

1990—Subsec. (b)(4). Pub. L. 101-624, §1220(a), added par. (4).

Subsec. (e). Pub. L. 101-624, §1220(b), designated existing provisions as par. (1), inserted reference to paragraphs (1), (2), and (3) of subsec. (b), and added par. (2).

Subsec. (g). Pub. L. 101-624, §1220(c), added subsec. (g).

TRANSFER OF FUNCTIONS

Functions vested in Secretary of Commerce pursuant to provisions of Federal Fire Prevention Control Act of 1974, 15 U.S.C. 2201 et seq., transferred to Director of Federal Emergency Management Agency pursuant to Reorg. Plan No. 3 of 1978, §201, June 19, 1978, 43 F.R. 41944, 92 Stat. 3788, set out in the Appendix to Title 5, Government Organization and Employees, effective Apr. 1, 1979, as provided by Ex. Ord. No. 12127, §§1-101, 1-103(a), Mar. 31, 1979, 44 F.R. 19637.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2106b of this title.

§ 2106a. Emergency reforestation assistance

(a) In general

The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire.

(b) Form of assistance

The assistance, if any, provided by the Secretary under this section shall consist of either—

- (1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition, or wildfire in excess of 35 percent mortality; or
- (2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

(c) Conditions

(1) Limitation on assistance

No person may receive an amount in excess of \$25,000 in any fiscal year, or an equivalent value in tree seedlings, under this section.

(2) Ineligibility

A person who has qualifying gross revenues in excess of \$2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this section.

(3) Implementation

In implementing this section, the Secretary shall issue regulations—

- (A) defining the term “person” for the purposes of this section that shall conform, to the extent practicable, to the regulations defining the term “person” issued under section 1308 of title 7;
- (B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection; and
- (C) ensuring that no person receives duplicative payments or assistance under this section, the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.), and the environmental quality incentives program established under chapter 4 of subtitle D of

title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.], or other Federal program.

(d) Definitions

As used in this section—

(1) the term “damaging weather” includes drought, hail, excessive moisture, freeze, tornado, hurricane, excessive wind, or any combination thereof;

(2) the term “eligible landowner” means a person who—

(A) produces annual crops from trees for commercial purposes and owns 500 acres or less of such trees;

(B) owns 1,000 acres or less of private forest land; or

(C) owns more than 1,000 acres but less than 5,000 acres of private forest land if the Secretary, in the Secretary’s discretion, determines the person eligible;

(3) the term “qualifying gross revenues” means—

(A) if a majority of the person’s annual income is received from farming, ranching, and forestry operations, the gross revenue from the person’s farming, ranching, and forestry operations; and

(B) if less than a majority of the person’s annual income is received from farming, ranching, and forestry operations, the person’s gross revenue from all sources;

(4) the term “related condition” includes insect infestations, disease, or other deterioration of a tree stand that is accelerated or exacerbated by damaging weather;

(5) the term “reestablish” includes site preparation, reforestation of a damaged stand, and timber stand improvement practices, including thinning, prescribed burning, and other practices approved by the Secretary for reforestation;

(6) the term “Secretary” means the Secretary of Agriculture; and

(7) the term “wildfire” means any forest or range fire.

(e) Retroactive assistance

The Secretary shall use funds provided under this section to reimburse landowners for approved reforestation practices that were implemented before November 28, 1990. The Secretary shall not make reimbursements for reforestation practices that were implemented prior to September 1, 1989.

(Pub. L. 101-624, title XII, §1271, Nov. 28, 1990, 104 Stat. 3557; Pub. L. 102-237, title X, §1018(f), Dec. 13, 1991, 105 Stat. 1906; Pub. L. 104-127, title III, §336(a)(2)(E), Apr. 4, 1996, 110 Stat. 1005.)

REFERENCES IN TEXT

The Cooperative Forestry Assistance Act of 1978, referred to in subsec. (c)(3)(C), is Pub. L. 95-313, July 1, 1978, 92 Stat. 365, as amended, which is classified principally to this chapter (§2101 et seq.). For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

The Food Security Act of 1985, referred to in subsec. (c)(3)(C), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354, as amended. Chapter 4 of subtitle D of title XII of the Act is classified generally to part IV (§3839aa et seq.) of

subchapter IV of chapter 58 of this title. For complete classification of this Act to the Code, see Short Title of 1985 Amendment note set out under section 1281 of Title 7, Agriculture, and Tables.

CODIFICATION

Section was enacted as part of the Federal Stewardship Act of 1990 and also as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the Cooperative Forestry Assistance Act of 1978 which comprises this chapter.

AMENDMENTS

1996—Subsec. (c)(3)(C). Pub. L. 104-127 substituted “environmental quality incentives program established under chapter 4 of subtitle D of title XII of the Food Security Act of 1985” for “Agricultural Conservation Program established under section 590p(b) of this title”.

1991—Subsec. (c)(3)(C). Pub. L. 102-237 inserted “(16 U.S.C. 2101 et seq.)” after “1978” and made technical amendment to reference to section 590p(b) of this title to correct corresponding provision of original Act.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2106b of this title.

§ 2106b. Use of money collected from States for fire suppression assistance

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall on and after October 21, 1998, be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 note, 2101-2110, 1606, and 2111.

(Pub. L. 105-277, div. A, §101(e) [title II], Oct. 21, 1998, 112 Stat. 2681-231, 2681-273.)

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 1999, and also as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, and not as part of the Cooperative Forestry Assistance Act of 1978 which comprises this chapter.

SIMILAR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

- Pub. L. 105-83, title II, Nov. 14, 1997, 111 Stat. 1577.
- Pub. L. 104-208, div. A, title I, §101(d) [title II], Sept. 30, 1996, 110 Stat. 3009-181, 3009-208.
- Pub. L. 104-134, title I, §101(c) [title II], Apr. 26, 1996, 110 Stat. 1321-156, 1321-185; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.
- Pub. L. 103-332, title II, Sept. 30, 1994, 108 Stat. 2524.
- Pub. L. 103-138, title II, Nov. 11, 1993, 107 Stat. 1403.
- Pub. L. 102-381, title II, Oct. 5, 1992, 106 Stat. 1402.
- Pub. L. 102-154, title II, Nov. 13, 1991, 105 Stat. 1018.
- Pub. L. 101-512, title II, Nov. 5, 1990, 104 Stat. 1943.
- Pub. L. 101-121, title II, Oct. 23, 1989, 103 Stat. 727.
- Pub. L. 100-446, title II, Sept. 27, 1988, 102 Stat. 1810.

§ 2107. Financial, technical, and related assistance to States

(a) Development of State organizations for protection and management of non-Federal forest lands; scope of assistance; request by officials

To aid in achieving maximum effectiveness in the programs and activities conducted under

this chapter, the Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the development of stronger and more efficient State organizations that will enable them to fulfill better their responsibilities for the protection and management of non-Federal forest lands. Assistance under this subsection may include, but will not be limited to, assistance in matters related to organization management, program planning and management, budget and fiscal accounting services, personnel training and management, information services, and recordkeeping. Assistance under this subsection may be extended only upon request by State foresters or equivalent State officials.

(b) Assembly, analysis, display, and reporting of State forest resources data, resources planning, etc.; scope of assistance; other statutory provisions unaffected

To ensure that data regarding forest lands are available for and effectively presented in State and Federal natural resources planning, the Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials in the assembly, analysis, display, and reporting of State forest resources data, in the training of State forest resources planners, and in participating in natural resources planning at the State and Federal levels. The Secretary shall restrict assistance under this subsection to the implementation of the forestry aspects of State and Federal natural resources planning conducted under other laws. This subsection shall not be construed, in any way whatsoever, as extending, limiting, amending, repealing, or otherwise affecting any other law or authority.

(c) Technology implementation program; scope of program; availability of funds; use of forest resources planning committees

To ensure that new technology is introduced, new information is integrated into existing technology, and forest resources research findings are promptly made available to State forestry personnel, private forest landowners and managers, vendors, forest operators, wood processors, public agencies, and individuals, the Secretary is authorized to carry out a program of technology implementation.

(1) In implementing this subsection, the Secretary is authorized to work through State foresters or equivalent State officials, and, if the State forester or equivalent State official is unable to deliver these services, the Secretary is authorized to act through appropriate United States Department of Agriculture agencies, subdivisions of States, agencies, institutions, organizations, or individuals to—

(A) strengthen technical assistance and service programs of cooperators participating in programs under this chapter by applying research results and conducting pilot projects and field tests of management and utilization practices, equipment, and technologies, related to programs and activities authorized under this chapter;

(B) study the effects of tax laws, methods, and practices on forest management;