

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of this title.

§ 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.)

Editorial Notes

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 L. 110-246, June 18, 2008, 122 Stat. 1664, 1753, which enacted this chapter and enacted, amended, and repealed numerous other sections and notes in the Code.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 L. 110-234 was repealed by section 4(a) of Pub.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.

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

§ 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.

(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 receipt of any benefit under, any program administered by the Secretary may not be conditioned on the consent of the agricultural producer or owner of agricultural land under paragraph (4)(C).

(6) Waiver of privilege or protection

The disclosure of information under paragraph (2) shall not constitute a waiver of any applicable privilege or protection under Federal law, including trade secret protection.

(Pub. L. 110-234, title I, §1619, May 22, 2008, 122 Stat. 1022; Pub. L. 110-246, §4(a), title I, §1619, June 18, 2008, 122 Stat. 1664, 1750.)

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§ 8792. Geographically disadvantaged farmers and ranchers

(a) Definitions

In this section:

(1) Agricultural commodity

The term “agricultural commodity” has the meaning given the term in section 5602 of this title.

(2) Geographically disadvantaged farmer or rancher

The term “geographically disadvantaged farmer or rancher” has the meaning given the term in section 10906(a) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 2204 note; Public Law 107-171).

(b) Authorization

Subject to the availability of funds under subsection (d), the Secretary may provide geographically disadvantaged farmers or ranchers direct reimbursement payments for activities described in subsection (c).

(c) Transportation

(1) In general

Subject to paragraphs (2) and (3), the Secretary may provide direct reimbursement payments to a geographically disadvantaged farmer or rancher to transport an agricultural commodity, or inputs used to produce an agricultural commodity, during a fiscal year.

(2) Proof of eligibility

To be eligible to receive assistance under paragraph (1), a geographically disadvantaged

farmer or rancher shall demonstrate to the Secretary that transportation of the agricultural commodity or inputs occurred over a distance of more than 30 miles, as determined by the Secretary.

(3) Amount

(A) In general

Subject to paragraph (2), the amount of direct reimbursement payments made to a geographically disadvantaged farmer or rancher under this section for a fiscal year shall equal the product obtained by multiplying—

(i) the amount of costs incurred by the geographically disadvantaged farmer or rancher for transportation of the agricultural commodity or inputs during the fiscal year; and

(ii)(I) the percentage of the allowance for that fiscal year under section 5941 of title 5 for Federal employees stationed in Alaska and Hawaii; or

(II) in the case of an insular area (as defined in section 3103 of this title), a comparable percentage of the allowance for the fiscal year, as determined by the Secretary.

(B) Limitation

The total amount of direct reimbursement payments provided by the Secretary under this section shall not exceed \$15,000,000 for a fiscal year.

(d) Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this section for fiscal year 2009 and each succeeding fiscal year.

(Pub. L. 110-234, title I, §1621, May 22, 2008, 122 Stat. 1024; Pub. L. 110-246, §4(a), title I, §1621, June 18, 2008, 122 Stat. 1664, 1752; Pub. L. 113-79, title I, §1606, Feb. 7, 2014, 128 Stat. 708.)

Editorial Notes

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.

AMENDMENTS

2014—Subsec. (d). Pub. L. 113-79 substituted “fiscal year 2009 and each succeeding fiscal year” for “each of fiscal years 2009 through 2012”.

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§ 8793. Implementation

The Secretary shall make available to the Farm Service Agency to carry out this chapter \$50,000,000.

(Pub. L. 110-234, title I, §1622, May 22, 2008, 122 Stat. 1025; Pub. L. 110-246, §4(a), title I, §1622, June 18, 2008, 122 Stat. 1664, 1753.)