

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 5304 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,¹ 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.

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.

(Pub. L. 97-98, title XV, § 1530, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 272.)

PRIOR PROVISIONS

A prior section 3453, Pub. L. 97-98, title XV, § 1530, Dec. 22, 1981, 95 Stat. 1339, related to the establishment and scope of resource conservation and development program, prior to the general amendment of this subchapter by Pub. L. 107-171.

§ 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.

(Pub. L. 97-98, title XV, § 1531, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 272; amended Pub. L. 110-234, title II, § 2805(c), May 22, 2008, 122 Stat. 1088; Pub. L. 110-246, § 4(a), title II, § 2805(c), 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 3454, Pub. L. 97-98, title XV, § 1531, Dec. 22, 1981, 95 Stat. 1339, related to selection of designated areas for assistance, prior to the general amendment of this subchapter by Pub. L. 107-171.

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

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.

§ 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.