

7 USC Ch. 45: SOIL BANK PROGRAM

From Title 7—AGRICULTURE

CHAPTER 45—SOIL BANK PROGRAM

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SUBCHAPTER I—GENERAL PROVISIONS

§§1801 to 1816. Repealed. Pub. L. 89–321, title VI, §601, Nov. 3, 1965, 79 Stat. 1206

Section 1801, act May 28, 1956, ch. 327, title I, §102, 70 Stat. 188, set out Congressional declaration of policy underlying Soil Bank Program set out in subchapters I to III of this chapter.

Section 1802, acts May 28, 1956, ch. 327, title I, §114, 70 Stat. 196; Aug. 28, 1957, Pub. L. 85–203, §3, 71 Stat. 478; Apr. 7, 1958, Pub. L. 85–369, 72 Stat. 81, placed an ineligibility sanction upon failure to comply with acreage allotments.

Section 1803, act May 28, 1956, ch. 327, title I, §115, 70 Stat. 196, prohibited reapportionment or allotment to any other farm of acreage diverted from production as a result of participation in acreage reserve or conservation reserve programs.

Section 1804, act May 28, 1956, ch. 327, title I, §116, 70 Stat. 196, provided for filing of certificate of claimants for payment or compensation in form prescribed by Secretary attesting to claimant's compliance with all requirements.

Section 1805, act May 28, 1956, ch. 327, title I, §117, 70 Stat. 196, directed Secretary to utilize services of local, county, and State soil conservation committees.

Section 1806, act May 28, 1956, ch. 327, title I, §118, 70 Stat. 196, directed Secretary to consult with conservation, forestry, and agricultural agencies in formation of State and local programs and to utilize Federal agencies to coordinate programs and to provide technical background.

Section 1807, act May 28, 1956, ch. 327, title I, §119, 70 Stat. 196, directed Secretary to utilize existing land use capability data including Soil Conservation Service's capability surveys and to carry forward to completion the nation's basic land inventory.

Section 1808, act May 28, 1956, ch. 327, title I, §120, 70 Stat. 197, authorized Secretary to utilize Commodity Credit Corporation in carrying out Soil Bank Program and allowed transfer to Federal and State agencies of funds available for carrying out purposes of program.

Section 1809, act May 28, 1956, ch. 327, title I, §121, 70 Stat. 197, provided for finality of determinations forming basis of payment or compensation by Secretary and authorized him to make payment in any fair or reasonable manner reflected in appropriate regulations in case of death, incompetence, or disappearance of producers entitled to payment.

Section 1810, act May 28, 1956, ch. 327, title I, §122, 70 Stat. 197, required Secretary to provide adequate safeguards for tenants and sharecroppers.

Section 1811, act May 28, 1956, ch. 327, title I, §123, 70 Stat. 198, set penalty for grazing or harvesting any crop on acreage in violation of a Soil Bank contract and provided for recovery of penalties by means of civil suits.

Section 1812, act May 28, 1956, ch. 327, title I, §124, 70 Stat. 198, authorized Secretary to promulgate rules and regulations to carry out Soil Bank Program.

Section 1813, acts [May 28, 1956, ch. 327, title I, §125](#), 70 Stat. 198; [Apr. 9, 1960, Pub. L. 86-423, §2](#), 74 Stat. 42, restricted leasing of government owned land for production of price supported crops in surplus supply.

Section 1814, act [May 28, 1956, ch. 327, title I, §126](#), 70 Stat. 198, authorized Secretary to permit farmers to pool their rights to participate jointly in conservation reserve program on property other than their home farms.

Section 1815, act [May 28, 1956, ch. 327, title I, §127](#), as added [May 16, 1958, Pub. L. 85-413, 72 Stat. 118](#), authorized 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 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.

§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.

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 relation to the benefit to the general public of the use of the designated acreage if the producer further agrees to permit, without other compensation, access to such acreage by the general public, during the agreement period, for hunting, trapping, fishing, and hiking, subject to applicable State and Federal regulations. The Secretary and the producer may agree that the annual adjustment payments for all years of 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. The Secretary may provide for adjusting any payment on account of failure to comply with the terms and conditions of the program.

(d) Advertising and bid procedures

The Secretary shall, unless he determines that such action will be inconsistent with the effective administration of the program, use an advertising and bid procedure in determining the lands in any area to be covered by agreements. The total acreage placed under contract in any county or local community shall be limited to a percentage of the total eligible acreage in such county or local community which the Secretary determines would not adversely affect the economy of the county or local community. In determining such percentage the Secretary shall give appropriate consideration to the productivity of the acreage being retired as compared to the average productivity of eligible acreage in the county or local community.

(e) Annual adjustment payment; limitation

The annual adjustment payment shall not exceed 40 per centum of the estimated value, as determined by the Secretary, on the basis of prices in effect at the time the agreement is entered into, of the crops or types of crops which might otherwise be grown. The estimated value may be established by the Secretary on a county, area, or individual farm basis as he deems appropriate.

(f) Termination or modification of agreements

The Secretary may terminate any agreement with a producer by mutual agreement with the producer if the Secretary determines that such termination would be in the public interest, and may agree to such modification of agreements as he may determine to be desirable to carry out the purposes of the program or facilitate its administration.

(g) Allotment histories

Notwithstanding any other provision of law, the Secretary of Agriculture may, to the extent he deems it desirable, provide by appropriate regulations for preservation of cropland, crop acreage, and allotment history applicable to acreage diverted from the production of crops in order to establish or maintain vegetative cover or other approved practices for the purpose of any Federal program under which such history is used as a basis for an allotment or other limitation or for participation in such program.

(h) Utilization of local, county, and State committees

In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 590h of title 16.

(i) Transfer of funds

For the purpose of obtaining an increase in the permanent retirement of cropland to noncrop uses the Secretary may, notwithstanding any other provision of law, transfer funds available for carrying out the program to any other Federal agency or to States or local government agencies for use in acquiring cropland for the preservation of open spaces, natural beauty, the development of wildlife or recreational facilities, or the prevention of air or water pollution under terms and conditions consistent with and at costs not greater than those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action.

(j) Conservation of open spaces, natural beauty, and recreational resources, and prevention of pollution

The Secretary also is authorized to share the cost with State and local governmental agencies in the establishment of practices or uses which will establish, protect, and conserve open spaces, natural beauty, wildlife or recreational resources, or prevent air or water pollution under terms and conditions and at costs consistent with those under agreements entered into with producers, provided the Secretary determines that the purposes of the program will be accomplished by such action.

(k) Limitation on payments during any calendar year

In carrying out the program, the Secretary shall not during any of the fiscal years ending June 30, 1966 through June 30, 1969 or during the period June 30, 1969 through December 31, 1970, enter into agreements with producers which would require payments to producers in any calendar year under such agreements in excess of \$225,000,000 plus any amount by which agreements entered into in prior fiscal years require payments in amounts less than authorized for such prior fiscal years. For purposes of applying this limitation, the annual adjustment payment shall be chargeable to the year in which performance is rendered regardless of the year in which it is made.

(l) Use of facilities of Commodity Credit Corporation

The Secretary is authorized to utilize the facilities, services, authorities, and funds of the Commodity Credit Corporation in discharging his functions and responsibilities under this program, including payment of costs of administration: *Provided*, That after December 31, 1966, the Commodity Credit Corporation shall not make any expenditures for carrying out the purposes of this subchapter unless the Corporation has received funds to cover such expenditures from appropriations made to carryout the purposes of this subchapter. There are hereby authorized to be appropriated such sums as may be necessary to carry out the program, including such amounts as may be required to make payments to the Corporation for its actual costs incurred or to be incurred under this program.

(m) Payment to successor upon death, incompetence, or disappearance of producer entitled to payment

In case any producer who is entitled to any payment or compensation dies, becomes incompetent, or disappears before receiving such payment or compensation, or is succeeded by another who renders or completes the required performance, the payment or compensation shall, without regard to any other provisions of law, be made as the Secretary may determine to be fair and reasonable in all the circumstances and so provide by regulations.

(n) Sharing of compensation or payments with tenants and sharecroppers

The Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing, on a fair and equitable basis, in payments or compensation under this program.

(o) Effect of diversion on commodity programs

The acreage on any farm which is diverted from the production of any commodity pursuant to an agreement hereafter entered into under this subchapter shall be deemed to be acreage diverted from that commodity for the purposes of any commodity program under which diversion is required as a condition of eligibility for price support.

(p) Advisory Board on Wildlife; membership

The Secretary may, without regard to the civil service laws, appoint an Advisory Board on Wildlife to advise and consult on matters relating to his functions under this subchapter as he deems appropriate. The Board shall consist of twelve persons chosen from members of wildlife organizations, farm organizations, State game and fish agencies, and representatives of the general public. Members of such Advisory Board who are not regular full-time employees of the United States shall not be entitled to any compensation or expenses.

(q) Regulations

The Secretary shall prescribe such regulations as he determines necessary to carry out the provisions of this subchapter.

(Pub. L. 89-321, title VI, §602, Nov. 3, 1965, 79 Stat. 1206; Pub. L. 90-210, Dec. 18, 1967, 81 Stat. 657; Pub. L. 90-559, §1(1), (7), Oct. 11, 1968, 82 Stat. 996.)

EDITORIAL NOTES

CODIFICATION

The last sentence of section 602(g) of Pub. L. 89-321 repealed section 590p(b)(3), (4), and (e)(6) of Title 16, Conservation, and was omitted from subsec. (g) of this section.

AMENDMENTS

1968—Subsec. (a). Pub. L. 90-559, §1(1), provided for a one year extension through 1970.

Subsec. (k). Pub. L. 90-559, §1(7), substituted "June 30, 1969" for "June 30, 1968" in two places and "December 31, 1970" for "December 31, 1969".

1967—Subsec. (a). Pub. L. 90-210 permitted a farm to be placed in the cropland adjustment program without regard to the length of past ownership if that farm was acquired in replacement of an eligible farm which was taken by any Federal, State, or other agency by means of eminent domain proceedings.

STATUTORY NOTES AND RELATED SUBSIDIARIES

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided by law. See sections 1001(2) and 1013 of Title 5, Government Organization and Employees.