

§ 2109a. State and private forest landscape-scale restoration program

(a) Purpose

The purpose of this section is to encourage collaborative, science-based restoration of priority forest landscapes.

(b) Definitions

In this section:

(1) Indian tribe

The term “Indian tribe” has the meaning given the term in section 5304 of title 25.

(2) Nonindustrial private forest land

The term “nonindustrial private forest land” means land that—

(A) is rural, as determined by the Secretary;

(B) has existing tree cover or is suitable for growing trees; and

(C) is owned by any private individual, group, association, corporation, Indian tribe, or other private legal entity.

(3) State forest land

The term “State forest land” means land that—

(A) is rural, as determined by the Secretary; and

(B) is under State or local governmental ownership and considered to be non-Federal forest land.

(c) Establishment

The Secretary, in consultation with State foresters or appropriate State agencies, shall establish a competitive grant program to provide financial and technical assistance to encourage collaborative, science-based restoration of priority forest landscapes.

(d) Eligibility

To be eligible to receive a grant under this section, an applicant shall submit to the Secretary, through the State forester or appropriate State agency, a State and private forest landscape-scale restoration proposal based on a restoration strategy that—

(1) is complete or substantially complete;

(2) is for a multiyear period;

(3) covers nonindustrial private forest land or State forest land;

(4) is accessible by wood-processing infrastructure; and

(5) is based on the best available science.

(e) Plan criteria

A State and private forest landscape-scale restoration proposal submitted under this section shall include plans—

(1) to reduce the risk of uncharacteristic wildfires;

(2) to improve fish and wildlife habitats, including the habitats of threatened and endangered species;

(3) to maintain or improve water quality and watershed function;

(4) to mitigate invasive species, insect infestation, and disease;

(5) to improve important forest ecosystems;

(6) to measure ecological and economic benefits, including air quality and soil quality and productivity; and

(7) to take other relevant actions, as determined by the Secretary.

(f) Priorities

In making grants under this section, the Secretary shall give priority to plans that—

(1) further a statewide forest assessment and resource strategy;

(2) promote cross boundary landscape collaboration; and

(3) leverage public and private resources.

(g) Collaboration and consultation

The Chief of the Forest Service, the Chief of the Natural Resources Conservation Service, and relevant stakeholders shall collaborate and consult on an ongoing basis regarding—

(1) administration of the program established under this section; and

(2) identification of other applicable resources for landscape-scale restoration.

(h) Matching funds required

As a condition of receiving a grant under this section, the Secretary shall require the recipient of the grant to provide funds or in-kind support from non-Federal sources in an amount that is at least equal to the amount of Federal funds.

(i) Coordination and proximity encouraged

In making grants under this section, the Secretary may consider coordination with and proximity to other landscape-scale projects on other land under the jurisdiction of the Secretary, the Secretary of the Interior, or a Governor of a State, including under—

(1) the Collaborative Forest Landscape Restoration Program established under section 7303 of this title;

(2) landscape areas designated for insect and disease treatments under section 6591a of this title;

(3) good neighbor authority under section 2113¹ of this title;

(4) stewardship end result contracting projects authorized under section 6591c of this title;

(5) appropriate State-level programs; and

(6) other relevant programs, as determined by the Secretary.

(j) Regulations

The Secretary shall promulgate such regulations as the Secretary determines necessary to carry out this section.

(k) Report

Not later than 3 years after December 20, 2018, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on—

(1) the status of development, execution, and administration of selected projects;

(2) the accounting of program funding expenditures; and

(3) specific accomplishments that have resulted from landscape-scale projects.

(l) Fund

(1) In general

There is established in the Treasury a fund, to be known as the “State and Private Forest

¹ So in original. See section 2113a of this title.

Landscape-Scale Restoration Fund” (referred to in this subsection as the “Fund”), to be used by the Secretary to make grants under this section.

(2) Contents

The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (3).

(3) Authorization of appropriations

There is authorized to be appropriated to the Fund \$20,000,000 for each fiscal year beginning with the first full fiscal year after December 20, 2018, through fiscal year 2023, to remain available until expended.

(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; amended Pub. L. 115-334, title VIII, §8102(a), Dec. 20, 2018, 132 Stat. 4837.)

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.

AMENDMENTS

2018—Pub. L. 115-334 amended section generally. Prior to amendment, section related to competitive allocation of funds to State foresters or equivalent State officials.

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. Repealed. Pub. L. 115-334, title VIII, § 8102(b)(1), Dec. 20, 2018, 132 Stat. 4839

Section, 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, related to competitive allocation of funds for cooperative forest innovation partnership projects.

§ 2110. Statement of limitation

This chapter shall not authorize the Federal Government to regulate the use of private land or to deprive owners of land of their rights to property or to income from the sale of property, unless such property rights are voluntarily conveyed or limited by contract or other agreement. This chapter does not diminish in any way the rights and responsibilities of the States and political subdivisions of States.

(Pub. L. 95-313, §14, formerly §11, July 1, 1978, 92 Stat. 374; renumbered §14 and amended Pub. L. 101-624, title XII, §§1215(1), 1221, Nov. 28, 1990, 104 Stat. 3525, 3540.)

PRIOR PROVISIONS

A prior section 14 of Pub. L. 95-313 was renumbered section 17 and is set out as a note under section 2101 of this title.

AMENDMENTS

1990—Pub. L. 101-624, §1221, amended section generally. Prior to amendment, section read as follows: “This chapter does not authorize the Federal Government to regulate the use of private land or to deprive

owners of land of their rights to property or to income from the sale of property, and this chapter does not diminish in any way the rights and responsibilities of the States and political subdivisions of States.”

§ 2111. Other Federal programs

(a) Repeal of statutory authorities

The following laws, and portions of laws, are hereby repealed:

(1) sections 1, 2, 3, and 4 of the Act of June 7, 1924, known as the Clarke-McNary Act (43 Stat. 653-654, as amended; 16 U.S.C. 564, 565, 566, 567);

(2) the Act of April 26, 1940, known as the White Pine Blister Rust Protection Act (54 Stat. 168; 16 U.S.C. 594a);

(3) the Forest Pest Control Act;

(4) the Cooperative Forest Management Act;

(5) section 401 of the Agricultural Act of 1956 [16 U.S.C. 568e];

(6) title IV of the Rural Development Act of 1972 [7 U.S.C. 2651 et seq.]; and

(7) section 1009 and the proviso to section 1010¹ of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 [16 U.S.C. 1509, 1510].

(b) Force and effect of contracts and cooperative and other agreements under cooperative forestry programs executed under authority of repealed statutes

Contracts and cooperative and other agreements under cooperative forestry programs executed under authority of the Acts, or portions thereof, repealed under subsection (a) of this section shall remain in effect until revoked or amended by their own terms or under other provisions of law.

(c) Availability of funds appropriated under authority of repealed statutes for cooperative forestry assistance programs

Funds appropriated under the authority of the Acts, or portions thereof, repealed under subsection (a) of this section shall be available for expenditure for the programs authorized under this chapter.

(Pub. L. 95-313, §16, formerly §13, July 1, 1978, 92 Stat. 374; renumbered §16, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525.)

REFERENCES IN TEXT

Act of April 26, 1940, known as the White Pine Blister Rust Protection Act (54 Stat. 168; 16 U.S.C. 594a), referred to in subsec. (a)(2), is act Apr. 26, 1940, ch. 159, 54 Stat. 168, which enacted section 594a of this title.

The Forest Pest Control Act, referred to in subsec. (a)(3), is act June 25, 1947, ch. 141, 61 Stat. 177, as amended, which enacted sections 594-1 to 594-5 of this title and enacted provisions set out as notes under section 594-1 of this title. For complete classification of this Act to the Code, see Tables.

The Cooperative Forest Management Act, referred to in subsec. (a)(4), is act Aug. 25, 1950, ch. 781, 64 Stat. 473, as amended, which enacted sections 568c and 568d of this title, repealed section 568b of this title, and enacted a provision set out as a note under section 568c of this title. For complete classification of this Act to the Code, see Tables.

The Rural Development Act of 1972, referred to in subsec. (a)(6), is Pub. L. 92-419, Aug. 30, 1972, 86 Stat.

¹ See References in Text note below.