

ing national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

(June 9, 1930, ch. 416, § 2, 46 Stat. 527.)

**§ 576b. Purchasers of national-forest timber; deposits of money in addition to payments for timber; use of deposits; seedlings and young trees for burned-over areas in national parks**

(a) The Secretary of Agriculture may, when in his or her judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber, (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management, or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: *Provided*, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture may direct. The Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

(c)<sup>1</sup> Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a)), but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.

<sup>1</sup> See 2004 Amendment notes below.

(June 9, 1930, ch. 416, § 3, 46 Stat. 527; Pub. L. 94-588, § 18, Oct. 22, 1976, 90 Stat. 2962; Pub. L. 108-447, div. E, title III, § 318, Dec. 8, 2004, 118 Stat. 3096; Pub. L. 109-54, title IV, § 412, Aug. 2, 2005, 119 Stat. 551.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109-54 added cl. (5).

2004—Pub. L. 108-447, § 318(1), which directed the amendment of this section “by striking ‘The Secretary of Agriculture may, when in his’ and inserting ‘(a) The Secretary of Agriculture may, when in his or her’;

‘(b) Amounts deposited under subsection (a)’”, was partially executed by designating existing text as subsec. (a) and substituting “The Secretary of Agriculture may, when in his or her” for “The Secretary of Agriculture may, when in his”. However, the provisions relating to subsec. (b) were not inserted, because of missing directory language.

Subsec. (a). Pub. L. 108-447, § 318(2), substituted “may direct. The Secretary of Agriculture” for “may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture”.

Subsec. (c). Pub. L. 108-447, § 318(3), added subsec. (c). 1976—Pub. L. 94-588 struck out “or” before “(3)” and substituted “, or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management” for “; *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years”.

**§ 576c. Supplemental National Forest Reforestation Fund; establishment; duration; authorization of appropriations**

Notwithstanding any other provision of law, the Secretary of Agriculture shall establish a “Supplemental National Forest Reforestation Fund”, and transfer to that fund beginning with the fiscal year, commencing July 1, 1972, and ending on September 30, 1987, such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of \$65,000,000.

(Pub. L. 92-421, § 1, Sept. 18, 1972, 86 Stat. 678; Pub. L. 94-273, § 2(9), Apr. 21, 1976, 90 Stat. 375.)

AMENDMENTS

1976—Pub. L. 94-273 substituted “September” for “June”.

**§ 576d. Expenditure of Supplemental National Forest Reforestation Fund moneys; availability of moneys from other sources unaffected**

Moneys transferred to the National Forest Reforestation Fund under the provisions of sections 576c to 576e<sup>1</sup> of this title shall be available to the Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Sec-

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