

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 (§§1550-1554) of title XV of Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1344, which enacted this subchapter and section 2273 of Title 7, Agriculture, and amended section 1236 of Title 30, Mineral Lands and Mining. For complete classification of subtitle J to the Code, see Tables.

§ 3472. Conservation tillage; Congressional findings, etc.

(a) Congress finds that—

(1) domestic and international demand for agricultural products from the United States is great and is expected to significantly increase over the next twenty years;

(2) the ability of the United States to provide agricultural products to meet that demand is seriously impaired by the annual loss of five billion tons of soil due to wind and water erosion;

(3) the battle against soil erosion is being lost despite the annual expenditure of millions of dollars by the Federal Government on research, technical assistance, and conservation incentives to control soil erosion;

(4) conservation tillage practices are estimated to reduce soil erosion by 50 to 90 per centum over conventional farming practices; and

(5) conservation tillage may result in better yields, greater land use flexibility, decreased

fuel use, decreased labor and equipment costs, increased retention of soil moisture, and more productive land than conventional farming practices and may be adaptable to a broad range of soil types and slopes throughout the country.

(b) It is the sense of Congress that the Secretary of Agriculture should, and is hereby urged and requested to—

(1) direct the attention of our Nation's farmers to the costs and benefits of conservation tillage as a means of controlling soil erosion and improving profitability; and

(2) conduct a program of research designed to resolve any unanswered questions regarding the advantages and disadvantages of conservation tillage over other soil conservation practices.

(Pub. L. 97-98, title XV, §1553, Dec. 22, 1981, 95 Stat. 1345.)

§ 3473. Regulations

The Secretary of Agriculture shall prescribe such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-98, title XV, §1554, Dec. 22, 1981, 95 Stat. 1345.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this title", meaning title XV of Pub. L. 97-98, Dec. 22, 1981, 95 Stat. 1328, which enacted this chapter and sections 2272 and 2273 and chapter 73 (§4201 et seq.) of Title 7, Agriculture, amended sections 1002 to 1005 of this title, section 1010 of Title 7, section 714b of Title 15, Commerce and Trade, and section 1236 of Title 30, Mineral Lands and Mining, and enacted a provision set out as a note under section 2272 of Title 7.

**CHAPTER 55—COASTAL BARRIER
RESOURCES**

Sec. 3501.	Congressional statement of findings and purpose.
3502.	Definitions.
3503.	Establishment of John H. Chafee Coastal Barrier Resources System.
3504.	Limitations on Federal expenditures affecting the System.
3505.	Exceptions to limitations on expenditures.
3506.	Certification of compliance.
3507.	Priority of laws.
3508.	Separability.
3509.	Repealed.
3510.	Authorization of appropriations.

§ 3501. Congressional statement of findings and purpose

(a) The Congress finds that—

(1) coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes of the United States and the adjacent wetlands, marshes, estuaries, inlets and nearshore waters provide—

(A) habitats for migratory birds and other wildlife; and

(B) habitats which are essential spawning, nursery, nesting, and feeding areas for commercially and recreationally important species of finfish and shellfish, as well as other aquatic organisms such as sea turtles;

(2) coastal barriers contain resources of extraordinary scenic, scientific, recreational, natural, historic, archeological, cultural, and economic importance; which are being irretrievably damaged and lost due to development on, among, and adjacent to, such barriers;

(3) coastal barriers serve as natural storm protective buffers and are generally unsuitable for development because they are vulnerable to hurricane and other storm damage and because natural shoreline recession and the movement of unstable sediments undermine manmade structures;

(4) certain actions and programs of the Federal Government have subsidized and permitted development on coastal barriers and the result has been the loss of barrier resources, threats to human life, health, and property, and the expenditure of millions of tax dollars each year; and

(5) a program of coordinated action by Federal, State, and local governments is critical to the more appropriate use and conservation of coastal barriers.

(b) The Congress declares that it is the purpose of this chapter to minimize the loss of human life, wasteful expenditure of Federal revenues, and the damage to fish, wildlife, and other natural resources associated with the coastal barriers along the Atlantic and Gulf coasts and along the shore areas of the Great Lakes by restricting future Federal expenditures and financial assistance which have the effect of encouraging development of coastal barriers, by establishing the John H. Chafee Coastal Barrier Resources System, and by considering the means and measures by which the long-term conservation of these fish, wildlife, and other natural resources may be achieved.

(Pub. L. 97-348, §2, Oct. 18, 1982, 96 Stat. 1653; Pub. L. 100-707, title II, §204(c)(1), Nov. 23, 1988, 102 Stat. 4714; Pub. L. 106-167, §3(c)(1), Dec. 9, 1999, 113 Stat. 1804.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (b), was in the original "this Act", meaning Pub. L. 97-348, Oct. 18, 1982, 96 Stat. 1653, as amended, known as the Coastal Barrier Resources Act, which is classified generally to this chapter (§3501 et seq.). For complete classification of this Act to the Code, see Short Title note set out below and Tables.

AMENDMENTS

1999—Subsec. (b). Pub. L. 106-167 substituted "the John H. Chafee Coastal Barrier Resources System" for "a Coastal Barrier Resources System".

1988—Subsecs. (a)(1), (b). Pub. L. 100-707 inserted "and along the shore areas of the Great Lakes" after "Atlantic and Gulf coasts".

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-514, §1, Nov. 13, 2000, 114 Stat. 2394, provided that: "This Act [amending sections 3502, 3503, and 3510 of this title, repealing section 3509 of this title, enacting provisions set out as notes under this section and section 3503 of this title, and amending and repealing provisions set out as notes under section 3503 of this title] may be cited as the 'Coastal Barrier Resources Reauthorization Act of 2000'."

SHORT TITLE OF 1999 AMENDMENT

Pub. L. 106-167, §1, Dec. 9, 1999, 113 Stat. 1803, provided that: "This Act [amending this section and sections

3502, 3503, and 3509 of this title, section 1441a-3 of Title 12, Banks and Banking, and section 4028 of Title 42, The Public Health and Welfare, and enacting and amending provisions set out as notes under section 3503 of this title] may be cited as the 'John H. Chafee Coastal Barrier Resources System Act'."

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101-591, §1, Nov. 16, 1990, 104 Stat. 2931, provided that: "This Act [enacting section 1441a-3 of Title 12, Banks and Banking, amending sections 3502 to 3506 and 3510 of this title and section 4028 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under section 3503 of this title, and repealing provisions set out as a note under section 3505 of this title] may be cited as the 'Coastal Barrier Improvement Act of 1990'."

SHORT TITLE OF 1988 AMENDMENT

Section 204(a) of Pub. L. 100-707 provided that: "This section [amending this section and sections 3502 and 3503 of this title and enacting provisions set out as a note under section 3505 of this title] may be cited as the 'Great Lakes Coastal Barrier Act of 1988'."

SHORT TITLE

Section 1 of Pub. L. 97-348 provided that: "This Act [enacting this chapter, amending section 4028 of Title 42, The Public Health and Welfare, and repealing provisions set out as a note under section 4028 of Title 42] may be cited as the 'Coastal Barrier Resources Act'."

ECONOMIC ASSESSMENT OF JOHN H. CHAFEE COASTAL BARRIER RESOURCES SYSTEM

Pub. L. 106-514, §7, Nov. 13, 2000, 114 Stat. 2397, provided that:

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act [Nov. 13, 2000], the Secretary of the Interior shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives an economic assessment of the John H. Chafee Coastal Barrier Resources System.

"(b) REQUIRED ELEMENTS.—The assessment shall consider the impact on Federal expenditures of the Coastal Barrier Resources Act (16 U.S.C. 3501 et seq.), including impacts resulting from the avoidance of Federal expenditures for—

"(1) disaster relief under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

"(2) the national flood insurance program established under chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.); and

"(3) development assistance for roads, potable water supplies, and wastewater infrastructure."

§ 3502. Definitions

For purposes of this chapter—

(1) The term "undeveloped coastal barrier" means—

(A) a depositional geologic feature (such as a bay barrier, tombolo, barrier spit, or barrier island) that—

(i) is subject to wave, tidal, and wind energies, and

(ii) protects landward aquatic habitats from direct wave attack; and

(B) all associated aquatic habitats, including the adjacent wetlands, marshes, estuaries, inlets, and nearshore waters;

but only if such feature and associated habitats contain few manmade structures and these structures, and man's activities on such