

ized Secretary to provide fair and equitable treatment for producers who entered into acreage reserve or conservation reserve contracts based upon incorrect information furnished under 1956 program through compensation for losses.

Section 1816, act May 28, 1956, ch. 327, title I, §128, as added Sept. 14, 1959, Pub. L. 86-265, 73 Stat. 552, authorized Secretary to pay compensation to a producer in order to provide fair and equitable treatment when producer has suffered losses because of inaccurate information forming the basis for contract if producer relied in good faith upon inaccurate information.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206, provided that the Soil Bank Act of 1956 [former subchapters I to III of this chapter] shall remain in effect with respect to contracts entered into thereunder prior to its repeal by section 601 of Pub. L. 89-321.

SUBCHAPTER II—ACREAGE RESERVE PROGRAM

§§ 1821 to 1824. Repealed. Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206

Section 1821, act May 28, 1956, ch. 327, title I, §103, 70 Stat. 189, authorized Secretary to carry out acreage reserve program and spelled out terms of eligibility, provisions of contract, and acreage reduction compensation.

Section 1822, act May 28, 1956, ch. 327, title I, §104, 70 Stat. 190, required Secretary to establish a national reserve acreage goal and to set limits to be placed upon individual participation in program.

Section 1823, act May 28, 1956, ch. 327, title I, §105, 70 Stat. 190, established method of compensating producers for participating in program through issuance of negotiable certificates redeemable by Commodity Credit Corporation, provided for setting of rates of compensation, and set limits upon total compensation to be paid for wheat, cotton, corn, peanuts, rice, and tobacco.

Section 1824, act May 28, 1956, ch. 327, title I, §106, 70 Stat. 191, required crediting of reserve acreages as though such acreages had actually been devoted to production of commodity when establishing farm acreage allotments under Agricultural Adjustment Act of 1938, as amended.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206, provided that the Soil Bank Act of 1956 [former subchapters I to III of this chapter] shall remain in effect with respect to contracts entered into thereunder prior to its repeal by section 601 of Pub. L. 89-321.

SUBCHAPTER III—CONSERVATION RESERVE PROGRAM

§ 1831. Repealed. Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206

Section, acts May 28, 1956, ch. 327, title I, §107, 70 Stat. 191; June 11, 1960, Pub. L. 86-507, §1(8), 74 Stat. 200; June 29, 1961, Pub. L. 87-62, §1(a), 75 Stat. 129; July 3, 1962, Pub. L. 87-521, 76 Stat. 135, set out terms to be included in producers' contracts under conservation reserve program and made provisions for use of advertising and bid procedures, termination of contracts, and notice, hearing, and judicial review of Secretary's action in terminating a contract.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206, provided that the Soil Bank Act of 1956 [former sub-

chapters I to III of this chapter] shall remain in effect with respect to contracts entered into thereunder prior to its repeal by section 601 of Pub. L. 89-321.

§ 1831a. Contract restrictions

On and after June 13, 1958 no conservation reserve contract shall be entered into which provides for (1) payments for conservation practices in excess of the average rate for comparable practices under the environmental quality incentives program established under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.], or (2) annual rental payments in excess of 20 per cent of the value of the land placed under contract, such value to be determined without regard to physical improvements thereon or geographic location thereof. In determining the value of the land for this purpose, the county committee shall take into consideration the estimate of the landowner or operator as to the value of such land as well as his certificate as to the production history and productivity of such land.

(Pub. L. 85-459, title I, §101, June 13, 1958, 72 Stat. 195; Pub. L. 104-127, title III, §336(a)(2)(A), Apr. 4, 1996, 110 Stat. 1005; Pub. L. 115-334, title II, §2301(d)(2)(C), Dec. 20, 2018, 132 Stat. 4554.)

Editorial Notes

REFERENCES IN TEXT

The Food Security Act of 1985, referred to in text, is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subchapter A of chapter 4 of subtitle D of title XII of the Act is classified generally to subpart A (§3839aa et seq.) of part IV of subchapter IV of chapter 58 of Title 16, Conservation. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of this title and Tables.

CODIFICATION

Section was not enacted as part of the Soil Bank Act which comprised this chapter.

AMENDMENTS

2018—Pub. L. 115-334 inserted “subchapter A of” before “chapter 4”.

1996—Pub. L. 104-127 substituted “environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985” for “Agricultural Conservation Program”.

§§ 1832 to 1837. Repealed. Pub. L. 89-321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206

Section 1832, act May 28, 1956, ch. 327, title I, §108, 70 Stat. 194, required Secretary to make and announce determination of a national conservation reserve goal, set out considerations to be used in distributing goal among States and major crop production regions, and provided for a report to Congress.

Section 1833, act May 28, 1956, ch. 327, title I, §109, 70 Stat. 194, authorized Secretary to enter into conservation reserve program contracts, set term for such contracts, and placed a limit of \$450,000,000 annually upon payments made to producers.

Section 1834, act May 28, 1956, ch. 327, title I, §110, 70 Stat. 194, authorized Secretary to terminate or modify contracts by mutual agreement with producers.

Section 1835, act May 28, 1956, ch. 327, title I, §111, 70 Stat. 195, authorized Secretary to purchase or produce conservation materials and services and make them available to producers under conservation reserve program.

Section 1836, acts May 28, 1956, ch. 327, title I, § 112, 70 Stat. 195; Sept. 14, 1960, Pub. L. 86-793, § 2, 74 Stat. 1030, prohibited reduction of cropland acreage by reason of any action taken in carrying out a conservation reserve program contract and required inclusion of acreage changed from cultivated cropland to permanent vegetation as acreage devoted to commodity for purpose of determining future acreage allotments.

Section 1837, acts May 28, 1956, ch. 327, title I, § 113, 70 Stat. 195; June 25, 1959, Pub. L. 86-70, § 5, 73 Stat. 142; July 12, 1960, Pub. L. 86-624, § 3, 74 Stat. 411, authorized Secretary to apply Soil Bank Program to Puerto Rico and Virgin Islands in addition to several States if such application would be in national interest.

Statutory Notes and Related Subsidiaries

SAVINGS PROVISION

Pub. L. 89-321, title VI, § 601, Nov. 3, 1965, 79 Stat. 1206, provided that the Soil Bank Act of 1956 [former subchapters I to III of this chapter] shall remain in effect with respect to contracts entered into thereunder prior to its repeal by section 601 of Pub. L. 89-321.

SUBCHAPTER IV—CROPLAND ADJUSTMENTS

§ 1838. Conversion of cropland into vegetative cover, water storage, wildlife and conservation uses; contracts with farmers

(a) Authority for calendar years 1965 through 1970; term of agreements

Notwithstanding any other provision of law, for the purpose of reducing the costs of farm programs, assisting farmers in turning their land to nonagricultural uses, promoting the development and conservation of the Nation's soil, water, forest, wildlife, and recreational resources, establishing, protecting, and conserving open spaces and natural beauty, the Secretary of Agriculture is authorized to formulate and carry out a program during the calendar years 1965 through 1970 under which agreements would be entered into with producers as hereinafter provided for periods of not less than five nor more than ten years. No agreement shall be entered into under this section concerning land with respect to which the ownership has changed in the three-year period preceding the first year of the agreement period unless the new ownership was acquired by will or succession as a result of the death of the previous owner, or unless the new ownership was acquired prior to January 1, 1965, under other circumstances which the Secretary determines, and specifies by regulation, will give adequate assurance that such land was not acquired for the purpose of placing it in the program: *Provided*, That this provision shall not be construed to prohibit the continuation of an agreement by a new owner after an agreement has once been entered into under this section: *Provided further*, That the Secretary shall not require a person who has operated the land to be covered by an agreement under this section for as long as three years preceding the date of the agreement and who controls the land for the agreement period to own the land as a condition of eligibility for entering into the agreement. The foregoing provision shall not prevent a producer from placing a farm in the program if the farm was acquired by the producer 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.

(b) Terms of agreement; specifically designated acreage; land use

The producer shall agree (1) to carry out on a specifically designated acreage of land on the farm regularly used in the production of crops (including crops, such as tame hay, alfalfa, and clovers, which do not require annual tillage and which have been planted within five years preceding the date of the agreement), hereinafter called "designated acreage", and maintain for the agreement period practices or uses which will conserve soil, water, or forest resources, or establish or protect or conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution, in such manner as the Secretary may prescribe (priority being given to the extent practicable to practices or uses which are most likely to result in permanent retirement to noncrop uses); (2) to maintain in conserving crops or uses or allow to remain idle throughout the agreement period the acreage normally devoted to such crops or uses; (3) not to harvest any crop from or graze the designated acreage during the agreement period, unless the Secretary, after certification by the Governor of the State in which such acreage is situated of the need for grazing or harvesting of such acreage, 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 payment; and (4) to such additional terms and conditions as the Secretary determines are desirable to effectuate the purposes of the program, including such measures as the Secretary may deem appropriate to keep the designated acreage free from erosion, insects, weeds, and rodents. Agreements entered into under which 1966 is the first year of the agreement period (A) shall require the producer to divert from production all of one or more crops designated by the Secretary; and (B) shall not provide for diversion from the production of upland cotton in any county in which the county committee by resolution determines, and requests of the Secretary, that there should not be such diversion in 1966.

(c) Federal costs; annual adjustment payment

Under such agreements the Secretary shall (1) bear such part of the average cost (including labor) for the county or area in which the farm is situated of establishing and maintaining authorized practices or uses on the designated acreage as the Secretary determines to be necessary to effectuate the purposes of the program, but not to exceed the average rate for comparable practices or uses under the agricultural conservation program, and (2) make an annual adjustment payment to the producer for the period of the agreement at such rate or rates as the Secretary determines to be fair and reasonable in consideration of the obligations undertaken by the producers. The rate or rates of annual adjustment payments as determined hereunder may be increased by an amount determined by the Secretary to be appropriate in re-