

estry personnel, private forest landowners and managers, vendors, forest operators, wood processors, public agencies, and individuals, the Secretary is authorized to carry out a program of technology implementation.

(1) In implementing this subsection, the Secretary is authorized to work through State foresters or equivalent State officials, and, if the State forester or equivalent State official is unable to deliver these services, the Secretary is authorized to act through appropriate United States Department of Agriculture agencies, subdivisions of States, agencies, institutions, organizations, or individuals to—

(A) strengthen technical assistance and service programs of cooperators participating in programs under this chapter by applying research results and conducting pilot projects and field tests of management and utilization practices, equipment, and technologies, related to programs and activities authorized under this chapter;

(B) study the effects of tax laws, methods, and practices on forest management;

(C) develop and maintain technical information systems in support of programs and activities authorized under this chapter;

(D) test, evaluate, and seek registration of chemicals for use in implementing the programs and activities authorized under this chapter;

(E) conduct other activities, including training of State forestry personnel whom the Secretary deems necessary to ensure that the programs and activities authorized under this chapter are responsive to special problems, unique situations, and changing conditions.

(2) The Secretary may make funds available to cooperators under this chapter without regard to the provisions of section 3324(a) and (b) of title 31, which prohibits advances of public money.

(3) The Secretary shall use forest resources planning committees at National and State levels in implementing this subsection.

(d) Authorization of appropriations

There are hereby authorized to be appropriated annually such sums as may be needed to implement this section.

(Pub. L. 95-313, §11, formerly §8, July 1, 1978, 92 Stat. 371; renumbered §11, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525.)

CODIFICATION

In subsec. (c)(2), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the Revised Statutes (31 U.S.C. 529)” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

PRIOR PROVISIONS

A prior section 11 of Pub. L. 95-313 was renumbered section 14 and is classified to section 2110 of this title.

§ 2108. Consolidation of payments

(a) Request by State; excluded funds

To provide flexibility in funding activities authorized under this chapter, the Secretary may,

upon the request of any State, consolidate the annual financial assistance payments to that State under this chapter, in lieu of functional cost sharing mechanisms, formulas, or agreements. However, consolidated payments shall not include money appropriated under section 2103¹ of this title or money from any special Treasury fund established under this chapter.

(b) State forest resources programs as basis

Consolidation of payments made under this section shall be based upon State forest resources programs developed by State foresters or equivalent State officials, and reviewed by the Secretary.

(c) Amount of payments

Consolidated payments to any State during any fiscal year shall not exceed the total amount of non-Federal funds expended within the State during that year to implement its State forest resources program. However, the Secretary may make payments that exceed the non-Federal amount expended for selected activities under the program, if the total Federal expenditure during any fiscal year does not exceed the total non-Federal expenditure during that year under the State forest resources program.

(d) Certification requirement by State forester or equivalent State official for Federal payment

The Secretary may make consolidated payments on the certificate of the State forester or equivalent State official that the conditions for Federal payment have been met.

(e) Administration of consolidated payments program not to adversely affect, etc., other programs

The Secretary shall administer this section to ensure that the use of consolidated payments does not adversely affect or eliminate any program authorized under this chapter.

(f) Total annual amount of financial assistance to participating State; financial assistance for special projects not to be included in determining base amount

Subject to applicable appropriation Acts, the total annual amount of financial assistance to any participating State after July 1, 1978, shall not be less than the base amount of financial assistance provided to that State under all the provisions of law specified in section 2111 of this title during the fiscal year in which this chapter is enacted. However, financial assistance for special projects of two years or less duration shall not be included in determining the base amount for any participating State.

(Pub. L. 95-313, §12, formerly §9, July 1, 1978, 92 Stat. 372; renumbered §12 and amended Pub. L. 101-624, title XII, §§1215(1), 1224(2), Nov. 28, 1990, 104 Stat. 3525, 3542.)

REFERENCES IN TEXT

Section 2103 of this title, referred to in subsec. (a), was repealed and a new section 2103 enacted by Pub. L. 107-171, title VIII, §§8001(a), 8002(b), May 13, 2002, 116 Stat. 468. Section 2103, as enacted by Pub. L. 107-171, was subsequently repealed by Pub. L. 113-79, title VIII, §8001(a), Feb. 7, 2014, 128 Stat. 913.

¹ See References in Text note below.

PRIOR PROVISIONS

A prior section 12 of Pub. L. 95-313, which amended section 1606 of this title and enacted provisions set out as a note under that section, was renumbered section 15.

AMENDMENTS

1990—Subsec. (f). Pub. L. 101-624, § 1224(2), made technical amendment to reference to section 2111 of this title to reflect renumbering of corresponding section of original act.

§ 2109. General provisions**(a) Cooperative and coordinating requirements for implementation of programs, etc.**

In implementing this chapter, the Secretary shall, to the maximum extent practicable—

- (1) work through, cooperate with, and assist State foresters or equivalent State officials;
- (2) encourage cooperation and coordination between State foresters or equivalent State officials and other State agencies that manage renewable natural resources;
- (3) use and encourage cooperators under this chapter to use, private agencies, consultants, organizations, firms, and individuals to furnish necessary materials and services; and
- (4) promote effectiveness and economy by coordinating the direct actions and assistance authorized under this chapter with related programs the Secretary administers, and with cooperative programs of other agencies.

(b) Availability of appropriations

Money appropriated under this chapter shall remain available until expended.

(c) Consultation requirements for implementation of programs, etc.

Requirements for the development of State forest resources programs and State participation in management assistance, planning assistance, and technology implementation, the apportionment of funds among States participating under this chapter, the administrative expenses in connection with activities and programs under this chapter, and the amounts to be expended by the Secretary to assist non-State cooperators under this chapter, shall be determined by the Secretary in consultation with a committee of not less than five State foresters or equivalent State officials selected by a majority of the State foresters or equivalent State officials from States participating in programs under this chapter. However, the Secretary need not consult with such committee regarding funds to be expended under emergency conditions that the Secretary may determine.

(d) Definitions

For the purposes of this chapter—

- (1) The terms “United States” and “State” shall include each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the territories and possessions of the United States;
- (2) The term “forest resources” shall include esthetics, fish and wildlife, forage, outdoor

recreation opportunities, timber, and water; and

- (3) The term “urban forestry” means the planning, establishment, protection, and management of trees and associated plants, individually, in small groups, or under forest conditions within cities, their suburbs, and towns.

(e) Rules and regulations

The Secretary may prescribe rules and regulations, as the Secretary deems appropriate, to implement the provisions of this chapter.

(f) Granting, etc., authorities

The Secretary is authorized to make grants, agreements, contracts, and other arrangements the Secretary deems necessary to implement this chapter.

(g) Construction of statutory provisions

This chapter shall be construed as supplementing all other laws relating to the Department of Agriculture and shall not be construed as limiting or repealing any existing law or authority of the Secretary, except as specifically cited in section 2111 of this title.

(h) Additional assistance

In addition to the authority provided elsewhere in this chapter, the Secretary may provide assistance to other countries with respect to the activities described in paragraphs (1) through (10) of section 2102(b) of this title, paragraphs (1) through (5) of section 2104(b)¹ of this title, and paragraphs (1) through (3) of section 2105(b) of this title. For the purposes of providing assistance to other countries under this subsection, the term “non-Federal forest land” shall mean any forest land and related renewable natural resources in such countries. In providing the assistance authorized under this subsection, the Secretary shall coordinate with other Federal officials, departments, agencies, or international organizations, as the President may direct. The references to “State foresters or equivalent State officials” in this chapter shall not apply to the assistance provided by the Secretary to other countries under this subsection.

(Pub. L. 95-313, § 13, formerly § 10, July 1, 1978, 92 Stat. 373; Pub. L. 101-513, title VI, § 611(b)(3), formerly § 607(b)(3), Nov. 5, 1990, 104 Stat. 2072, renumbered § 611(b)(3), Pub. L. 102-574, § 2(a)(1), Oct. 29, 1992, 106 Stat. 4593; renumbered § 13 and amended Pub. L. 101-624, title XII, §§ 1215(1), 1224(3), Nov. 28, 1990, 104 Stat. 3525, 3542; Pub. L. 110-234, title VIII, § 8004, May 22, 2008, 122 Stat. 1284; Pub. L. 110-246, § 4(a), title VIII, § 8004, June 18, 2008, 122 Stat. 1664, 2045.)

REFERENCES IN TEXT

Section 2104(b) of this title, referred to in subsec. (h), was in the original a reference to section 7(b), meaning section 7(b) of Pub. L. 95-313, which has been translated as reading section 8(b) of Pub. L. 95-313 as the probable intent of Congress. Section 7(b) of Pub. L. 95-313, which is classified to section 2103c of this title, does not contain pars. (1) to (5).

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 made identical amendments to this section. The amendments by Pub.

¹ See References in Text note below.