

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), re-designated 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.

Statutory Notes and Related Subsidiaries

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 Fed-

eral 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 timber sale projects conducted under this section.

(C) Treatment of revenue

(i) In general

Funds received from the sale of timber by a Governor of a State under a good neighbor agreement shall be retained and used by the Governor—

(I) to carry out authorized restoration services on Federal land under the good neighbor agreement; and

(II) if there are funds remaining after carrying out subclause (I), to carry out authorized restoration services on Federal land within the State under other good neighbor agreements.

(ii) Termination of effectiveness

The authority provided by this subparagraph terminates effective October 1, 2023.

(3) Retention of NEPA responsibilities

Any decision required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor or county.

(4) Receipts

Notwithstanding any other provision of law, any payment made by a county to the Secretary under a project conducted under a good neighbor agreement shall not be considered to be monies received from National Forest System land or Bureau of Land Management land, as applicable.

(Pub. L. 113-79, title VIII, § 8206, Feb. 7, 2014, 128 Stat. 921; Pub. L. 115-141, div. O, title II, § 212,

Mar. 23, 2018, 132 Stat. 1073; Pub. L. 115-334, title VIII, §§ 8624, 8704(b), Dec. 20, 2018, 132 Stat. 4857, 4877.)

Editorial Notes

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(3), 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.

CODIFICATION

Section was enacted as part of the Agricultural Act of 2014, and not as part of the Cooperative Forestry Assistance Act of 1978 which comprises this chapter.

AMENDMENTS

2018—Subsec. (a)(1)(A). Pub. L. 115-334, § 8624(a)(1), substituted “land, non-Federal land, and land owned by an Indian tribe” for “land and non-Federal land”.

Subsec. (a)(1)(B). Pub. L. 115-334, § 8624(b)(1)(A), inserted “or county, as applicable,” after “Governor”.

Subsec. (a)(2). Pub. L. 115-334, § 8624(b)(1)(C), added par. (2). Former par. (2) redesignated (3).

Subsec. (a)(3). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (a)(3)(B)(i). Pub. L. 115-141, § 212(1), substituted “areas, other than the reconstruction, repair, or restoration of a National Forest System road that is—” and subcls. (I) and (II) for “areas; or”.

Subsec. (a)(4). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (3) as (4). Former par. (4) redesignated (5).

Subsec. (a)(4)(B)(i)(II). Pub. L. 115-334, § 8704(b)(1), made technical amendment to reference in original act which appears in text as reference to March 23, 2018.

Subsec. (a)(5). Pub. L. 115-334, § 8624(b)(1)(B), (D), redesignated par. (4) as (5) and inserted “or county, as applicable,” after “Governor”. Former par. (5) redesignated (6).

Pub. L. 115-334, § 8624(a)(2), inserted “or Indian tribe” after “affected State”.

Subsec. (a)(6). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (5) as (6). Former par. (6) redesignated (7).

Pub. L. 115-334, § 8624(a)(4), which directed amendment of subsec. (a) by adding par. (6) after par. (5) “(as so redesignated)”, was executed by making the addition after par. (5), relating to the definition of “Governor”, to reflect the probable intent of Congress.

Pub. L. 115-334, § 8624(a)(3), redesignated par. (6) as (7).

Pub. L. 115-141, § 212(3), added par. (6). Former par. (6) redesignated (7).

Subsec. (a)(7). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Pub. L. 115-334, § 8624(a)(3), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Pub. L. 115-141, § 212(2), redesignated par. (6) as (7). Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 115-334, § 8704(b)(2), made technical amendment to reference in original act which appears in text as reference to March 23, 2018.

Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Pub. L. 115-334, § 8624(a)(3), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Pub. L. 115-141, § 212(2), redesignated par. (7) as (8).

Subsec. (a)(9). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (8) as (9). Former par. (9) redesignated (10).

Pub. L. 115-334, § 8624(a)(3), redesignated par. (8) as (9).

Subsec. (a)(10). Pub. L. 115-334, § 8624(b)(1)(B), redesignated par. (9) as (10).

Subsec. (b)(1)(A). Pub. L. 115-334, § 8624(b)(2)(A), inserted “or county” after “Governor”.

Subsec. (b)(2)(A). Pub. L. 115-334, § 8624(b)(2)(B), substituted “good neighbor agreement” for “cooperative

agreement or contract entered into under subsection (a)”.

Subsec. (b)(2)(C). Pub. L. 115-334, § 8624(c), added subpar. (C).

Subsec. (b)(3). Pub. L. 115-334, § 8624(b)(2)(C), inserted “or county” after “Governor”.

Subsec. (b)(4). Pub. L. 115-334, § 8624(b)(2)(D), added par. (4).

§ 2114. Administration

(a) In general

The Secretary shall administer this chapter in accordance with regulations that the Secretary shall develop.

(b) Guidelines

The regulations promulgated under this chapter shall include guidelines for the administration of this chapter at the Federal and State levels and shall identify the measures and activities that are eligible for cost sharing under this chapter.

(c) Existing mechanisms

Existing mechanisms shall be used to the extent possible to make payments and deliver services to the landowner under this chapter.

(d) Land grant universities

The Secretary, in consultation with State foresters or equivalent State officials, may provide assistance directly to other State and local natural resource management agencies and land grant universities in implementing this chapter in cases in which the State foresters or equivalent State officials are not able to make fund transfers to other State and local agencies.

(Pub. L. 95-313, § 20, as added Pub. L. 101-624, title XII, § 1223, Nov. 28, 1990, 104 Stat. 3542.)

CHAPTER 42—EMERGENCY CONSERVATION PROGRAM

Sec.	
2201.	Emergency conservation program.
2202.	Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria.
2202a.	Cost-share requirement.
2202b.	Payment limitation.
2203.	Emergency watershed program.
2204.	Funding and administration.
2205.	Regulations for implementation of provisions.
2206.	Emergency forest restoration program.

§ 2201. Emergency conservation program

(a) In general

The Secretary of Agriculture (referred to in this chapter as the “Secretary”) is authorized to make payments to agricultural producers who carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, wildfires, or other natural disasters when, as a result of the foregoing, new conservation problems have been created that (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area, and (4) will be so costly to rehabilitate

that Federal assistance is or will be required to return the land to productive agricultural use.

(b) Repair or replacement of fencing

(1) In general

With respect to a payment to an agricultural producer under subsection (a) for the repair or replacement of fencing, the Secretary shall give the agricultural producer the option of receiving not more than 25 percent of the payment, determined by the Secretary based on the applicable percentage of the fair market value of the cost of the repair or replacement, before the agricultural producer carries out the repair or replacement.

(2) Return of funds

If the funds provided under paragraph (1) are not expended by the end of the 60-day period beginning on the date on which the agricultural producer receives those funds, the funds shall be returned within a reasonable time-frame, as determined by the Secretary.

(Pub. L. 95-334, title IV, § 401, Aug. 4, 1978, 92 Stat. 433; Pub. L. 115-334, title II, § 2403(a)(1), Dec. 20, 2018, 132 Stat. 4571.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334 inserted section catchline, designated existing provisions as subsec. (a), inserted heading, substituted “The Secretary of Agriculture (referred to in this chapter as the ‘Secretary’)” for “The Secretary of Agriculture”, inserted “wildfires,” after “hurricanes,”, and added subsec. (b).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 95-334, title IV, § 406, Aug. 4, 1978, 92 Stat. 434, provided that: “The provisions of this title [enacting this chapter] shall become effective October 1, 1978.”

§ 2202. Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria

The Secretary is authorized to make payments to agricultural producers who carry out emergency water conservation or water enhancing measures (including measures carried out to assist confined livestock) during periods of severe drought as determined by the Secretary.

(Pub. L. 95-334, title IV, § 402, Aug. 4, 1978, 92 Stat. 434; Pub. L. 101-82, title V, § 502, Aug. 14, 1989, 103 Stat. 586; Pub. L. 115-334, title II, § 2403(a)(2)(A), Dec. 20, 2018, 132 Stat. 4571.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-334 substituted “The Secretary is” for “The Secretary of Agriculture is”.

1989—Pub. L. 101-82, § 502(1), inserted “(including measures carried out to assist confined livestock)”.

Pub. L. 101-82, § 502(2), temporarily substituted “any fiscal year in which there is a period of severe drought” for “periods of severe drought”. See Effective and Termination Dates of 1989 Amendment note below.