

(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 L. 110-234 were repealed by section 4(a) of Pub.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 Conservation 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 be<sup>1</sup> 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.

SUBCHAPTER VI—MISCELLANEOUS PROVISIONS

**§ 3471. Payments for land removed from production for conservation purposes; authorization of appropriations**

(a) The Secretary of Agriculture may enter into contracts to provide financial assistance in the form of payments to owners and operators of cropland located in counties where the soil normally freezes to a depth of at least four inches annually who remove such land from agricultural production for a period not to exceed one year for the purpose of installing enduring conservation measures which involve excavation of the soil. The payments under such contracts shall be in such amounts as determined by the Secretary to be necessary to effectuate the purposes of this subchapter but shall not exceed an amount equal to the number of acres of cropland removed from agricultural production for such purpose multiplied by 50 per centum of the typical annual rent, as determined by the Secretary, paid for similar land in the county. Financial assistance may not be provided under this section with respect to any conservation measure without the approval of the soil and water conservation district board for the district in which the land is located, and may not, in the aggregate, be provided in any year with respect to more than one-half of 1 per centum of the cropland in any county.

(b) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, such sums to remain available until expended.

(Pub. L. 97-98, title XV, §1552, Dec. 22, 1981, 95 Stat. 1344.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (a), was in the original "this subtitle", meaning subtitle J

<sup>1</sup>So in original. Probably should be followed by "appropriated".