

shall not be considered to be in violation of section 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act [of 1974] (16 U.S.C. 1600 et seq.) or any other law: *Provided*, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 117-328, div. G, title IV, § 407, Dec. 29, 2022, 136 Stat. 4821.

Pub. L. 117-103, div. G, title IV, § 407, Mar. 15, 2022, 136 Stat. 410.

Pub. L. 116-260, div. G, title IV, § 407, Dec. 27, 2020, 134 Stat. 1536.

Pub. L. 116-94, div. D, title IV, § 407, Dec. 20, 2019, 133 Stat. 2743.

Pub. L. 116-6, div. E, title IV, § 407, Feb. 15, 2019, 133 Stat. 259.

Pub. L. 115-141, div. G, title IV, § 407, Mar. 23, 2018, 132 Stat. 688.

Pub. L. 115-31, div. G, title IV, § 407, May 5, 2017, 131 Stat. 495.

Pub. L. 114-113, div. G, title IV, § 407, Dec. 18, 2015, 129 Stat. 2575.

Pub. L. 113-235, div. F, title IV, § 408, Dec. 16, 2014, 128 Stat. 2445.

Pub. L. 113-76, div. G, title IV, § 407, Jan. 17, 2014, 128 Stat. 338.

Pub. L. 112-74, div. E, title IV, § 409, Dec. 23, 2011, 125 Stat. 1039.

Pub. L. 111-88, div. A, title IV, § 410, Oct. 30, 2009, 123 Stat. 2957.

Pub. L. 111-8, div. E, title IV, § 410, Mar. 11, 2009, 123 Stat. 746.

Pub. L. 110-161, div. F, title IV, § 410, Dec. 26, 2007, 121 Stat. 2146.

Pub. L. 109-54, title IV, § 415, Aug. 2, 2005, 119 Stat. 551.

Pub. L. 108-447, div. E, title III, § 320, Dec. 8, 2004, 118 Stat. 3097.

Pub. L. 108-108, title III, § 320, Nov. 10, 2003, 117 Stat. 1306.

Pub. L. 108-7, div. F, title III, § 320, Feb. 20, 2003, 117 Stat. 274.

Pub. L. 107-63, title III, § 327, Nov. 5, 2001, 115 Stat. 470.

EXPEDITIOUS COMPLETION OF MANAGEMENT PLANS OF FOREST SERVICE AND BUREAU OF LAND MANAGEMENT; CONTINUATION OF EXISTING PLANS; JUDICIAL REVIEW

Pub. L. 101-121, title III, § 312, Oct. 23, 1989, 103 Stat. 743, provided that: "The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600) [16 U.S.C. 1604(c)], the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however*, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan: *Provided further*, That any and all particular activities to be carried out under existing plans may nevertheless be challenged."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-446, title III, § 314, Sept. 27, 1988, 102 Stat. 1825.

Pub. L. 100-202, § 101(g) [title III, § 314], Dec. 22, 1987, 101 Stat. 1329-213, 1329-254.

Pub. L. 99-500, § 101(h) [title II], Oct. 18, 1986, 100 Stat. 1783-242, 1783-268, and Pub. L. 99-591, § 101(h) [title II], Oct. 30, 1986, 100 Stat. 3341-242, 3341-268.

Executive Documents

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, then to Federal Coordinator for Alaska Natural Gas Transportation Projects, see note set out under section 1601 of this title.

§ 1605. Protection, use and management of renewable resources on non-Federal lands; utilization of Assessment, surveys and Program by Secretary to assist States, etc.

The Secretary may utilize the Assessment, resource surveys, and Program prepared pursuant to this subchapter to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

(Pub. L. 93-378, § 7, formerly § 6, Aug. 17, 1974, 88 Stat. 478, renumbered § 7, Pub. L. 94-588, § 2, Oct. 22, 1976, 90 Stat. 2949; amended Pub. L. 115-141, div. O, title II, § 208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-141 substituted "Secretary" for "Secretary of Agriculture".

§ 1606. Budget requests by President for Forest Service activities

(a) **Transmittal to Speaker of House and President of Senate of Assessment, Program and Statement of Policy used in framing requests; time for transmittal; implementation by President of programs established under Statement of Policy unless Statement subsequently disapproved by Congress; time for disapproval**

On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 1601 of this title and the Program as set forth in section 1602 of this title, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such State-

ment of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period. Notwithstanding any other provision of this subchapter, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Contents of requests to show extent of compliance of projected programs and policies with policies approved by Congress; requests not conforming to approved policies; expenditure of appropriations

Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974.

(c) Annual evaluation report to Congress of Program components; time of submission; status of major research programs; application of findings; status, etc., of cooperative forestry assistance programs and activities

For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 1602 of this title which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after August 17, 1974. With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System management and in cooperative State and private Forest Service programs. With regard to the cooperative forestry

assistance part of the Program, the report shall include, but not be limited to, a description of the status, accomplishments, needs, and work backlogs for the programs and activities conducted under the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2101 et seq.].

(d) Required contents of annual evaluation report

These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 1602 of this title, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregone benefits and the rate of return on renewable resources.

(e) Additional required contents of annual evaluation report

The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) Form of annual evaluation report

The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

(Pub. L. 93-378, §8, formerly §7, Aug. 17, 1974, 88 Stat. 478, renumbered §8 and amended Pub. L. 94-588, §§2, 7, 12(b), Oct. 22, 1976, 90 Stat. 2949, 2956, 2958; Pub. L. 95-313, §15, formerly §12, July 1, 1978, 92 Stat. 374, renumbered §15, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525; amended Pub. L. 115-141, div. O, title II, §208(b)(2), Mar. 23, 2018, 132 Stat. 1066.)

Editorial Notes

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Cooperative Forestry Assistance Act of 1978, referred to in subsec. (c), is Pub. L. 95-313, July 1, 1978, 92 Stat. 365, which is classified principally to chapter 41 (§2101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

AMENDMENTS

2018—Subsec. (c). Pub. L. 115-141 substituted “Secretary” for “Secretary of Agriculture”.

1978—Subsec. (c). Pub. L. 95-313 inserted provisions relating to inclusion in report of findings involving cooperative State and private Forest Service programs, and provisions relating to scope of report descriptions involving programs and activities under the Cooperative Forestry Assistance Act of 1978.

1976—Subsec. (a). Pub. L. 94-588, §§7(a), 12(b)(1), made technical amendment to references in original act

which appear in text as references to sections 1601 and 1602 of this title and substituted “ninety calendar days of continuous session” for “sixty days of continuous session” and “ninety-day period” for “sixty-day period”.

Subsec. (c). Pub. L. 94-588, §§7(b), 12(b)(2), substituted “section 4” for “section 3” in the original which, because of its translation as “section 1602 of this title” required no change in text and inserted provision requiring that the report include a description of the status of major research programs, significant findings, and how such findings will be applied in National Forest System management.

Subsec. (d). Pub. L. 94-588, §12(b)(3), made technical amendment to reference in original act which appears in text as reference to section 1602 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-313 effective Oct. 1, 1978, see section 17 of Pub. L. 95-313, set out as an Effective Date note under section 2101 of this title.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions in subsecs. (a) and (c) of this section relating to transmitting an updated Assessment, Program, and Statement of Policy to the Speaker of the House of Representatives and the President of the Senate and furnishing an annual report to Congress, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and pages 45 and 48 of House Document No. 103-7.

STATEMENT OF POLICY

Pub. L. 96-514, title III, §310, Dec. 12, 1980, 94 Stat. 2984, provided that: “The Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974 [this section], is revised and modified to read as follows:

“STATEMENT OF POLICY

“BASIC PRINCIPLES

“It is the policy of the United States—

“(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation’s well being, in an environmentally sound manner.

“(2) the Nation’s forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation’s need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

“(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

“(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 [see Short Title of 1976 Amendment note set out under section 1600 of this title] on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

“(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

“(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate, and cooperate with the planning efforts of the States.

“(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 [this subchapter] and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977 [section 2001 et seq. of this title], the Secretary of Agriculture shall assure that resources and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

“RANGE LAND DATA BASE AND ITS IMPROVEMENT

“The data on and understanding of the cover and condition of range lands is less refined than the data on and understanding of commercial forest land. Range lands have significant value in the production of water and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

“GENERAL ACCEPTANCE OF HIGH BOUND PROGRAM

“Congress generally accepts the ‘high-bound’ program described on pages 7 through 18 of the 1980 Report to Congress on the Nation’s Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the ‘high-bound’ program may not be sufficient to accomplish the goals contained in this statement, particularly in the area of range and watershed resources, State and private forest cooperation and timber management.

“STATE AND PRIVATE LANDS

“States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The State and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

“FUNDING THE GOALS

“In order to accomplish the policy goals contained in this statement by the year 2030, the Federal Government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.”

STATEMENT OF PURPOSES OF AMENDMENT BY COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

Section 15, formerly section 12 of Pub. L. 95-313, renumbered §15, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525, provided in part that the amendment of subsec. (c) of this section by Pub. L. 95-313 is to insure that Congress has adequate information to implement its oversight responsibilities and to provide accountability for expenditures and activities under the Cooperative Forestry Assistance Act of 1978. See Short Title note set out under section 2101 of this title for classification of the Cooperative Forestry Assistance Act of 1978 in the Code.

§ 1606a. Reforestation Trust Fund

(a) Establishment; source of funds

There is established in the Treasury of the United States a trust fund, to be known as the