

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, see Transfer of Functions note set out under section 590a of this title.

#### § 590p. Repealed. Pub. L. 104-127, title III, § 336(b)(1), Apr. 4, 1996, 110 Stat. 1006

Section, act Apr. 27, 1935, ch. 85, § 16, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151; amended Aug. 7, 1956, ch. 1030, § 1, 70 Stat. 1115; Sept. 14, 1960, Pub. L. 86-793, § 1, 74 Stat. 1030; Mar. 22, 1961, Pub. L. 87-5, § 2, 75 Stat. 6; Aug. 8, 1961, Pub. L. 87-128, title I, § 132, title IV, § 401, 75 Stat. 302, 319; Mar. 30, 1962, Pub. L. 87-425, § 2, 76 Stat. 50; May 15, 1962, Pub. L. 87-451, § 4, 76 Stat. 70; Sept. 27, 1962, Pub. L. 87-703, title I, § 101(4), (5), title III, § 302, 76 Stat. 606, 607, 612; May 20, 1963, Pub. L. 88-26, § 3, 77 Stat. 45; Nov. 3, 1965, Pub. L. 89-321, title III, § 302, title VI, § 602(g), 79 Stat. 1190, 1208; Oct. 11, 1968, Pub. L. 90-559, § 1(1), 82 Stat. 996; Nov. 18, 1969, Pub. L. 91-118, §§ 1-3, 83 Stat. 194, 195; Nov. 30, 1970, Pub. L. 91-524, title VIII, § 801, 84 Stat. 1379; June 6, 1980, Pub. L. 96-263, § 1, 94 Stat. 438; Nov. 28, 1990, Pub. L. 101-624, title XIV, § 1455, 104 Stat. 3614; Nov. 2, 1994, Pub. L. 103-437, § 6(s), 108 Stat. 4587, related to limitation on obligations incurred for purpose of carrying out certain sections and Great Plains conservation program.

#### § 590p-1. Limitation on wetlands drainage assistance to aid wildlife preservation; termination of limitation; redetermination of need for assistance upon change of ownership of lands

The Secretary of Agriculture shall not enter into an agreement in the States of North Dakota, South Dakota, and Minnesota to provide financial or technical assistance for wetland drainage on a farm under authority of this chapter, if the Secretary of the Interior has made a finding that wildlife preservation will be materially harmed on that farm by such drainage and that preservation of such land in its undrained status will materially contribute to wildlife preservation and such finding, identifying specifically the farm and the land on that farm with respect to which the finding was made, has been filed with the Secretary of Agriculture within ninety days after the filing of the application for drainage assistance: *Provided*, That the limitation against furnishing such financial or technical assistance shall terminate (1) at such time as the Secretary of the Interior notifies the Secretary of Agriculture that such limitation should not be applicable, (2) one year after the date on which the adverse finding of the Secretary of the Interior was filed unless during that time an offer has been made by the Secretary of the Interior or a State government agency to lease or to purchase the wetland area from the owner thereof as a waterfowl resource, or (3) five years after the date on which such adverse finding was filed if such an offer to lease or to purchase such wetland area has not been accepted by the owner thereof: *Provided further*, That upon any change in the ownership of the land with respect to which such adverse finding was filed, the eligibility of such land for such financial or technical assistance shall be redetermined in accordance with the provisions of this section.

(Apr. 27, 1935, ch. 85, § 16A, as added Pub. L. 87-732, Oct. 2, 1962, 76 Stat. 696.)

#### § 590q. Coverage; “State” defined; short title

(a) This chapter shall apply to the States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, and, as used in this chapter, the term “State” includes Puerto Rico, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

(b) This chapter may be cited as the “Soil Conservation and Domestic Allotment Act”.

(Apr. 27, 1935, ch. 85, § 17, as added Feb. 29, 1936, ch. 104, § 1, 49 Stat. 1151; amended July 26, 1947, ch. 339, § 2, 61 Stat. 494; Pub. L. 86-70, § 13(b), June 25, 1959, 73 Stat. 143; Pub. L. 86-624, § 8(b), July 12, 1960, 74 Stat. 412; Pub. L. 98-454, title VI, § 601(d), Oct. 5, 1984, 98 Stat. 1736.)

#### AMENDMENTS

1984—Subsec. (a). Pub. L. 98-454 inserted reference to Guam, American Samoa, and the Northern Mariana Islands in two places.

1960—Subsec. (a). Pub. L. 86-624 substituted “States, the Commonwealth of Puerto Rico” for “States, the Territory of Hawaii, and the possessions of Puerto Rico”, and struck out “Hawaii” from definition of “State”.

1959—Subsec. (a). Pub. L. 86-70 substituted “the States, the Territory of Hawaii,” for “the United States, the Territories of Alaska and Hawaii”, and struck out “Alaska,” after “the term ‘State’ includes”.

1947—Subsec. (a). Act July 26, 1947, included the Virgin Islands.

#### REPEALS

Section 3 of act July 26, 1947, repealed all laws in conflict therewith.

#### § 590q-1. Sale and distribution of supplies, materials, and equipment to other Government agencies; reimbursement

The Soil Conservation Service subject to applicable regulations under chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41 may sell and distribute supplies, materials, and equipment to other Government activities, the cost of such supplies and materials or the value of such equipment (including the cost of transportation and handling) to be reimbursed to appropriations current at the time additional supplies, materials, or equipment are procured from the appropriations chargeable with the cost or value of such supplies, materials, or equipment.

(Sept. 21, 1944, ch. 412, title III, § 302(b), 58 Stat. 738; Oct. 31, 1951, ch. 654, § 2(12), 65 Stat. 707.)

#### CODIFICATION

Section was enacted as part of the Department of Agriculture Organic Act of 1944, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

In text, “chapters 1 to 11 of title 40 and division C (except sections 3302, 3306(f), 3307(e), 3501(b), 3509, 3906, 4104, 4710, and 4711) of subtitle I of title 41” substituted for “the Federal Property and Administrative Services Act of 1949, as amended,” on authority of Pub. L. 107-217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, which Act enacted Title 40, Public Buildings, Property, and Works, and

Pub. L. 111-350, §6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

#### AMENDMENTS

1951—Act Oct. 31, 1951, inserted reference to applicable regulations of the Federal Property and Administrative Services Act of 1949, as amended.

### § 590q-2. Voluntary relinquishment of allotments

Notwithstanding any other provision of law, the Secretary may provide for the reduction or cancellation of any allotment or base when the owner of the farm states in writing that he has no further use of such allotment or base.

(Pub. L. 91-524, title VIII, §803, Nov. 30, 1970, 84 Stat. 1381.)

#### CODIFICATION

Section was enacted as part of the Agriculture Act of 1970, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

### § 590q-3. Critical lands resource conservation program in Great Plains area

Notwithstanding any other provision of law—

#### (a) Authorization for program

The Secretary of Agriculture is authorized to formulate and carry out a program with owners and operators of land in the Great Plains area as described in section 590p(b)<sup>1</sup> of this title to reduce runoff, soil and water erosion, and otherwise to promote the conservation of soil and water resources in such area through the conversion of cropland from soil depleting uses to conserving uses including the production of soil conserving cover crops.

#### (b) Terms of agreements with owners or operators

To effectuate the purposes of the program, the Secretary may enter into an agreement for a two-year period with an owner or operator as described in subsection (a) of this section whereby the owner or operator shall agree to devote to a soil conserving cover crop a specifically designated acreage of cropland on the farm up to 50 per centum of the acreage which had been planted to any soil depleting crop or crops in any of the two years preceding the date of the agreement. The agreement shall be renewable for annual periods thereafter subject to the mutual agreement of the owner or operator and the Secretary. In such agreement, the owner or operator shall agree (1) to plant a legume, or if not adapted to such area, an annual, biennial, or a perennial cover crop, as specified in the agreement; (2) to divert from production such portion of one or more crops designated by the Secretary as the Secretary determines necessary to effectuate the purpose of the program; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary determines that it is necessary to permit grazing or harvesting in order to alleviate damage, hardship, or suffering caused by severe drought, flood, or other natural disaster, and consents to such grazing or harvesting subject to an appropriate reduction in the rate of pay-

ment; (4) to give adequate assurance, as specified by the Secretary, that the land was not acquired for the purpose of placing it in the program: *Provided*, That the foregoing provision shall not prohibit the continuation of an agreement by a new owner if an agreement has once been entered into under this section nor prevent an owner or operator from placing a farm in the program if the farm was acquired by the owner to replace an eligible farm from which he was displaced because of its acquisition by any Federal, State, or other agency having the right of eminent domain; (5) to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder upon his violation of the agreement at any stage during the time he has control of the land if the Secretary determines that such violation is of such a nature as to warrant termination of the agreement, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if the Secretary determines that the violation by the owner or operator does not warrant termination of the agreement; (6) upon transfer of his right and interest in the farm, during the agreement period, to forfeit all rights to further payments under the agreement and refund to the United States all payments received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the agreement; (7) not to adopt any practice specified by the Secretary in the agreement as a practice which would tend to defeat the purposes of the agreement; and (8) to such additional provisions as the Secretary determines are desirable to effectuate the purposes of the program or to facilitate the practical administration of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage from eroding and free from weeds and rodents in accordance with good conservation systems.

#### (c) Annual adjustment payments

In consideration for such agreement, the Secretary shall make annual adjustment payments to the owner or operator for the period of the agreement at such rate or rates not in excess of \$30 per acre as the Secretary determines to be fair and reasonable. The Secretary may use an advertising and bid procedure in determining the lands in any area to be covered by agreements and the payment rate therefor. The Secretary and the owner or operator may agree that the annual adjustment payments for the agreement period shall be made either upon approval of the agreement or in such installments as they may agree to be desirable: *Provided*, That for each year any annual adjustment payment is made in advance of performance, the annual adjustment payment shall be reduced by 5 per centum.

#### (d) Termination of agreements

The Secretary may terminate any agreement under the program, by mutual agreement with the owner or operator, if the Secretary determines that such termination would be in the public interest, and may agree with the owner or operator to such modification of agreements as the Secretary may determine to be desirable to

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