

(C) develop and maintain technical information systems in support of programs and activities authorized under this chapter;

(D) test, evaluate, and seek registration of chemicals for use in implementing the programs and activities authorized under this chapter;

(E) conduct other activities, including training of State forestry personnel whom the Secretary deems necessary to ensure that the programs and activities authorized under this chapter are responsive to special problems, unique situations, and changing conditions.

(2) The Secretary may make funds available to cooperators under this chapter without regard to the provisions of section 3324(a) and (b) of title 31, which prohibits advances of public money.

(3) The Secretary shall use forest resources planning committees at National and State levels in implementing this subsection.

(d) Authorization of appropriations

There are hereby authorized to be appropriated annually such sums as may be needed to implement this section.

(Pub. L. 95-313, §11, formerly §8, July 1, 1978, 92 Stat. 371; renumbered §11, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525.)

Editorial Notes

CODIFICATION

In subsec. (c)(2), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes (31 U.S.C. 529)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

PRIOR PROVISIONS

A prior section 11 of Pub. L. 95-313 was renumbered section 14 and is classified to section 2110 of this title.

§ 2108. Consolidation of payments

(a) Request by State; excluded funds

To provide flexibility in funding activities authorized under this chapter, the Secretary may, upon the request of any State, consolidate the annual financial assistance payments to that State under this chapter, in lieu of functional cost sharing mechanisms, formulas, or agreements. However, consolidated payments shall not include money appropriated under section 2103¹ of this title or money from any special Treasury fund established under this chapter.

(b) State forest resources programs as basis

Consolidation of payments made under this section shall be based upon State forest resources programs developed by State foresters or equivalent State officials, and reviewed by the Secretary.

(c) Amount of payments

Consolidated payments to any State during any fiscal year shall not exceed the total amount of non-Federal funds expended within the State during that year to implement its

State forest resources program. However, the Secretary may make payments that exceed the non-Federal amount expended for selected activities under the program, if the total Federal expenditure during any fiscal year does not exceed the total non-Federal expenditure during that year under the State forest resources program.

(d) Certification requirement by State forester or equivalent State official for Federal payment

The Secretary may make consolidated payments on the certificate of the State forester or equivalent State official that the conditions for Federal payment have been met.

(e) Administration of consolidated payments program not to adversely affect, etc., other programs

The Secretary shall administer this section to ensure that the use of consolidated payments does not adversely affect or eliminate any program authorized under this chapter.

(f) Total annual amount of financial assistance to participating State; financial assistance for special projects not to be included in determining base amount

Subject to applicable appropriation Acts, the total annual amount of financial assistance to any participating State after July 1, 1978, shall not be less than the base amount of financial assistance provided to that State under all the provisions of law specified in section 2111 of this title during the fiscal year in which this chapter is enacted. However, financial assistance for special projects of two years or less duration shall not be included in determining the base amount for any participating State.

(Pub. L. 95-313, §12, formerly §9, July 1, 1978, 92 Stat. 372; renumbered §12 and amended Pub. L. 101-624, title XII, §§1215(1), 1224(2), Nov. 28, 1990, 104 Stat. 3525, 3542.)

Editorial Notes

REFERENCES IN TEXT

Section 2103 of this title, referred to in subsec. (a), was repealed and a new section 2103 enacted by Pub. L. 107-171, title VIII, §§8001(a), 8002(b), May 13, 2002, 116 Stat. 468. Section 2103, as enacted by Pub. L. 107-171, was subsequently repealed by Pub. L. 113-79, title VIII, §8001(a), Feb. 7, 2014, 128 Stat. 913.

PRIOR PROVISIONS

A prior section 12 of Pub. L. 95-313, which amended section 1606 of this title and enacted provisions set out as a note under that section, was renumbered section 15.

AMENDMENTS

1990—Subsec. (f). Pub. L. 101-624, §1224(2), made technical amendment to reference to section 2111 of this title to reflect renumbering of corresponding section of original act.

§ 2109. General provisions

(a) Cooperative and coordinating requirements for implementation of programs, etc.

In implementing this chapter, the Secretary shall, to the maximum extent practicable—

(1) work through, cooperate with, and assist State foresters or equivalent State officials;

¹ See References in Text note below.

(2) encourage cooperation and coordination between State foresters or equivalent State officials and other State agencies that manage renewable natural resources;

(3) use and encourage cooperators under this chapter to use, private agencies, consultants, organizations, firms, and individuals to furnish necessary materials and services; and

(4) promote effectiveness and economy by coordinating the direct actions and assistance authorized under this chapter with related programs the Secretary administers, and with cooperative programs of other agencies.

(b) Availability of appropriations

Money appropriated under this chapter shall remain available until expended.

(c) Consultation requirements for implementation of programs, etc.

Requirements for the development of State forest resources programs and State participation in management assistance, planning assistance, and technology implementation, the apportionment of funds among States participating under this chapter, the administrative expenses in connection with activities and programs under this chapter, and the amounts to be expended by the Secretary to assist non-State cooperators under this chapter, shall be determined by the Secretary in consultation with a committee of not less than five State foresters or equivalent State officials selected by a majority of the State foresters or equivalent State officials from States participating in programs under this chapter. However, the Secretary need not consult with such committee regarding funds to be expended under emergency conditions that the Secretary may determine.

(d) Definitions

For the purposes of this chapter—

(1) The terms “United States” and “State” shall include each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the territories and possessions of the United States;

(2) The term “forest resources” shall include esthetics, fish and wildlife, forage, outdoor recreation opportunities, timber, and water; and

(3) The term “urban forestry” means the planning, establishment, protection, and management of trees and associated plants, individually, in small groups, or under forest conditions within cities, their suburbs, and towns.

(e) Rules and regulations

The Secretary may prescribe rules and regulations, as the Secretary deems appropriate, to implement the provisions of this chapter.

(f) Granting, etc., authorities

The Secretary is authorized to make grants, agreements, contracts, and other arrangements the Secretary deems necessary to implement this chapter.

(g) Construction of statutory provisions

This chapter shall be construed as supplementing all other laws relating to the De-

partment of Agriculture and shall not be construed as limiting or repealing any existing law or authority of the Secretary, except as specifically cited in section 2111 of this title.

(h) Additional assistance

In addition to the authority provided elsewhere in this chapter, the Secretary may provide assistance to other countries with respect to the activities described in paragraphs (1) through (10) of section 2102(b) of this title, paragraphs (1) through (5) of section 2104(b)¹ of this title, and paragraphs (1) through (3) of section 2105(b) of this title. For the purposes of providing assistance to other countries under this subsection, the term “non-Federal forest land” shall mean any forest land and related renewable natural resources in such countries. In providing the assistance authorized under this subsection, the Secretary shall coordinate with other Federal officials, departments, agencies, or international organizations, as the President may direct. The references to “State foresters or equivalent State officials” in this chapter shall not apply to the assistance provided by the Secretary to other countries under this subsection.

(Pub. L. 95-313, §13, formerly §10, July 1, 1978, 92 Stat. 373; Pub. L. 101-513, title VI, §611(b)(3), formerly §607(b)(3), Nov. 5, 1990, 104 Stat. 2072, renumbered §611(b)(3), Pub. L. 102-574, §2(a)(1), Oct. 29, 1992, 106 Stat. 4593; renumbered §13 and amended Pub. L. 101-624, title XII, §§1215(1), 1224(3), Nov. 28, 1990, 104 Stat. 3525, 3542; Pub. L. 110-234, title VIII, §8004, May 22, 2008, 122 Stat. 1284; Pub. L. 110-246, §4(a), title VIII, §8004, June 18, 2008, 122 Stat. 1664, 2045.)

Editorial Notes

REFERENCES IN TEXT

Section 2104(b) of this title, referred to in subsec. (h), was in the original a reference to section 7(b), meaning section 7(b) of Pub. L. 95-313, which has been translated as reading section 8(b) of Pub. L. 95-313 as the probable intent of Congress. Section 7(b) of Pub. L. 95-313, which is classified to section 2103c of this title, does not contain pars. (1) to (5).

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub. L. 110-234 were repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 13 of Pub. L. 95-313 was renumbered section 16 and is classified to section 2111 of this title.

AMENDMENTS

2008—Subsec. (d)(1). Pub. L. 110-246, §8004, substituted “the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau,” for “the Trust Territory of the Pacific Islands.”

1990—Subsec. (g). Pub. L. 101-624, §1224(3), made technical amendment to reference to section 2111 of this title to reflect renumbering of corresponding section of original act.

Subsec. (h). Pub. L. 101-513, which directed amendment of section 12 of Pub. L. 95-313 by adding a new subsec. (h), was executed to this section to reflect the probable intent of Congress.

¹ See References in Text note below.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

§ 2109a. State and private forest landscape-scale restoration program**(a) Purpose**

The purpose of this section is to encourage collaborative, science-based restoration of priority forest landscapes.

(b) Definitions

In this section:

(1) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

(2) Nonindustrial private forest land

The term “nonindustrial private forest land” means land that—

- (A) is rural, as determined by the Secretary;
- (B) has existing tree cover or is suitable for growing trees; and
- (C) is owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

(3) State forest land

The term “State forest land” means land that—

- (A) is rural, as determined by the Secretary; and
- (B) is under State or local governmental ownership and considered to be non-Federal forest land.

(c) Establishment

The Secretary, in consultation with State foresters or appropriate State agencies, shall establish a competitive grant program to provide financial and technical assistance to encourage collaborative, science-based restoration of priority forest landscapes.

(d) Eligibility

To be eligible to receive a grant under this section, an applicant shall submit to the Secretary, through the State forester or appropriate State agency, a State and private forest landscape-scale restoration proposal based on a restoration strategy that—

- (1) is complete or substantially complete;
- (2) is for a multiyear period;
- (3) covers nonindustrial private forest land or State forest land;
- (4) is accessible by wood-processing infrastructure; and
- (5) is based on the best available science.

(e) Plan criteria

A State and private forest landscape-scale restoration proposal submitted under this section shall include plans—

- (1) to reduce the risk of uncharacteristic wildfires;
- (2) to improve fish and wildlife habitats, including the habitats of threatened and endangered species;

(3) to maintain or improve water quality and watershed function;

(4) to mitigate invasive species, insect infestation, and disease;

(5) to improve important forest ecosystems;

(6) to measure ecological and economic benefits, including air quality and soil quality and productivity; and

(7) to take other relevant actions, as determined by the Secretary.

(f) Priorities

In making grants under this section, the Secretary shall give priority to plans that—

- (1) further a statewide forest assessment and resource strategy;
- (2) promote cross boundary landscape collaboration; and
- (3) leverage public and private resources.

(g) Collaboration and consultation

The Chief of the Forest Service, the Chief of the Natural Resources Conservation Service, and relevant stakeholders shall collaborate and consult on an ongoing basis regarding—

- (1) administration of the program established under this section; and
- (2) identification of other applicable resources for landscape-scale restoration.

(h) Matching funds required

As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount of Federal funds.

(i) Coordination and proximity encouraged

In making grants under this section, the Secretary may consider coordination with and proximity to other landscape-scale projects on other land under the jurisdiction of the Secretary, the Secretary of the Interior, or a Governor of a State, including under—

- (1) the Collaborative Forest Landscape Restoration Program established under section 7303 of this title;
- (2) landscape areas designated for insect and disease treatments under section 6591a of this title;
- (3) good neighbor authority under section 2113¹ of this title;
- (4) stewardship end result contracting projects authorized under section 6591c of this title;
- (5) appropriate State-level programs; and
- (6) other relevant programs, as determined by the Secretary.

(j) Regulations

The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this section.

(k) Report

Not later than 3 years after December 20, 2018, 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 on—

¹ So in original. See section 2113a of this title.