

county yield for that commodity, the Secretary shall assign a yield for that crop year equal to 75 percent of the average of the 2008 through 2012 county yield for the purposes of determining the average yield under paragraph (3).

(Pub. L. 113-79, title I, §1113, Feb. 7, 2014, 128 Stat. 664.)

## § 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)(B) and (2)(B) 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.

### (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.

#### (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); or

(B) a limited resource farmer or rancher, as defined by the Secretary.

### (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.

(Pub. L. 113-79, title I, §1114, Feb. 7, 2014, 128 Stat. 666.)

#### 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.

### § 9015. Producer election

#### (a) Election required

For the 2014 through 2018 crop years, 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), the producers on a farm that elect under paragraph (2) of such subsection to obtain agriculture risk coverage under section 9017 of this title 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—

- (1) the Secretary shall not make any payments with respect to the farm for the 2014 crop year under section 9016 or 9017 of this title; and
- (2) 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.

#### (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.

(Pub. L. 113-79, title I, §1115, Feb. 7, 2014, 128 Stat. 667.)

### § 9016. Price loss coverage

#### (a) Price loss coverage payments

If all of the producers on a farm make the election under subsection (a) 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, for any of the 2014 through 2018 crop years—

- (1) the effective price for the covered commodity for the crop year; is less than
- (2) the 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

The payment rate shall be equal to the difference between—

- (1) the reference price for the covered commodity; and
- (2) the effective price determined under subsection (b) for the covered commodity.

#### (d) Payment amount

If price loss coverage payments are required to be provided under this section for any of the 2014 through 2018 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

The Secretary shall provide a reference price with respect to temperate japonica rice in an amount equal to 115 percent of the amount established in subparagraphs (F) and (G) of section