

## REFERENCES IN TEXT

This title and title II, referred to in subsec. (a), are titles I and II of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 658, 713. Title I of the Act is classified principally to this chapter. Title II of the Act enacted, amended, and repealed numerous sections and provisions set out as notes in Title 16, Conservation, and Title 43, Public Lands. For complete classification of titles I and II to the Code, see Tables.

**§ 9097. Implementation****(a) Maintenance of base acres and payment yields**

The Secretary shall maintain, for each covered commodity and upland cotton, base acres and payment yields on a farm established under sections 8702 and 8751 of this title, as adjusted pursuant to sections 8711, 8712, 8718, and 8752 of this title, as in effect on September 30, 2013, and as adjusted pursuant to sections 9012 and 9013 of this title.

**(b) Streamlining**

In implementing this chapter and the amendments made by this title,<sup>1</sup> the Secretary shall—

(1) continue to reduce administrative burdens and costs to producers by streamlining and reducing paperwork, forms, and other administrative requirements, to ensure that—

(A) a producer (or an agent of a producer) may report information, electronically (including geospatial data) or conventionally, to the Department of Agriculture, subject to the Secretary—

(i) establishing reasonable levels of tolerance that reflect the differences in accuracy between measures of common land units and geospatial data; and

(ii) ensuring that discrepancies that occur within the levels of tolerance established under clause (i) shall not be used to penalize a producer (or an agent of a producer) under any program administered by the Department of Agriculture;

(B) on the request of a producer (or an agent of a producer), the Department of Agriculture electronically shares with the producer (or agent) in real time and without cost to the producer (or agent) the common land unit data, related farm level data, conservation practices, and other information of the producer through a single Department of Agriculture-wide login;

(C) not later than September 30, 2020, the Administrator of the Risk Management Agency and the Administrator of the Farm Service Agency shall implement a consistent method for determining crop acreage, acreage yields, farm acreage, property descriptions, and other common informational requirements, including measures of common land units;

(D) except in the case of misrepresentation, fraud, or scheme and device, no crop insurance agent, approved insurance provider, or employee or contractor of a crop insurance agency or approved insurance provider bears responsibility or liability under the Acreage Crop Reporting and Streamlining

Initiative (or any successor or similar initiative) for the eligibility of a producer for a program administered by the Department of Agriculture, not including a policy or plan of insurance offered under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(E) on request of a crop insurance agent or approved insurance provider required to deliver policies and plans of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) the crop insurance agent or approved insurance provider receives, in a timely manner, any information held by the Farm Service Agency that is necessary to ensure effective crop insurance coverage for farmer customers;

(2) continue to improve coordination, information sharing, and administrative work among the Farm Service Agency, Risk Management Agency, Natural Resources Conservation Service, and other agencies, as determined by the Secretary;

(3) continue to take advantage of new technologies to enhance the efficiency and effectiveness of the delivery of Department of Agriculture programs to producers, including by developing and making publicly available data standards and security procedures to allow third-party providers to develop applications that use or feed data (including geospatial and precision agriculture data) into the datasets and analyses of the Department of Agriculture; and

(4) reduce administrative burdens on producers participating in price loss coverage or agriculture risk coverage by offering—

(A) those producers an option to remotely and electronically sign annual contracts for that coverage; and

(B) to the maximum extent practicable, an option to sign a multiyear contract for that coverage.

**(c) Implementation****(1) In general**

The Secretary shall make available to the Farm Service Agency to carry out this chapter \$100,000,000.

**(2) Additional funds****(A) Initial determination**

If, by September 30, 2014, the Secretary notifies the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that the Farm Service Agency has made substantial progress toward implementing the requirements of subsection (b)(1), the Secretary shall make available to the Farm Service Agency to carry out this chapter \$10,000,000 on October 1, 2014. The amount made available under this subparagraph is in addition to the amount made available under paragraph (1).

**(B) Subsequent determination**

If, by September 30, 2015, the Secretary notifies the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that the requirements of sub-

<sup>1</sup> See References in Text note below.

section (b)(1) have been fully implemented and those Committees provide written concurrence to the Secretary, the Secretary shall make available to the Farm Service Agency to carry out this chapter \$10,000,000 on the date the written concurrence is provided or October 1, 2015, whichever is later. The amount made available under this subparagraph is in addition to the amount made available under paragraph (1) and any amount made available under subparagraph (A).

### (3) Producer education

#### (A) In general

Of the funds made available under paragraph (1), the Secretary shall provide \$3,000,000 to State extension services for the purpose of educating farmers and ranchers on the options made available under subchapters I, III, and IV of this chapter and under section 7333 of this title.

#### (B) Web-based decision aids

##### (i) Use of qualified universities

Of the funds made available under paragraph (1), the Secretary shall use \$3,000,000 to support qualified universities (or university-based organizations) that represent a diversity of regions and commodities (including dairy), possess expertise regarding the programs authorized by this Act, have a history in the development of decision aids and producer outreach initiatives regarding farm risk management programs, and are able to meet the deadline established pursuant to clause (ii) to develop web-based decision aids to assist producers in understanding available options described in subparagraph (A) and to train producers to use these decision aids.

##### (ii) Deadlines

To the maximum extent practicable, the Secretary shall—

(I) obligate the funds made available under clause (i) within 30 days after February 7, 2014; and

(II) require the products described in clause (i) to be made available to producers on the internet within a reasonable period of time, as determined by the Secretary, after the implementation of the first rule implementing programs required under subchapter I of this chapter.

### (4) Agriculture Improvement Act of 2018

The Secretary shall make available to the Farm Service Agency to carry out title I of the Agriculture Improvement Act of 2018 and the amendments made by that title \$15,500,000.

### (d) Loan implementation

#### (1) In general

In any crop year in which an order is issued pursuant<sup>2</sup> section 901(a) of title 2, the Secretary shall use such sums as necessary of the funds of the Commodity Credit Corporation for such crop year to fully restore the support,

loan, or assistance that is otherwise required under subtitle B or C, under the amendments made by subtitle B or C, or under the amendments made by subtitle B or C of the Agriculture Improvement Act of 2018,<sup>1</sup> except with respect to the assistance provided under sections 9037(c) and 9038 of this title.

#### (2) Repayment

In carrying out this subsection, the Secretary shall ensure that when a producer repays a loan at a rate equal to the loan rate plus interest in accordance with the repayment provisions of subtitles<sup>3</sup> B or C that the repayment amount shall include the portion of the loan amount provided under paragraph (1), except that this paragraph shall not affect or reduce marketing loan gains, loan deficiency payments, or forfeiture benefits provided for under subtitles<sup>3</sup> B or C and as supplemented in accordance with paragraph (1).

### (e) Deobligation of unliquidated obligations

#### (1) In general

Subject to paragraph (3), any payment obligated or otherwise made available by the Secretary under this chapter on or after December 20, 2018, that is not disbursed to the recipient by the date that is 5 years after the date on which the payment is obligated or otherwise made available shall—

- (A) be deobligated; and
- (B) revert to the Treasury.

#### (2) Outstanding payments

##### (A) In general

Subject to paragraph (3), any payment obligated or otherwise made available by the Farm Service Agency (or any predecessor agency of the Department of Agriculture) under the laws described in subparagraph (B) before December 20, 2018, that is not disbursed by the date that is 5 years after the date on which the payment is obligated or otherwise made available shall—

- (i) be deobligated; and
- (ii) revert to the Treasury.

##### (B) Laws described

The laws referred to in subparagraph (A) are any of the following:

- (i) This chapter.
- (ii) Title I of the Food, Conservation, and Energy Act of 2008 (7 U.S.C. 8702 et seq.).
- (iii) Title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7901 et seq.).
- (iv) The Agricultural Market Transition Act (7 U.S.C. 7201 et seq.).
- (v) Titles I through XI of the Food, Agriculture, Conservation, and Trade Act of 1990 (Public Law 101-624; 104 Stat. 3374) and the amendments made by those titles.
- (vi) Titles I through X of the Food Security Act of 1985 (Public Law 99-198; 99 Stat. 1362) and the amendments made by those titles.
- (vii) Titles I through XI of the Agriculture and Food Act of 1981 (Public Law

<sup>2</sup>So in original. Probably should be followed by “to”.

<sup>3</sup>So in original. Probably should be “subtitle”.

97-98; 95 Stat. 1218) and the amendments made by those titles.

(viii) Titles I through X of the Food and Agriculture Act of 1977 (Public Law 95-113; 91 Stat. 917) and the amendments made by those titles.

### (3) Waiver

The Secretary may delay the date of the deobligation and reversion under paragraph (1) or (2) of any payment—

- (A) that is the subject of—
  - (i) ongoing administrative review or appeal;
  - (ii) litigation; or
  - (iii) the settlement of an estate; or
- (B) for which the Secretary otherwise determines that the circumstances are such that the delay is equitable.

### (f) Report

Not later than January 1, 2020, and each January 1 thereafter through January 1, 2023, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the tilled native sod acreage that was subject to a reduction in benefits under section 7333(a)(4)(B) of this title and section 508(o)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(o)(2))—

- (1) as of the date of submission of the report; and
- (2) by State and county, relative to the total acres of cropland in the State or county.

(Pub. L. 113-79, title I, §1614, Feb. 7, 2014, 128 Stat. 711; Pub. L. 115-334, title I, §1706, Dec. 20, 2018, 132 Stat. 4527.)

#### REFERENCES IN TEXT

This chapter, referred to in subsecs. (b), (c), and (e), 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.

The amendments made by this title, referred to in subsec. (b), mean the amendments made by title I of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 658. For complete classification of title I to the Code, see Tables.

The Federal Crop Insurance Act, referred to in subsec. (b)(1)(D), (E), is subtitle A of title V of act Feb. 16, 1938, ch. 30, 52 Stat. 72, which is classified generally to subchapter I (§1501 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see section 1501 of this title and Tables.

Subchapter I of this chapter, referred to in subsec. (c)(3)(A), (B)(ii)(II), was in the original a reference to subtitle A of this title, meaning subtitle A (§1101 et seq.) of title I of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 658, which is classified principally to subchapter I (§9011 et seq.) of this chapter. For complete classification of subtitle A to the Code, see Tables.

This Act, referred to in subsec. (c)(3)(B)(i), 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.

The Agriculture Improvement Act of 2018, referred to in subsec. (c)(4), is Pub. L. 115-334, Dec. 20, 2018, 132 Stat. 4490. Title I of the Act enacted section 9071 of this title, amended this section and sections 608c, 1308, 1308-3a, 1359bb, 1359ll, 4504, 4553, 7272, 7333, 8737, 8772, 9011 to 9017, 9031, 9032, 9034 to 9039, 9051 to 9060, 9081, 9091, and

9092 of this title, repealed sections 9019 and 9071 of this title, and enacted provisions set out as notes under sections 608c, 1308, 1308-3a, 6932, 9051, 9052, and 9081 of this title and section 6101 of Title 31, Money and Finance. For complete classification of this Act to the Code, see Short Title of 2018 Amendment note set out under section 9001 of this title and Tables.

Subtitles B and C, referred to in subsec. (d), are subtitles B (§1201 et seq.) and C (§1301) of title I of Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 674, 687. Subtitle B of title I is classified generally to subchapter II (§9031 et seq.) of this chapter. Subtitle C of title I amended sections 1359bb, 1359ll, and 7272 of this title. For complete classification of subtitles B and C to the Code, see Tables.

Section 901(a) of title 2, referred to in subsec. (d)(1), was in the original “2 U.S.C. 901(a)”, but probably should have been a reference to section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985, title II of Pub. L. 99-177, which is classified to section 901(a) of Title 2, The Congress.

Subtitle B or C of the Agriculture Improvement Act of 2018, referred to in subsec. (d)(1), probably means subtitle B (§1201 et seq.) or C (§1301) of title I of Pub. L. 115-334, Dec. 20, 2018, 132 Stat. 4509, 4511. Subtitle B of title I amended sections 8737, 9031, 9032, and 9034 to 9039 of this title. Subtitle C of title I amended sections 1359bb, 1359ll, and 7272 of this title. For complete classification of subtitles B and C to the Code, see Tables.

The Food, Conservation, and Energy Act of 2008, referred to in subsec. (e)(2)(B)(ii), is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651. Title I of the Act is classified principally to chapter 113 (§8701 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 8701 of this title and Tables.

The Farm Security and Rural Investment Act of 2002, referred to in subsec. (e)(2)(B)(iii), is Pub. L. 107-171, May 13, 2002, 116 Stat. 134. Title I of the Act is classified principally to chapter 106 (§7901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 7901 of this title and Tables.

The Agricultural Market Transition Act, referred to in subsec. (e)(2)(B)(iv), is title I of Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 896, which is classified principally to chapter 100 (§7201 et seq.) of this title. For complete classification of this Act to the Code, see References in Text note set out under section 7201 of this title and Tables.

The Food, Agriculture, Conservation, and Trade Act of 1990, referred to in subsec. (e)(2)(B)(v), is Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359. Titles I through XI of the Act relate to various programs for particular crops and contain general commodity provisions. For complete classification of titles I through XI to the Code, see Tables.

The Food Security Act of 1985, referred to in subsec. (e)(2)(B)(vi), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Titles I through X of the Act relate to various programs for particular crops and contain general commodity provisions. For complete classification of titles I through X to the Code, see Tables.

The Agriculture and Food Act of 1981, referred to in subsec. (e)(2)(B)(vii), is Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1213. Titles I through XI of the Act relate to various programs for particular crops and contain miscellaneous commodity provisions. For complete classification of titles I through XI to the Code, see Tables.

The Food and Agriculture Act of 1977, referred to in subsec. (e)(2)(B)(viii), is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913. Titles I through X of the Act relate to various programs for particular crops and contain miscellaneous provisions. For complete classification of titles I through X to the Code, see Tables.

#### AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, §1706(a), inserted “, and as adjusted pursuant to sections 9012 and 9013 of this title” before period at end.

Subsec. (b). Pub. L. 115-334, §1706(b), added subsec. (b) and struck out former subsec. (b) which directed the

Secretary to implement various efficiency and streamlining measures.

Subsec. (c)(4). Pub. L. 115-334, §1706(c), added par. (4).

Subsec. (d)(1). Pub. L. 115-334, §1706(d), substituted “required under subtitle B or C, under the amendments made by subtitle B or C, or under the amendments

made by subtitle B or C of the Agriculture Improvement Act of 2018,” for “required under subtitles B or C of this title or under the amendments made by subtitles B or C.”

Subsec. (e). Pub. L. 115-334, §1706(e), added subsec. (e).

Subsec. (f). Pub. L. 115-334, §1706(f), added subsec. (f).