

title II, § 2802(b), May 22, 2008, 122 Stat. 1085; Pub. L. 110-246, § 4(a), title II, § 2802(b), June 18, 2008, 122 Stat. 1664, 1813.)

#### 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 L. 110-234 were repealed by section 4(a) of Pub.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.

#### AMENDMENTS

2008—Pub. L. 110-246, § 2802(b), amended section generally. Prior to amendment, text read as follows: “The term ‘agricultural commodity’ as used in this chapter means any such commodity and any regional or market classification, type, or grade thereof.”

#### 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.

#### § 590k. Availability of funds

All funds available for carrying out this chapter shall be available for allotment to the bureaus and offices of the Department of Agriculture and for transfer to such other agencies of the Federal or State Governments, or to local public agencies, as the Secretary may request to cooperate or assist in carrying out this chapter, and for payments to committees or associations of producers in any region or regions to cover the estimated administrative expenses to be incurred by any such committee or association in cooperating in carrying out this chapter: *Provided*, That the Secretary may prescribe that all or part of such estimated expenses of any such committee or association may be deducted pro rata from the payments or grants made to the members thereof: *Provided further*, That the Secretary may make such payments in advance of determination of performance. Funds so transferred may be placed in a single account for each State.

(Apr. 27, 1935, ch. 85, § 11, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1150; amended June 24, 1936, ch. 767, 49 Stat. 1915; Aug. 3, 1956, ch. 950, § 6(c), 70 Stat. 1033; Pub. L. 104-127, title III, § 336(a)(1)(B), Apr. 4, 1996, 110 Stat. 1005.)

#### AMENDMENTS

1996—Pub. L. 104-127, at end of first sentence, substituted “performance” for “performance: *Provided further*, That the transfer of funds for services of technicians in formulating and carrying out agricultural conservation programs, from allotments for agricultural conservation payments within a State, shall be subject to such limitations and conditions as may be provided in appropriation or other law”.

1956—Act Aug. 3, 1956, authorized transfer of funds to local public agencies and provided that transfer of funds for services of technicians in formulating and carrying out agricultural programs from allotments for agricultural conservation payments within the State shall be subject to such limitations and conditions as may be provided in the appropriation or other law, and that funds so transferred may be placed in a single account for each State.

1936—Act June 24, 1936, authorized availability of funds for payments to committees or associations of producers to cover the estimated administrative expenses.

#### 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. Expansion of domestic and foreign markets for agricultural commodities; advances for crop insurance; transfer of funds to corporation

##### (a) Market expansion and surplus disposition

Whenever the Secretary finds that the exercise of the powers conferred in this section will tend to carry out the purpose specified in clause (5) of section 590g(a) of this title, or will tend to provide for and maintain a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers, or both, he shall use such part as he deems necessary of the sums appropriated to carry out this chapter for the expansion of domestic and foreign markets or for seeking new or additional markets for agricultural commodities or the products thereof or for the removal or disposition of surpluses of such commodities or the products thereof.

##### (b) Advances for premiums

The Secretary is authorized to make advances to producers for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation. The Secretary shall remit the amount of any such advances to a producer directly to such Corporation in payment of the premium on the insurance for which the producer has made application. Advances shall only be made to producers who are participating or who agree to participate in a program formulated pursuant to section 590h of this title. Except as otherwise provided in this subsection, the terms and conditions of such advances shall be fixed by the Secretary. In carrying out the provisions of this subsection, the Secretary may transfer to the Federal Crop Insurance Corporation, prior to the execution of applications for insurance or requests for advances by producers, the funds estimated as necessary to cover the advances which will be requested for the payment of premiums under a crop-insurance program, and any portion of such funds not used for advances to producers under such program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

(Apr. 27, 1935, ch. 85, § 12, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151; amended Mar. 25, 1939, ch. 15, 53 Stat. 550; July 2, 1940, ch. 521, § 1, 54 Stat. 727.)

#### AMENDMENTS

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

1939—Act Mar. 25, 1939, designated existing provisions as subsec. (a) and added subsec. (b).

#### TRANSFER OF FUNCTIONS

Administration of program of Federal Crop Insurance Corporation transferred to Secretary of Agriculture by Reorg. Plan No. 3 of 1946, § 501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and

Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

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

**§ 590m. Execution of powers of Secretary by Production and Marketing Administration**

Notwithstanding the foregoing provisions of this chapter, the Secretary is authorized and directed to provide for the execution by the Production and Marketing Administration of such powers conferred upon him under sections 590g, 590h, 590i, and 590j to 590n of this title as he deems may be appropriately exercised by such Administration, and for such purposes the provisions of law applicable to the appointment and compensation of persons employed by the Production and Marketing Administration shall apply.

(Apr. 27, 1935, ch. 85, §13, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended 1946 Reorg. Plan No. 3, §501, eff. July 16, 1946, 11 F.R. 7877, 60 Stat. 1100.)

TRANSFER OF FUNCTIONS

Production and Marketing Administration functions transferred to other units of Department of Agriculture under Secretary's memorandum 1320, supp. 4, of Nov. 2, 1953.

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

Agriculture Adjustment Administration consolidated into Production and Marketing Administration by Secretary of Agriculture's Memorandum No. 1118, Aug. 18, 1945, which consolidation was ratified by 1946 Reorg. Plan No. 3, set out in the Appendix to Title 5, Government Organization and Employees.

Federal Crop Insurance Corporation consolidated with other agencies into Agricultural Conservation and Adjustment Administration for duration of World War II, see Ex. Ord. No. 9069, Feb. 23, 1942.

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

**§ 590n. Payments reviewable only by Secretary**

The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 590g of this title, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

(Apr. 27, 1935, ch. 85, §14, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Aug. 3, 1956, ch. 950, §6(a), 70 Stat. 1033; Pub. L. 104-127, title III, §336(a)(1)(C), Apr. 4, 1996, 110 Stat. 1005.)

AMENDMENTS

1996—Pub. L. 104-127 struck out “or 590h” after “section 590g” and struck out at end “Payments to claimants under sections 590g, 590h, 590i, 590j to 590q, inclusive, of this title may be made upon the certificate of the claimant, which certificate shall be in such form as the Secretary of Agriculture may prescribe, that he has carried out the conservation practice or practices and has complied with all other requirements as conditions for such payments and that the statements and information contained in the application for payment are correct and true, to the best of his knowledge and belief, under the penalties of title 18.”

1956—Act Aug. 3, 1956, inserted provisions relating to payments to be made to claimant upon his certificate, and form of such certificate.

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.

**§ 590o. Authorization of appropriations; distribution of appropriated funds**

To enable the Secretary of Agriculture to carry out the purposes of section 590g of this title there is authorized to be appropriated for any fiscal year not exceeding \$500,000,000. The amount appropriated shall be available until expended. The Secretary shall distribute the funds available for financial assistance among the several States in accordance with their conservation needs, as determined by the Secretary.

(Apr. 27, 1935, ch. 85, §15, as added Feb. 29, 1936, ch. 104, §1, 49 Stat. 1151; amended Feb. 16, 1938, ch. 30, title I, §104, 52 Stat. 35; Aug. 28, 1954, ch. 1041, title V, §502, 68 Stat. 908; Pub. L. 92-419, title VI, §606(6), Aug. 30, 1972, 86 Stat. 677; Pub. L. 95-113, title XV, §1501(b), Sept. 29, 1977, 91 Stat. 1020; Pub. L. 104-127, title III, §336(a)(1)(D), Apr. 4, 1996, 110 Stat. 1005.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “section 590g” for “sections 590g and 590h”, struck out “A specified amount or percentage of the appropriation shall be designated for long-term agreements based on farm and ranch conservation plans approved by local conservation districts, where such districts are organized.” before “The Secretary shall distribute”, and struck out last par. which read as follows: “Notwithstanding the foregoing provisions of this section and the provisions of section 590g(g) of this title, programs of soil-building practices, soil- and water-conserving practices, and agriculture-related pollution prevention and abatement practices shall be based on a distribution of the funds available for payments and grants among the several States in accordance with their conservation needs, as determined by the Secretary, except that the proportion allocated to any State shall not be reduced by more than 15 per centum from the distribution of such funds for the next preceding program year. In carrying out such programs, the Secretary shall give particular consideration to conservation problems on farm lands diverted from crops under acreage allotment programs and to the maintenance of a proper balance between soil conserving and soil depleting crops on the farm.”

1977—Pub. L. 95-113 inserted provisions directing that appropriated funds be available until expended, that funds be made available for long-term agreements, and that the Secretary distribute the available funds among the several States in accordance with their conservation needs as determined by the Secretary and struck out provisions setting out a formula for determining the proper allocation of funds as between the various commodities and making reference to programs of soil-building practices, soil-conserving and water-conserving practices, and agriculture-related pollution prevention and abatement practices.

1972—Pub. L. 92-419 made provisions of last paragraph respecting distribution of funds applicable to programs of agriculture-related pollution prevention and abatement practices.

1954—Act Aug. 28, 1954, inserted last par.

1938—Act Feb. 16, 1938, inserted par. beginning “The funds available”.

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.