

21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

**§ 572. Cooperation between Secretary of Agriculture and public or private agencies in working land under State or private ownership**

**(a) Payment of expenses by interested parties; work contemplated**

The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or land-owner for any damage incident to the performance of such work.

**(b) Cooperation where national forests or lands are used by permittees**

Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

**(c) Disposition and availability of moneys; advancements; adjustments**

Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be

made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

(Mar. 3, 1925, ch. 457, §1, 43 Stat. 1132; Apr. 24, 1950, ch. 97, §5, 64 Stat. 83.)

AMENDMENTS

1950—Act Apr. 24, 1950, amended section generally to broaden the authority to permit performance of various kinds of work by the Forest Service, at the expense of interested parties, on national forests and other related lands.

APPROPRIATIONS

Appropriation of all moneys received as contributions toward cooperative work under this section was made by acts Jan. 18, 1927, ch. 39, 44 Stat. 991; Mar. 26, 1934, ch. 89, 48 Stat. 483.

TRUST FUNDS

Classification as trust funds, appropriation and disbursement of funds appearing on books of Government as "Cooperative work, Forest Service," see section 1321 of Title 31, Money and Finance.

**§ 572a. Deposits from timber purchasers to defray cost of scaling services**

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, "Forest Service cooperative fund", which moneys are made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

(Sept. 21, 1944, ch. 412, title II, §210, 58 Stat. 737.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

**§ 573. Repealed. Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87**

Section, act May 27, 1930, ch. 337, §1, 46 Stat. 387, related to water supply and sanitary systems.

**§ 574. Damages caused private property in protection, administration, and improvement of national forests; reimbursement**

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of \$2,500 shall be made on any such claim.

(May 27, 1930, ch. 337, §2, 46 Stat. 387; Pub. L. 87-869, §8, Oct. 23, 1962, 76 Stat. 1157.)

AMENDMENTS

1962—Pub. L. 87-869 increased from \$500 to \$2,500 the authorization for reimbursement of owners of private property for damages caused in protection, administration, and improvement of national forests.

**§ 575. Search for lost persons, and transportation of sick, injured, or dead persons, within national forests; authorization to incur expense**

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

(May 27, 1930, ch. 337, § 3, 46 Stat. 387.)

**§ 576. Reforestation; establishment of forest tree nurseries; tree planting; seed sowing and forest improvement work**

The Secretary of Agriculture is authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by section 576a of this title: *Provided*, That nothing in this section shall be deemed to restrict the authority of the said Secretary under other authority of law.

(June 9, 1930, ch. 416, § 1, 46 Stat. 527.)

SHORT TITLE

The act of June 9, 1930, ch. 416, 46 Stat. 527, as amended, which is classified to sections 576 to 576b of this title, is popularly known as the “Knutson-Vandenberg Act”.

**§ 576a. Authorization of appropriation for reforestation**

There is authorized to be appropriated for each fiscal year after year ending June 30, 1934, not to exceed \$400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding 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.

(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 fu-

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