

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

SUBCHAPTER I—SOIL AND WATER CONSERVATION

Sec.
3401. Repealed.

SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM

3411 to 3420. Repealed.

SUBCHAPTER III—MATCHING GRANTS FOR CONSERVATION ACTIVITIES

3431 to 3436. Repealed.

SUBCHAPTER IV—RESERVOIR SEDIMENTATION REDUCTION PROGRAM

3441 to 3445. Repealed.

SUBCHAPTER V—RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

- 3451. Statement of purpose.
- 3452. Definitions.
- 3453. Establishment and scope.
- 3454. Selection of designated areas.
- 3455. Authority of Secretary.
- 3456. Technical and financial assistance.
 - (a) Eligibility and criteria.
 - (b) Terms and conditions of loans.
 - (c) Submission and approval of plan as prerequisite.
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- 3457. Resource Conservation and Development Policy Board.
 - (a) Establishment.
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- 3461. Authorization of appropriations.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

- 3471. Payments for land removed from production for conservation purposes; authorization of appropriations.
- 3472. Conservation tillage; Congressional findings, etc.
- 3473. Regulations.

SUBCHAPTER I—SOIL AND WATER CONSERVATION

§ 3401. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section, Pub. L. 97-98, title XV, §1501, Dec. 22, 1981, 95 Stat. 1328, reaffirmed congressional policy regarding soil and water conservation.

SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM

§§ 3411 to 3414. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3411, Pub. L. 97-98, title XV, §1502, Dec. 22, 1981, 95 Stat. 1328, set forth findings relating to special areas conservation.

Section 3412, Pub. L. 97-98, title XV, §1503, Dec. 22, 1981, 95 Stat. 1329, related to program formulation and implementation.

Section 3413, Pub. L. 97-98, title XV, §1504, Dec. 22, 1981, 95 Stat. 1331, related to designation of geographic area as special area.

Section 3414, Pub. L. 97-98, title XV, §1505, Dec. 22, 1981, 95 Stat. 1331, set forth limitations on contracts under program.

§ 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 Repealed.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 to 3418. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3416, 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, related to utilization of services and facilities in carrying out provisions of this subchapter.

Section 3417, 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, authorized expenditure of funds for improvement of technology.

Section 3418, 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, authorized appropriations to carry out subchapter programs.

§ 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. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section, 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, provided for protection of program participants.

SUBCHAPTER III—MATCHING GRANTS FOR CONSERVATION ACTIVITIES

§§ 3431 to 3436. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3431, Pub. L. 97-98, title XV, §1514, Dec. 22, 1981, 95 Stat. 1333, authorized formulation and implementation of grants program.

Section 3432, Pub. L. 97-98, title XV, §1515, Dec. 22, 1981, 95 Stat. 1334, related to program and plan review and implementation.

Section 3433, Pub. L. 97-98, title XV, §1516, Dec. 22, 1981, 95 Stat. 1334, related to long-range programs and annual work plans.

Section 3434, Pub. L. 97-98, title XV, §1517, Dec. 22, 1981, 95 Stat. 1334, authorized technical assistance to landowners and operators.

Section 3435, Pub. L. 97-98, title XV, §1518, Dec. 22, 1981, 95 Stat. 1335, related to recordkeeping, audit and examination, and access to books and records.

Section 3436, Pub. L. 97-98, title XV, §1519, Dec. 22, 1981, 95 Stat. 1335, authorized appropriations to carry out provisions of subchapter III.

SUBCHAPTER IV—RESERVOIR
SEDIMENTATION REDUCTION PROGRAM

§§ 3441 to 3445. Repealed. Pub. L. 104-127, title III, § 336(f)(1), Apr. 4, 1996, 110 Stat. 1007

Section 3441, Pub. L. 97-98, title XV, §1521, Dec. 22, 1981, 95 Stat. 1336, authorized formulation and implementation of reservoir sedimentation reduction program.

Section 3442, Pub. L. 97-98, title XV, §1522, Dec. 22, 1981, 95 Stat. 1336, related to preparation and contents of plan.

Section 3443, Pub. L. 97-98, title XV, §1523, Dec. 22, 1981, 95 Stat. 1336, related to approval of plans by Congress.

Section 3444, Pub. L. 97-98, title XV, §1524, Dec. 22, 1981, 95 Stat. 1336, authorized appropriations for carrying out provisions of subchapter IV.

Section 3445, Pub. L. 97-98, title XV, §1525, Dec. 22, 1981, 95 Stat. 1337, required report to Congress by Jan. 1, 1987, evaluating program.

SUBCHAPTER V—RESOURCE CONSERVA-
TION 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, inventorying, 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 Secretary 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 se-

lected 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 financial 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 1996 through 2002 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; Pub. L. 104-127, title III, §383, Apr. 4, 1996, 110 Stat. 1016.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “1996 through 2002” for “1991 through 1995”.

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

Sec.	
3501.	Congressional statement of findings and purpose.
3502.	Definitions.
3503.	Establishment of Coastal Barrier Resources System. <ul style="list-style-type: none"> (a) Establishment. (b) System maps. (c) Boundary review and modification.
3504.	Limitations on Federal expenditures affecting the System. <ul style="list-style-type: none"> (a) Construction or purchase of structure, facility, road, airport, etc.; projects to prevent erosion; exceptions. (b) New expenditures or new financial assistance.
3505.	Exceptions to limitations on expenditures. <ul style="list-style-type: none"> (a) In general. (b) Existing Federal navigation channels. (c) Expansion of highways in Michigan. (d) Services and facilities outside System.
3506.	Certification of compliance. <ul style="list-style-type: none"> (a) Regulations. (b) Certification.
3507.	Priority of laws.
3508.	Separability.

Sec.	
3509.	Report to Congress. <ul style="list-style-type: none"> (a) Time of report. (b) Consultations and public comment. (c) Contents.
3510.	Authorization of appropriations.

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 movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) The Congress declares that it is the purpose of this chapter to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing a Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

(Pub. L. 97-348, §2, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 100-707, title II, §204(c)(1), Nov. 23, 1988, 102 Stat. 4714.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 97-348, Oct. 18,