

(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.)

Editorial Notes

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.

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.

Statutory Notes and Related Subsidiaries

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.)

Editorial Notes

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.

Statutory Notes and Related Subsidiaries

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 man-

agement 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;
- (E) community and landowner education enterprises, including the program known as FIREWISE;
- (F) market development and expansion;
- (G) improved wood utilization; and
- (H) special restoration projects.

(4) Consent required

Program activities undertaken by the Secretary on non-Federal lands shall be undertaken only with the consent of the owner of the lands.

(5) Considerations

The Secretary shall use persons in the local community wherever possible to carry out projects under the Program.

(c) Consultation

In carrying out this section, the Secretary shall consult with the Administrator of the United States Fire Administration, the Director of the National Institute of Standards and Tech-

nology, and the heads of other Federal agencies, as necessary.

(d) Authorization of appropriations

There are hereby authorized to be appropriated to the Secretary to carry out this section—

- (1) \$35,000,000 for each of fiscal years 2002 through 2007; and
- (2) such sums as are necessary for fiscal years thereafter.

(Pub. L. 95-313, §10A, as added Pub. L. 107-171, title VIII, §8003(b), May 13, 2002, 116 Stat. 473.)

Statutory Notes and Related Subsidiaries

FINDINGS FOR ENHANCED COMMUNITY FIRE PROTECTION

Pub. L. 107-171, title VIII, §8003(a), May 13, 2002, 116 Stat. 473, provided that: “Congress finds the following:

- “(1) The severity and intensity of wildland fires has increased dramatically over the past few decades as a result of past fire and land management policies.
- “(2) The record 2000 fire season is a prime example of what can be expected if action is not taken.
- “(3) Wildland fires threaten not only the forested resources of the United States, but also the thousands of communities intermingled with the wildlands in the wildland-urban interface.
- “(4) The National Fire Plan, if implemented to achieve appropriate priorities, is the proper, coordinated, and most effective means to address the issue of wildfires.
- “(5) While adequate authorities exist to tackle the wildfire issues at the landscape level on Federal lands, there is limited authority to take action on most private lands, and the largest threat to life and property exists on private lands.
- “(6) There is a significant Federal interest in enhancing community protection from wildfire.”

§ 2107. Financial, technical, and related assistance to States

(a) Development of State organizations for protection and management of non-Federal forest lands; scope of assistance; request by officials

To aid in achieving maximum effectiveness in the programs and activities conducted under this chapter, the Secretary is authorized to provide financial, technical, and related assistance to State foresters or equivalent State officials for the development of stronger and more efficient State organizations that will enable them to fulfill better their responsibilities for the protection and management of non-Federal forest lands. Assistance under this subsection may include, but will not be limited to, assistance in matters related to organization management, program planning and management, budget and fiscal accounting services, personnel training and management, information services, and recordkeeping. Assistance under this subsection may be extended only upon request by State foresters or equivalent State officials.

(b) Assembly, analysis, display, and reporting of State forest resources data, resources planning, etc.; scope of assistance; other statutory provisions unaffected

To ensure that data regarding forest lands are available for and effectively presented in State and Federal natural resources planning, the Secretary is authorized to provide financial, tech-