

**Agricultural Credit Act of 1978 - Title IV (Emergency
Conservation Program)**

[As Amended Through P.L. 113–79, Enacted February 07, 2014]

[Public Law 95–334; 92 Stat. 420; 16 U.S.C. 2201–2205]

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AN ACT To amend the Consolidated Farm and Rural Development Act, provide an economic emergency loan program for farmers and ranchers, extend the Emergency Livestock Credit Act of 1974, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [7 U.S.C. 1921 note] That this Act may be cited as the “Agricultural Credit Act of 1978”.

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TITLE IV—EMERGENCY CONSERVATION PROGRAM

SEC. 401. [16 U.S.C. 2201] The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of the foregoing, new conservation problems have been created that (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

SEC. 402. [16 U.S.C. 2202] The Secretary of Agriculture is authorized to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures (including measures carried out to assist confined livestock) during

¹This table of contents is not part of the Act but is included for user convenience.

cluding measures carried out to assist confined livestock) during periods⁴⁰²⁻¹ of severe drought as determined by the Secretary.

SEC. 403. [16 U.S.C. 2203] EMERGENCY MEASURES.¹

(a) **IN GENERAL.**—The Secretary of Agriculture is authorized to undertake emergency 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.

SEC. 404. [16 U.S.C. 2204] There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this title. Such funds shall remain available until expended. In implementing the provisions of this title, the Secretary of Agri-

⁴⁰²⁻¹ Effective only for fiscal year 1989, sec. 502(2) of P.L. 101-82, 103 Stat. 586, Aug. 14, 1989, amended this sec. by striking "periods" and inserting "any fiscal year in which there is a period".

¹ Section 2506(1) of Public Law 113-79 amends section 403 of this Act by striking "Sec. 403. The Secretary" and inserting "SEC 403." through "The Secretary". The matter proposed to be struck should have appeared in lightface type with "Sec" appearing in initial cap and small caps. Such amendment was executed to reflect the probable intent of Congress.

culture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out the provisions of this title unless funds specifically appropriated for such purpose have been transferred to it.

SEC. 405. [16 U.S.C. 2205] The Secretary of Agriculture is authorized to prescribe such regulations as the Secretary determines necessary to carry out the provisions of this title.

SEC. 406. [16 U.S.C. 2201, note] The provisions of this title shall become effective October 1, 1978.

SEC. 407. [16 U.S.C. 2206] EMERGENCY FOREST RESTORATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY MEASURES.—The term “emergency measures” means those measures that—

(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

(i) would impair or endanger the natural resources on the land; and

(ii) would materially affect future use of the land;

and

(B) would restore forest health and forest-related resources on the land.

(2) NATURAL DISASTER.—The term “natural disaster” includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

(3) NONINDUSTRIAL PRIVATE FOREST LAND.—The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) AVAILABILITY OF ASSISTANCE.—The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

(c) ELIGIBILITY.—To be eligible to receive a payment under subsection (b), an owner must demonstrate to the satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

(d) COST SHARE REQUIREMENT.—Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such funds as may be necessary

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to carry out this section. Amounts so appropriated shall remain available until expended.