



23. FREEDOM TO E-FILE ACT  
[As Amended Through Public Law 107-293, Nov. 13, 2002]



Q:\COMP\AGMISC\EFILE

November 13, 2002

## 23. FREEDOM TO E-FILE ACT

Public Law 106-222; June 20, 2000

### SECTION 1. [7 U.S.C. 6901 note] SHORT TITLE.

This Act may be cited as the "Freedom to E-File Act".

### SEC. 2. [7 U.S.C. 7031] ELECTRONIC FILING AND RETRIEVAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

- (1) The Farm Service Agency.
- (2) The Natural Resources Conservation Service.
- (3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

- (A) download from the Internet the forms of the agencies specified in subsection (b); and
- (B) submit completed forms via electronic facsimile, mail, or similar means;
- (2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

- (A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and
- (B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

**SEC. 3. [7 U.S.C. 7032] ACCESSING INFORMATION AND FILING OVER THE INTERNET.**

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) **IMPLEMENTATION.**—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

**SEC. 4. [7 U.S.C. 7033] AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.**

(a) **RESERVATION OF FUNDS.**—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, \$3,000,000.

(2) For each subsequent fiscal year, \$2,000,000.

(b) **TIME FOR RESERVATION.**—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) **USE OF FUNDS.**—

(1) **ESTABLISHMENT.**—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) **MAINTENANCE.**—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) **RETURN OF FUNDS.**—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

**SEC. 5. [7 U.S.C. 7034] FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.**

(a) **IN GENERAL.**—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

**SEC. 6. [7 U.S.C. 7035] CONFIDENTIALITY.**

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.