

eral, 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 carry out the purposes of the program or facilitate its administration.

**(e) Preservation of cropland, crop acreage, and allotment history**

The Secretary may, to the extent the Secretary 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 to establish vegetative cover 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.

**(f) Utilization of Federal and non-Federal offices**

In carrying out the program, the Secretary shall utilize the services of local, county, and State committees established under section 590h of this title and the technical services of the Soil Conservation Service and soil and water conservation districts.

**(g) Program payments**

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

**(h) 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 under the program.

**(i) Rules and regulations**

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

**(j) Authorization of appropriations; utilization of Commodity Credit Corporation**

There are authorized to be appropriated for the period beginning October 1, 1977, and ending September 30, 1981, such sums as may be necessary to carry out the program provided for in this section. The Secretary is authorized to utilize the facilities, services, and authorities of the Commodity Credit Corporation in discharging the Secretary's functions and responsibilities under the program, including payment of costs of administration: *Provided*, That the Commodity Credit Corporation shall not make any expenditures for such purposes unless the Corporation has received funds to cover such expenditures from appropriations made to carry out this section.

(Pub. L. 95-113, title XV, §1511, Sept. 29, 1977, 91 Stat. 1022.)

REFERENCES IN TEXT

Section 590p of this title, referred to in subsec. (a), was repealed by Pub. L. 104-127, title III, §336(b)(1), Apr. 4, 1996, 110 Stat. 1006.

CODIFICATION

Section was enacted as part of the Food and Agriculture Act of 1977, and not as part of the Soil Conservation and Domestic Allotment Act which comprises this chapter.

EFFECTIVE DATE

Section effective Oct. 1, 1977, see section 1901 of Pub. L. 95-113, set out as an Effective Date of 1977 Amendment note under section 1307 of Title 7, Agriculture.

**CHAPTER 3C—WATER CONSERVATION**

**SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION**

Sec. 590r to 590x-4. Repealed.

- Sec. SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS
- 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs.
  - 590z. Utilization of services, materials, funds, etc., of Federal, State, or municipal agencies, or of individuals.
  - 590z-1. Prerequisites for construction of project.
    - (a) Investigation and report to President.
    - (b) Construction of physical features.
    - (c) Division of project.
  - 590z-2. Repayment contracts.
    - (a) Necessity.
    - (b) "Reimbursable construction costs" defined.
    - (c) Terms.
  - 590z-3. Settlement of projects on agricultural basis.
    - (a) Rehabilitation; stabilization of agricultural economy; maximum utilization of funds.
    - (b) Utilization of other agencies.
    - (c) Advertisement for purchases or services.
  - 590z-4. Cooperative agreements with other agencies.
  - 590z-5. Repealed.
  - 590z-6. Disposition of receipts from repayment contracts and project operations.
  - 590z-7. Provisions for furnishing surplus power and municipal or miscellaneous water supplies.
  - 590z-8. Authority of Secretary of the Interior over lands, contracts, water rights, etc.
    - (a) Utilization of lands.
    - (b) Contracts, land acquisitions, etc.
  - 590z-9. Powers and duties of Secretaries of the Interior and Agriculture; rules and regulations.
  - 590z-10. Authorization of appropriations.
  - 590z-11. Delegation of powers and duties by Secretary of the Interior.

SUBCHAPTER I—FACILITIES FOR WATER STORAGE AND UTILIZATION

§§ 590r to 590x-4. Repealed. Pub. L. 87-128, title III, § 341(a), Aug. 8, 1961, 75 Stat. 318

Section 590r, acts Aug. 28, 1937, ch. 870, § 1, 50 Stat. 869; Aug. 17, 1954, ch. 751, §1(1), (2), 68 Stat. 734; July 12, 1960, Pub. L. 86-624, § 9, 74 Stat. 412, related to Congressional declaration of policy.

Section 590s, acts Aug. 28, 1937, ch. 870, § 2, 50 Stat. 869; Aug. 17, 1954, ch. 751, §1(3), 68 Stat. 735, related to powers and duties of Secretary of Agriculture.

Section 590t, act Aug. 28, 1937, ch. 870, § 3, 50 Stat. 869, related to location of projects.

Section 590u, act Aug. 28, 1937, ch. 870, § 4, 50 Stat. 870, related to State aid and certain requirements.

Section 590v, act Aug. 28, 1937, ch. 870, § 5, 50 Stat. 870, related to use of employees and agencies within Department of Agriculture.

Section 590w, act Aug. 28, 1937, ch. 870, § 6, 50 Stat. 870, related to cooperation of governmental agencies, expenditures and rules and regulations.

Section 590x, act Aug. 28, 1937, ch. 870, § 7, 50 Stat. 870, authorized appropriations.

Section 590x-1, act Aug. 28, 1937, ch. 870, § 8, as added Aug. 17, 1954, ch. 751, §1(4), 68 Stat. 735, prescribed limitations on aid.

Section 590x-2, act Aug. 28, 1937, ch. 870, § 9, as added Aug. 17, 1954, ch. 751, §1(4), 68 Stat. 735, authorized loans for farm land improvement.

Section 590x-3, act Aug. 28, 1937, ch. 870, §10(a)-(e), as added Aug. 17, 1954, ch. 751, §1(4), 68 Stat. 735, provided for an insurance program for loans by other than United States, an insurance fund, contents of fund, selling and reinsuring of notes, disposition of insurance charges, insurance contract as United States obligation, incontestability, discharge of obligations, and limitation on aggregate amount of obligations.

Section 590x-4, act Aug. 28, 1937, ch. 870, §11, as added Aug. 25, 1958, Pub. L. 85-748, § 2, 72 Stat. 841, related to authorization of Secretary for execution, insurance and sale of loans, insurance, appraisal and delinquency charges, use of proceeds for expenses; computation of aggregate amount of principal obligations which may be insured, insurance of loans from funds advanced by lenders other than United States, provisions applicable to loans, conversion of loans to insured loans, expense funds, sale of loans on noninsured basis and assignment of loans.

The subject matter of former sections 590r to 590x-4 of this title is covered by section 1921 et seq. of Title 7, Agriculture.

EFFECTIVE DATE OF REPEAL

Repeal of sections effective one hundred and twenty days after Aug. 8, 1961, or such earlier date as the provisions of section 1921 et seq. of Title 7, Agriculture, are made effective by regulations of Secretary of Agriculture, see section 341(a) of Pub. L. 87-128, set out as a note under section 1921 of Title 7.

Sections repealed effective Oct. 15, 1961, by section 300.1 of former Title 6, Code of Federal Regulations, see Effective Date note under section 1921 of Title 7.

SUBCHAPTER II—CONSERVATION AND UTILIZATION PROJECTS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in title 43 section 505.

§ 590y. Authorization and purpose of investigation, construction, and maintenance of projects; title to projects; limitation on costs

For the purpose of stabilizing water supply and thereby rehabilitating farmers on the land and providing opportunities for permanent settlement of farm families, the Secretary of the Interior (hereinafter referred to as "the Secretary") is authorized to investigate and, upon compliance with the provisions of this subchapter, to construct water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States, and to operate and maintain each such project in accordance with the provisions of this subchapter; *Provided*, That the United States shall retain title to the dams, reservoirs, irrigation, and other project works until Congress otherwise provides: *And provided further*, That expenditures from appropriations made directly pursuant to the authority contained in section 590z-10(1) of this title to meet reimbursable construction costs allocated to irrigation as defined in section 590z-2(b) of this title shall not exceed \$2,000,000 for dams and reservoirs in any one project, and that expenditures from appropriations made directly pursuant to the authority contained in section 590z-10(1) of this title to meet costs allocated to flood control by the Secretary after consultation with the Chief of Engineers, Department of the Army, shall not exceed \$500,000 on any one project.

(Aug. 11, 1939, ch. 717, § 1, 53 Stat. 1418; Oct. 14, 1940, ch. 861, 54 Stat. 1119; Mar. 7, 1942, ch. 164, 56 Stat. 142; July 16, 1943, ch. 242, § 1, 57 Stat. 566; July 26, 1947, ch. 343, title II, § 205(a), 61 Stat. 501.)

AMENDMENTS

1943—Act July 16, 1943, raised amount of expenditures for dams and reservoirs on any one project from \$1,000,000 to \$2,000,000.