

which is classified generally to chapter 27 (§1241 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1241 of this title and Tables.

The Federal Land Policy and Management Act of 1976, referred to in subsec. (d)(1)(E), is Pub. L. 94-579, Oct. 21, 1976, 90 Stat. 2743, which is classified principally to chapter 35 (§1701 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1701 of Title 43 and Tables.

§ 7203. Authorization of appropriations

There are authorized to be appropriated such sums as are necessary to carry out this chapter.

(Pub. L. 111-11, title II, §2003, Mar. 30, 2009, 123 Stat. 1096.)

CHAPTER 92—FOREST LANDSCAPE RESTORATION

Sec.	
7301.	Purpose.
7302.	Definitions.
7303.	Collaborative Forest Landscape Restoration Program.
7304.	Authorization of appropriations.

§ 7301. Purpose

The purpose of this chapter is to encourage the collaborative, science-based ecosystem restoration of priority forest landscapes through a process that—

- (1) encourages ecological, economic, and social sustainability;
- (2) leverages local resources with national and private resources;
- (3) facilitates the reduction of wildfire management costs, including through reestablishing natural fire regimes and reducing the risk of uncharacteristic wildfire; and
- (4) demonstrates the degree to which—
 - (A) various ecological restoration techniques—
 - (i) achieve ecological and watershed health objectives; and
 - (ii) affect wildfire activity and management costs; and
 - (B) the use of forest restoration byproducts can offset treatment costs while benefiting local rural economies and improving forest health.

(Pub. L. 111-11, title IV, §4001, Mar. 30, 2009, 123 Stat. 1141.)

§ 7302. Definitions

In this chapter:

(1) Fund

The term “Fund” means the Collaborative Forest Landscape Restoration Fund established by section 7303(f) of this title.

(2) Program

The term “program” means the Collaborative Forest Landscape Restoration Program established under section 7303(a) of this title.

(3) Proposal

The term “proposal” means a collaborative forest landscape restoration proposal described in section 7303(b) of this title.

(4) Secretary

The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(5) Strategy

The term “strategy” means a landscape restoration strategy described in section 7303(b)(1) of this title.

(Pub. L. 111-11, title IV, §4002, Mar. 30, 2009, 123 Stat. 1141.)

§ 7303. Collaborative Forest Landscape Restoration Program

(a) In general

The Secretary, in consultation with the Secretary of the Interior, shall establish a Collaborative Forest Landscape Restoration Program to select and fund ecological restoration treatments for priority forest landscapes in accordance with—

- (1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
- (2) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and
- (3) any other applicable law.

(b) Eligibility criteria

To be eligible for nomination under subsection (c), a collaborative forest landscape restoration proposal shall—

- (1) be based on a landscape restoration strategy that—
 - (A) is complete or substantially complete;
 - (B) identifies and prioritizes ecological restoration treatments for a 10-year period within a landscape that is—
 - (i) at least 50,000 acres;
 - (ii) comprised primarily of forested National Forest System land, but may also include land under the jurisdiction of the Bureau of Land Management, land under the jurisdiction of the Bureau of Indian Affairs, or other Federal, State, tribal, or private land;
 - (iii) in need of active ecosystem restoration; and
 - (iv) accessible by existing or proposed wood-processing infrastructure at an appropriate scale to use woody biomass and small-diameter wood removed in ecological restoration treatments;
 - (C) incorporates the best available science and scientific application tools in ecological restoration strategies;
 - (D) fully maintains, or contributes toward the restoration of, the structure and composition of old growth stands according to the pre-fire suppression old growth conditions characteristic of the forest type, taking into account the contribution of the stand to landscape fire adaptation and watershed health and retaining the large trees contributing to old growth structure;
 - (E) would carry out any forest restoration treatments that reduce hazardous fuels by—
 - (i) focusing on small diameter trees, thinning, strategic fuel breaks, and fire use to modify fire behavior, as measured by the projected reduction of

(Pub. L. 111-11, title IV, §4002, Mar. 30, 2009, 123 Stat. 1141.)

uncharacteristically severe wildfire effects for the forest type (such as adverse soil impacts, tree mortality or other impacts); and

(ii) maximizing the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; and

(F)(i) does not include the establishment of permanent roads; and

(ii) would commit funding to decommission all temporary roads constructed to carry out the strategy;

(2) be developed and implemented through a collaborative process that—

(A) includes multiple interested persons representing diverse interests; and

(B)(i) is transparent and nonexclusive; or

(ii) meets the requirements for a resource advisory committee under subsections (c) through (f) of section 7125 of this title;¹

(3) describe plans to—

(A) reduce the risk of uncharacteristic wildfire, including through the use of fire for ecological restoration and maintenance and reestablishing natural fire regimes, where appropriate;

(B) improve fish and wildlife habitat, including for endangered, threatened, and sensitive species;

(C) maintain or improve water quality and watershed function;

(D) prevent, remediate, or control invasions of exotic species;

(E) maintain, decommission, and rehabilitate roads and trails;

(F) use woody biomass and small-diameter trees produced from projects implementing the strategy;

(G) report annually on performance, including through performance measures from the plan entitled the “10 Year Comprehensive Strategy Implementation Plan” and dated December 2006; and

(H) take into account any applicable community wildfire protection plan;

(4) analyze any anticipated cost savings, including those resulting from—

(A) reduced wildfire management costs; and

(B) a decrease in the unit costs of implementing ecological restoration treatments over time;

(5) estimate—

(A) the annual Federal funding necessary to implement the proposal; and

(B) the amount of new non-Federal investment for carrying out the proposal that would be leveraged;

(6) describe the collaborative process through which the proposal was developed, including a description of—

(A) participation by or consultation with State, local, and Tribal governments; and

(B) any established record of successful collaborative planning and implementation

of ecological restoration projects on National Forest System land and other land included in the proposal by the collaborators; and

(7) benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for restoration planning, design, implementation, or monitoring with—

(A) local private, nonprofit, or cooperative entities;

(B) Youth Conservation Corps crews or related partnerships, with State, local, and non-profit youth groups;

(C) existing or proposed small or micro-businesses, clusters, or incubators; or

(D) other entities that will hire or train local people to complete such contracts, grants, or agreements; and

(8) be subject to any other requirements that the Secretary, in consultation with the Secretary of the Interior, determines to be necessary for the efficient and effective administration of the program.

(c) Nomination process

(1) Submission

A proposal shall be submitted to—

(A) the appropriate Regional Forester; and

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(2) Nomination

(A) In general

A Regional Forester may nominate for selection by the Secretary any proposals that meet the eligibility criteria established by subsection (b).

(B) Concurrence

Any proposal nominated by the Regional Forester that proposes actions under the jurisdiction of the Secretary of the Interior shall include the concurrence of the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior.

(3) Documentation

With respect to each proposal that is nominated under paragraph (2)—

(A) the appropriate Regional Forester shall—

(i) include a plan to use Federal funds allocated to the region to fund those costs of planning and carrying out ecological restoration treatments on National Forest System land, consistent with the strategy, that would not be covered by amounts transferred to the Secretary from the Fund; and

¹ See References in Text note below.

(ii) provide evidence that amounts proposed to be transferred to the Secretary from the Fund during the first 2 fiscal years following selection would be used to carry out ecological restoration treatments consistent with the strategy during the same fiscal year in which the funds are transferred to the Secretary;

(B) if actions under the jurisdiction of the Secretary of the Interior are proposed, the nomination shall include a plan to fund such actions, consistent with the strategy, by the appropriate—

(i) State Director of the Bureau of Land Management;

(ii) Regional Director of the Bureau of Indian Affairs; or

(iii) other official of the Department of the Interior; and

(C) if actions on land not under the jurisdiction of the Secretary or the Secretary of the Interior are proposed, the appropriate Regional Forester shall provide evidence that the landowner intends to participate in, and provide appropriate funding to carry out, the actions.

(d) Selection process

(1) In general

After consulting with the advisory panel established under subsection (e), the Secretary, in consultation with the Secretary of the Interior, shall, subject to paragraph (2), select the best proposals that—

(A) have been nominated under subsection (c)(2); and

(B) meet the eligibility criteria established by subsection (b).

(2) Criteria

In selecting proposals under paragraph (1), the Secretary shall give special consideration to—

(A) the strength of the proposal and strategy;

(B) the strength of the ecological case of the proposal and the proposed ecological restoration strategies;

(C) the strength of the collaborative process and the likelihood of successful collaboration throughout implementation;

(D) whether the proposal is likely to achieve reductions in long-term wildfire management costs;

(E) whether the proposal would reduce the relative costs of carrying out ecological restoration treatments as a result of the use of woody biomass and small-diameter trees; and

(F) whether an appropriate level of non-Federal investment would be leveraged in carrying out the proposal.

(3) Limitation

The Secretary may select not more than—

(A) 10 proposals to be funded during any fiscal year;

(B) 2 proposals in any 1 region of the National Forest System to be funded during any fiscal year; and

(C) the number of proposals that the Secretary determines are likely to receive adequate funding.

(4) Waiver

(A) In general

Subject to subparagraph (B), after consulting with the advisory panel established under subsection (e), if the Secretary determines that a proposal that has been selected under paragraph (1) and is being carried out continues to meet the eligibility criteria established by subsection (b), the Secretary, on a case-by-case basis, may issue for the proposal a 1-time extension of the 10-year period requirement under paragraph (1)(B) of that subsection.

(B) Limitation

The extension described in subparagraph (A)—

(i) shall be for the shortest period of time practicable to complete implementation of the proposal, as determined by the Secretary; and

(ii) shall not exceed 10 years.

(e) Advisory panel

(1) In general

The Secretary shall establish and maintain an advisory panel comprised of not more than 15 members to evaluate, and provide recommendations on, each proposal that has been nominated under subsection (c)(2).

(2) Representation

The Secretary shall ensure that the membership of the advisory panel is fairly balanced in terms of the points of view represented and the functions to be performed by the advisory panel.

(3) Inclusion

The advisory panel shall include experts in ecological restoration, fire ecology, fire management, rural economic development, strategies for ecological adaptation to climate change, fish and wildlife ecology, and woody biomass and small-diameter tree utilization.

(f) Collaborative Forest Landscape Restoration Fund

(1) Establishment

There is established in the Treasury of the United States a fund, to be known as the “Collaborative Forest Landscape Restoration Fund”, to be used to pay up to 50 percent of the cost of carrying out and monitoring ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(2) Inclusion

The cost of carrying out ecological restoration treatments as provided in paragraph (1) may, as the Secretary determines to be appropriate, include cancellation and termination costs required to be obligated for contracts to carry out ecological restoration treatments on National Forest System land for each proposal selected to be carried out under subsection (d).

(3) Contents

The Fund shall consist of such amounts as are appropriated to the Fund under paragraph (6).

(4) Expenditures from Fund**(A) In general**

On request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary such amounts as the Secretary determines are appropriate, in accordance with paragraph (1).

(B) Limitation

The Secretary shall not expend money from the Fund on any 1 proposal—

- (i) during a period of more than 10 fiscal years; or
- (ii) in excess of \$4,000,000 in any 1 fiscal year.

(C) Exception

The limitation described in subparagraph (B)(i) shall not apply to a proposal for which a 1-time extension is granted under subsection (d)(4).

(5) Accounting and reporting system

The Secretary shall establish an accounting and reporting system for the Fund.

(6) Authorization of appropriations

There is authorized to be appropriated to the Fund \$80,000,000 for each of fiscal years 2019 through 2023, to remain available until expended.

(g) Program implementation and monitoring**(1) Work plan**

Not later than 180 days after the date on which a proposal is selected to be carried out, the Secretary shall create, in collaboration with the interested persons, an implementation work plan and budget to implement the proposal that includes—

(A) a description of the manner in which the proposal would be implemented to achieve ecological and community economic benefit, including capacity building to accomplish restoration;

(B) a business plan that addresses—

- (i) the anticipated unit treatment cost reductions over 10 years;
- (ii) the anticipated costs for infrastructure needed for the proposal;
- (iii) the projected sustainability of the supply of woody biomass and small-diameter trees removed in ecological restoration treatments; and
- (iv) the projected local economic benefits of the proposal;

(C) documentation of the non-Federal investment in the priority landscape, including the sources and uses of the investments; and

(D) a plan to decommission any temporary roads established to carry out the proposal.

(2) Project implementation

Amounts transferred to the Secretary from the Fund shall be used to carry out ecological restoration treatments that are—

(A) consistent with the proposal and strategy; and

(B) identified through the collaborative process described in subsection (b)(2).

(3) Annual report

The Secretary, in collaboration with the Secretary of the Interior and interested per-

sons, shall prepare an annual report on the accomplishments of each selected proposal that includes—

(A) a description of all acres (or other appropriate unit) treated and restored through projects implementing the strategy;

(B) an evaluation of progress, including performance measures and how prior year evaluations have contributed to improved project performance;

(C) a description of community benefits achieved, including any local economic benefits;

(D) the results of the multiparty monitoring, evaluation, and accountability process under paragraph (4); and

(E) a summary of the costs of—

- (i) treatments; and
- (ii) relevant fire management activities.

(4) Multiparty monitoring

The Secretary shall, in collaboration with the Secretary of the Interior and interested persons, use a multiparty monitoring, evaluation, and accountability process to assess the positive or negative ecological, social, and economic effects of projects implementing a selected proposal for not less than 15 years after project implementation commences.

(h) Report

Not later than 5 years after the first fiscal year in which funding is made available to carry out ecological restoration projects under the program, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall submit a report on the program, including an assessment of whether, and to what extent, the program is fulfilling the purposes of this chapter, to—

(1) the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Appropriations of the Senate;

(3) the Committee on Agriculture, Nutrition, and Forestry of the Senate;

(4) the Committee on Natural Resources of the House of Representatives;

(5) the Committee on Appropriations of the House of Representatives; and

(6) the Committee on Agriculture of the House of Representatives.

(Pub. L. 111–11, title IV, §4003, Mar. 30, 2009, 123 Stat. 1141; Pub. L. 115–334, title VIII, §8629, Dec. 20, 2018, 132 Stat. 4865.)

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (a)(1), is Pub. L. 93–205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The National Environmental Policy Act of 1969, referred to in subsec. (a)(2), is Pub. L. 91–190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

Section 7125 of this title, referred to in subsec. (b)(2)(B)(ii), was in the original “section 205 of Public Law 106–393 (16 U.S.C. 500 note)” and was translated as

referring to section 205 of Pub. L. 106-393 as added by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3905, which is classified to section 7125 of this title. A prior section 205 of Pub. L. 106-393 containing substantially similar provisions was set out in a note under section 500 of this title prior to repeal by Pub. L. 110-343, div. C, title VI, §601(a), Oct. 3, 2008, 122 Stat. 3893.

AMENDMENTS

2018—Subsec. (d)(4). Pub. L. 115-334, §8629(a), added par. (4).

Subsec. (f)(4)(C). Pub. L. 115-334, §8629(b), added subpar. (C).

Subsec. (f)(6). Pub. L. 115-334, §8629(c), substituted “\$80,000,000 for each of fiscal years 2019 through 2023” for “\$40,000,000 for each of fiscal years 2009 through 2019”.

Subsec. (h)(3) to (6). Pub. L. 115-334, §8629(d), added pars. (3) and (6) and redesignated former pars. (3) and (4) as (4) and (5), respectively.

§ 7304. Authorization of appropriations

There are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out this chapter.

(Pub. L. 111-11, title IV, §4004, Mar. 30, 2009, 123 Stat. 1147.)

CHAPTER 93—AGREEMENT ON PORT STATE MEASURES TO PREVENT, DETER AND ELIMINATE ILLEGAL, UNREPORTED AND UNREGULATED FISHING

Sec.	Purpose.
7401.	Purpose.
7402.	Definitions.
7403.	Duties and authorities of the Secretary.
7404.	Authorization or denial of port entry.
7405.	Inspections.
7406.	Prohibited acts.
7407.	Enforcement.
7408.	International cooperation and assistance.
7409.	Relationship to other laws.

§ 7401. Purpose

The purpose of this chapter is to implement the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(Pub. L. 114-81, title III, §302, Nov. 5, 2015, 129 Stat. 664.)

SHORT TITLE

Pub. L. 114-81, title III, §301, Nov. 5, 2015, 129 Stat. 664, provided that: “This title [enacting this chapter] may be cited as the ‘Port State Measures Agreement Act of 2015’.”

§ 7402. Definitions

As used in this chapter:

(1) The term “Agreement” means the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, done at the Food and Agriculture Organization of the United Nations, in Rome, Italy, November 22, 2009, and signed by the United States November 22, 2009.

(2) The term “IUU fishing” means any activity set out in paragraph 3 of the 2001 FAO International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

(3) The term “listed IUU vessel” means a vessel that is included in a list of vessels having engaged in IUU fishing or fishing-related activities in support of IUU fishing that has been adopted by a regional fisheries management organization of which the United States is a member, or a list adopted by a regional fisheries management organization of which the United States is not a member if the Secretary determines the criteria used by that organization to create the IUU list is comparable to criteria adopted by RFMOs of which the United States is a member for identifying IUU vessels and activities.

(4) The term “Magnuson-Stevens Act” means the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

(5) The term “person” has the same meaning as that term has in section 3 of the Magnuson-Stevens Act (16 U.S.C. 1802).

(6) The terms “RFMO” and “regional fisheries management organization” mean a regional fisheries management organization (as that term is defined by the United Nation’s¹ Food and Agriculture Organization Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing) that is recognized by the United States.

(7) The term “Secretary” means the Secretary of Commerce or his or her designee.

(8) The term “vessel” means any vessel, ship of another type, or boat used for, equipped to be used for, or intended to be used for, fishing or fishing-related activities, including container vessels that are carrying fish that have not been previously landed.

(9) The term “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life other than marine mammals and birds.

(10) The term “fishing”—

(A) except as provided in subparagraph (B), means—

(i) the catching, taking, or harvesting of fish;

(ii) the attempted catching, taking, or harvesting of fish;

(iii) any other activity which can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(iv) any operations at sea in support of, or in preparation for, any activity described in clauses (i) through (iii); and

(B) does not include any scientific research activity that is conducted by a scientific research vessel.

(Pub. L. 114-81, title III, §303, Nov. 5, 2015, 129 Stat. 664.)

REFERENCES IN TEXT

The Magnuson-Stevens Fishery Conservation and Management Act, referred to in par. (4), is Pub. L. 94-265, Apr. 13, 1976, 90 Stat. 331, which is classified principally to chapter 38 (§1801 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1801 of this title and Tables.

¹ So in original.