

§ 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 L. 110-234 were repealed by section 4(a) of Pub.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.

(Pub. L. 97-98, title XV, § 1532, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 272.)

PRIOR PROVISIONS

A prior section 3455, Pub. L. 97-98, title XV, § 1532, Dec. 22, 1981, 95 Stat. 1339, related to authority of the Secretary to carry out provisions of this subchapter, prior to the general amendment of this subchapter by Pub. L. 107-171.

§ 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.

(Pub. L. 97-98, title XV, § 1533, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 273.)

PRIOR PROVISIONS

A prior section 3456, Pub. L. 97-98, title XV, § 1533, Dec. 22, 1981, 95 Stat. 1339, related to technical and financial assistance to carry out specified works of improvement, prior to the general amendment of this subchapter by Pub. L. 107-171.

TERMINATION OF ADVISORY BOARDS

Advisory boards established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 3457. Repealed. Pub. L. 110-234, title II, § 2805(d), May 22, 2008, 122 Stat. 1089, and Pub. L. 110-246, § 4(a), title II, § 2805(d), June 18, 2008, 122 Stat. 1664, 1817

Section, Pub. L. 97-98, title XV, § 1534, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 273, related to evaluation of program established under this subchapter and submission of report not later than June 30, 2005.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 repealed this section. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 3457, Pub. L. 97-98, title XV, § 1534, Dec. 22, 1981, 95 Stat. 1340, related to the Resource Con-

servation and Development Policy Board, prior to the general amendment of this subchapter by Pub. L. 107-171.

EFFECTIVE DATE OF REPEAL

Repeal 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.

§ 3458. Limitation on assistance

In carrying out this subchapter, the Secretary shall provide technical assistance and financial assistance with respect to not more than 450 active designated areas.

(Pub. L. 97-98, title XV, § 1535, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 274.)

PRIOR PROVISIONS

A prior section 3458, Pub. L. 97-98, title XV, § 1535, Dec. 22, 1981, 95 Stat. 1340, related to program evaluation, prior to the general amendment of this subchapter by Pub. L. 107-171.

§ 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.

(Pub. L. 97-98, title XV, § 1536, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 274.)

PRIOR PROVISIONS

A prior section 3459, Pub. L. 97-98, title XV, § 1536, Dec. 22, 1981, 95 Stat. 1340; Pub. L. 101-624, title XIV, § 1452(a), Nov. 28, 1990, 104 Stat. 3611, related to limitation on assistance, prior to the general amendment of this subchapter by Pub. L. 107-171.

§ 3460. Authorization of appropriations

(a) In general

There are authorized to be¹ 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.

(Pub. L. 97-98, title XV, § 1537, as added Pub. L. 107-171, title II, § 2504, May 13, 2002, 116 Stat. 274.)

PRIOR PROVISIONS

Prior sections 3460 and 3461 were omitted in the general amendment of this subchapter by Pub. L. 107-171.

Section 3460, Pub. L. 97-98, title XV, § 1537, Dec. 22, 1981, 95 Stat. 1340, related to supplemental authority of Secretary.

Section 3461, Pub. L. 97-98, title XV, § 1538, Dec. 22, 1981, 95 Stat. 1341; Pub. L. 101-624, title XIV, § 1452(b), Nov. 28, 1990, 104 Stat. 3611; Pub. L. 104-127, title III, § 383, Apr. 4, 1996, 110 Stat. 1016, authorized appropriations for each of the fiscal years 1996 through 2002.

¹So in original. Probably should be followed by "appropriated".