

41944, 92 Stat. 3788, set out in the Appendix to Title 5, Government Organization and Employees, effective Apr. 1, 1979, as provided by Ex. Ord. No. 12127, §§ 1-101, 1-103(a), Mar. 31, 1979, 44 F.R. 19637.

### § 2106a. Emergency reforestation assistance

#### (a) In general

The Secretary of Agriculture is authorized to provide assistance under this section to eligible landowners who suffer destruction of 35 percent or more of a commercial tree stand due to damaging weather, related condition, or wildfire.

#### (b) Form of assistance

The assistance, if any, provided by the Secretary under this section shall consist of either—

- (1) reimbursement of up to 65 percent of the cost of reestablishing such tree stand damaged by the damaging weather, related condition, or wildfire in excess of 35 percent mortality; or
- (2) at the discretion of the Secretary, provision of sufficient tree seedlings to reestablish such tree stand.

#### (c) Conditions

##### (1) Limitation on assistance

No person may receive an amount in excess of \$25,000 in any fiscal year, or an equivalent value in tree seedlings, under this section.

##### (2) Ineligibility

A person who has qualifying gross revenues in excess of \$2,000,000 annually, as determined by the Secretary, shall not be eligible to receive any disaster payment or other benefits under this section.

##### (3) Implementation

In implementing this section, the Secretary shall issue regulations—

(A) defining the term “person” for the purposes of this section that shall conform, to the extent practicable, to the regulations defining the term “person” issued under section 1308<sup>1</sup> of title 7 (before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008);

(B) prescribing such rules as the Secretary determines necessary to ensure a fair and reasonable application of the limitations established under this subsection; and

(C) ensuring that no person receives duplicative payments or assistance under this section, the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.), and the environmental quality incentives program established under subchapter A of chapter 4 of subtitle D of title XII of the Food Security Act of 1985 [16 U.S.C. 3839aa et seq.], or other Federal program.

#### (d) Definitions

As used in this section—

(1) the term “damaging weather” includes drought, hail, excessive moisture, freeze, tornado, 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; Pub. L. 113-79, title I, § 1609(b)(1), Feb. 7, 2014, 128 Stat. 709; Pub. L. 115-334, title II, § 2301(d)(2)(E), Dec. 20, 2018, 132 Stat. 4554.)

#### REFERENCES IN TEXT

Section 1308 of title 7 (before the amendment made by section 1603(a) of the Food, Conservation, and Energy Act of 2008), referred to in subsec. (c)(3)(A), means section 1308 of title 7 before the amendment made by section 1603(a) of Pub. L. 110-246, which amended the definition of “covered commodity” in section 1308(a)(1). Section 1603(b) of Pub. L. 110-246 amended section 1308 by, among other things, adding subsec. (a)(4) which defined “person” and striking out subsec. (e) which related to issuance of regulations defining “person”. The amendments made by section 1603 of Pub. L. 110-246 to section 1308 were effective May 22, 2008.

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.

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

The Food Security Act of 1985, referred to in subsec. (c)(3)(C), is Pub. L. 99-198, Dec. 23, 1985, 99 Stat. 1354. Subchapter A of chapter 4 of subtitle D of title XII of the Act is classified generally to subpart A (§3839aa et seq.) of part IV 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

2018—Subsec. (c)(3)(C). Pub. L. 115-334 inserted “subchapter A of” before “chapter 4”.

2014—Subsec. (c)(3)(A). Pub. L. 113-79, §1609(b)(1), amended language inserted by Pub. L. 110-246, §1603(g)(5). See 2008 Amendment note below.

2008—Subsec. (c)(3)(A). Pub. L. 110-246, §1603(g)(5), as amended by Pub. L. 113-79, §1609(b)(1), inserted “(before the amendment made by section 1603(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 2014 AMENDMENT

Amendment by Pub. L. 113-79 effective as if included in Pub. L. 110-246, see section 1609(b)(2) of Pub. L. 113-79, set out as a note under section 1471g of Title 7, Agriculture.

#### 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 windbreaks.

#### (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;