(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 household goods and transportation expense of newly appointed special agents of the United States Fish and Wildlife Service and the United States 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.)

REPRESENTATIVE 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

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 Repealed.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 Repealed.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 Repealed.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 Repealed.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. Definitions.

3452. Resource conservation and development program.

3453. Selection of designated areas.

3454. Powers of the Secretary.

3455. Eligibility; terms and conditions.


3457. Repealed.

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


SUBCHAPTER II—SPECIAL AREAS CONSERVATION PROGRAM


1981, 95 Stat. 1336, related to long-range programs and
annual work plans.
1981, 95 Stat. 1334, related to program and plan review
and implementation.
1981, 95 Stat. 1336, related to preparation and contents
of plans.
1981, 95 Stat. 1333, authorized formulation and imple-
mentation because of the extensive revision of the sub-

SUBCHAPTER III—MATCHING GRANTS FOR
CONSERVATION ACTIVITIES
Section 3431, Pub. L. 97–98, title XV, § 1514, Dec. 22,
1981, 95 Stat. 1335, authorized formulation and imple-
mentation 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
Section 3441, Pub. L. 97–98, title XV, § 1521, Dec. 22,
1981, 95 Stat. 1336, authorized formulation and imple-
mentation of reservoir sedimentation reduction pro-
gram.
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 Con-
gress.
Section 3444, Pub. L. 97–98, title XV, § 1524, Dec. 22,
1981, 95 Stat. 1336, authorized appropriations for carry-
ing out provisions of subchapter IV.
Section 3445, Pub. L. 97–98, title XV, § 1525, Dec. 22,
1, 1987, evaluating program.

SUBCHAPTER V—RESOURCE CONSERVA-
TION AND DEVELOPMENT PROGRAM
CODIFICATION
Subtitle H of title XV of the Agriculture and Food
Act of 1981, comprising this subchapter, was originally
1337, and amended by Pub. L. 101–624, Nov. 28, 1990, 104
Subtitle H is shown herein, however, as having been added by Pub. L. 107–171, title II, § 2504, May 13, 2002, 116
Stat. 269, without reference to the intervening amend-
ments because of the extensive revision of the sub-
§ 3451. Definitions
In this subchapter:
(1) Area plan
The term “area plan” means a resource con-
servation and use plan developed through a lo-
cally led planning process by a council for a
designated area of 1 or more States, or of land
under the jurisdiction of an Indian tribe, that
includes 1 or more of the following elements:
(A) A land conservation element, the pur-
pose of which is to control erosion and sedi-
mentation.
(B) A water management element that
provides 1 or more clear environmental or
conservation benefits, the purpose of which
is to provide for—
(i) the conservation, use, and quality of
water, including irrigation and rural water
supplies;
(ii) the mitigation of floods and high
water tables;
(iii) the repair and improvement of res-
ervoir.
(iv) the improvement of agricultural
water management; and
(v) the improvement of water quality.
(C) A community development element, the
purpose of which is to improve—
(i) the development of resources-based
industries;
(ii) the protection of rural industries
from natural resource hazards;
(iii) the development of adequate rural
water and waste disposal systems;
(iv) the improvement of recreation fa-
cilities;
(v) the improvement in the quality of
rural housing;
(vi) the provision of adequate health and
education facilities;
(vii) the satisfaction of essential trans-
portation and communication needs; and
(viii) the promotion of food security,
economic development, and education.
(D) A land management element, the pur-
pose of which is—
(i) energy conservation, including the
production of energy crops;
(ii) the protection of agricultural land,
as appropriate, from conversion to other
uses;
(iii) farmland protection; and
(iv) the protection of fish and wildlife
habitats.
(2) Board
The term “Board” means the Resource Con-
servation and Development Policy Advisory
Board established under section 3456(a) of this
title.
(3) Council
The term “council” means a nonprofit en-
tity (including an affiliate of the entity) oper-
ating in a State that is—
(A) established by volunteers or represent-
atives of States, local units of government,
Indian tribes, or local nonprofit organiza-
tions to carry out an area plan in a des-
ignated area; and
(B) designated by the chief executive offi-
cer or legislature of the State to receive
technical assistance and financial assis-
tance under this subchapter.
(4) Designated area
The term “designated area” means a geo-
graphic area designated by the Secretary to
receive technical assistance and financial assis-
tance under this subchapter.
(5) Financial assistance
The term “financial assistance” means a
grant or loan provided by the Secretary (or
§ 3452. Resource conservation and development program

The Secretary shall establish a resource conservation and development program under which the Secretary shall provide technical assistance and financial assistance to councils to develop and carry out area plans and projects in designated areas—

(1) to conserve and improve the use of land, develop natural resources, and improve and enhance the social, economic, and environmental conditions in primarily rural areas of the United States; and

(2) to encourage and improve the capability of State,1 units of government, Indian tribes, nonprofit organizations, and councils to carry out the purposes described in paragraph (1).


AMENDMENTS


Par. (8), (9). Pub. L. 110–246, § 2805(a)(2), (3), redesignated pars. (9) and (8) as (8) and (9), respectively, and, in par. (8), substituted “Locally led planning process” for “Planning process” in heading and “locally led council” for “council” in text.

Par. (13)(C), (D). Pub. L. 110–246, § 2805(b), added subpars. (C) and (D) and struck out former subpars. (C) and (D) which read as follows:

“(C) providing assistance for the long-term implementation of area plans; and

“(D) providing services of an agency of the Department of Agriculture to assist councils in developing and carrying out area plans.”

EFFECTIVE DATE OF 2008 AMENDMENT


§ 3452. Resource conservation and development program

The Secretary shall establish a resource conservation and development program under which the Secretary shall provide technical assistance and financial assistance to councils to develop and carry out area plans and projects in designated areas—

(1) to conserve and improve the use of land, develop natural resources, and improve and enhance the social, economic, and environmental conditions in primarily rural areas of the United States; and

(2) to encourage and improve the capability of State,1 units of government, Indian tribes, nonprofit organizations, and councils to carry out the purposes described in paragraph (1).


1 So in original.
§ 3453. Selection of designated areas

The Secretary shall select designated areas for assistance under this subchapter on the basis of the elements of area plans.


Prior Provisions


§ 3454. Powers of the Secretary

(a) In general

In carrying out this subchapter, the Secretary may—

(1) provide technical assistance to any council to assist in developing and implementing an area plan for a designated area;

(2) cooperate with other departments and agencies of the Federal Government, States, local units of government, local Indian tribes, and 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 assistance and financial assistance to any council; and

(4) enter into agreements with councils in accordance with section 3455 of this title.

(b) Coordinator

(1) In general

To improve the provision of technical assistance to councils under this subchapter, the Secretary shall designate for each council an individual to be the coordinator for the council.

(2) Responsibility

A coordinator for a council shall be directly responsible for the provision of technical assistance to the council.


Codification


Prior Provisions


Amendments

2008—Pub. L. 110–246, §2805(c), designated existing provisions as subsec. (a), inserted heading, and added subsec. (b).

Effective Date of 2008 Amendment


§ 3455. Eligibility; terms and conditions

(a) Eligibility

Technical assistance and financial assistance may be provided by the Secretary under this subchapter to any council to assist in carrying out a project specified in an area plan approved by the Secretary only if—

(1) the council agrees in writing—

(A) to carry out the project; and

(B) to finance or arrange for financing of any portion of the cost of carrying out the project for which financial assistance is not provided by the Secretary under this subchapter;

(2) the project is included in an area plan and is approved by the council;

(3) the Secretary determines that assistance is necessary to carry out the area plan;

(4) the project provided for in the area plan is consistent with any comprehensive plan for the area;

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

(6) the State, local unit of government, Indian tribe, or local nonprofit organization participating in the area plan agrees to maintain and operate the project.

(b) Loans

(1) In general

Subject to paragraphs (2) and (3), a loan made under this subchapter shall be made on such terms and conditions as the Secretary may prescribe.

(2) Term

A loan for a project made under this subchapter shall have a term of not more than 30 years after the date of completion of the project.

(3) Interest rate

A loan made under this subchapter shall bear interest at the average rate of interest paid by the United States on obligations of a comparable term, as determined by the Secretary of the Treasury.

(c) Approval by Secretary

Technical assistance and financial assistance under this subchapter may not be made available to a council to carry out an area plan unless the area plan has been submitted to and approved by the Secretary.

(d) Withdrawal

The Secretary may withdraw technical assistance and financial assistance with respect to any area plan if the Secretary determines that the assistance is no longer necessary or that sufficient progress has not been made toward developing or implementing the elements of the area plan.
§ 3456. Resource Conservation and Development Policy Advisory Board

(a) Establishment

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

(b) Composition

(1) In general

The Board shall be composed of at least 7 employees of the Department of Agriculture selected by the Secretary.

(2) Chairperson

A member of the Board shall be designated by the Secretary to serve as chairperson of the Board.

(c) Duties

The Board shall advise the Secretary regarding the administration of this subchapter, including the formulation of policies for carrying out this subchapter.


Prior Provisions


Codification


Prior Provisions


Effective Date of Repeal


§ 3458. Limitation on assistance

In carrying out this subchapter, the Secretary shall provide technical assistance and financial assistance with respect to not more than $50 active designated areas.

Prior Provisions


§ 3459. Supplemental authority of the Secretary

The authority of the Secretary under this subchapter to assist councils 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.

Prior Provisions


§ 3460. Authorization of appropriations

(a) In general

There are authorized to be 2 such sums as are necessary to carry out this subchapter.

(b) Loans

The Secretary shall not use more than $15,000,000 of any funds made available for a fiscal year to make loans under this subchapter.

(c) Availability

Funds appropriated to carry out this subchapter shall remain available until expended.

Prior Provisions


2So in original. Probably should be followed by “appropriated”.
§ 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.


§ 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.


§ 3473. Regulations

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


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 sections 2272 and 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.