

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 agricultural-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.

#### 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 amendment made 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, 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.