

Statutory Notes and Related SubsidiariesEFFECTIVE AND TERMINATION DATES OF 1989
AMENDMENT

Pub. L. 101-82, title V, §502(2), Aug. 14, 1989, 103 Stat. 586, provided in part that amendment by section 502(2) of Pub. L. 101-82 is effective only for fiscal year 1989.

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 406 of Pub. L. 95-334, set out as a note under section 2201 of this title.

§ 2202a. Cost-share requirement**(a) Cost-share rate**

Subject to subsections (b) and (c), the maximum cost-share payment under sections 2201 and 2202 of this title shall not exceed 75 percent of the total allowable cost, as determined by the Secretary.

(b) Exception

Notwithstanding subsection (a), a payment to a limited resource farmer or rancher, a socially disadvantaged farmer or rancher (as defined in subsection (a) of section 2279 of title 7), or a beginning farmer or rancher under section 2201 or 2202 of this title shall not exceed 90 percent of the total allowable cost, as determined by the Secretary.

(c) Limitation

The total payment under sections 2201 and 2202 of this title for a single event may not exceed 50 percent of the agriculture value of the land, as determined by the Secretary.

(Pub. L. 95-334, title IV, §402A, as added Pub. L. 115-334, title II, §2403(b), Dec. 20, 2018, 132 Stat. 4571.)

§ 2202b. Payment limitation

The maximum payment made under the emergency conservation program to an agricultural producer under sections 2201 and 2202 of this title shall not exceed \$500,000.

(Pub. L. 95-334, title IV, §402B, as added Pub. L. 115-334, title II, §2403(c), Dec. 20, 2018, 132 Stat. 4572.)

§ 2203. Emergency watershed program**(a) In general**

The Secretary is authorized to undertake emergency watershed protection measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of that watershed.

(b) Floodplain easements**(1) Modification and termination**

The Secretary may modify or terminate a floodplain easement administered by the Secretary under this section if—

(A) the current owner agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination—

(i) will address a compelling public need for which there is no practicable alternative; and

(ii) is in the public interest.

(2) Consideration**(A) Termination**

As consideration for termination of an easement and associated agreements under paragraph (1), the Secretary shall enter into compensatory arrangements as determined to be appropriate by the Secretary.

(B) Modification

In the case of a modification under paragraph (1)—

(i) as a condition of the modification, the current owner shall enter into a compensatory arrangement (as determined to be appropriate by the Secretary) to incur the costs of modification; and

(ii) the Secretary shall ensure that—

(I) the modification will not adversely affect the floodplain functions and values for which the easement was acquired;

(II) any adverse impacts will be mitigated by enrollment and restoration of other land that provides greater floodplain functions and values at no additional cost to the Federal Government; and

(III) the modification will result in equal or greater environmental and economic values to the United States.

(Pub. L. 95-334, title IV, §403, Aug. 4, 1978, 92 Stat. 434; Pub. L. 104-127, title III, §382, Apr. 4, 1996, 110 Stat. 1016; Pub. L. 113-79, title II, §2506, Feb. 7, 2014, 128 Stat. 752; Pub. L. 115-334, title II, §2403(a)(2)(A), (d), Dec. 20, 2018, 132 Stat. 4571, 4572.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334, §2403(d)(1), substituted “Emergency watershed program” for “Emergency measures” in section catchline.

Subsec. (a). Pub. L. 115-334, §2403(d)(2), inserted “watershed protection” after “emergency”.

Pub. L. 115-334, §2403(a)(2)(A), substituted “The Secretary is” for “The Secretary of Agriculture is”.

2014—Pub. L. 113-79 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1996—Pub. L. 104-127 inserted “, including the purchase of floodplain easements,” after “emergency measures”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Oct. 1, 1978, see section 406 of Pub. L. 95-334, set out as a note under section 2201 of this title.

DISASTER ASSISTANCE FOR WATERSHED PROTECTION
ACTIVITIES

Pub. L. 100-387, title IV, §402, as added Pub. L. 101-82, title V, §503, Aug. 14, 1989, 103 Stat. 586, authorized the Secretary of Agriculture to provide financial and technical disaster relief assistance in accordance with this