

## SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT

[Chapter 85 of the 74th Congress; 49 Stat. 163]

[As Amended Through P.L. 115–334, Enacted December 20, 2018]

【Currency: This publication is a compilation of the text of Chapter 85 of the 74th Congress. It was last amended by the public law listed in the As Amended Through note above and below at the bottom of each page of the pdf version and reflects current law through the date of the enactment of the public law listed at <https://www.govinfo.gov/app/collection/comps/>】

【Note: While this publication does not represent an official version of any Federal statute, substantial efforts have been made to ensure the accuracy of its contents. The official version of Federal law is found in the United States Statutes at Large and in the United States Code. The legal effect to be given to the Statutes at Large and the United States Code is established by statute (1 U.S.C. 112, 204).】

### TABLE OF CONTENTS<sup>1-1</sup>

- Sec. 1. Purpose.
- Sec. 2. Lands on which preventive measures may be taken.
- Sec. 3. Benefits for non-Government controlled lands.
- Sec. 4. Personnel.
- Sec. 6. Appropriation authorized.
- Sec. 7. Agricultural conservation policy and enumeration of purposes.
- Sec. 8. Authority of the Secretary to make payments or grants of aid directly to farmers.
- Sec. 9. Surveys, investigations, and reports.
- Sec. 10. Definitions.
- Sec. 11. Availability of funds.
- Sec. 12. Expansion of markets for agricultural commodities and advancing funds to Federal Crop Insurance Corporation.
- Sec. 13. Execution of powers of Secretary by Production and Marketing Administration.
- Sec. 14. Finality of determinations.
- Sec. 15. Appropriations, authorizations, and allocations of funds.
- Sec. 16A. Payment limitations as to wetlands in certain States.
- Sec. 17. Scope of Act; definition of State; short title.

AN ACT To provide for the protection of land resources against soil erosion, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. [16 U.S.C. 590a] PURPOSE.**

It is hereby recognized that the wastage of soil and moisture resources on farm, grazing, and forest lands of the Nation, resulting from soil erosion, is a menace to the national welfare and that it is hereby declared to be the policy of Congress to provide permanently for the control and prevention of soil erosion to preserve soil, water, and related resources, promote soil and water quality, con-

<sup>1-1</sup>This table of contents is not part of the Act but is included for user convenience.

**Sec. 2 SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT 2**

trol floods, prevent impairment of reservoirs, and maintain the navigability of rivers and harbors, protect public health, public lands and relieve unemployment, and the Secretary of Agriculture, from now on, shall coordinate and direct all activities with relation to soil erosion and in order to effectuate this policy is hereby authorized, from time to time—

(1) To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive measures needed, to publish the results of any such surveys, investigations, or research, to disseminate information concerning such methods, and to conduct demonstrational projects in areas subject to erosion by wind or water;

(2) To carry out preventive measures, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of land;

(3) To cooperate or enter into agreements with, or to furnish financial or other aid to, any agency, governmental or otherwise, or any person, subject to such conditions as he may deem necessary, for the purposes of this Act; and

(4) To acquire lands, or rights or interests therein, by purchase, gift, condemnation, or otherwise, whenever necessary for the purposes of this Act.

**LANDS ON WHICH PREVENTIVE MEASURES MAY BE TAKEN**

**SEC. 2. [16 U.S.C. 590b]** The acts authorized in section 1 (1) and (2) may be performed—

(1) On lands owned or controlled by the United States or any of its agencies, with the cooperation of the agency having jurisdiction thereof; and

(2) On any other lands, upon obtaining proper consent or the necessary rights or interests in such lands.

**BENEFITS FOR NON-GOVERNMENT CONTROLLED LANDS**

**SEC. 3. [16 U.S.C. 590c]** As a condition of the extending of any benefits under this Act to any lands not owned or controlled by the United States or any of its agencies, the Secretary of Agriculture may, insofar as he may deem necessary for the purposes of this Act, require the following:

(1) The enactment and reasonable safeguards for the enforcement of State and local laws imposing suitable permanent restrictions on the use of such lands and otherwise providing for the prevention of soil erosion.

(2) Agreements or covenants as to the permanent use of such lands.

(3) Contributions in money, services, materials, or otherwise, to any operations conferring such benefits.

(4)(A) The payment of user fees for conservation planning technical assistance if the Secretary determines that the fees, subject to subparagraph (B), are—

- (i) reasonable and appropriate;
- (ii) assessed for conservation planning technical assistance resulting in the development of a conservation plan; and

(iii) assessed based on the size of the land or the complexity of the resource issues involved.

(B) Fees under subparagraph (A) may not exceed \$150 per conservation plan for which technical assistance is provided.

(C) The Secretary may waive fees otherwise required under subparagraph (A) in the case of conservation planning technical assistance provided—

(i) to beginning farmers or ranchers (as defined in section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a));

(ii) to limited resource farmers or ranchers (as defined by the Secretary);

(iii) to socially disadvantaged farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e));

(iv) to qualify for an exemption from ineligibility under section 1212 of the Food Security Act of 1985 (16 U.S.C. 3812); or

(v) to comply with Federal, State, or local regulatory requirements.

#### PERSONNEL

SEC. 4. [16 U.S.C. 590d] For the purposes of this Act, the Secretary of Agriculture may—

(1) Secure the cooperation of any governmental agency;

(2) Subject to the provisions of the civil-service laws and the Classification Act of 1949, appoint and fix the compensation of such officers and employees as he may deem necessary, except for a period not to exceed eight months from the date of this enactment, the Secretary of Agriculture may make appointments and may continue employees of the organization heretofore established for the purpose of administering those provisions of the National Industrial Recovery Act which relate to the prevention of soil erosion, without regard to the civil-service laws or regulations and the Classification Act of 1949, as amended; and any person with technical or practical knowledge may be employed and compensated under this Act on a basis to be determined by the Director of the Office of Personnel Management, and

(3) Make expenditures for personal services and rent in the District of Columbia and elsewhere, for the purchase of law books and books of reference, for printing and binding, for the purchase, operation, and maintenance of passenger-carrying vehicles, and perform such acts, and prescribe such regulations, as he may deem proper to carry out the provisions of this Act.

#### [ ESTABLISHMENT OF SOIL CONSERVATION SERVICE ]

#### [SEC. 5.<sup>5-1</sup> [16 U.S.C. 590e]]

<sup>5-1</sup> Sec. 246(f)(1) of the Department of Agriculture Reorganization Act of 1994, P.L. 103-354, 108 Stat. 3225, Oct. 13, 1994, repealed this section.

**Sec. 6**                      **SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT**                      **4****SEC. 6. [16 U.S.C. 590f] AUTHORIZATION OF APPROPRIATIONS AND CONSERVATION TECHNICAL ASSISTANCE FUNDS.<sup>1</sup>**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the purposes of this Act such sums as Congress may from time to time determine to be necessary.

Appropriations for carrying out this Act allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than 3 fiscal years.

(b) **CONSERVATION TECHNICAL ASSISTANCE FUND.**—

(1) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the “Conservation Technical Assistance Fund” (referred to in this subsection as the “Fund”), to be administered by the Secretary of Agriculture.

(2) **DEPOSITS.**—An amount equal to the amounts collected as fees under section 3(4) and late payments, interest, and such other amounts as are authorized to be collected pursuant to section 3717 of title 31, United States Code, shall be deposited in the Fund.

(3) **AVAILABILITY.**—Amounts in the Fund shall—

(A) only be available to the extent and in the amount provided in advance in appropriations Acts;

(B) be used for the costs of carrying out this Act; and

(C) remain available until expended.

AGRICULTURAL CONSERVATION POLICY AND ENUMERATION OF  
PURPOSES

**SEC. 7. [16 U.S.C. 590g]** (a) It is hereby declared to be the policy of this Act also to secure, and the purposes of this Act shall also include, (1) preservation and improvement of soil and water quality and related resources; (2) promotion of the economic use and conservation of land; (3) diminution of exploitation and wasteful and unscientific use of national soil resources; (4) the protection of rivers and harbors against the results of soil erosion in aid of maintaining the navigability of water and water courses and in aid of flood control; (5) reestablishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909–July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture, and the maintenance of such ratio; (6) prevention and abatement of agricultural-related pollution, and (7) the promotion of energy and water conservation through dry land farming. The powers conferred under sections 7 to 14, inclusive, of this Act shall be used to assist voluntary action calculated to effectuate the purposes specified in this

<sup>1</sup>The amendment made by section 705(b)(1) of division A of Public Law 113–67 to section 6 was carried out even though the style for the amendment to strike “**SEC. 6.**” does not conform with the traditional style as it appeared in the enacted statute for such section 6.

section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trends in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purposes of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.

[(b)-(g)]<sup>7-1</sup> \* \* \*

AUTHORITY OF THE SECRETARY TO MAKE PAYMENTS OR GRANTS OF AID DIRECTLY TO FARMERS

SEC. 8. [16 U.S.C. 590h] (a)<sup>8-1</sup>

(b)

(1)<sup>8-2</sup> 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 subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985.

(5)<sup>8-3</sup> 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 juris-

<sup>7-1</sup> Section 7(b)-(g) repealed by the Food and Agriculture Act of 1962, P.L. 87-703, 76 Stat. 605, Sept. 27, 1962.

<sup>8-1</sup> Sec. 8(a) was repealed by section 101(2) of the Food and Agriculture Act of 1962, P.L. 87-703, 76 Stat. 605, Sept. 27, 1962.

<sup>8-2</sup> Sec. 336(a)(1)(A) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1004, April 4, 1996, amended this subsection (1) by striking paragraphs (1) through (4) and inserting paragraph (1); and (2) by striking paragraphs (6) through (8).

<sup>8-3</sup> Sec. 227(a) of the Department of Agriculture Reorganization Act of 1994, P.L. 103-354, 108 Stat. 3216, Oct. 13, 1994, designated this paragraph as paragraph (5) and amended paragraph (5) in its entirety.

diction 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)).

(IV) OPENING OF BALLOTS.—

(aa) PUBLIC NOTICE.—At least 10 days before the date on which ballots are to be opened and 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 the date of enactment of the Farm Security and Rural Investment Act of 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 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 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 226(d) of the Department of Agriculture Reorganization Act of 1994. 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 subparagraph (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.

**[(b)<sup>8-4</sup>]**

(c)(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 in 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)<sup>8-5</sup>**

(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 causes, 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 re-determined only when the actual average yield for the ten calendar

<sup>8-4</sup>Sec. 336(a)(2)(G) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1006, April 4, 1996, amended Sec. 6 of the Department of Agriculture Organic Act of 1956 (70 Stat. 1033) by striking subsection (b).

<sup>8-5</sup>Repealed by the Act of April 10, 1989, P.L. 76-30, 53 Stat. 573.

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 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 the 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)-(f)]<sup>8-6</sup>

(g) 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.

#### SURVEYS, INVESTIGATIONS, AND REPORTS

SEC. 9. [16 U.S.C. 590i] 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 7(a). 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 Act.

#### SEC. 10. [16 U.S.C. 590j] DEFINITIONS.

In this Act:

(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

<sup>8-6</sup>Sec. 336(a)(1)(A)(ii) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1004, April 4, 1996, struck subsections (d), (e), and (f).

**Sec. 11**                      **SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT**                      **12**

(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.

## AVAILABILITY OF FUNDS

SEC. 11. [16 U.S.C. 590k] All funds available for carrying out this Act 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 Act, 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 Act: *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.

EXPANSION OF MARKETS FOR AGRICULTURAL COMMODITIES AND  
ADVANCING FUNDS TO FEDERAL CROP INSURANCE CORPORATION

SEC. 12. [16 U.S.C. 590l] (a) 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 7(a), 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 Act 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) 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 8. 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 any funds not used in advances to producers under such

program shall be returned to the Secretary by the Federal Crop Insurance Corporation.

EXECUTION OF POWERS OF SECRETARY BY PRODUCTION AND  
MARKETING ADMINISTRATION

SEC. 13. [16 U.S.C. 590m] Notwithstanding the foregoing provisions of this Act, 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 7 to 14, inclusive, of this Act 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.

FINALITY OF DETERMINATIONS

SEC. 14. [16 U.S.C. 590n] The facts constituting the bases for any payment or grant or the amount thereof authorized to be made under section 7 hereof, when officially determined in conformity with rules or regulations prescribed by the Secretary of Agriculture, shall be reviewable only by the Secretary of Agriculture.

APPROPRIATIONS, AUTHORIZATIONS AND ALLOCATIONS OF FUNDS

SEC. 15. [16 U.S.C. 590o] To enable the Secretary of Agriculture to carry out the purposes of section 7 there is hereby 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.

[ LIMITATION ON OBLIGATIONS INCURRED; GREAT PLAINS  
CONSERVATION PROGRAM ]

[SEC. 16.<sup>16-1</sup> ]

PAYMENT LIMITATIONS AS TO WETLANDS IN CERTAIN STATES

SEC. 16A. [16 U.S.C. 590p-1] 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 Act, 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 ter-

<sup>16-1</sup>Sec. 336(b)(1) of the Federal Agriculture Improvement and Reform Act of 1996, P.L. 104-127, 110 Stat. 1006, April 4, 1996, repealed section 16.

**Sec. 17**      **SOIL CONSERVATION AND DOMESTIC ALLOTMENT ACT**      **14**

minate (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.

## SCOPE OF ACT; DEFINITION OF STATE

SEC. 17. [16 U.S.C. 590q] (a) This Act shall apply to the States, the Commonwealth of Puerto Rico, and the Virgin Islands, and, as used in this Act, the term "State" includes Puerto Rico and the Virgin Islands.

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