

Excerpt – “Subtitle H— The Farm Security and Rural Investment Act of 2002”

RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM

“SEC. 1528. DEFINITIONS.

“In this subtitle:

“(1) AREA PLAN.—The term ‘area plan’ means a resource conservation and use plan developed through a 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 1533(a).

“(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 subtitle.

“(4) DESIGNATED AREA.—The term ‘designated area’ means a geographic area designated by the Secretary to receive technical assistance and financial assistance under this subtitle.

“(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 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

“(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) NONPROFIT ORGANIZATION.—The term ‘nonprofit organization’ means any organization that is—

“(A) described in section 501(c) of the Internal Revenue Code of 1986; and

“(B) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

“(9) PLANNING PROCESS.—The term ‘planning process’ means actions taken by a 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.

“(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 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.

“SEC. 1529. 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, units of government, Indian tribes, nonprofit organizations, and councils to carry out the purposes described in paragraph (1).

“SEC. 1530. SELECTION OF DESIGNATED AREAS.

“The Secretary shall select designated areas for assistance under this subtitle on the basis of the elements of area plans.

“SEC. 1531. POWERS OF THE SECRETARY.

“In carrying out this subtitle, 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 1532.

“SEC. 1532. ELIGIBILITY; TERMS AND CONDITIONS.

“(a) ELIGIBILITY.—Technical assistance and financial assistance may be provided by the Secretary under this subtitle 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 subtitle;

“(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 subtitle shall be made on such terms and conditions as the Secretary may prescribe.

“(2) TERM.—A loan for a project made under this subtitle 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 subtitle 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 subtitle 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.

“SEC. 1533. 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 subtitle, including the formulation of policies for carrying out this subtitle.

“SEC. 1534. EVALUATION OF PROGRAM.

“(a) IN GENERAL.—The Secretary, in consultation with councils, shall evaluate the program established under this subtitle to determine whether the program is effectively meeting the needs of, and the purposes identified by, States, units of government, Indian tribes, nonprofit organizations, and councils participating in, or served by, the program.

“(b) REPORT.—Not later than June 30, 2005, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation, together with any recommendations of the Secretary for continuing, terminating, or modifying the program.

“SEC. 1535. LIMITATION ON ASSISTANCE.

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

“SEC. 1536. SUPPLEMENTAL AUTHORITY OF THE SECRETARY.

“The authority of the Secretary under this subtitle 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.

“SEC. 1537. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There are authorized to be such sums as are necessary to carry out this subtitle.

“(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 subtitle.

“(c) AVAILABILITY.—Funds appropriated to carry out this subtitle shall remain available until expended.”