

nado, 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; Pub. L. 110–234, title I, §1603(g)(5), May 22, 2008, 122 Stat. 1011; Pub. L. 110–246, §4(a), title I, §1603(g)(5), June 18, 2008, 122 Stat. 1664, 1740.)

#### REFERENCES IN TEXT

Section 1703(a) of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (c)(3)(A), probably means section 1603 of Pub. L. 110–246, because Pub. L. 110–246 does not contain a section 1703 and subsec. (b)(3) of section 1603 of Pub. L. 110–246 amended section 1308 of title 7, Agriculture, by striking out provisions relating to issuance of regulations defining “person”.

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

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.

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

2008—Subsec. (c)(3)(A). Pub. L. 110–246, §1603(g)(5), inserted “(before the amendment made by section 1703(a) of the Food, Conservation, and Energy Act of 2008)” after “section 1308 of title 7”.

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.

#### 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.

#### §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.

### § 2106c. Enhanced community fire protection

#### (a) Cooperative management related to wildfire threats

The Secretary may cooperate with State foresters and equivalent State officials in the management of lands in the United States for the following purposes:

- (1) Aid in wildfire prevention and control.
- (2) Protect communities from wildfire threats.
- (3) Enhance the growth and maintenance of trees and forests that promote overall forest health.
- (4) Ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of forest cover on watersheds, shelterbelts, and wind-breaks.

#### (b) Community and Private Land Fire Assistance Program

##### (1) Establishment; purpose

The Secretary shall establish a Community and Private Land Fire Assistance program (in this subsection referred to as the “Program”)—

- (A) to focus the Federal role in promoting optimal firefighting efficiency at the Federal, State, and local levels;
- (B) to augment Federal projects that establish landscape level protection from wildfires;
- (C) to expand outreach and education programs to homeowners and communities about fire prevention; and
- (D) to establish space around homes and property of private landowners that is defensible against wildfires.

##### (2) Administration and implementation

The Program shall be administered by the Forest Service and implemented through State foresters or equivalent State officials.

##### (3) Components

In coordination with existing authorities under this chapter, the Secretary, in consultation with the State forester or equivalent State official, may undertake on non-Federal lands—

- (A) fuel hazard mitigation and prevention;
- (B) invasive species management;
- (C) multiresource wildfire planning;
- (D) community protection planning;
- (E) community and landowner education enterprises, including the program known as FIREWISE;
- (F) market development and expansion;
- (G) improved wood utilization; and
- (H) special restoration projects.

##### (4) Consent required

Program activities undertaken by the Secretary on non-Federal lands shall be undertaken only with the consent of the owner of the lands.

##### (5) Considerations

The Secretary shall use persons in the local community wherever possible to carry out projects under the Program.

#### (c) Consultation

In carrying out this section, the Secretary shall consult with the Administrator of the United States Fire Administration, the Director of the National Institute of Standards and Technology, and the heads of other Federal agencies, as necessary.

#### (d) Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary to carry out this section—

- (1) \$35,000,000 for each of fiscal years 2002 through 2007; and
- (2) such sums as are necessary for fiscal years thereafter.

(Pub. L. 95-313, §10A, as added Pub. L. 107-171, title VIII, §8003(b), May 13, 2002, 116 Stat. 473.)

#### FINDINGS FOR ENHANCED COMMUNITY FIRE PROTECTION

Pub. L. 107-171, title VIII, §8003(a), May 13, 2002, 116 Stat. 473, provided that: “Congress finds the following:

- “(1) The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.
- “(2) The record 2000 fire season is a prime example of what can be expected if action is not taken.
- “(3) Wildland fires threaten not only the forested resources of the United States, but also the thousands of communities intermingled with the wildlands in the wildland-urban interface.
- “(4) The National Fire Plan, if implemented to achieve appropriate priorities, is the proper, coordinated, and most effective means to address the issue of wildfires.
- “(5) While adequate authorities exist to tackle the wildfire issues at the landscape level on Federal lands, there is limited authority to take action on most private lands, and the largest threat to life and property exists on private lands.
- “(6) There is a significant Federal interest in enhancing community protection from wildfire.”

#### § 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