

**CHAPTER 42—EMERGENCY CONSERVATION PROGRAM**

- Sec. 2201. Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria.
- 2202. Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria.
- 2203. Undertaking of runoff retardation and soil-erosion preventive measures; cooperation with landowners and land users; criteria.
- 2204. Authorization of appropriations; availability of funds; implementation of provisions; limitations on expenditures.
- 2205. Regulations for implementation of provisions.
- 2206. Emergency forest restoration program.

**§ 2201. Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria**

The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of the foregoing, new conservation problems have been created that (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

(Pub. L. 95-334, title IV, §401, Aug. 4, 1978, 92 Stat. 433.)

**EFFECTIVE DATE**

Section 406 of title IV of Pub. L. 95-334 provided that: "The provisions of this title [enacting this chapter] shall become effective October 1, 1978."

**§ 2202. Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria**

The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures (including measures carried out to assist confined livestock) during periods of severe drought as determined by the Secretary.

(Pub. L. 95-334, title IV, §402, Aug. 4, 1978, 92 Stat. 434; Pub. L. 101-82, title V, §502, Aug. 14, 1989, 103 Stat. 586.)

**AMENDMENTS**

1989—Pub. L. 101-82, §502(1), inserted "(including measures carried out to assist confined livestock)".

Pub. L. 101-82, §502(2), temporarily substituted "any fiscal year in which there is a period of severe drought" for "periods of severe drought". See Effective and Termination Dates of 1989 Amendment note below.

**EFFECTIVE AND TERMINATION DATES OF 1989 AMENDMENT**

Section 502(2) of Pub. L. 101-82 provided in part that amendment by section 502(2) of Pub. L. 101-82 is effective only for fiscal year 1989.

**§ 2203. Undertaking of runoff retardation and soil-erosion preventive measures; cooperation with landowners and land users; criteria**

The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of that watershed.

(Pub. L. 95-334, title IV, §403, Aug. 4, 1978, 92 Stat. 434; Pub. L. 104-127, title III, §382, Apr. 4, 1996, 110 Stat. 1016.)

**AMENDMENTS**

1996—Pub. L. 104-127 inserted "including the purchase of floodplain easements," after "emergency measures".

**DISASTER ASSISTANCE FOR WATERSHED PROTECTION ACTIVITIES**

Pub. L. 100-387, title IV, §402, as added Pub. L. 101-82, title V, §503, Aug. 14, 1989, 103 Stat. 586, provided that:

"(a) **IN GENERAL.**—The Secretary of Agriculture may provide disaster relief assistance in accordance with this section to repair damage caused by storms occurring in 1988 or 1989 to watersheds located in any county in any State, to the extent that funds authorized by this section remain available.

"(b) **FORM OF ASSISTANCE.**—The assistance authorized by this section—

"(1) includes both financial and technical assistance; and

"(2) shall be provided in a manner consistent with similar assistance authorized under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

"(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1990."

**§ 2204. Authorization of appropriations; availability of funds; implementation of provisions; limitations on expenditures**

There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this chapter. Such funds shall remain available until expended. In implementing the provisions of this chapter, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out the provisions of this chapter unless funds specifically appropriated for such purpose have been transferred to it.

(Pub. L. 95-334, title IV, §404, Aug. 4, 1978, 92 Stat. 434.)

**§ 2205. Regulations for implementation of provisions**

The Secretary of Agriculture is authorized to prescribe such regulations as the Secretary determines necessary to carry out the provisions of this chapter.

(Pub. L. 95-334, title IV, §405, Aug. 4, 1978, 92 Stat. 434.)

**§ 2206. Emergency forest restoration program**

**(a) Definitions**

In this section: