

aging production of at least 240,000,000 bushels of hard white wheat by 2012.

(2) Payments

(A) In general

Subject to subparagraphs (B) and (C) and subsection (c), if funds are made available for any of the 2009 through 2012 crops of hard white wheat, the Secretary shall make available incentive payments to producers of those crops.

(B) Acreage limitation

The Secretary shall carry out subparagraph (A) subject to a regional limitation determined by the Secretary on the number of acres for which payments may be received that takes into account planting history and potential planting, but does not exceed a total of 2,900,000 acres or the equivalent volume of production based on a yield of 50 bushels per acre.

(C) Payment limitations

Payments to producers on a farm described in subparagraph (A) shall be—

- (i) in an amount that is not less than \$0.20 per bushel; and
- (ii) in an amount that is not less than \$2.00 per acre for planting eligible hard white wheat seed.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section \$35,000,000 for the period of fiscal years 2009 through 2012.

(Pub. L. 110-234, title I, §1612, May 22, 2008, 122 Stat. 1019; Pub. L. 110-246, §4(a), title I, §1612, June 18, 2008, 122 Stat. 1664, 1747.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8788. Durum wheat quality program

(a) In general

Subject to the availability of funds under subsection (c), the Secretary shall provide compensation to producers of durum wheat in an amount not to exceed 50 percent of the actual cost of fungicides applied to a crop of durum wheat of the producers to control *Fusarium* head blight (wheat scab) on acres certified to have been planted to Durum wheat in a crop year.

(b) Insufficient funds

If the total amount of funds appropriated for a fiscal year under subsection (c) are insufficient to fulfill all eligible requests for compensation under this section, the Secretary shall prorate the compensation payments in a manner determined by the Secretary to be equitable.

(c) Authorization of appropriations

There is authorized to be appropriated to carry out this section \$10,000,000 for each of fiscal years 2009 through 2012.

(Pub. L. 110-234, title I, §1613, May 22, 2008, 122 Stat. 1019; Pub. L. 110-246, §4(a), title I, §1613, June 18, 2008, 122 Stat. 1664, 1748.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8789. Storage facility loans

(a) In general

As soon as practicable after the date of enactment of this Act, the Secretary shall establish a storage facility loan program to provide funds for producers of grains, oilseeds, pulse crops, hay, renewable biomass, and other storable commodities (other than sugar), as determined by the Secretary, to construct or upgrade storage and handling facilities for the commodities.

(b) Eligible producers

A storage facility loan under this section shall be made available to any producer described in subsection (a) that, as determined by the Secretary—

- (1) has a satisfactory credit history;
- (2) has a need for increased storage capacity; and
- (3) demonstrates an ability to repay the loan.

(c) Term of loans

A storage facility loan under this section shall have a maximum term of 12 years.

(d) Loan amount

The maximum principal amount of a storage facility loan under this section shall be \$500,000.

(e) Loan disbursements

The Secretary shall provide for 1 partial disbursement of loan principal and 1 final disbursement of loan principal, as determined to be appropriate and subject to acceptable documentation, to facilitate the purchase and construction of eligible facilities.

(f) Loan security

Approval of a storage facility loan under this section shall—

- (1) require the borrower to provide loan security to the Secretary, in the form of—
 - (A) a lien on the real estate parcel on which the storage facility is located; or
 - (B) such other security as is acceptable to the Secretary;
- (2) under such rules and regulations as the Secretary may prescribe, not require a severance agreement from the holder of any prior lien on the real estate parcel on which the storage facility is located, if the borrower—
 - (A) agrees to increase the down payment on the storage facility by an amount determined appropriate by the Secretary; or
 - (B) provides other security acceptable to the Secretary; and
- (3) allow a borrower, upon the approval of the Secretary, to define a subparcel of real estate as security for the storage facility loan if the subparcel is—
 - (A) of adequate size and value to adequately secure the loan; and
 - (B) not subject to any other liens or mortgages that are superior to the lien interest of the Commodity Credit Corporation.

(Pub. L. 110-234, title I, §1614, May 22, 2008, 122 Stat. 1020; Pub. L. 110-246, §4(a), title I, §1614, June 18, 2008, 122 Stat. 1664, 1748.)

REFERENCES IN TEXT

The date of enactment of this Act, referred to in subsec. (a), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8790. Signature authority**(a) In general**

In carrying out this title and title II and amendments made by those titles, if the Secretary approves a document, the Secretary shall not subsequently determine the document is inadequate or invalid because of the lack of authority of any person signing the document on behalf of the applicant or any other individual, entity, general partnership, or joint venture, or the documents relied upon were determined inadequate or invalid, unless the person signing the program document knowingly and willfully falsified the evidence of signature authority or a signature.

(b) Affirmation**(1) In general**

Nothing in this section prohibits the Secretary from asking a proper party to affirm any document that otherwise would be considered approved under subsection (a).

(2) No retroactive effect

A denial of benefits based on a lack of affirmation under paragraph (1) shall not be retroactive with respect to third-party producers who were not the subject of the erroneous representation of authority, if the third-party producers—

(A) relied on the prior approval by the Secretary of the documents in good faith; and

(B) substantively complied with all program requirements¹

(Pub. L. 110-234, title I, §1617, May 22, 2008, 122 Stat. 1021; Pub. L. 110-246, §4(a), title I, §1617, June 18, 2008, 122 Stat. 1664, 1750.)

REFERENCES IN TEXT

This title and title II, referred to in subsec. (a), are titles I and II of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, 1753, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code. For complete classification of titles I and II to the Code, see Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

§ 8791. Information gathering**(a) Geospatial systems**

The Secretary shall ensure that all the geospatial data of the agencies of the Department of Agriculture are portable and standardized.

¹ So in original. Probably should be followed by a period.

(b) Limitation on disclosures**(1) Definition of agricultural operation**

In this subsection, the term “agricultural operation” includes the production and marketing of agricultural commodities and livestock.

(2) Prohibition

Except as provided in paragraphs (3) and (4), the Secretary, any officer or employee of the Department of Agriculture, or any contractor or cooperator of the Department, shall not disclose—

(A) information provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department; or

(B) geospatial information otherwise maintained by the Secretary about agricultural land or operations for which information described in subparagraph (A) is provided.

(3) Authorized disclosures**(A) Limited release of information**

If the Secretary determines that the information described in paragraph (2) will not be subsequently disclosed except in accordance with paragraph (4), the Secretary may release or disclose the information to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in any Department program—

(i) when providing technical or financial assistance with respect to the agricultural operation, agricultural land, or farming or conservation practices; or

(ii) when responding to a disease or pest threat to agricultural operations, if the Secretary determines that a threat to agricultural operations exists and the disclosure of information to a person or cooperating government entity is necessary to assist the Secretary in responding to the disease or pest threat as authorized by law.

(4) Exceptions

Nothing in this subsection affects—

(A) the disclosure of payment information (including payment information and the names and addresses of recipients of payments) under any Department program that is otherwise authorized by law;

(B) the disclosure of information described in paragraph (2) if the information has been transformed into a statistical or aggregate form without naming any—

(i) individual owner, operator, or producer; or

(ii) specific data gathering site; or

(C) the disclosure of information described in paragraph (2) pursuant to the consent of the agricultural producer or owner of agricultural land.

(5) Condition of other programs

The participation of the agricultural producer or owner of agricultural land in, or re-