

certify volunteers for suppressing forest fires on National Forest System lands, National Park System lands and Bureau of Land Management public lands in the event that the appropriate Secretary determines that such volunteers are needed. In carrying out this subsection, the Secretaries should utilize existing authorities to train volunteer firefighters for use in fire emergencies. The Secretaries should assess the capabilities of educational institutions and other public and private organizations to provide such training programs.

(b) “Educational institutions” defined

For the purposes of this section, the term “educational institutions” shall include institutions established pursuant to the Act of July 2, 1862 (7 U.S.C. 301 et seq., commonly known as the “Morrill Act”), or the Act of August 30, 1890 (7 U.S.C. 321 et seq., commonly known as the “Second Morrill Act”).

(c) Mobilization of local equipment

Not later than one year after May 9, 1990—

(1) the Secretary of Agriculture shall submit to the Congress information with respect to regions of the National Forest System, and

(2) the Secretary of the Interior shall submit to the Congress information with respect to the Bureau of Land Management public lands on a State-by-State basis and each region of the National Park System

that documents mobilization plans that provide for the use of firefighting equipment in cases of fire emergencies that may occur in each such area that may be highly prone to disastrous forest fires.

(d) Presuppression needs

Not later than one year after May 9, 1990, information from the Secretary of Agriculture on presuppression needs for each region of the National Forest System and information from the Secretary of the Interior on the presuppression needs for each region of the National Park System and for each State unit of the Bureau of Land Management shall be submitted to Congress. These reports shall include needs, including an estimate of the funds required, for fire prevention, fuel reduction, training and seasonal fire crews.

(Pub. L. 101-286, title II, § 203, May 9, 1990, 104 Stat. 175.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (b), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the Morrill Act and also as the First Morrill Act, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 301 of Title 7 and Tables.

Act of August 30, 1890, referred to in subsec. (b), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

FOREST SERVICE LARGE AIRTANKER AND AERIAL ASSET
FIREFIGHTING RECAPITALIZATION PILOT PROGRAM

Pub. L. 113-79, title VIII, § 8305, Feb. 7, 2014, 128 Stat. 925, provided that:

“(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary [of Agriculture], acting through the Chief of the Forest Service, may establish a large airtanker and aerial asset lease program in accordance with this section.

“(b) AIRCRAFT REQUIREMENTS.—In carrying out the program described in subsection (a), the Secretary may enter into a multiyear lease contract for up to 5 aircraft that meet the criteria—

“(1) described in the Forest Service document entitled ‘Large Airtanker Modernization Strategy’ and dated February 10, 2012, for large airtankers; and

“(2) determined by the Secretary, for other aerial assets.

“(c) LEASE TERMS.—The term of any individual lease agreement into which the Secretary enters under this section shall be—

“(1) up to 5 years, inclusive of any options to renew or extend the initial lease term; and

“(2) in accordance with section 3903 of title 41, United States Code.

“(d) PROHIBITION.—No lease entered into under this section shall provide for the purchase of the aircraft by, or the transfer of ownership to, the Forest Service.”

FOREST FIREFIGHTING PLANNING AND COOPERATION;
FINDINGS

Pub. L. 101-286, title II, § 201, May 9, 1990, 104 Stat. 174, provided that: “The Congress finds that—

“(1) it is in the best interest of the Nation to take swift action to rehabilitate burned forests, and an assessment of the situation is necessary to accomplish this; and

“(2) volunteers should be trained to assist where possible.”

§ 551c-1. Limitations on prescribed burns

(a) In general

Except as provided in subsection (b), the Secretary shall not authorize a prescribed burn on Forest Service land if, for the county or contiguous county in which the land is located, the national fire danger rating system indicates an extreme fire danger level.

(b) Exception

The Secretary may authorize a prescribed burn under a condition described in subsection (a) if the Secretary coordinates with the applicable State government and local fire officials.

(c) Report

At the end of each fiscal year, the Secretary shall submit to Congress a report describing—

(1) the number and locations of prescribed burns during that fiscal year; and

(2) each prescribed burn during that fiscal year that was authorized by the Secretary pursuant to subsection (b).

(Pub. L. 114-275, § 3, Dec. 14, 2016, 130 Stat. 1405.)

DEFINITIONS

Pub. L. 114-275, § 2, Dec. 14, 2016, 130 Stat. 1405, provided that: “In this Act [enacting this section and provisions set out as a note under section 551 of this title]:

“(1) NATIONAL FIRE DANGER RATING SYSTEM.—The term ‘national fire danger rating system’ means the national system used to provide a measure of fire danger according to a range of low to moderate to high to very high to extreme.

“(2) PRESCRIBED BURN.—The term ‘prescribed burn’ means a planned fire intentionally ignited.

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture, acting through the Chief of the Forest Service.”

§ 551d. Wildland firefighter safety

(a) Definitions

In this section:

(1) Secretaries

The term “Secretaries” means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) Wildland firefighter

The term “wildland firefighter” means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) Annual report to Congress

(1) In general

The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) Timeline

Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provi-

sions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

(Pub. L. 111–11, title III, §3101, Mar. 30, 2009, 123 Stat. 1127.)

§ 552. Consent to agreement by States for conservation of forests and water supply

Consent of the Congress of the United States is given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

(Mar. 1, 1911, ch. 186, §1, 36 Stat. 961.)

SHORT TITLE

Act Mar. 1, 1911, ch. 186, 36 Stat. 961, which enacted this section, former sections 513 and 514 of this title, and sections 515 to 519, 521, and 563 of this title and amended sections 480 and 500 of this title, is popularly known as the Weeks Law.

§ 552a. Restoration of withdrawn national forest lands to appropriation

The President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured, to appropriation under any applicable public-lands law.

(May 28, 1940, ch. 220, §1, 54 Stat. 224; Pub. L. 94–579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.)

CODIFICATION

The words “restore any of the lands so withdrawn” have been changed to “restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured” to reflect the change made by Pub. L. 94–579. See 1976 Amendment note below.

AMENDMENTS

1976—Pub. L. 94–579 struck out everything preceding second proviso which read: “Whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary