

gram in the participating counties, was apparently restricted to the appropriation acts of which in each case it was a part.

Section 590g-2, act July 5, 1952, ch. 574, title I, 66 Stat. 347, which related to allocations for State agricultural conservation programs to be utilized in determining the most needed conservation practices on individual farms, was apparently restricted to the appropriation act of which it was a part.

§ 590h. Payments and grants of aid

(a) Repealed. Pub. L. 87-703, title I, § 101(2), Sept. 27, 1962, 76 Stat. 605

(b) Conservation and environmental assistance

(1) Environmental quality incentives program

The Secretary shall provide technical assistance, cost-share payments, and incentive payments to operators through the environmental quality incentives program in accordance with chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.].

(2) to (4) Repealed. Pub. L. 104-127, title III, § 336(a)(1)(A)(i)(I), Apr. 4, 1996, 110 Stat. 1004

(5) State, county, and area committees

(A) Appointment of State committees

The Secretary shall appoint in each State a State committee composed of not fewer than 3 nor more than 5 members who are fairly representative of the farmers in the State. The members of a State committee shall serve at the pleasure of the Secretary for such term as the Secretary may establish.

(B) Establishment and elections for county, area, or local committees

(i) Establishment

(I) In general

In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

(II) Local administrative areas

The Secretary may designate local administrative areas within a county or a larger area under the jurisdiction of a committee established under subclause (I).

(ii) Composition of county, area, or local committees

(I) In general

Except as provided in subclause (II), a committee established under clause (i) shall consist of not fewer than 3 nor more than 5 members that—

(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

(II) Combination or consolidation of areas

A committee established by combining or consolidating 2 or more county or

area committees shall consist of not fewer than 3 nor more than 11 members that—

(aa) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

(bb) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

(III) Representation of socially disadvantaged farmers and ranchers

The Secretary shall develop procedures to maintain representation of socially disadvantaged farmers and ranchers on combined or consolidated committees.

(IV) Eligibility for membership

Notwithstanding any other producer eligibility requirements for service on county or area committees, if a county or area is consolidated or combined, a producer shall be eligible to serve only as a member of the county or area committee that the producer elects to administer the farm records of the producer.

(iii) Elections

(I) In general

Subject to subclauses (II) through (V), the Secretary shall establish procedures for nominations and elections to county, area, or local committees.

(II) Nondiscrimination statement

Each solicitation of nominations for, and notice of elections of, a county, area, or local committee shall include the nondiscrimination statement used by the Secretary.

(III) Nominations

(aa) Eligibility

To be eligible for nomination and election to the applicable county, area, or local committee, as determined by the Secretary, an agricultural producer shall be located within the area under the jurisdiction of a county, area, or local committee, and participate or cooperate in programs administered within that area.

(bb) Outreach

In addition to such nominating procedures as the Secretary may prescribe, the Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)).¹

(IV) Opening of ballots

(aa) Public notice

At least 10 days before the date on which ballots are to be opened and

¹ So in original. The period probably should be preceded by an additional closing parenthesis.

counted, a county, area, or local committee shall announce the date, time, and place at which election ballots will be opened and counted.

(bb) Opening of ballots

Election ballots shall not be opened until the date and time announced under item (aa).

(cc) Observation

Any person may observe the opening and counting of the election ballots.

(V) Report of election

Not later than 20 days after the date on which an election is held, a county, area, or local committee shall file an election report with the Secretary and the State office of the Farm Service Agency that includes—

(aa) the number of eligible voters in the area covered by the county, area, or local committee;

(bb) the number of ballots cast in the election by eligible voters (including the percentage of eligible voters that cast ballots);

(cc) the number of ballots disqualified in the election;

(dd) the percentage that the number of ballots disqualified is of the number of ballots received;

(ee) the number of nominees for each seat up for election;

(ff) the race, ethnicity, and gender of each nominee, as provided through the voluntary self-identification of each nominee; and

(gg) the final election results (including the number of ballots received by each nominee).

(VI) National report

Not later than 90 days after the date on which the first election of a county, area, or local committee that occurs after May 13, 2002, is held, the Secretary shall complete a report that consolidates all the election data reported to the Secretary under subclause (V).

(VII) Election reform

(aa) Analysis

If determined necessary by the Secretary after analyzing the data contained in the report under subclause (VI), the Secretary shall promulgate and publish in the Federal Register proposed uniform guidelines for conducting elections for members and alternate members of county, area, and local committees not later than 1 year after the date of completion of the report.

(bb) Inclusion

The procedures promulgated by the Secretary under item (aa) shall ensure fair representation of socially disadvantaged groups described in subclause (III)(bb) in an area covered by the county, area, or local committee,

in cases in which those groups are underrepresented on the county, area, or local committee for that area.

(cc) Methods of inclusion

Notwithstanding clause (ii), the Secretary may ensure inclusion of socially disadvantaged farmers and ranchers through provisions allowing for appointment of 1 additional voting member to a county, area, or local committee or through other methods.

(iv) Term of office

The term of office for a member of a county, area, or local committee shall not exceed 3 years.

(v) Public availability and report to Congress

(I) Public disclosure

The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, all data required to be collected and computed under section 2279-1(c) of title 7 and clause (iii)(V) collected annually since the most recent Census of Agriculture.

(II) Report to Congress

After each Census of Agriculture, the Secretary shall report to Congress the rate of loss or gain in participation by each socially disadvantaged group, by race, ethnicity, and gender, since the previous Census.

(C) Termination or combination of committees

The Secretary may not terminate a county or area committee or combine or consolidate two or more county or area committees unless—

(i) the Secretary first notifies the committee or committees involved of the proposed action; and

(ii) the State committee of the State in which the affected counties are located approves of such action in a vote taken after the end of the 60-day period beginning on the date the notification is received.

(D) Use of committees

The Secretary shall use the services of such committees in carrying out programs under this section and the agricultural credit programs under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) and in considering administrative appeals as provided by section 6932(d) of title 7. The Secretary may use the services of such committees in carrying out programs under other authorities administered by the Secretary.

(E) Regulations

The Secretary shall issue such regulations as the Secretary considers necessary relating to the selection and exercise of the functions of the respective committees, and to the administration through such committees of the programs described in subpara-

graph (D). Pursuant to such regulations, each county and area committee shall select an executive director for the area or county. Such selection shall be made in the same manner as provided for the selection of the county executive director under section 7.21(b)(2) of title 7, Code of Federal Regulations, as in effect on January 1, 1994. Regulations governing payments or grants under this subsection shall be as simple and direct as possible, and, whenever practicable, they shall be classified on the following two bases:

- (i) Soil-depleting practices.
- (ii) Soil-building practices.

(F) Mandatory duties of Secretary

In carrying out this section, the Secretary shall—

- (i) insofar as practicable, protect the interests of tenants and sharecroppers;
- (ii) accord such encouragement to producer-owned and producer-controlled cooperative associations as will be in harmony with the policy toward cooperative associations set forth in Federal laws and as will tend to promote efficient methods of marketing and distribution;
- (iii) in every practicable manner, protect the interests of small producers; and
- (iv) in every practical way, encourage and provide for soil-conserving and soil-rebuilding practices.

(G) Discretionary authorities of Secretary

In carrying out this section, the Secretary may use other approved agencies.

(H) Limitations

In carrying out this section, the Secretary shall not have the authority to acquire any land or any right or interest in land.

(c) Apportionment of acreage allotments

(1) In apportioning acreage allotments under this section in the case of wheat and corn, the National and State allotments and the allotments to counties shall be apportioned annually on the basis of the acreage seeded for the production of the commodity during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and trends in acreage during the applicable period.

(2) In the case of wheat, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acres, crop-rotation practices, type of soil, and topography. Not more than 3 per centum of such county allotment shall be apportioned to farms on which wheat has not been planted during any of the three marketing years immediately preceding the marketing year in which the allotment is made. Notwithstanding any other provision of this section, the allotments established, or which would have been established, for any farm acquired in 1940 or thereafter by the United States for national-defense

purposes shall be placed in an allotment pool and shall be used only to establish allotments for other farms owned or acquired by the owner of the farm so acquired by the United States. The allotments so made for any farm, including a farm on which wheat has not been planted during any of the three marketing years preceding the marketing year in which the allotment is made, shall compare with the allotments established for other farms in the same area which are similar except for the past acreage of wheat.

(3) In the case of corn, the allotment to any county shall be apportioned annually by the Secretary, through the local committees, among the farms within such county on the basis of tillable acreage, type of soil, topography, and crop rotation practices.

(4) Repealed. Apr. 10, 1939, ch. 48, 53 Stat. 573.

(5) In determining normal yield per acre for any county under this section in the case of wheat or corn, the normal yield shall be the average yield per acre therein for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any reason there is no actual yield, or the data therefor are not available for any year, then an appraised yield for such year, determined in accordance with regulations of the Secretary, shall be used. If, on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield in any year of such ten-year period is less than 75 per centum of the average (computed without regard to such year), such year shall be eliminated in calculating the normal yield per acre. Such normal yield per acre for any county need be redetermined only when the actual average yield for the ten calendar years immediately preceding the calendar year in which such yield is being reconsidered differs by at least 5 per centum from the actual average yield for the ten years upon which the existing normal yield per acre for the county was based.

(6) In determining normal yield per acre for any farm under this section in the case of wheat or corn, the normal yield shall be the average yield per acre thereon for such commodity during the ten calendar years immediately preceding the calendar year in which such yield is determined, adjusted for abnormal weather conditions and trends in yields. If for any such year the data are not available, or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

(d) to (f) Repealed. Pub. L. 104-127, title III, § 336(a)(1)(A)(ii), Apr. 4, 1996, 110 Stat. 1004

(g) Assignment of payments

A payment that may be made to a producer under this section may be assigned only in accordance with regulations issued by the Secretary. This subsection shall not authorize any suit against or impose any liability on the Secretary, any disbursing agent, or any agency of the United States if payment is made to the producer without regard to the existence of any such assignment.

(Apr. 27, 1935, ch. 85, §8, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1149; amended June 28, 1937, ch. 395, §1, 50 Stat. 329; Feb. 16, 1938, ch. 30, title I, §§101, 102, 103, 52 Stat. 31, 34, 35; Apr. 7, 1938, ch. 107, §§16–18, 52 Stat. 204, 205; Apr. 10, 1939, ch. 48, 53 Stat. 573; May 14, 1940, ch. 200, 54 Stat. 216; July 2, 1940, ch. 521, §2, 54 Stat. 727; June 21, 1941, ch. 217, 55 Stat. 257; Dec. 26, 1941, ch. 626, §1, 55 Stat. 860; Feb. 6, 1942, ch. 44, §4, 56 Stat. 53; Sept. 29, 1942, ch. 568, 56 Stat. 761; Sept. 21, 1944, ch. 412, title III, §301, 58 Stat. 737; July 25, 1946, ch. 642, 60 Stat. 663; July 3, 1948, ch. 827, title I, §4, 62 Stat. 1250; Sept. 23, 1950, ch. 997, 64 Stat. 978; May 26, 1952, ch. 335, 66 Stat. 95; Aug. 28, 1954, ch. 1041, title V, §501, 68 Stat. 907; Aug. 9, 1955, ch. 624, 69 Stat. 545; Apr. 6, 1956, ch. 186, 70 Stat. 105; July 24, 1956, ch. 668, 70 Stat. 597; Pub. L. 85–553, July 25, 1958, 72 Stat. 414; Pub. L. 86–70, §13(a), June 25, 1959, 73 Stat. 143; Pub. L. 86–624, §8(a), July 12, 1960, 74 Stat. 412; Pub. L. 87–703, title I, §101(2), (3), Sept. 27, 1962, 76 Stat. 605, 606; Pub. L. 88–534, §1, Aug. 31, 1964, 78 Stat. 743; Pub. L. 89–742, Nov. 2, 1966, 80 Stat. 1167; Pub. L. 92–419, title VI, §§605, 606(2)–(5), Aug. 30, 1972, 86 Stat. 676, 677; Pub. L. 95–113, title XV, §1501(a), Sept. 29, 1977, 91 Stat. 1019; Pub. L. 96–294, title II, §259, June 30, 1980, 94 Stat. 709; Pub. L. 99–198, title XVII, §§1711(a), 1712, Dec. 23, 1985, 99 Stat. 1635, 1636; Pub. L. 99–253, §3, Feb. 28, 1986, 100 Stat. 36; Pub. L. 99–500, §101(a) [title VI, §645], Oct. 18, 1986, 100 Stat. 1783, 1783–36, and Pub. L. 99–591, §101(a) [title VI, §645], Oct. 30, 1986, 100 Stat. 3341, 3341–36; Pub. L. 99–641, title II, §204, Nov. 10, 1986, 100 Stat. 3563; Pub. L. 101–624, title XI, §1146, Nov. 28, 1990, 104 Stat. 3516; Pub. L. 102–237, title II, §202, Dec. 13, 1991, 105 Stat. 1848; Pub. L. 103–354, title II, §227(a), Oct. 13, 1994, 108 Stat. 3216; Pub. L. 104–127, title III, §336(a)(1)(A), Apr. 4, 1996, 110 Stat. 1004; Pub. L. 107–171, title X, §10708(b), May 13, 2002, 116 Stat. 522; Pub. L. 110–234, title I, §1615, May 22, 2008, 122 Stat. 1021; Pub. L. 110–246, §4(a), title I, §1615, June 18, 2008, 122 Stat. 1664, 1749.)

REFERENCES IN TEXT

The Food Security Act of 1985, referred to in subsec. (b)(1), is Pub. L. 99–198, Dec. 23, 1985, 99 Stat. 1354, as amended. Chapter 4 of subtitle D of title XII of the Act is classified generally to part IV (§3839aa et seq.) of subchapter IV of chapter 58 of this title. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

The Consolidated Farm and Rural Development Act, referred to in subsec. (b)(5)(D), is title III of Pub. L. 87–128, Aug. 8, 1961, 75 Stat. 307, as amended, which is classified principally to chapter 50 (§1921 et seq.) of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 1921 of Title 7 and Tables.

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

Pub. L. 99–591 is a corrected version of Pub. L. 99–500.

AMENDMENTS

2008—Subsec. (b)(5)(B)(ii). Pub. L. 110–246, §1615, designated existing provisions as subcl. (I), inserted heading, substituted “Except as provided in subclause (II), a committee established” for “A committee established” in introductory provisions, redesignated former

subcls. (I) and (II) as items (aa) and (bb), respectively, and added subcls. (III) to (IV).

2002—Subsec. (b)(5)(B). Pub. L. 107–171 added subpar. (B) and struck out former subpar. (B) which read as follows:

“(B) ESTABLISHMENT OF COUNTY, AREA, OR LOCAL COMMITTEES.—(i) In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

“(ii) Any such committee shall consist of not fewer than 3 nor more than 5 members who are fairly representative of the agricultural producers in the county or area and who shall be elected by the agricultural producers in such county or area under such procedures as the Secretary may prescribe.

“(iii) The Secretary may designate local administrative areas within the county or larger area covered by a committee established under clause (i). Only agricultural producers within a local administrative area who participate or cooperate in programs administered within their area shall be eligible for nomination and election to the local committee for that area, under such regulations as the Secretary may prescribe.

“(iv) The Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)).

“(v) Members of each county, area, or local committee shall serve for terms not to exceed 3 years.”

1996—Subsec. (b)(1) to (4). Pub. L. 104–127, §336(a)(1)(A)(i)(I), added par. (1) and struck out former pars. (1) to (4), which related to authorization to provide and eligibility for financial assistance in par. (1), description of purposes of assistance in par. (2), amount of assistance in par. (3), and factors to be considered in formulating national program in par. (4).

Subsec. (b)(6) to (8). Pub. L. 104–127, §336(a)(1)(A)(i)(II), struck out pars. (6) to (8), which related to payments for conservation materials and services in par. (6), appropriations for farming materials and soil-terracing services in par. (7), and agreements with agricultural producers creating obligations in advance of appropriations in par. (8).

Subsecs. (d) to (f). Pub. L. 104–127, §336(a)(1)(A)(ii), struck out subsecs. (d) to (f), which related to conditions affecting payments or grants of aid in subsec. (d), distribution of payments among landlords, tenants, and sharecroppers in subsec. (e), and change between landlord and tenants or sharecroppers affecting landlord's payments in subsec. (f).

1994—Subsec. (b). Pub. L. 103–354 designated first through eighth undesignated pars. as pars. (1) to (8), respectively, added par. (5), and struck out former par. (5) which related to State and local committees.

1991—Subsec. (b). Pub. L. 102–237, in fourteenth sentence of fifth par., inserted before period “, except that, in the case of a person elected to be a national officer or State president of the National Association of Farmer Elected Committeemen, the limitation shall be four consecutive terms”.

1990—Subsec. (g). Pub. L. 101–624 amended subsec. (g) generally. Prior to amendment, subsec. (g) read as follows: “A payment which may be assigned to a farmer under this section, may be assigned, without discount, by him in writing as security for cash or advances to finance making a crop, handling or marketing an agricultural commodity, or performing a conservation practice. Such assignment shall be signed by the farmer and witnessed by a member of the county committee or by an employee of such committee, except that where the assignee is a bank whose deposits are insured by the Federal Deposit Insurance Corporation, the Farmers Home Administration, or a production credit association supervised by the Farm Credit Administration, such assignment may be witnessed by a bonded officer of the lending institution. Such assignment shall be filed with the county committee. Such assignment shall not be made to pay or secure any preexisting indebtedness. This provision shall not authorize any suit

against or impose any liability upon the Secretary or any disbursing agent if payment to the farmer is made without regard to the existence of any such assignment. The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this subsection."

1986—Subsec. (b). Pub. L. 99-500, Pub. L. 99-591, Pub. L. 99-641, made substantially identical amendments to fifth par. of subsec. (b), inserting provisions which related to one local administrative area in any county for which there had been established less than three local administrative areas as of Dec. 23, 1985, and striking out "": *Provided*, That the foregoing requirement of this sentence shall not apply to any county that, on December 23, 1985, had less than three local administrative areas" after "committee for that area".

Pub. L. 99-253, in fifth par., substituted "local committee" for "community committee" and provisions that each local administrative area have one local committee of at least three members elected to three-year terms in a local election to be held every third year, with exception for more than one local committee per administrative area, that only one local administrative area hold an election in any given year, that only farmers who are producers who participate or cooperate in the programs within their area be eligible for nomination and election, with this requirement not applying to any county that, on Dec. 23, 1985, had less than three local administrative areas, and that only farmers who are participating or cooperating producers within an area be eligible to vote in the election in that area, for provisions that farmers within any local administrative area, participating or cooperating in programs administered within such area, elect from among their number a local committee of not more than three members, with each member elected for a three-year term.

1985—Subsec. (b). Pub. L. 99-198, §1712, in first sentence of fifth par., substituted "In carrying out the provisions of this section in the States of the Union, except Alaska, and as otherwise directed by law with respect to other programs and functions, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided; and the Secretary may use the services of such committees in carrying out other programs and functions of the Department of Agriculture" for "In carrying out the provisions of this section in the States of the Union, except Alaska, the Secretary is directed to utilize the services of local and State committees selected as hereinafter provided".

Pub. L. 99-198, §1711(a)(1), in third sentence of fifth par., substituted "There shall be 3 local administrative areas in each county, except that, in counties with less than one hundred and fifty farmers, the county committee selected as hereinafter provided may reduce the number of local administrative areas to one, and except that the Secretary may include more than one county or parts of different counties in a local administrative area when the Secretary determines that there are insufficient farmers in an area to establish a slate of candidates for a community committee and hold an election" for "No such local area shall include more than one county or parts of different counties".

Pub. L. 99-198, §1711(a)(2), in fourth sentence of fifth par., struck out "annually" after "shall elect".

Pub. L. 99-198, §1711(a)(3), in fifth par., inserted provisions directing that each member of a local committee be elected for a term of 3 years, that each local committee meet (A) once each year and shall receive compensation for such meeting by the Secretary at not less than the level in effect on December 31, 1985, and (B) at the direction of the county committee and with the approval of the State committee, such additional times during the year as may be necessary to carry out this section without compensation, and that the meetings of a local committee shall be held on different days of the year.

Pub. L. 99-198, §1711(a)(4), in fifth par., inserted provisions directing that the local committees in each coun-

ty (A) in a county in which there is more than one local committee, serve as advisors and consultants to the county committee; (B) periodically meet with the county committee and State committee to be informed on farm program issues; (C) communicate with producers within their communities on issues or concerns regarding farm programs; (D) report to the county committee, the State committee, and other interested persons on changes to, or modifications of, farm programs recommended by producers in their communities; and (E) perform such other functions as are required by law or as the Secretary may specify, and that the Secretary ensure that information concerning changes in Federal laws in effect with respect to agricultural programs and the administration of such laws are communicated in a timely manner to local committees in areas that contain agricultural producers who might be affected by such changes.

1980—Subsec. (b). Pub. L. 96-294 added applicability to energy conservation as an area of conservation subject to financial assistance, and provisions setting forth authority for financial assistance to agricultural producers for encouraging energy conservation through cost sharing and technical assistance for shelter belts, etc.

1977—Subsec. (b). Pub. L. 95-113, §1501(a)(1), (2), specified that financial assistance be provided to agricultural producers for carrying out enduring conservation and environmental enhancement measures, that eligibility for financial assistance be determined by the existence of conservation or environmental problems that reduce the productive capacity of the land and water or that cause environmental degradation, that financial assistance be a portion of the cost of the installation of conservation and environmental enhancement measures, that the Secretary of Agriculture be given discretion to set the level of payment based on a number of considerations relating to the level and distribution of benefits and costs accruing from the conservation problem and the applied remedy including the level of expected benefits to society, the total cost of the conservation practice, the degree to which the farmer benefits from other conservation programs, and the degree to which conservation would be applied in the absence of financial assistance, and that the Secretary be required to consider national and local needs and priorities in developing a national cost-share assistance program.

Subsec. (e). Pub. L. 95-113, §1501(a)(3), struck out first three pars. which related to allotment and production adjustment activities and for provisions making small cost-share payments, and substituted a new par. authorizing the Secretary to establish a payment limitation. The first three pars. were deemed by the codifiers to constitute the first par., the flush sentence at the end of the first par., and the second par. to reflect the probable intent of Congress. See pp. 192, 193, 400, 401 of Senate Report 95-180.

1972—Subsec. (b). Pub. L. 92-419, §§605, 606(2), (3), added par. respecting long-term rural environmental protection contracts; included in first sentence reference to cl. (6) of section 590g of this title and in item (2) provided as a measure for amount of payments and grants the treatment or use of the land for the prevention or abatement of agriculture-related pollution; and included in the second paragraph provisions respecting making available pollution prevention or abatement aids and orders covering pollution prevention or abatement aids and carrying out by the producers or pollution prevention or abatement practices, respectfully.

Subsec. (d). Pub. L. 92-419, §606(4), included reference to cl. (6) of section 590g(a) of this title in first par.

Subsec. (e). Pub. L. 92-419, §606(5), inserted in proviso provision for payments based on agriculture-related pollution prevention or abatement practices.

1966—Subsec. (g). Pub. L. 89-742 permitted assignments for handling or marketing an agricultural commodity, or performing a conservation practice, broadened the qualifications as to who may witness the signature of a farmer assigning such payments, and directed the Secretary to promulgate such regulations

necessary to carry out the provisions of this subsection.

1964—Subsec. (b). Pub. L. 88-534 provided that members of local committees and not delegates from local areas shall nominate and elect a county committee of three farmers in the county, substituted three year staggered terms of office for county committeemen in place of one year terms, limited committeemen to a maximum of three consecutive terms, and eliminated provisions for the annual election of delegates to a county convention for the election of a county committee.

1962—Subsec. (a). Pub. L. 87-703, §101(2), repealed subsec. (a) which related to duration of authority of Secretary of Agriculture in the operation of a Federal program on a temporary basis.

Subsec. (b). Pub. L. 87-703, §101(3), substituted introductory "The" for "subject to the limitations provided in subsection (a) of this section, the".

1960—Subsec. (b). Pub. L. 86-624 substituted "in the States of the Union, except Alaska" for "in the continental United States, except in Alaska".

1959—Subsec. (b). Pub. L. 86-70 inserted " , except in Alaska" after "continental United States".

1958—Subsec. (a). Pub. L. 85-553 substituted "January 1, 1963" and "December 31, 1962" for "January 1, 1959" and "December 31, 1958", respectively, whenever appearing.

1956—Subsec. (a). Act July 24, 1956, substituted "January 1, 1959" and "December 31, 1958" for "January 1, 1957" and "December 31, 1956", respectively, wherever appearing.

Subsec. (b). Act Apr. 6, 1956, substituted "Clauses" for "In arid or semiarid sections," in second sentence.

1955—Subsec. (e). Act Aug. 9, 1955, authorized payments to persons carrying out conservation practices on federally owned noncropland.

1954—Subsec. (a). Act Aug. 28, 1954, §501(a), (b), substituted "January 1, 1957" and "December 31, 1956" for "January 1, 1955" and "December 31, 1954" wherever appearing, and inserted last two sentences.

Subsec. (b). Act Aug. 28, 1954, §501(c), struck out "at not to exceed a fair price fixed in accordance with regulations to be prescribed by the Secretary" after "furnished to producers" in second par., and inserted last sentence.

1952—Subsec. (a). Act May 26, 1952, substituted "January 1, 1955" for "January 1, 1953" wherever appearing and "December 31, 1954" for "December 31, 1952".

1950—Subsec. (a). Act Sept. 23, 1950, substituted "January 1, 1953" for "January 1, 1951" wherever appearing and "December 31, 1952" for "December 31, 1950".

1948—Subsec. (a). Act July 3, 1948, substituted "January 1, 1951" for "January 1, 1949" wherever appearing and "December 31, 1950" for "December 31, 1948".

1946—Subsec. (a). Act July 25, 1946, substituted "January 1, 1949" for "January 1, 1947" wherever appearing and "December 31, 1948" for "December 31, 1946".

1944—Subsec. (b). Act Sept. 21, 1944, inserted par. beginning "Appropriations are hereby".

Subsec. (e). Act Sept. 21, 1944, inserted par. beginning "Persons who carry".

1942—Subsec. (c)(2). Act Feb. 6, 1942, inserted last two sentences.

Subsec. (e). Act Sept. 29, 1942, amended first sentence.

1941—Subsec. (a). Act Dec. 26, 1941, substituted "January 1, 1947" for "January 1, 1942" wherever appearing and "December 31, 1946" for "December 31, 1941".

Subsec. (b). Act June 21, 1941, inserted par. beginning "Notwithstanding any other provisions of law".

1940—Subsec. (c)(5). Act July 2, 1940, inserted last sentence.

Subsec. (f). Act May 14, 1940, struck out last sentence which provided "Such limitations shall apply only if the county committee finds that the change or reduction is not justified and disapproves such change or reduction" and substituted last two sentences.

1939—Subsec. (c)(4). Act Apr. 10, 1939, repealed par. (4) which provided "Notwithstanding any other provision of this subsection, if, for any reason other than flood or

drought, the acreage of wheat, cotton, corn, or rice planted on the farm is less than 80 per centum of the farm acreage allotment for such commodity for the purpose of payment, such farm acreage allotment shall be 25 per centum in excess of such planted acreage".

1938—Subsecs. (b) and (c) amended generally by act Feb. 16, 1938.

Subsec. (c)(5). Act Apr. 7, 1938, substituted "for any county" for "on any farm" in first sentence, and "therein," for "thereon".

Subsec. (c)(6). Act Apr. 7, 1938, added par. (6).

Subsecs. (d) to (g). Act Feb. 16, 1938, added subsecs. (d) to (g).

Subsec. (g). Act Apr. 7, 1938, substituted second and third sentences for sentences which provided "Such assignment shall be acknowledged by the farmer before the county agricultural extension agent and filed with such agent. The farmer shall file with such county agricultural extension agent an affidavit stating that the assignment is not made to pay or secure any pre-existing indebtedness."

1937—Subsec. (a). Act June 28, 1937, substituted "January 1, 1942" for "January 1, 1938" wherever appearing, and "December 31, 1941" for "December 31, 1937".

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment 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 an Effective Date note under section 8701 of Title 7, Agriculture.

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-624 effective beginning with 1991 crop of an agricultural commodity, with provision for prior crops, see section 1171 of Pub. L. 101-624, set out as a note under section 1421 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Pub. L. 99-198, title XVII, §1711(b)(1), Dec. 23, 1985, 99 Stat. 1636, provided that: "The amendments made by this section [amending this section] shall become effective on January 1, 1986, except that the amendments made by clauses (2) and (3) of subsection (a) [amending this section] shall not apply with respect to the term of office of any member of a local committee elected before January 1, 1986."

EFFECTIVE DATE OF 1977 AMENDMENT

Amendment by Pub. L. 95-113 effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as a note under section 1307 of Title 7, Agriculture.

EFFECTIVE DATE OF 1964 AMENDMENT

Pub. L. 88-534, §3, Aug. 31, 1964, 78 Stat. 743, provided that: "Section 1 of this Act [amending this section] shall become effective for elections of committeemen held on or after January 1, 1965."

EFFECTIVE DATE OF 1948 AMENDMENT

Amendment by act July 3, 1948, effective July 3, 1948, see section 6 of act July 3, 1948, set out as a note under section 624 of Title 7, Agriculture.

EFFECTIVE DATE OF 1938 AMENDMENT

Act Feb. 16, 1938, ch. 30, title I, §105, 52 Stat. 36, as amended by section 1 of act Apr. 7, 1938, provided that the amendments by that act, amending this section, "shall first be effective with respect to farming operations carried out in the calendar year 1938. Notwithstanding such amendments, payments with respect to farming operations carried out in the calendar year 1938 and based upon any soil-depleting crop for which special acreage allotments are established shall be made at not less than 90 per centum of the rates announced by the Secretary prior to the enactment of this act. Nothing contained herein shall require reconstituting, for 1938, any county or other local committee which has been constituted prior to February 1, 1938."

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, transfer to Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

STATUS OF PERMANENT EMPLOYEES OF COUNTY COMMITTEES

Pub. L. 106-78, title VII, §740, Oct. 22, 1999, 113 Stat. 1166, provided that: "Notwithstanding any other provision of law, in fiscal year 2000 and thereafter, permanent employees of county committees employed on or after October 1, 1998, pursuant to [section] 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be considered as having Federal Civil Service status only for the purpose of applying for United States Department of Agriculture Civil Service vacancies."

Similar provisions were contained in the following prior appropriation act: Pub. L. 105-277, div. A, §101(a) [title VII, §765], Oct. 21, 1998, 112 Stat. 2681, 2681-37.

LOCAL COMMITTEE MEMBER ELECTED BEFORE JANUARY 1, 1986; COMPLETION OF UNEXPIRED TERM IN ADMINISTRATIVE AREA OF RESIDENCE

Pub. L. 99-198, title XVII, §1711(b)(2), Dec. 23, 1985, 99 Stat. 1636, provided that: "If the number of local administrative areas and local committees in a county increases as a result of a change in the number of local administrative areas in the county under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section] (as amended by subsection (a)(1)), any member of a local committee in such county elected before January 1, 1986, shall serve the unexpired portion of any term commenced before the date of such increase as a member of the local committee for the administrative area in which such member resides."

CONGRESSIONAL FINDINGS RESPECTING THE AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY AND COMMUNITY COMMITTEE SYSTEM

Pub. L. 97-218, title IV, §401, July 20, 1982, 96 Stat. 216, provided that: "Congress finds that agricultural stabilization and conservation county and community committees have served, and should continue to serve, a vital function in implementing, at the local level, farm commodity, soil conservation, and related programs; and that, by assisting the United States Department of Agriculture to conduct such programs effectively, such committees provide substantial benefits to agriculture and the Nation. Congress further finds that the agricultural stabilization and conservation county and community committee system has developed, over the years, into a highly efficient mechanism for implementing such programs at the local level. Therefore, it is the sense of Congress that the Secretary of Agriculture should ensure that the structure and operations of the agricultural stabilization and conservation county and community committees, as heretofore developed to enable such committees to meet the responsibilities assigned them under section 8(b) of the Soil Conservation and Domestic Allotment Act [subsection (b) of this section], and related statutes and regulations, be preserved and strengthened."

1970 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Adjustment by the Secretary of Agriculture, effective on the first day of the first pay period which begins on or after Dec. 27, 1969, of the rates of pay of personnel subject to this section with respect to individuals employed by county committees under subsec. (b) of this section, by the amounts of the adjustment for corresponding rates for employees subject to the General Schedule, set out in section 5332 of Title 5, which had been made by section 2 of Pub. L. 91-231 raising such rates by 6 percent, see Pub. L. 91-231, formerly set out

as a note under section 5332 of Title 5, Government Organization and Employees.

1967 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 90-206, title II, §210, Dec. 16, 1967, 81 Stat. 633, provided that: "The rates of pay of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 202(a) of this title [see section 5332(a) of Title 5, Government Organization and Employees] for corresponding rates of basic pay."

[Section 210 of Pub. L. 90-206 effective as of beginning of first pay period which begins on or after Oct. 1, 1967, see section 220(a)(2) of Pub. L. 90-206, set out as a note under section 5332 of Title 5.]

1966 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-504, title I, §107, July 18, 1966, 80 Stat. 293, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 102(a) of this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

1965 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 89-301, §10, Oct. 29, 1965, 79 Stat. 1120, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by section 2(a) of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation."

[Provision effective on first day of first pay period which begins on or after July 1, 1966, see section 109(2) of Pub. L. 89-504.]

1964 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 88-426, title I, §122, Aug. 14, 1964, 78 Stat. 412, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable to the increases provided by section 102 of this Act [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1962 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 87-793, §1002, Oct. 11, 1962, 76 Stat. 865, provided that: "The rates of compensation of persons employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by title II of this part [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay."

1960 INCREASE IN RATES OF COMPENSATION OF PERSONS EMPLOYED BY COUNTY COMMITTEES

Pub. L. 86-568, title I, §115(a), July 1, 1960, 74 Stat. 302, provided that: "The rates of compensation of persons

employed by the county committees established pursuant to section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)) shall be increased by amounts equal, as nearly as may be practicable, to the increases provided by this title [amending section 1113(b) of former Title 5, Executive Departments and Government Officers and Employees] for corresponding rates of compensation in the appropriate schedule or scale of pay.”

[“Increases provided by this title”, referred to above, means increases provided by title I of Pub. L. 86-568.]

TWO COUNTY COMMITTEES FOR CERTAIN COUNTIES IN MINNESOTA AND IOWA

Pub. L. 85-278, Sept. 2, 1957, 71 Stat. 601, provided: “That, notwithstanding the provisions of subsection (b) of section 8 of the Soil Conservation and Domestic Allotment Act [subsec. (b) of this section], two county committees shall be elected annually under such subsection for the counties of Otter Tail, Polk, and Saint Louis, in the State of Minnesota, and for the county of Pottawattamie, in the State of Iowa, and that the actions heretofore or hereafter taken by each of such committees shall be given the same effect in the area served by it as is given to the actions of the county committee in a county served by a single county committee.”

§§ 590h-1, 590h-2. Omitted

CODIFICATION

Section 590h-1, act June 16, 1938, ch. 464, title I, 52 Stat. 746 (the Department of Agriculture Appropriation Act, 1939), which authorized the utilization of certain agencies in administering the naval stores conservation programs and in making payments to gum naval stores producers, was not repeated in subsequent appropriation acts.

Section 590h-2, act July 2, 1940, ch. 521, §9, 54 Stat. 729, which related to correction of certain inequities in agricultural adjustment or conservation payments, was omitted as executed.

§ 590h-3. Repealed. Pub. L. 88-534, §2, Aug. 31, 1964, 78 Stat. 743

Section, act Aug. 28, 1954, ch. 1041, title V, §503, 68 Stat. 908, provided that nothing in section 590h(b) of this title or in any other law, shall be construed to authorize the imposition of limitations upon the number of terms for which members of county committees established under such section may be reelected. See section 590h(b) of this title.

§ 590h-4. Repealed. Pub. L. 104-127, title III, §336(a)(2)(G), Apr. 4, 1996, 110 Stat. 1006

Section, act Aug. 3, 1956, ch. 950, §6(b), 70 Stat. 1033, provided conditions for payments of grants.

§ 590i. Surveys and investigations; publication of information

The Secretary is authorized to conduct surveys, investigations, and research relating to the conditions and factors affecting, and methods of accomplishing most effectively, the policy and purposes of section 590g(a) of this title. Notwithstanding any provision of existing law, the Secretary is authorized to make public such information as he deems necessary to carry out the provisions of this chapter.

(Apr. 27, 1935, ch. 85, §9, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended June 28, 1937, ch. 395, §2, 50 Stat. 329; Pub. L. 97-375, title I, §103(c), Dec. 21, 1982, 96 Stat. 1819.)

AMENDMENTS

1982—Pub. L. 97-375 struck out requirement that the Secretary transmit to Congress a report on operations

under this subchapter, including a statement by classes and amounts of expenditures and obligations, for the fiscal year ending June 30, 1937, and for each fiscal year thereafter.

1937—Act June 28, 1937, inserted last sentence.

TRANSFER OF FUNCTIONS

Functions respecting lands under jurisdiction of Department of the Interior, see Transfer of Functions note set out under section 590a of this title.

§ 590i-1. Omitted

CODIFICATION

Section, act July 22, 1942, ch. 516, 56 Stat. 691 (the Department of Agriculture Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required by the Soil Conservation Service, was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

July 1, 1941, ch. 267, 55 Stat. 434.

June 25, 1940, ch. 421, 54 Stat. 560.

June 30, 1939, ch. 253, title I, 53 Stat. 973.

June 16, 1938, ch. 464, title I, 52 Stat. 744.

June 29, 1937, ch. 404, 50 Stat. 429.

§ 590i-2. Omitted

CODIFICATION

Section, act July 2, 1942, ch. 473, 56 Stat. 508 (the Department of the Interior Appropriation Act, 1943), which related to furnishing photographs, mosaics, and maps required in soil conservation operations of the Department of the Interior, was not repeated in subsequent appropriation acts. Similar provision was contained in prior appropriation act of June 28, 1941, ch. 259, 55 Stat. 306.

§ 590j. Definitions

In this chapter:

(1) Agricultural commodity

The term “agricultural commodity” means—

- (A) an agricultural commodity; and
- (B) any regional or market classification, type, or grade of an agricultural commodity.

(2) Technical assistance

(A) In general

The term “technical assistance” means technical expertise, information, and tools necessary for the conservation of natural resources on land active in agricultural, forestry, or related uses.

(B) Inclusions

The term “technical assistance” includes—

- (i) technical services provided directly to farmers, ranchers, and other eligible entities, such as conservation planning, technical consultation, and assistance with design and implementation of conservation practices; and
- (ii) technical infrastructure, including activities, processes, tools, and agency functions needed to support delivery of technical services, such as technical standards, resource inventories, training, data, technology, monitoring, and effects analyses.

(Apr. 27, 1935, ch. 85, §10, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1150; amended Pub. L. 110-234,