

**(b) Activities regulated by Tuna Convention Acts; harvesting of highly migratory species taken on high seas**

The provisions of paragraphs (1), (2)(A), and (3)(A) of section 3372(a) of this title shall not apply to—

(1) any activity regulated by the Tuna Conventions Act of 1950 (16 U.S.C. 951–961) or the Atlantic Tunas Convention Act of 1975 (16 U.S.C. 971–971(h)); or

(2) any activity involving the harvesting of highly migratory species (as defined in paragraph (14) of section 3 of the Magnuson Fishery Conservation and Management Act [16 U.S.C. 1802(14)]) taken on the high seas (as defined in paragraph (13) of such section 3) if such species are taken in violation of the laws of a foreign nation and the United States does not recognize the jurisdiction of the foreign nation over such species.

**(c) Interstate shipment or transshipment through Indian country of fish, wildlife, or plants for legal purposes**

The provisions of paragraph (2) of section 3372(a) of this title shall not apply to the interstate shipment or transshipment through Indian country as defined in section 1151 of title 18 or a State of any fish or wildlife or plant legally taken if the shipment is en route to a State in which the fish or wildlife or plant may be legally possessed.

(Pub. L. 97–79, § 8, Nov. 16, 1981, 95 Stat. 1078.)

REFERENCES IN TEXT

The Magnuson Fishery Conservation and Management Act, referred to in subsec. (a), is Pub. L. 94–265, Apr. 13, 1976, 90 Stat. 331, as amended, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

The Tuna Conventions Act of 1950, referred to in subsec. (b)(1), is act Sept. 7, 1950, ch. 907, 64 Stat. 777, as amended, which is classified generally to chapter 16 (§951 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 951 of this title and Tables.

The Atlantic Tunas Convention Act of 1975, referred to in subsec. (b)(1), is Pub. L. 94–70, Aug. 5, 1975, 89 Stat. 385, as amended, which is classified generally to chapter 16A (§971 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 971 of this title and Tables.

CODIFICATION

“Magnuson Fishery Conservation and Management Act” substituted for “Fishery Conservation and Management Act of 1976” in subsecs. (a) and (b)(2), on authority of Pub. L. 96–561, title II, §238(b), Dec. 22, 1980, 94 Stat. 3300, which provided that all references to the Fishery Conservation and Management Act of 1976 be redesignated as references to the Magnuson Fishery Conservation and Management Act.

**§ 3378. Miscellaneous provisions**

**(a) Effect on powers of States**

Nothing in this chapter shall be construed to prevent the several States or Indian tribes from making or enforcing laws or regulations not inconsistent with the provisions of this chapter.

**(b) Repeals**

The following provisions of law are repealed:

(1) The Act of May 20, 1926 (commonly known as the Black Bass Act; 16 U.S.C. 851–856).

(2) Section 667e of this title and sections 43 and 44 of title 18 (commonly known as provisions of the Lacey Act).

(3) Sections 3054 and 3112 of title 18.

**(c) Disclaimers**

Nothing in this chapter shall be construed as—

(1) repealing, superseding, or modifying any provision of Federal law other than those specified in subsection (b) of this section;

(2) repealing, superseding, or modifying any right, privilege, or immunity granted, reserved, or established pursuant to treaty, statute, or executive order pertaining to any Indian tribe, band, or community; or

(3) enlarging or diminishing the authority of any State or Indian tribe to regulate the activities of persons within Indian reservations.

**(d) Travel and transportation expenses**

The Secretary of the Interior is authorized to pay from agency appropriations the travel expense of newly appointed special agents of the United States Fish and Wildlife Service and the transportation expense of household goods and personal effects from place of residence at time of selection to first duty station to the extent authorized by section 5724 of title 5 for all such special agents appointed after January 1, 1977.

**(e) Interior appropriations budget proposal**

The Secretary shall identify the funds utilized to enforce this chapter and any regulations thereto as a specific appropriations item in the Department of the Interior appropriations budget proposal to the Congress.

(Pub. L. 97–79, §9(a)–(c), (g), (h), Nov. 16, 1981, 95 Stat. 1079, 1080.)

REFERENCES IN TEXT

The Black Bass Act, referred to in subsec. (b)(1), is act May 20, 1926, ch. 346, 44 Stat. 576, as amended, which was classified generally to chapter 13 (§851 et seq.) of this title. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Subsecs. (d) and (e) of this section were in the original subsecs. (g) and (h), respectively, of section 9 of Pub. L. 97–79 and were redesignated for purposes of codification.

**CHAPTER 54—RESOURCE CONSERVATION**

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SUBCHAPTER I—SOIL AND WATER CONSERVATION

§ 3401. Congressional statement of policy

Congress hereby reaffirms its policy to promote soil and water conservation, improve the quality of the Nation's waters, and preserve and protect natural resources through the use of effective conservation and pollution abatement programs.

(Pub. L. 97-98, title XV, §1501, Dec. 22, 1981, 95 Stat. 1328.)

EFFECTIVE DATE

Chapter effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as a note under section 4301 of Title 7, Agriculture.

SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM

§ 3411. Congressional statement of findings

Congress finds that—

(1) studies by the Department of Agriculture indicate that billions of tons of soil are eroded annually from non-Federal lands in the United States, much of which represents soil eroded from cropland;

(2) nearly one-half of the four hundred and thirteen million acres of cropland have soils with moderate, high, or very high risk of damage by sheet and rill erosion;

(3) the severity of erosion-related problems varies widely from one geographic area to the next;

(4) some of the most productive agricultural areas of the United States are also those having the most serious and chronic erosion-related problems;

(5) solutions to such chronic erosion-related problems should be designed to address the local social, economic, environmental, and other conditions unique to the area involved to ensure that the goals and policies of the Federal Government are effectively integrated with the concerns of the local community;

(6) certain range and pasturelands in the United States are producing less than their potential and therefore their productive capacity could be substantially improved by application of intensified range and pasture management practices; the protection of these lands is essential to controlling erosion, improving ecological conditions, enhancing wildlife and riparian habitats, improving water quality and yield, and meeting the need to produce food and fiber in a manner that is more energy efficient; and

(7) there is a need for—

(A) reducing seepage from on-farm and off-farm irrigation ditches and conveyance systems;

(B) improving water conservation and utilization; and

(C) installing measures to capture on-farm irrigation return flows.

(Pub. L. 97-98, title XV, §1502, Dec. 22, 1981, 95 Stat. 1328.)

**§ 3412. Program formulation and implementation****(a) Authority to provide technical and financial assistance**

The Secretary of Agriculture (hereafter in this subchapter referred to as the “Secretary”) shall establish a program for the conservation of soil, water, and related resources in special areas designated pursuant to section 3413 of this title (hereafter in this subchapter referred to as “designated special areas”) by providing technical and financial assistance to owners and operators or groups of owners and operators of farm, ranch, and certain other lands at their request. Such assistance with respect to State, county, and other public land shall be limited to those lands that are an integral part of a private farm operating unit and under the control of the private landowner or operator.

**(b) Contracting authority**

To carry out the program established under this subchapter, the Secretary may enter into contracts with owners and operators of farm, ranch, or other land in a designated special area having such control over the land as the Secretary deems necessary. Contracts may be entered into with respect to land in a designated special area which is not farm or ranch land only if the erosion-related problems of such land are so severe as to make such contracts with respect to such land necessary for the effective protection of farm or ranch land in that designated special area. Contracts under this subchapter shall be designed to provide assistance to the owners or operators of such farm, ranch, or other land to make voluntary changes in their cropping systems which are needed to conserve or protect the soil, water, and related resources of such lands, and to carry out the soil and water conservation practices and measures needed under such changed systems and uses.

**(c) Conservation plan as precondition for contract; preparation, submission, etc.**

The basis for such contracts shall be a conservation plan approved by the Secretary and the soil and water conservation district in which the land on which the plan is to be carried out is situated. The Secretary shall provide to the landowner or operator, upon request, such technical assistance as may be needed to prepare and submit to the Secretary a conservation plan that—

- (1) incorporates such soil and other conservation practices and measures as may be determined to be practicable to protect such land from erosion or water-related problems;
- (2) outlines a schedule for the implementation of changes in cropping systems or use of land or of water and of conservation practices and measures proposed to be carried out on the farm, ranch, or other land during the contract period;
- (3) is designed to take into account the local social, economic, and environmental conditions, which will help solve the particular erosion or water-related problems of the designated area;
- (4) may allow for such varying levels of conservation application as are appropriate to address the problems and may be developed to

cover all or part of a farm, ranch, or other land as determined to be necessary to solve the conservation problems;

(5) may include practices and measures for enhancing fish and wildlife and recreation resources and for reducing or controlling agricultural-related pollution; and

(6) identifies those conservation practices and measures, including planned grazing systems, needed to improve vegetative conditions, reduce erosion, and conserve water on range and pasturelands.

**(d) Contract requirements**

The landowner or operator, in any contract entered into under this subchapter, shall agree—

(1) to carry out the plan for the owner’s or operator’s farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to subsection (f) of this section;

(2) to forfeit further payments under the contract and refund to the United States all payments received thereunder, including interest, upon violation by the owner or operator of the contract at any stage during the time the owner or operator has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board for the district in which the lands are located, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds, including interest, 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 contract;

(3) not to adopt any practice or measure specified by the Secretary in the contract which would tend to defeat the purposes of the contract; and

(4) upon transfer, during the contract period, of the rights or interests of the owner or operator in the farm, ranch, or other land on which the plan is to be carried out, to forfeit all rights to further payments under the contract and refund to the United States all payments received thereunder, including interest, unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract.

**(e) Cost sharing under contract**

In return for such agreement by the landowner or operator, the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest. The portion of the costs to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the implementation, and, if applicable, the maintenance of the conservation practices and measures under the contract, including the cost of labor. In determining the share of costs to be borne by the Federal Government, the Secretary shall take into consideration the particular social, economic, and environmental conditions of the geographic area involved and the degree of con-

ervation to be achieved. The Secretary shall determine the maximum amount of cost-share assistance that may be provided to any single recipient. If adjustments from cultivated crops to permanent vegetative cover or changes in crop varieties are undertaken as a conservation practice or measure under the contract, cost-share assistance may be provided under such contract with regard to the income lost as a result of such adjustments.

**(f) Termination, modification, etc., of contract**

The Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest. The Secretary may agree to such modification of contracts previously entered into as the Secretary may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to similar conservation or other programs administered by the Secretary.

**(g) Additional contracting authority**

The Secretary may also enter into contracts with landowners or operators for the purpose of maintaining any conservation practice or measure established under this subchapter or other conservation practice or measure which has been adequately established, and to provide necessary assistance to retain the practice or measure on the land. The provisions and administration of such contracts shall be in accordance with the requirements set forth in subsections (b) through (f) of this section.

(Pub. L. 97-98, title XV, §1503, Dec. 22, 1981, 95 Stat. 1329.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3414 of this title.

**§ 3413. Designation of geographic area as special area**

**(a) Requirement of erosion-related or water management-related problems**

The program established under this subchapter shall be directed toward identifying and correcting such erosion-related or water management-related problems as may exist within each designated special area. Assistance under this subchapter may be provided to any geographic area of the United States only if such area is first designated by the Secretary as having severe and chronic erosion-related or water management-related problems.

**(b) Bases for designation; reporting requirements**

In designating a geographic area as a special area under this subchapter, the Secretary shall review national resources inventory data, river basin plans, special studies, and other resource information; consider tons of soil loss prevented, acres protected, and volume of water conserved; and evaluate the degree and type of interagency cooperation, the degree of local acceptance of the planned target activity, and the significant favorable and adverse impacts of the targeted activity. The Secretary shall prepare and pub-

lish a report setting forth an assessment of the problems, objectives, and priorities in such area, and a schedule for the implementation of the program under this subchapter. The report shall also indicate how the program with respect to such area takes into consideration ongoing programs of Federal, State, and local agencies, including soil conservation districts, relating to soil and water conservation, pollution abatement, or the improvement or protection of forest land. The Secretary shall, to the extent practicable, assure that all Department of Agriculture conservation programs operating in a designated special area complement the conservation objectives outlined for such area.

(Pub. L. 97-98, title XV, §1504, Dec. 22, 1981, 95 Stat. 1331.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3412, 3414 of this title.

**§ 3414. Contract limitations**

Special areas may be designated pursuant to section 3413 of this title at any time within the period beginning on December 22, 1981, and ending on September 30, 1991. Contracts authorized by subsections (b) and (g) of section 3412 of this title may be entered into at any time within ten years after the designation of the special area to which they relate and may not exceed ten years in duration. The total dollar amount of such contracts that may be entered into in any one fiscal year shall not exceed such amounts as may be provided for in advance in appropriations Acts.

(Pub. L. 97-98, title XV, §1505, Dec. 22, 1981, 95 Stat. 1331.)

**§ 3415. Repealed. Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710**

Section, Pub. L. 97-98, title XV, §1506, Dec. 22, 1981, 95 Stat. 1332, directed Secretary to submit copies of special area reports to Congress.

**§ 3416. Utilization of services and facilities**

In carrying out the provisions of this subchapter, the Secretary may utilize the services of local, county, and State committees established under section 590h(b) of this title and the technical services of the Department of Agriculture, soil and water conservation districts, and other State or local agencies. The Secretary may utilize the services and facilities of the Commodity Credit Corporation in carrying out this subchapter.

(Pub. L. 97-98, title XV, §1506, formerly §1507, Dec. 22, 1981, 95 Stat. 1332; renumbered §1506, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710.)

PRIOR PROVISIONS

A prior section 1506 of Pub. L. 97-98 was classified to section 3415 of this title prior to repeal by Pub. L. 104-66.

**§ 3417. Improvement of technology**

The Secretary may expend funds directly or through grants for such research as is needed to

assist in developing new or improving existing technologies for controlling erosion or water-related problems in designated special areas.

(Pub. L. 97-98, title XV, §1507, formerly §1508, Dec. 22, 1981, 95 Stat. 1332; renumbered §1507, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710.)

#### PRIOR PROVISIONS

A prior section 1507 of Pub. L. 97-98 was renumbered section 1506 by Pub. L. 104-66 and is classified to section 3416 of this title.

### § 3418. Authorization of appropriations

There are authorized to be appropriated annually, to be available until expended, such sums as may be necessary to carry out the program authorized by this subchapter.

(Pub. L. 97-98, title XV, §1508, formerly §1509, Dec. 22, 1981, 95 Stat. 1332; renumbered §1508, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710.)

#### PRIOR PROVISIONS

A prior section 1508 of Pub. L. 97-98 was renumbered section 1507 by Pub. L. 104-66 and is classified to section 3417 of this title.

### § 3419. Repealed. Pub. L. 104-66, title I, § 1011(q), Dec. 21, 1995, 109 Stat. 710

Section, Pub. L. 97-98, title XV, §1510, Dec. 22, 1981, 95 Stat. 1332, directed Secretary to submit reports to Congress concerning operation of special areas conservation program.

### § 3420. Protection of program participants

No person shall be disqualified from participating in, or suffer any forfeiture or reduction in benefits under, any other program administered by the Secretary by virtue of participation in the program provided for in this subchapter.

(Pub. L. 97-98, title XV, §1509, formerly §1511, Dec. 22, 1981, 95 Stat. 1332; renumbered §1509, Pub. L. 104-66, title I, §1011(p), Dec. 21, 1995, 109 Stat. 710.)

#### PRIOR PROVISIONS

A prior section 1509 of Pub. L. 97-98 was renumbered section 1508 by Pub. L. 104-66 and is classified to section 3418 of this title.

## SUBCHAPTER III—MATCHING GRANTS FOR CONSERVATION ACTIVITIES

### § 3431. Grants program

#### (a) Formulation and implementation; purpose

The Secretary of Agriculture (hereafter referred to in this subchapter as the “Secretary”) may formulate and implement a program for furthering the conservation of soil, water, and related resources through annual grants to local units of government through State soil conservation agencies. Such grants shall be for non-capital expenditures in furtherance of local and State conservation objectives specified in section 3433 of this title.

#### (b) Technical and financial assistance programs augmented

Such grants shall be made to augment rather than to replace other technical and financial as-

sistance programs of the Department of Agriculture.

#### (c) Eligibility

A local unit of government may be eligible for a grant under subsection (a) of this section if it—

(1) has in effect a current long-range program which the State soil conservation agency determines is adequate to meet local and State laws and objectives;

(2) has in effect a current annual work plan which is consistent with the long-range program in paragraph (1) of this subsection; and

(3) certifies to the Secretary or the Secretary’s designee at the State level that it has arranged for equal matching funds or in-kind services to the local unit from regional, State, local, or private sources.

#### (d) Amount of matching funds for national objectives in program or plan

Whenever the Secretary determines that a component of the long-range program or annual work plan involves primarily a national rather than a local or State objective, the State or local matching funds required for the national component of the long-range program or annual plan need not exceed 25 per centum of the total funds required to accomplish the national objective. The Secretary, by regulation, shall define those objectives which are national in scope.

(Pub. L. 97-98, title XV, §1514, Dec. 22, 1981, 95 Stat. 1333.)

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3432 of this title.

### § 3432. Program and plan review and implementation

(a) The State soil conservation agency, the State agricultural stabilization and conservation committee, and the Secretary or the Secretary’s designee at the State level shall review programs and work plans under section 3431(c) of this title, and may recommend additions or changes in order to meet urgent State, multi-state, and national conservation needs or priorities as developed under the Soil and Water Resources Conservation Act of 1977 [16 U.S.C. 2001 et seq.] or similar authority.

(b) For purposes of implementing the program and plan, the local unit of government is encouraged to seek information from and the cooperation of—

(1) local agencies, organizations, and citizens; and

(2) agencies of the Department of Agriculture or other Federal agencies, cooperative extension services, and others that may be designated by the Secretary or the Governor to serve as advisers.

(Pub. L. 97-98, title XV, §1515, Dec. 22, 1981, 95 Stat. 1334.)

#### REFERENCES IN TEXT

The Soil and Water Resources Conservation Act of 1977, referred to in subsec. (a), is Pub. L. 95-192, Nov. 18, 1977, 91 Stat. 1407, which is classified generally to chapter 40 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

**§ 3433. Long-range programs and annual work plans**

(a) Long-range programs and annual work plans may include any of the following soil, water, and related resource conservation objectives: (1) soil erosion prevention and control; (2) cropland, forest, woodland, pasture, or rangeland improvement; (3) water conservation, development, and management, and water quality improvement; (4) agricultural land retention or preservation; (5) demonstration projects to test and publicize the effectiveness of natural resource management systems adapted to local conditions; (6) fish and wildlife habitat improvement; (7) animal waste management; (8) watershed protection and flood prevention; (9) sediment control and stormwater management in urbanizing areas; (10) environmentally sound energy conservation and production; (11) leadership in natural resources aspects of rural community planning and development; or (12) any other purpose authorized or required by local or State conservation laws.

(b) If an objective has been identified which will require more than one year to complete or reach, the Secretary or the Secretary's designee may enter into a long-term agreement of not more than ten years with the local unit of government or State agency to provide funding assistance for the term of the agreement. Such assistance shall be contingent upon the amount of funds appropriated under section 3436 of this title.

(Pub. L. 97-98, title XV, §1516, Dec. 22, 1981, 95 Stat. 1334.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3431 of this title.

**§ 3434. Technical assistance**

**(a) Use of Federal matching grant funds**

Federal matching grant funds, as mutually agreed upon by the State soil conservation agency and the Secretary, may be used to provide technical assistance to landowners and operators for planning and application of soil and water conservation practices and measures and natural resource management systems.

**(b) Administration**

Such technical assistance shall be administered by the State soil conservation agency through local soil and water conservation districts.

**(c) Coordination; conformity with applicable standards or guidelines**

Such technical assistance shall be fully coordinated with technical assistance provided through ongoing Federal, State, and local resource conservation programs, and shall be in accord with established technical standards or guidelines.

**(d) Transfer of grant funds**

The basis for the transfer of grant funds shall be a grant agreement entered into by the Secretary or the Secretary's designee with the local unit of government or State agency.

(Pub. L. 97-98, title XV, §1517, Dec. 22, 1981, 95 Stat. 1334.)

**§ 3435. Recordkeeping; audit and examination; access to books and records**

(a) Each local unit of government or State agency receiving assistance under this subchapter shall keep such records as the Secretary requires, including records which fully disclose the amount and disposition by such unit or agency of the proceeds of such grants, the total cost of the projects or undertakings in connection with which such funds are given or used, and the amount of that portion of the costs of the projects or undertakings supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of each local unit of government or State agency that are pertinent to the grants under this subchapter.

(Pub. L. 97-98, title XV, §1518, Dec. 22, 1981, 95 Stat. 1335.)

**§ 3436. Authorization of appropriations**

**(a) Availability of sums**

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this subchapter, such sums to remain available until expended.

**(b) Prerequisite to appropriation**

No funds shall be appropriated to carry out this subchapter for the fiscal year beginning October 1, 1992, and subsequent fiscal years, except as authorized by law enacted after December 22, 1981.

**(c) Reporting requirements**

The Secretary shall report to the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition, and Forestry on the progress of the program authorized by this subchapter. The first such report shall be submitted by January 1, 1986, and a succeeding report by January 1, 1991. Each such report shall include an evaluation of the program and the Secretary's recommendations for strengthening it.

(Pub. L. 97-98, title XV, §1519, Dec. 22, 1981, 95 Stat. 1335.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3433 of this title.

SUBCHAPTER IV—RESERVOIR  
SEDIMENTATION REDUCTION PROGRAM

**§ 3441. Program formulation and implementation**

The Secretary of Agriculture (hereafter referred to in this subchapter as the "Secretary") may formulate and implement a program for testing the feasibility of reducing excessive sedimentation in existing reservoirs. Such an assistance program shall be implemented on the watershed drainage areas of no more than five publicly owned reservoirs. The Secretary shall select for the program those reservoirs in which excessive amounts of sediment are being depos-

ited because of critical soil erosion problems in the watershed drainage area.

(Pub. L. 97-98, title XV, §1521, Dec. 22, 1981, 95 Stat. 1336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3442 of this title.

**§ 3442. Plans; preparation, etc.**

For each reservoir and drainage area selected under section 3441 of this title, a plan shall be prepared that includes an assessment of the problems, a listing of objectives and priorities, and an implementation plan for achieving the objectives. The Secretary shall enter into an agreement with the soil and water conservation districts containing land within the reservoir or drainage area, an agency of State government designated by the Governor, and units of local government that have recognized interests in the reservoir, for the purpose of preparing the plan. The plan shall be signed by the Secretary, or the Secretary's designee, and the other parties to the agreement.

(Pub. L. 97-98, title XV, §1522, Dec. 22, 1981, 95 Stat. 1336.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3443 of this title.

**§ 3443. Approval of plans**

The Secretary shall submit each plan developed under section 3442 of this title to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives. The Secretary may implement any such plan only after each such committee adopts a resolution approving the plan.

(Pub. L. 97-98, title XV, §1523, Dec. 22, 1981, 95 Stat. 1336.)

**§ 3444. Authorization of appropriations**

There are authorized to be appropriated, for each of the fiscal years 1983 through 1987, such sums as may be necessary for carrying out the provisions of this subchapter, such sums to remain available until expended.

(Pub. L. 97-98, title XV, §1524, Dec. 22, 1981, 95 Stat. 1336.)

**§ 3445. Reporting requirement**

The Secretary shall submit a report evaluating the program authorized under this subchapter to Congress by January 1, 1987. The report shall include a recommendation as to whether the program should be extended and, if so, how it could be strengthened.

(Pub. L. 97-98, title XV, §1525, Dec. 22, 1981, 95 Stat. 1337.)

SUBCHAPTER V—RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

**§ 3451. Statement of purpose**

It is the purpose of this subchapter to encourage and improve the capability of State and local units of government and local nonprofit

organizations in rural areas to plan, develop, and carry out programs for resource conservation and development.

(Pub. L. 97-98, title XV, §1528, Dec. 22, 1981, 95 Stat. 1337.)

**§ 3452. Definitions**

As used in this subchapter—

(1) The term "area plan" means a resource conservation and utilization plan which is developed for a designated area of a State or States through a planning process and which includes one or more of the following elements:

(A) a land conservation element, the purpose of which shall be to control erosion and sedimentation;

(B) a water management element, the purpose of which shall be to provide for the conservation, utilization, and quality of water, including irrigation and rural water, supplies, the mitigation of floods and high water tables, construction, repair, and improvement of dams and reservoirs, improvement of agricultural water management, and improvement of water quality through control of nonpoint sources of pollution;

(C) a community development element, the purpose of which shall be the development of natural resources based industries, protection of rural industries from natural resource hazards, development of aquaculture, development of adequate rural water and waste disposal systems, improvement of recreation facilities, improvement in the quality of rural housing, provision of adequate health and education facilities, and satisfaction of essential transportation and communication needs; or

(D) other elements, the purpose of which may include energy conservation or protection of agricultural land, as appropriate, from conversion to other uses, or protection of fish and wildlife habitats.

(2) The term "designated area" means a geographic area designated by the Secretary to receive assistance under this subchapter.

(3) The term "planning process" means the continuous effort by any State, local unit of government, or local nonprofit organization to develop and carry out effective resource conservation and utilization plans for a designated area, including development of an area plan, goals, objectives, policies, implementation activities, evaluations and reviews, and the opportunity for public participation in such efforts.

(4) The term "financial assistance" means the cost-sharing arrangements that are available under this subchapter through Federal contracts, grants, or loans.

(5) The term "local unit of government" means any county, city, town, township, parish, village, or other general-purpose subdivision of a State, any local or regional special district or other limited political subdivision of a State, including any soil conservation district, school district, park authority, and water or sanitary district, or any Indian tribe or tribal organization established under Federal, State, or Indian tribal law.

(6) The term “nonprofit organization” means any community association, wildlife group, or resource conservation organization that is incorporated and approved by the Secretary for the purpose of providing to any rural area those public facilities or services included in the area plan for such rural area.

(7) The term “Secretary” means the Secretary of Agriculture.

(8) The term “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and American Samoa.

(9) The term “technical assistance” means any service provided by personnel of the Department of Agriculture or non-Federal personnel working through the Department of Agriculture, including, but not limited to, inventoring, evaluating, planning, designing, supervising, laying out and inspecting works of improvement, and the providing of maps, reports, and other documents associated with the services provided.

(10) The term “works of improvement” means the facilities installed or being installed in accord with an area plan.

(Pub. L. 97-98, title XV, §1529, Dec. 22, 1981, 95 Stat. 1337.)

#### TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3454 of this title.

### § 3453. Establishment and scope

The Secretary shall establish a resource conservation and development program under which the Secretary shall make available to States, local units of government, and local nonprofit organizations the technical and financial assistance necessary to permit such States, local units of government, and local nonprofit organizations to operate and maintain a planning and implementation process needed to conserve and improve the use of land, develop natural resources, and improve and enhance the social, economic, and environmental conditions in rural areas of the United States.

(Pub. L. 97-98, title XV, §1530, Dec. 22, 1981, 95 Stat. 1339.)

### § 3454. Selection of designated areas

The Secretary shall select designated areas for assistance under this subchapter on the basis of the elements specified in section 3452(1) of this title.

(Pub. L. 97-98, title XV, §1531, Dec. 22, 1981, 95 Stat. 1339.)

### § 3455. Authority of Secretary

In carrying out the provisions of this subchapter, the Secretary may—

(1) provide technical assistance to any State, local unit of government, or local nonprofit organization within a designated area to assist in developing and implementing an area plan for that area;

(2) cooperate with other departments and agencies of the Federal Government, State, and local units of government, and with local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans;

(3) assist in carrying out an area plan approved by the Secretary for any designated area by providing technical and financial assistance to any State, local unit of government, or local nonprofit organization designated to receive such assistance by the Governor or legislature of the State concerned; and

(4) enter into agreements with States, local units of government, and local nonprofit organizations, as provided in section 3456 of this title.

(Pub. L. 97-98, title XV, §1532, Dec. 22, 1981, 95 Stat. 1339.)

### § 3456. Technical and financial assistance

#### (a) Eligibility and criteria

Technical and financial assistance, including loans, may be provided by the Secretary to any State, local unit of government, or local nonprofit organization to assist in carrying out works of improvement specified in an area plan approved by the Secretary only if—

(1) such State, local unit of government, or local nonprofit organization agrees in writing to carry out such works of improvement and to finance or arrange for financing of any portion of the cost of carrying out such works of improvement for which financial assistance is not provided by the Secretary under this subchapter;

(2) the works of improvement for which assistance is to be provided under this subchapter are included in an area plan and have been approved by the State, local unit of government, or local nonprofit organization to be assisted;

(3) the Secretary determines that assistance to finance the type of works of improvement concerned is not reasonably available to such State, local unit of government, or local nonprofit organization under any other Federal program;

(4) the works of improvements provided for in the area plan are consistent with any current comprehensive plan for such area;

(5) the cost of the land or an interest in the land acquired or to be acquired under such plan by any State, local unit of government, or local nonprofit organization is borne by such State, local unit of government, or local nonprofit organization; and

(6) the State, local unit of government, or local nonprofit organization participating in an area plan agrees to maintain and operate all works of improvement installed under such plan.

#### (b) Terms and conditions of loans

Loans made under this subchapter shall be made on such terms and conditions as the Sec-

retary may prescribe, except that such loans shall have a repayment period of not more than thirty years from the date of completion of the work of improvement for which the loan is made and shall bear interest at the average rate of interest paid by the United States on its obligations of a comparable term, as determined by the Secretary of the Treasury.

**(c) Submission and approval of plan as prerequisite**

Assistance may not be made available to any State, local unit of government, or local nonprofit organization to carry out any area plan unless such plan has been submitted to and approved by the Secretary.

**(d) Withdrawal**

The Secretary may withdraw technical and financial assistance with respect to any area plan if the Secretary determines that such assistance is no longer needed or that sufficient progress has not been made toward developing or implementing the elements of such plan.

(Pub. L. 97-98, title XV, §1533, Dec. 22, 1981, 95 Stat. 1339.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3455 of this title.

**§ 3457. Resource Conservation and Development Policy Board**

**(a) Establishment**

The Secretary shall establish within the Department of Agriculture a Resource Conservation and Development Policy Board.

**(b) Composition; chairman**

Such board shall be composed of seven employees of the Department of Agriculture selected by the Secretary. One member shall be designated by the Secretary to serve as chairman.

**(c) Functions**

It shall be the function of such board to advise the Secretary regarding the administration of the provisions of this subchapter, including the formulation of policies for carrying out the program provided for by this subchapter.

(Pub. L. 97-98, title XV, §1534, Dec. 22, 1981, 95 Stat. 1340.)

**§ 3458. Program evaluation**

The Secretary shall evaluate the program provided for in this subchapter to determine whether such program is effectively meeting the needs of, and the objectives identified by, the States, local units of government, and local nonprofit organizations participating in such program. The Secretary shall submit a report to Congress containing the results of the evaluation not later than December 31, 1986, together with the Secretary's recommendations for continuing, terminating, redirecting, or modifying such program.

(Pub. L. 97-98, title XV, §1535, Dec. 22, 1981, 95 Stat. 1340.)

**§ 3459. Limitation on assistance**

The program provided for in this subchapter shall be limited to providing technical and fi-

ancial assistance to not more than 450 active designated areas.

(Pub. L. 97-98, title XV, §1536, Dec. 22, 1981, 95 Stat. 1340; Pub. L. 101-624, title XIV, §1452(a), Nov. 28, 1990, 104 Stat. 3611.)

AMENDMENTS

1990—Pub. L. 101-624 substituted “450” for “two hundred and twenty-five”.

**§ 3460. Supplemental authority of Secretary**

The authority of the Secretary under this subchapter to assist States, local units of government, and local nonprofit organizations in the development and implementation of area plans shall be supplemental to, and not in lieu of, any authority of the Secretary under any other provision of law.

(Pub. L. 97-98, title XV, §1537, Dec. 22, 1981, 95 Stat. 1340.)

**§ 3461. Authorization of appropriations**

There are authorized to be appropriated for each of the fiscal years 1991 through 1995 such sums as may be necessary to carry out the provisions of this subchapter, except that not more than \$15,000,000 may be appropriated for loans for any fiscal year. Funds appropriated pursuant to this subchapter shall remain available until expended.

(Pub. L. 97-98, title XV, §1538, Dec. 22, 1981, 95 Stat. 1341; Pub. L. 101-624, title XIV, §1452(b), Nov. 28, 1990, 104 Stat. 3611.)

AMENDMENTS

1990—Pub. L. 101-624 substituted “for each of the fiscal years 1991 through 1995” for “for each of the five fiscal years beginning October 1, 1982, and ending September 30, 1987.”

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

**§ 3471. Payments for land removed from production for conservation purposes; authorization of appropriations**

(a) The Secretary of Agriculture may enter into contracts to provide financial assistance in the form of payments to owners and operators of cropland located in counties where the soil normally freezes to a depth of at least four inches annually who remove such land from agricultural production for a period not to exceed one year for the purpose of installing enduring conservation measures which involve excavation of the soil. The payments under such contracts shall be in such amounts as determined by the Secretary to be necessary to effectuate the purposes of this subchapter but shall not exceed an amount equal to the number of acres of cropland removed from agricultural production for such purpose multiplied by 50 per centum of the typical annual rent, as determined by the Secretary, paid for similar land in the county. Financial assistance may not be provided under this section with respect to any conservation measure without the approval of the soil and water conservation district board for the district in which the land is located, and may not, in the aggregate, be provided in any year with respect to

more than one-half of 1 per centum of the cropland in any county.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, such sums to remain available until expended.

(Pub. L. 97-98, title XV, §1552, Dec. 22, 1981, 95 Stat. 1344.)

#### REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original "this subtitle", meaning subtitle J (§§1550-1554) of title XV of Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1344, which enacted this subchapter and section 2273 of Title 7, Agriculture, and amended section 1236 of Title 30, Mineral Lands and Mining. For complete classification of subtitle J to the Code, see Tables.

### § 3472. Conservation tillage; Congressional findings, etc.

(a) Congress finds that—

(1) domestic and international demand for agricultural products from the United States is great and is expected to significantly increase over the next twenty years;

(2) the ability of the United States to provide agricultural products to meet that demand is seriously impaired by the annual loss of five billion tons of soil due to wind and water erosion;

(3) the battle against soil erosion is being lost despite the annual expenditure of millions of dollars by the Federal Government on research, technical assistance, and conservation incentives to control soil erosion;

(4) conservation tillage practices are estimated to reduce soil erosion by 50 to 90 per centum over conventional farming practices; and

(5) conservation tillage may result in better yields, greater land use flexibility, decreased fuel use, decreased labor and equipment costs, increased retention of soil moisture, and more productive land than conventional farming practices and may be adaptable to a broad range of soil types and slopes throughout the country.

(b) It is the sense of Congress that the Secretary of Agriculture should, and is hereby urged and requested to—

(1) direct the attention of our Nation's farmers to the costs and benefits of conservation tillage as a means of controlling soil erosion and improving profitability; and

(2) conduct a program of research designed to resolve any unanswered questions regarding the advantages and disadvantages of conservation tillage over other soil conservation practices.

(Pub. L. 97-98, title XV, §1553, Dec. 22, 1981, 95 Stat. 1345.)

### § 3473. Regulations

The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-98, title XV, §1554, Dec. 22, 1981, 95 Stat. 1345.)

#### REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title XV of Pub. L. 97-98, Dec. 22,

1981, 95 Stat. 1328, which enacted this chapter and sections 2272 and 2273 and chapter 73 (§4201 et seq.) of Title 7, Agriculture, amended sections 1002 to 1005 of this title, section 1010 of Title 7, section 714b of Title 15, Commerce and Trade, and section 1236 of Title 30, Mineral Lands and Mining, and enacted a provision set out as a note under section 2272 of Title 7.

## CHAPTER 55—COASTAL BARRIER RESOURCES

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#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 5172.

### § 3501. Congressional statement of findings and purpose

(a) The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the