

program (hereinafter called the “program”) to be used as a guide in carrying out the activities of the Secretary which assist landowners and land users, at their request, in furthering soil and water conservation on the private, tribal, and non-Federal lands of the Nation. The program shall set forth direction for future soil and water conservation efforts of the United States Department of Agriculture based on the current soil, water, and related resource appraisal developed in accordance with section 2004 of this title, taking into consideration both the long- and short-term needs of the Nation, the landowners, and the land users, and the roles and responsibilities of Federal, State, tribal, and local governments in such conservation efforts. The program shall also include but not be limited to—

(1) analysis of the Nation’s soil, water, and related resource problems;

(2) analysis of existing Federal, State, tribal, and local government authorities and adjustments needed;

(3) an evaluation of the effectiveness of the soil and water conservation ongoing programs and the overall progress being achieved by Federal, State, tribal, and local programs and the landowners and land users in meeting the soil and water conservation objectives of this chapter;

(4) identification and evaluation of alternative methods for the conservation, protection, environmental improvement, and enhancement of soil and water resources, in the context of alternative time frames, and a recommendation of the preferred alternatives and the extent to which they are being implemented;

(5) investigation and analysis of the practicability, desirability, and feasibility of collecting organic waste materials, including manure, crop and food wastes, industrial organic waste, municipal sewage sludge, logging and wood-manufacturing residues, and any other organic refuse, composting, or similarly treating such materials, transporting and placing such materials onto the land to improve soil tilth and fertility. The analysis shall include the projected cost of such collection, transportation, and placement in accordance with sound locally approved soil and water conservation practices;

(6) analysis of the Federal and non-Federal inputs required to implement the program;

(7) analysis of costs and benefits of alternative soil and water conservation practices; and

(8) investigation and analysis of alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.

#### (b) Evaluation of existing conservation programs

In evaluating existing conservation programs, the Secretary shall emphasize demonstration, innovation, and monitoring of specific program components in order to encourage further development and adoption of practices and performance-based standards.

#### (c) Improvement to program

In developing a national soil and water conservation program under subsection (a), the Secretary shall solicit and evaluate recommendations for improving the program, including the content, scope, process, participation in, and other elements of the program, as determined by the Secretary.

#### (d) Completion dates

The initial program shall be completed not later than December 31, 2011, and December 31, 2016, respectively.<sup>1</sup>

(Pub. L. 95–192, § 6, Nov. 18, 1977, 91 Stat. 1409; Pub. L. 99–198, title XII, § 1252(b), Dec. 23, 1985, 99 Stat. 1516; Pub. L. 103–354, title II, § 246(f)(2)(C), Oct. 13, 1994, 108 Stat. 3225; Pub. L. 110–234, title II, § 2804(c), May 22, 2008, 122 Stat. 1087; Pub. L. 110–246, § 4(a), title II, § 2804(c), June 18, 2008, 122 Stat. 1664, 1815; Pub. L. 113–79, title II, § 2508(c), Feb. 7, 2014, 128 Stat. 756.)

#### 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.

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113–79 inserted “, tribal,” after “conservation districts, State” and “, tribal,” after “private” in introductory provisions, and “, tribal” after “Federal, State” wherever appearing.

2008—Subsecs. (b) to (d). Pub. L. 110–246, § 2804(c), added subsecs. (b) and (c), redesignated former subsec. (b) as (d), and substituted “December 31, 2011, and December 31, 2016” for “December 31, 1979, and program updates shall be completed by December 31, 1987, December 31, 1997, and December 31, 2007”.

1994—Subsec. (a). Pub. L. 103–354 in first sentence of introductory provisions substituted “Secretary” for “Soil Conservation Service” before “which assist”.

1985—Subsec. (b). Pub. L. 99–198 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The program plan shall be completed not later than December 31, 1979, and be updated at each five-year interval thereafter during the period this chapter is in effect.”

#### 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.

#### TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 2002 of this title.

#### § 2005a. Repealed. Pub. L. 104–127, title III, § 336(e), Apr. 4, 1996, 110 Stat. 1007

Section, Pub. L. 99–198, title XII, § 1251, Dec. 23, 1985, 99 Stat. 1516, related to technical assistance for water resources.

<sup>1</sup> So in original. See 2008 Amendment note below.

**§ 2005b. Repealed. Pub. L. 107-171, title II, § 2502(b), May 13, 2002, 116 Stat. 267**

Section, Pub. L. 104-127, title III, §386, Apr. 4, 1996, 110 Stat. 1017, related to conservation of private grazing land. See section 3839bb of this title.

**§ 2006. Reports to Congress**

**(a) Appraisal**

Not later than the date on which Congress convenes in 2011 and 2016, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate the appraisal developed under section 2004 of this title and completed before the end of the previous year.

**(b) Program and statement of policy**

Not later than the date on which Congress convenes in 2012 and 2017, the President shall transmit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate—

- (1) the initial program or updated program developed under section 2005 of this title and completed before the end of the previous year;
- (2) a detailed statement of policy regarding soil and water conservation activities of the Department of Agriculture; and
- (3) a special evaluation of the status, conditions, and trends of soil quality on cropland in the United States that addresses the challenges and opportunities for reducing soil erosion to tolerance levels.

**(c) Improvements to appraisal and program**

Not later than the date on which Congress convenes in 2012, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the plans of the Department of Agriculture for improving the resource appraisal and national conservation program required under this chapter, based on the recommendations received under sections 2004(d) and 2005(c) of this title.

(Pub. L. 95-192, §7, Nov. 18, 1977, 91 Stat. 1410; Pub. L. 99-198, title XII, §1252(c), Dec. 23, 1985, 99 Stat. 1516; Pub. L. 110-234, title II, §2804(d), May 22, 2008, 122 Stat. 1087; Pub. L. 110-246, §4(a), title II, §2804(d), June 18, 2008, 122 Stat. 1664, 1815.)

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.

AMENDMENTS

2008—Pub. L. 110-246, §2804(d), amended section generally. Prior to amendment, section related to transmission of appraisal developed under section 2004 of this title at the time Congress convened in 1980, 1987, 1996, and 2006, transmission of program developed under section 2005 of this title and statement of policy at the time Congress convened in 1980, 1988, 1998, and 2008, and annual report on program effectiveness.

1985—Subsec. (a). Pub. L. 99-198, §1252(c)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: “On the first day Congress convenes in 1980

and at each five-year interval thereafter during the period this chapter is in effect the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, the appraisal and the program as required by sections 2004 and 2005 of this title, together with a detailed statement of policy regarding soil and water conservation activities of the United States Department of Agriculture.”

Subsecs. (b), (c). Pub. L. 99-198, §1252(c)(2), (3), struck out subsec. (b) which provided for an annual report of program and policy achievement, and redesignated subsec. (c) as (b).

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.

DELEGATION OF REPORTING AND OTHER AUTHORITIES

Memorandum of President of the United States, Feb. 14, 2011, 76 F.R. 9493, provided:

Memorandum for the Secretary of Agriculture

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby delegate to you the functions and authority conferred upon the President by section 7 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2006), as amended by section 2804 of the Food, Conservation, and Energy Act of 2008, to make the specified reports to the Congress.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

**§ 2007. Authorization of appropriations**

There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this chapter.

(Pub. L. 95-192, §8, Nov. 18, 1977, 91 Stat. 1411.)

**§ 2008. Utilization of available information and data**

In the implementation of this chapter, the Secretary shall utilize information and data available from other Federal, State, tribal, and local governments, and private organizations and he shall coordinate his actions with the resource appraisal and planning efforts of other Federal agencies and avoid unnecessary duplication and overlap of planning and program efforts.

(Pub. L. 95-192, §9, Nov. 18, 1977, 91 Stat. 1411; Pub. L. 113-79, title II, §2508(d), Feb. 7, 2014, 128 Stat. 756.)

AMENDMENTS

2014—Pub. L. 113-79 inserted “, tribal” after “State”.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 2002 of this title.

**§ 2009. Termination of program**

The provisions of this chapter shall terminate on December 31, 2018.