

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 Repealed.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 Repealed.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 CONSERVATION AND DEVELOPMENT PROGRAM

#### CODIFICATION

Subtitle H of title XV of the Agriculture and Food Act of 1981, comprising this subchapter, was originally enacted by Pub. L. 97-98, title XV, Dec. 22, 1981, 95 Stat. 1337, and amended by Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359; Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888. 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 amendments because of the extensive revision of the subtitle's provisions by Pub. L. 107-171.

#### § 3451. Definitions

In this subchapter:

##### (1) Area plan

The term “area plan” means a resource conservation and use plan developed through a locally 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 purpose of which is to control erosion and sedimentation.

(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 reservoirs;

(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 facilities;

(v) the improvement in the quality of rural housing;

(vi) the provision of adequate health and education facilities;

(vii) the satisfaction of essential transportation and communication needs; and

(viii) the promotion of food security, economic development, and education.

(D) A land management element, the purpose 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 Conservation and Development Policy Advisory Board established under section 3456(a) of this title.

#### (3) Council

The term “council” means a nonprofit entity (including an affiliate of the entity) operating in a State that is—

(A) established by volunteers or representatives of States, local units of government, Indian tribes, or local nonprofit organizations to carry out an area plan in a designated area; and

(B) designated by the chief executive officer or legislature of the State to receive technical assistance and financial assistance under this subchapter.

#### (4) Designated area

The term “designated area” means a geographic area designated by the Secretary to receive technical assistance and financial assistance under this subchapter.

#### (5) Financial assistance

The term “financial assistance” means a grant or loan provided by the Secretary (or

the Secretary and other Federal agencies) to, or a cooperative agreement entered into by the Secretary (or the Secretary and other Federal agencies) with, a council, or association of councils, to carry out an area plan in a designated area, including assistance provided for planning, analysis, feasibility studies, training, education, and other activities necessary to carry out the area plan.

**(6) Indian tribe**

The term “Indian tribe” has the meaning given the term in section 450b of title 25.

**(7) Local unit of government**

The term “local unit of government” means—

(A) any county, city, town, township, parish, village, or other general-purpose subdivision of a State; and

(B) 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.

**(8) Locally led planning process**

The term “planning process” means actions taken by a locally led council to develop and carry out an effective area plan in a designated area, including development of the area plan, goals, purposes, policies, implementation activities, evaluations and reviews, and the opportunity for public participation in the actions.

**(9) Nonprofit organization**

The term “nonprofit organization” means any organization that is—

(A) described in section 501(c) of title 26; and

(B) exempt from taxation under section 501(a) of title 26.

**(10) Project**

The term “project” means a project that is carried out by a council to achieve any of the elements of an area plan.

**(11) Secretary**

The term “Secretary” means the Secretary of Agriculture.

**(12) State**

The term “State” means—

(A) any State;

(B) the District of Columbia; or

(C) any territory or possession of the United States.

**(13) Technical assistance**

The term “technical assistance” means any service provided by the Secretary or agent of the Secretary, including—

(A) inventorying, evaluating, planning, designing, supervising, laying out, and inspecting projects;

(B) providing maps, reports, and other documents associated with the services provided;

(C) providing assistance for the implementation of area plans and projects; and

(D) providing services that involve the resources of Department of Agriculture pro-

grams in a local community, as defined in the locally led planning process.

(Pub. L. 97–98, title XV, §1528, as added Pub. L. 107–171, title II, §2504, May 13, 2002, 116 Stat. 269; Pub. L. 110–234, title II, §2805(a), (b), May 22, 2008, 122 Stat. 1088; Pub. L. 110–246, §4(a), title II, §2805(a), (b), June 18, 2008, 122 Stat. 1664, 1816.)

CODIFICATION

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

PRIOR PROVISIONS

A prior section 3451, Pub. L. 97–98, title XV, §1528, Dec. 22, 1981, 95 Stat. 1337, related to statement of purpose, prior to the general amendment of this subchapter by Pub. L. 107–171.

AMENDMENTS

2008—Par. (1). Pub. L. 110–246, §2805(a)(1), substituted “locally led planning process” for “planning process” in introductory provisions.

Pars. (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

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

**§ 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,<sup>1</sup> units of government, Indian tribes, nonprofit organizations, and councils to carry out the purposes described in paragraph (1).

(Pub. L. 97–98, title XV, §1529, as added Pub. L. 107–171, title II, §2504, May 13, 2002, 116 Stat. 272.)

PRIOR PROVISIONS

A prior section 3452, Pub. L. 97–98, title XV, §1529, Dec. 22, 1981, 95 Stat. 1337, related to definitions, prior to the general amendment of this subchapter by Pub. L. 107–171.

<sup>1</sup> So in original.