

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.)

#### 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;
- (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 Department 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)<sup>1</sup> 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.

<sup>1</sup> See References in Text note below.

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.)

## 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.

## 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. Competitive allocation of funds to State foresters or equivalent State officials

#### (a) Competition

Beginning not later than 3 years after the date of the enactment of the Food, Conservation, and Energy Act of 2008, the Secretary shall competitively allocate a portion, to be determined by the Secretary, of the funds available under this chapter to State foresters or equivalent State officials.

#### (b) Determination

In determining the competitive allocation of funds under subsection (a), the Secretary shall consult with the Forest Resource Coordinating Committee established by section 2113(a) of this title.

#### (c) Priority

The Secretary shall give priority for funding to States for which the long-term State-wide forest resource strategies submitted under section 2101a(a)(2) of this title will best promote the national priorities specified in section 2101(c) of this title.

(Pub. L. 95-313, §13A, as added Pub. L. 110-234, title VIII, §8007, May 22, 2008, 122 Stat. 1285, and Pub. L. 110-246, §4(a), title VIII, §8007, June 18, 2008, 122 Stat. 1664, 2047.)

## REFERENCES IN TEXT

The date of the enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (a), is the

date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

This chapter, referred to in subsec. (a), was in the original “this Act”, meaning Pub. L. 95-313, July 1, 1978, 92 Stat. 365, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## EFFECTIVE DATE

Enactment 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 a note under section 8701 of Title 7, Agriculture.

### § 2109b. Competitive allocation of funds for cooperative forest innovation partnership projects

#### (a) Cooperative forest innovation partnership projects

The Secretary may competitively allocate not more than 5 percent of the funds made available under this chapter to support innovative national, regional, or local education, outreach, or technology transfer projects that the Secretary determines would substantially increase the ability of the Department of Agriculture to address the national priorities specified in section 2101(c) of this title.

#### (b) Eligibility

Notwithstanding the eligibility limitations contained in this chapter, any State or local government, Indian tribe, land-grant college or university, or private entity shall be eligible to compete for funds to be competitively allocated under subsection (a).

#### (c) Cost-share requirement

In carrying out subsection (a), the Secretary shall not cover more than 50 percent of the total cost of a project under such subsection. In calculating the total cost of a project and contributions made with regard to the project, the Secretary shall include in-kind contributions.

(Pub. L. 95-313, §13B, as added Pub. L. 110-234, title VIII, §8008, May 22, 2008, 122 Stat. 1286, and Pub. L. 110-246, §4(a), title VIII, §8008, June 18, 2008, 122 Stat. 1664, 2047.)

## REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning Pub. L. 95-313, July 1, 1978, 92 Stat. 365, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

## CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

## EFFECTIVE DATE

Enactment 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 a note under section 8701 of Title 7, Agriculture.