs incurred to carry out dairy margin coverage.

**(4) Exemption**

A limited resource, beginning, veteran, or socially disadvantaged farmer, as defined by the Secretary, shall be exempt from the administrative fee under this subsection.

(Pub. L. 113-79, title I, § 1404, Feb. 7, 2014, 128 Stat. 690; Pub. L. 115-123, div. F, § 60101(b)(2), Feb. 9, 2018, 132 Stat. 311; Pub. L. 115-334, title I, § 1401(d), (e), (k)(5), Dec. 20, 2018, 132 Stat. 4512, 4517.)

**Editorial Notes****REFERENCES IN TEXT**

The Federal Crop Insurance Act, referred to in subsec. (b)(2)(B), is subtitle A of title V of act Feb. 16, 1938,