

(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 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.

(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.)

AMENDMENTS

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).

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 2023 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 2023 crop years

For the 2019 through 2023 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 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

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 subparagraph (F) of section 9011(19) 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 2012 through 2016 crop years; by

(2) the simple average of the marketing year average price of all rice from the 2012 through 2016 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—

(i) the product obtained by multiplying—
(I) the upland cotton lint marketing year average price; and

(II) the total United States upland cotton lint production, measured in pounds; and

(ii) the product obtained by multiplying—

(I) the cottonseed marketing year average price; and

(II) the total United States cottonseed production, measured in pounds; by

(B) the sum obtained by adding—

(i) the total United States upland cotton lint production, measured in pounds; and

(ii) the total United States cottonseed production, measured in pounds.

(Pub. L. 113-79, title I, §1116, Feb. 7, 2014, 128 Stat. 668; Pub. L. 115-123, div. F, §60101(a)(8),

Feb. 9, 2018, 132 Stat. 310; Pub. L. 115-334, title I, § 1106, Dec. 20, 2018, 132 Stat. 4504.)

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 1106(1), in introductory provisions, inserted “or (h)” after “subsection (a)” and substituted “determines that—” for “determines that, for any of the 2014 through 2018 crop years—”, inserted par. (1) designation and introductory provisions, redesignated former pars. (1) and (2) as subpars. (A) and (B), respectively, of par. (1) and realigned margins, and added par. (2).

Subsec. (c). Pub. L. 115-334, § 1106(2), designated existing provisions as par. (1) and subpar. (A), inserted par. and subpar. headings, in introductory provisions of subpar. (A) substituted “For the 2014 through 2018 crop years, the payment rate” for “The payment rate”, redesignated former pars. (1) and (2) as cls. (i) and (ii), respectively, of subpar. (A) and realigned margins, added subpar. (B), and added pars. (2) and (3).

Subsec. (g). Pub. L. 115-334, § 1106(3), added subsec. (g) and struck out former subsec. (g). Prior to amendment, text read as follows: “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 9011(18) of this title in order to reflect price premiums.”

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

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.

§ 9017. Agriculture risk coverage

(a) Agriculture risk coverage payments

If all of the producers on a farm make the election under section 9015(a) of this title to obtain agriculture risk coverage, the Secretary shall make agriculture risk coverage payments (beginning with the 2019 crop year, based on the physical location of the farm) to producers on the farm if the Secretary determines that, for any of the 2014 through 2018 crop years or the 2019 through 2023 crop years, as applicable—

- (1) the actual crop revenue determined under subsection (b) for the crop year; is less than
- (2) the agriculture risk coverage guarantee determined under subsection (c) for the crop year.

(b) Actual crop revenue

(1) County coverage

In the case of county coverage, the amount of the actual crop revenue for a county for a crop year of a covered commodity shall be equal to the product obtained by multiplying—

- (A) the actual average county yield per planted acre for the covered commodity, as determined by the Secretary; and
- (B) the higher of—
 - (i) the national average market price received by producers during the 12-month marketing year for the covered commodity, as determined by the Secretary; or
 - (ii) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

(2) Individual coverage

In the case of individual coverage, the amount of the actual crop revenue for a pro-

ducer on a farm for a crop year shall be based on the producer’s share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

- (A) For each covered commodity, the product obtained by multiplying—
 - (i) the total production of the covered commodity on such farms, as determined by the Secretary; and
 - (ii) the higher of—
 - (I) the national average market price received by producers during the 12-month marketing year, as determined by the Secretary; or
 - (II) the national average loan rate for a marketing assistance loan for the covered commodity in effect for such crop year under subchapter II.

(B) The sum of the amounts determined under subparagraph (A) for all covered commodities on such farms.

(C) The quotient obtained by dividing the amount determined under subparagraph (B) by the total planted acres of all covered commodities on such farms.

(c) Agriculture risk coverage guarantee

(1) In general

The agriculture risk coverage guarantee for a crop year for a covered commodity shall equal 86 percent of the benchmark revenue.

(2) Benchmark revenue for county coverage

In the case of county coverage, the benchmark revenue shall be the product obtained by multiplying—

- (A) subject to paragraphs (4) and (5), the average historical county yield as determined by the Secretary for the most recent 5 crop years, excluding each of the crop years with the highest and lowest yields; and
- (B) subject to paragraph (6), the national average market price received by producers during the 12-month marketing year for the most recent 5 crop years, excluding each of the crop years with the highest and lowest prices.

(3) Benchmark revenue for individual coverage

In the case of individual coverage, the benchmark revenue for a producer on a farm for a crop year shall be based on the producer’s share of all covered commodities planted on all farms for which individual coverage has been selected and in which the producer has an interest, to be determined by the Secretary as follows:

- (A) For each covered commodity for each of the most recent 5 crop years, the product obtained by multiplying—
 - (i) subject to paragraph (4), the yield per planted acre for the covered commodity on such farms, as determined by the Secretary; by
 - (ii) subject to paragraph (6), the national average market price received by producers during the 12-month marketing year.

(B) For each covered commodity, the average of the revenues determined under sub-