

(c) Availability of funds appropriated under authority of repealed statutes for cooperative forestry assistance programs

Funds appropriated under the authority of the Acts, or portions thereof, repealed under subsection (a) of this section shall be available for expenditure for the programs authorized under this chapter.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 (a)(4), is act Aug. 25, 1950, ch. 781, 64 Stat. 473, as amended, which enacted sections 568c and 568d of this title, repealed section 568b of this title, and enacted a provision set out as a note under section 568c of this title.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. 657, as amended. Title IV of the Rural Development Act of 1972 was classified generally to subchapter I (§ 2651 et seq.) of chapter 59 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title of 1972 Amendment note set out under section 1921 of Title 7 and Tables.

Section 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973, referred to in subsec. (a)(7), was classified to section 1510 of this title prior to repeal by Pub. L. 104-127, title III, § 336(d)(1), Apr. 4, 1996, 110 Stat. 1006.

§ 2112. Repealed. Pub. L. 113-79, title VIII, § 8003, Feb. 7, 2014, 128 Stat. 913

Section, Pub. L. 95-313, § 18, formerly § 15, as added Pub. L. 100-418, title IV, § 4403, Aug. 23, 1988, 102 Stat. 1400; renumbered § 18, Pub. L. 101-624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525, related to the establishment of a cooperative national forest products marketing program.

§ 2113. Federal, State, and local coordination and cooperation

(a) Forest Resource Coordinating Committee

(1) Establishment

The Secretary shall establish a committee, to be known as the “Forest Resource Coordinating Committee” (in this section referred to as the “Coordinating Committee”), to coordinate nonindustrial private forestry activities within the Department of Agriculture and with the private sector.

(2) Composition

The Coordinating Committee shall be composed of the following:

(A) The Chief of the Forest Service.

(B) The Chief of the Natural Resources Conservation Service.

(C) The Director of the Farm Service Agency.

(D) The Director of the National Institute of Food and Agriculture.

(E) Non-Federal representatives appointed by the Secretary to 3 year terms, although initial appointees shall have staggered terms, including the following persons:

(i) At least three State foresters or equivalent State officials from geographically diverse regions of the United States.

(ii) A representative of a State fish and wildlife agency.

(iii) An owner of nonindustrial private forest land.

(iv) A forest industry representative.

(v) A conservation organization representative.

(vi) A land-grant university or college representative.

(vii) A private forestry consultant.

(viii) A representative from a State Technical Committee established under section 3861 of this title.

(F) Such other persons as determined by the Secretary to be appropriate.

(3) Chairperson

The Chief of the Forest Service shall serve as chairperson of the Coordinating Committee.

(4) Duties

The Coordinating Committee shall—

(A) provide direction and coordination of actions within the Department of Agriculture, and coordination with State agencies and the private sector, to effectively address the national priorities specified in section 2101(c) of this title, with specific focus¹ owners of nonindustrial private forest land;

(B) clarify individual agency responsibilities of each agency represented on the Coordinating Committee concerning the national priorities specified in section 2101(c) of this title, with specific focus on nonindustrial private forest land;

(C) provide advice on the allocation of funds, including the competitive funds set-aside by section 2109a of this title; and

(D) assist the Secretary in developing and reviewing the report required by section 2101(d) of this title.

(5) Meeting

The Coordinating Committee shall meet annually to discuss progress in addressing the national priorities specified in section 2101(c) of this title and issues regarding nonindustrial private forest land.

(6) Compensation

(A) Federal members

Members of the Coordinating Committee who are full-time officers or employees of the United States shall receive no additional pay, allowances, or benefits by reason of their service on the Coordinating Committee.

(B) Non-Federal members

Non-federal² members of the Coordinating Committee shall serve without pay, but may

¹So in original. The word “on” probably should appear after “focus”.

²So in original. Probably should be “Non-Federal”.

be reimbursed for reasonable costs incurred while performing their duties on behalf of the Coordinating Committee.

(b) State Coordinating Committees

(1) Establishment

(A) In general

The Secretary, in consultation with the State forester or equivalent State official of each State, shall establish a State Forest Stewardship Coordinating Committee (hereafter referred to in this section as the “State Coordinating Committee”) for each such State.

(B) Composition

The State Coordinating Committee shall be chaired and administered by the State forester, or equivalent State official, or the designee thereof, and shall be composed, to the extent practicable, of—

(i) representatives from the Forest Service, Soil Conservation Service, Agricultural Stabilization and Conservation Service, and National Institute of Food and Agriculture;

(ii) representatives, to be appointed by the State forester or equivalent State official, representative of—

(I) local government;

(II) consulting foresters;

(III) environmental organizations;

(IV) forest products industry;

(V) forest land owners;

(VI) land-trust organizations, if applicable in the State;

(VII) conservation organizations;

(VIII) the State fish and wildlife agency; and

(IX) the State Technical Committee.

(iii) any other individuals determined appropriate by the Secretary.

(C) Terms

The members of the State Coordinating Committee appointed under subparagraph (B)(ii) shall serve 3-year terms, with the initial members serving staggered terms as determined by the State forester or equivalent State official, and may be reappointed for consecutive terms.

(D) Existing committees

Existing State forestry committees may be used to complement, formulate, or replace the State Coordinating Committees to avoid duplication of efforts if such existing committees are made up of membership that is similar to that described in subparagraph (B)(ii), and if such existing committees include landowners and the general public in their memberships.

(2) Duties

A State Coordinating Committee shall—

(A) consult with other Department of Agriculture and State committees that address State and private forestry issues;

(B) make recommendations to the Secretary concerning the assignment of priorities and the coordination of responsibilities for the implementation of this chapter by

the various Federal and State forest management agencies that take into consideration the mandates of each such agency;

(C) make recommendations to the State forester or equivalent State official concerning the development of the State-wide assessment and strategy regarding forest resource conditions under section 2101a of this title; and

(D) make recommendations to the Secretary concerning those forest lands that should be given priority for inclusion in the Forest Legacy Program established pursuant to section 2103c of this title.

(3) Termination

The State Coordinating Committees shall not terminate.

(4) Rule of construction

Nothing in this section shall be construed to compel action by any State official.

(Pub. L. 95-313, §19, as added Pub. L. 101-624, title XII, §1222, Nov. 28, 1990, 104 Stat. 3540; amended Pub. L. 110-234, title VII, §7511(c)(37), title VIII, §§8005, 8006, May 22, 2008, 122 Stat. 1271, 1284, 1285; Pub. L. 110-246, §4(a), title VII, §7511(c)(37), title VIII, §§8005, 8006, June 18, 2008, 122 Stat. 1664, 2032, 2045-2047; Pub. L. 115-334, title VIII, §8102(b)(2), Dec. 20, 2018, 132 Stat. 4839.)

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.

AMENDMENTS

2018—Subsec. (a)(4)(C). Pub. L. 115-334 substituted “section 2109a” for “sections 2109a and 2109b”.

2008—Subsec. (a). Pub. L. 110-246, §8005, added subsec. (a) and struck out former subsec (a) which related to: in par. (1) establishment of a Forest Resource Coordinating Committee; in par. (2) composition of the Committee; in par. (3) designation of a chairperson; and in par. (4) duties of the Committee.

Subsec. (b)(1)(B)(i). Pub. L. 110-246, §7511(c)(37), substituted “National Institute of Food and Agriculture” for “Extension Service”.

Subsec. (b)(1)(B)(ii)(IX). Pub. L. 110-246, §8006(1), added subcl. (IX).

Subsec. (b)(2)(C). Pub. L. 110-246, §8006(2), substituted “the State-wide assessment and strategy regarding forest resource conditions under section 2101a of this title” for “a Forest Stewardship Plan under paragraph (3)”.

Subsec. (b)(3) to (6). Pub. L. 110-246, §8006(3), (4), redesignated pars. (5) and (6) as (3) and (4), respectively, and struck out former pars. (3) and (4) which related to development of a Forest Stewardship Plan and authorized the use of other plans if they fully conformed to section objectives.

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, except as otherwise provided, see section 4 of Pub. L. 110-246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Amendment by section 7511(c)(37) of Pub. L. 110-246 effective Oct. 1, 2009, see section 7511(c) of Pub. L. 110-246, set out as a note under section 1522 of Title 7, Agriculture.

§ 2113a. Good neighbor authority**(a) Definitions**

In this section:

(1) Authorized restoration services

The term “authorized restoration services” means similar and complementary forest, rangeland, and watershed restoration services carried out—

(A) on Federal land, non-Federal land, and land owned by an Indian tribe; and

(B) by either the Secretary or a Governor or county, as applicable, pursuant to a good neighbor agreement.

(2) County

The term “county” means—

(A) the appropriate executive official of an affected county; or

(B) in any case in which multiple counties are affected, the appropriate executive official of a compact of the affected counties.

(3) Federal land**(A) In general**

The term “Federal land” means land that is—

(i) National Forest System land; or

(ii) public land (as defined in section 1702 of title 43).

(B) Exclusions

The term “Federal land” does not include—

(i) a component of the National Wilderness Preservation System;

(ii) Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress or Presidential proclamation (including the applicable implementation plan); or

(iii) a wilderness study area.

(4) Forest, rangeland, and watershed restoration services**(A) In general**

The term “forest, rangeland, and watershed restoration services” means—

(i) activities to treat insect- and disease-infected trees;

(ii) activities to reduce hazardous fuels; and

(iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) Exclusions

The term “forest, rangeland, and watershed restoration services” does not include—

(i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas, other than the reconstruction, repair, or restoration of a National Forest System road that is—

(I) necessary to carry out authorized restoration services pursuant to a good neighbor agreement; and

(II) in the case of a National Forest System road that is determined to be unneeded in accordance with section 212.5(b)(2) of title 36, Code of Federal

Regulations (as in effect on March 23, 2018), decommissioned in accordance with subparagraph (A)(iii)—

(aa) in a manner that is consistent with the applicable travel management plan; and

(bb) not later than 3 years after the date on which the applicable authorized restoration services project is completed; or

(ii) construction, alteration, repair or replacement of public buildings or works.

(5) Good neighbor agreement

The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor or county, as applicable, to carry out authorized restoration services under this section.

(6) Governor

The term “Governor” means the Governor or any other appropriate executive official of an affected State or Indian tribe or the Commonwealth of Puerto Rico.

(7) Indian tribe

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

(8) National Forest System road

The term “National Forest System road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on March 23, 2018).

(9) Road

The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(10) Secretary

The term “Secretary” means—

(A) the Secretary of Agriculture, with respect to National Forest System land; and

(B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) Good neighbor agreements**(1) Good neighbor agreements****(A) In general**

The Secretary may enter into a good neighbor agreement with a Governor or county to carry out authorized restoration services in accordance with this section.

(B) Public availability

The Secretary shall make each good neighbor agreement available to the public.

(2) Timber sales**(A) In general**

Subsections (d) and (g) of section 472a of this title shall not apply to services performed under a good neighbor agreement.

(B) Approval of silviculture prescriptions and marking guides

The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all