

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Subtitle H of title XV of the Agriculture and Food Act of 1981, comprising this subchapter, was originally enacted by Pub.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 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 programs 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.

**§ 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.

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