(*l*) Withdrawal

Subject to valid existing rights, all Federal land in the scenic areas is withdrawn from—

(1) location, entry, and patent under the mining laws; and

(2) operation of the mineral leasing and geothermal leasing laws.

(Pub. L. 111–11, title I, § 1104, Mar. 30, 2009, 123 Stat. 1004.)

REFERENCES IN TEXT

This subtitle, referred to in subsec. (c)(1)(A), is subtitle B (§§ 1101–1107) of title I of Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 1002, which enacted this section and section 546b–1 of this title, enacted provisions set out as a note below, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title. For complete classification of subtitle B to the Code, see Tables.

DEFINITIONS

Pub. L. 111–11, title I, § 1101, Mar. 30, 2009, 123 Stat. 1002, provided that: ''In this subtitle [subtitle B (§§ 1101–1107) of title I of Pub. L. 111–11, enacting this section and section 546b–1 of this title and enacting and amending provisions listed in a table of Wilderness Areas set out under section 1132 of this title]:

''(1) SCENIC AREAS.—The term 'scenic areas' means the Seng Mountain National Scenic Area and the Bear Creek National Scenic Area.

''(2) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.''

§ 546b–1. Maps and boundary descriptions

(a) In general

As soon as practicable after March 30, 2009, the Secretary shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources and the Committee on Agriculture of the House of Representatives maps and boundary descriptions of—

(1) the scenic areas;

(2) the wilderness areas designated by paragraphs (9) through (20) of section 1 of Public Law 100–326 (16 U.S.C. 1132 note) (as added by section 1102(a)(5));

(3) the wilderness study area designated by section 6(a)(5) of the Virginia Wilderness Act of 1984 (16 U.S.C. 1132 note; Public Law 98–586) (as added by section 1102(b)(2)(D)); and

(4) the potential wilderness area designated by section 1103(a).[1]

(b) Force and effect

The maps and boundary descriptions filed under subsection (a) shall have the same force and effect as if included in this subtitle, except that the Secretary may correct any minor errors in the maps and boundary descriptions.

(c) Availability of map and boundary description

The maps and boundary descriptions filed under subsection (a) shall be on file and available for public inspection in the Office of the Chief of the Forest Service.

(d) Conflict

In the case of a conflict between a map filed under subsection (a) and the acreage of the applicable areas specified in this subtitle, the map shall control.

[1] See References in Text note below.

(Pub. L. 111–11, title I, § 1106, Mar. 30, 2009, 123 Stat. 1007.)

REFERENCES IN TEXT

Paragraphs (9) through (20) of section 1 of Public Law 100–326 as added by section 1102(a)(5), referred to in subsec. (a)(2), means paragraphs (9) through (20) of section 1 of Public Law 100–326 as added by section 1102(a)(5) of Pub. L. 111–11, which enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

Section 6(a)(5) of the Virginia Wilderness Act of 1984 (Public Law 98–586) (as added by section 1102(b)(2)(D)), referred to in subsec. (a)(3), is section 6(a)(5) of Pub. L. 98–586, as added by section 1102(b)(2)(D) of Pub. L. 111–11, title I, Mar. 30, 2009, 123 Stat. 1004, which is not classified to the Code.

Section 1103(a), referred to in subsec. (a)(4), means section 1103(a) of Pub. L. 111–11, which amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

This subtitle, referred to in subsecs. (b) and (d), is subtitle B (§§ 1101–1107) of title I of Pub. L. 111–11, Mar. 30, 2009, 123 Stat. 1002, which enacted this section and section 546b of this title, enacted provisions set out as a note under section 546b of this title, and enacted and amended provisions listed in a table of Wilderness Areas set out under section 1132 of this title.

DEFINITIONS

For definitions of terms used in this section, see section 1101 of Pub. L. 111–11, set out as a note under section 546b of this title.

CHAPTER 3—FORESTS; FOREST SERVICE; REFORESTATION; MANAGEMENT

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576. Reforestation; establishment of forest tree nurseries; tree planting; seed sowing and forest improvement work.
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SUBCHAPTER I—GENERAL PROVISIONS

§ 551. Protection of national forests; rules and regulations

The Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon the public forests and national forests which may have been set aside or which may be hereafter set aside under the provisions of section 471[1] of this title, and which may be continued; and he may make such rules and regulations and establish such service as will insure the objects of such reservations, namely, to regulate their occupancy and use and to preserve the forests thereon from destruction; and any violation of the provisions of this section, sections 473 to 478 and 479 to 482 of this title or such rules and regulations shall be punished by a fine of not more than $500 or imprisonment for not more than six months, or both. Any person charged with the violation of such rules and regulations may be tried and sentenced by any United States magistrate judge specially designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401(b) to (e) of title 18.

(June 4, 1897, ch. 2, § 1, 30 Stat. 35; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628; Pub. L. 87–869, § 6, Oct. 23, 1962, 76 Stat. 1157; Pub. L. 88–537, Aug. 31, 1964, 78 Stat. 745; Pub. L. 90–578, title IV, § 402(b)(2), Oct.

[1] See References in Text note below.

17, 1968, 82 Stat. 1118; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

REPEALS

Section repealed by Pub. L. 94–579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, effective on and after Oct. 21, 1976, insofar as applicable to the issuance of rights-of-way over, upon, under, and through the public lands and lands in the National Forest System.

REFERENCES IN TEXT

Section 471 of this title, referred to in text, was in the original a reference to act Mar. 3, 1891, 26 Stat. 1103, and was repealed by Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.

CODIFICATION

''National forests'' substituted in text for ''forest reservations'' on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

AMENDMENTS

1964—Pub. L. 88–537 provided that persons charged with violation of such rules and regulations may be tried and sentenced by any United States commissioner specially designated for that purpose by the court by which he was appointed, in the same manner as in section 3401(b) to (e) of title 18.

1962—Pub. L. 87–869 substituted ''by a fine of not more than $500 or imprisonment for not more than six months, or both'' for ''as is provided for in section 104 of title 18''.

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' in text pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrate'' substituted for ''United States commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

SHORT TITLE OF 1990 AMENDMENT

Pub. L. 101–286, § 1, May 9, 1990, 104 Stat. 171, provided that: ''This Act [enacting sections 551b and 551c of this title, amending sections 18i and 558c of this title and section 1737 of Title 43, Public Lands, and enacting provisions set out as notes under this section and section 551b of this title] may be cited as the 'Wildfire Disaster Recovery Act of 1989'.''

SAVINGS PROVISION

Repeal by Pub. L. 94–579, title VII, § 706(a), Oct. 21, 1976, 90 Stat. 2793, insofar as applicable to the issuance of rights-of-way, not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

TRANSFER OF FUNCTIONS

Enforcement functions of Secretary or other official in Department of Agriculture, insofar as they involve lands and programs under jurisdiction of that Department, related to compliance with provisions of sections 473, 474 to 482, and 551 of this title with respect to preconstruction, construction, and initial operation of transportation system for Canadian and Alaskan natural gas transferred to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, until first anniversary of date of initial operation of Alaska Natural Gas Transportation System, see Reorg. Plan No. 1 of 1979, §§ 102(f), 203(a), 44 F.R. 33663, 33666, 93 Stat. 1373, 1376, effective July 1, 1979, set out in the Appendix to Title 5, Government Organization and Employees. Office of Federal Inspector for the Alaska Natural Gas Transportation System abolished and functions and authority vested in Inspector transferred to Secretary of Energy by section 3012(b) of Pub. L. 102–486, set out as an Abolition of Office of Federal Inspector note under section 719e of Title 15, Commerce and Trade. Functions and authority vested in Secretary of Energy subsequently transferred to Federal Coordinator for Alaska Natural Gas Transportation Projects by section 720d(f) of Title 15.

Act Feb. 1, 1905, transferred certain functions with regard to administration of public forests from Secretary of the Interior to Secretary of Agriculture.

NATIONAL COMMISSION ON WILDFIRE DISASTERS

Pub. L. 101–286, title I, May 9, 1990, 104 Stat. 171, established a National Commission on Wildfire Disasters to study the effects of disastrous wildfires, resulting from natural or other causes, and to make recommendations concerning steps necessary for smooth and timely transition from loss of natural resources due to such fires, directed the Commission to make findings and develop recommendations for consideration by the Secretaries of Agriculture and the Interior with respect to future management of National Forest System lands, national parks, Bureau of Land Management public lands, and community redevelopment activities and programs, directed the Commission to submit to the Secretaries of Agriculture and the Interior, not later than Dec. 1, 1991, a report containing its findings and recommendations, directed the Secretaries to submit the report to specific committees of Congress, and provided for the Commission to cease 90 days after submission of the report.

EXISTING RIGHTS-OF-WAY

Provisions of section 706(a) of Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2793, except as pertaining to rights-of-way, not to be construed as affecting the authority of the Secretary of Agriculture under this section, see note set out under section 1701 of Title 43, Public Lands.

§ 551a. Cooperation by Secretary of Agriculture with States and political subdivisions in law enforcement

The Secretary of Agriculture, in connection with the administration and regulation of the use and occupancy of the national forests and national grasslands, is authorized to cooperate with any State or political subdivision thereof, on lands which are within or part of any unit of the national forest system, in the enforcement or supervision of the laws or ordinances of a State or subdivision thereof. Such cooperation may include the reimbursement of a State or its subdivision for expenditures incurred in connection with activities on national forest system lands. This section shall not deprive any State or political subdivision thereof of its right to exercise civil and criminal jurisdiction, within or on lands which are a part of the national forest system.

(Pub. L. 92–82, Aug. 10, 1971, 85 Stat. 303.)

§ 551b. Omitted

CODIFICATION

Section, Pub. L. 101–286, title II, § 202, May 9, 1990, 104 Stat. 174, which required the Secretaries of Agriculture and the Interior, for areas under their respective jurisdictions, to submit annual reports to Congress on rehabilitation needs resulting from disastrous forest fire damage, terminated, effective May 15, 2000, pursuant to section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance. See, also, pages 47 and 108 of House Document No. 103–7.

§ 551c. Planning for fire protection

(a) Volunteer firefighters

The Secretaries of Agriculture and the Interior shall annually offer training programs to certify volunteers for suppressing forest fires on National Forest System lands, National Park System lands and Bureau of Land Management public lands in the event that the appropriate Secretary determines that such volunteers are needed. In carrying out this subsection, the Secretaries should utilize existing authorities to train volunteer firefighters for use in fire emergencies. The Secretaries should assess the capabilities of educational institutions and other public and private organizations to provide such training programs.

(b) "Educational institutions" defined

For the purposes of this section, the term ''educational institutions'' shall include institutions established pursuant to the Act of July 2, 1862 (7 U.S.C. 301 et seq., commonly known as the ''Morrill Act''), or the Act of August 30, 1890 (7 U.S.C. 321 et seq., commonly known as the ''Second Morrill Act'').

(c) Mobilization of local equipment

Not later than one year after May 9, 1990—

(1) the Secretary of Agriculture shall submit to the Congress information with respect to regions of the National Forest System, and

(2) the Secretary of the Interior shall submit to the Congress information with respect to the Bureau of Land Management public lands on a State-by-State basis and each region of the National Park System

that documents mobilization plans that provide for the use of firefighting equipment in cases of fire emergencies that may occur in each such area that may be highly prone to disastrous forest fires.

(d) Presuppression needs

Not later than one year after May 9, 1990, information from the Secretary of Agriculture on presuppression needs for each region of the National Forest System and information from the Secretary of the Interior on the presuppression needs for each region of the National Park System and for each State unit of the Bureau of Land Management shall be submitted to Congress. These reports shall include needs, including an estimate of the funds required, for fire prevention, fuel reduction, training and seasonal fire crews.

(Pub. L. 101–286, title II, § 203, May 9, 1990, 104 Stat. 175.)

REFERENCES IN TEXT

Act of July 2, 1862, referred to in subsec. (b), is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, popularly known as the Morrill Act and also as the First Morrill Act, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 301 of Title 7 and Tables.

Act of August 30, 1890, referred to in subsec. (b), is act Aug. 30, 1890, ch. 841, 26 Stat. 417, as amended, popularly known as the Agricultural College Act of 1890 and also as the Second Morrill Act, which is classified generally to subchapter II (§ 321 et seq.) of chapter 13 of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

FOREST FIREFIGHTING PLANNING AND COOPERATION; FINDINGS

Pub. L. 101–286, title II, § 201, May 9, 1990, 104 Stat. 174, provided that: ''The Congress finds that—

''(1) it is in the best interest of the Nation to take swift action to rehabilitate burned forests, and an assessment of the situation is necessary to accomplish this; and

''(2) volunteers should be trained to assist where possible.''

§ 551d. Wildland firefighter safety

(a) Definitions

In this section:

(1) Secretaries

The term ''Secretaries'' means—

(A) the Secretary of the Interior, acting through the Directors of the Bureau of Land Management, the United States Fish and Wildlife Service, the National Park Service, and the Bureau of Indian Affairs; and

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service.

(2) Wildland firefighter

The term ''wildland firefighter'' means any person who participates in wildland firefighting activities—

(A) under the direction of either of the Secretaries; or

(B) under a contract or compact with a federally recognized Indian tribe.

(b) Annual report to Congress

(1) In general

The Secretaries shall jointly submit to Congress an annual report on the wildland firefighter safety practices of the Secretaries, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use, during the preceding calendar year.

(2) Timeline

Each report under paragraph (1) shall—

(A) be submitted by not later than March of the year following the calendar year covered by the report; and

(B) include—

(i) a description of, and any changes to, wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(ii) statistics and trend analyses;

(iii) an estimate of the amount of Federal funds expended by the Secretaries on wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use;

(iv) progress made in implementing recommendations from the Inspector General, the Government Accountability Office, the Occupational Safety and Health Administration, or an agency report relating to a wildland firefighting fatality issued during the preceding 10 years; and

(v) a description of—

(I) the provisions relating to wildland firefighter safety practices in any Federal contract or other agreement governing the provision of wildland firefighters by a non-Federal entity;

(II) a summary of any actions taken by the Secretaries to ensure that the provisions relating to safety practices, including training, are complied with by the non-Federal entity; and

(III) the results of those actions.

(Pub. L. 111–11, title III, § 3101, Mar. 30, 2009, 123 Stat. 1127.)

§ 552. Consent to agreement by States for conservation of forests and water supply

Consent of the Congress of the United States is given to each of the several States of the Union to enter into any agreement or compact, not in conflict with any law of the United States, with any other State or States for the purpose of conserving the forests and the water supply of the States entering into such agreement or compact.

(Mar. 1, 1911, ch. 186, § 1, 36 Stat. 961.)

SHORT TITLE

Act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title, is popularly known as the Weeks Law.

§ 552a. Restoration of withdrawn national forest lands to appropriation

The President, upon recommendation of the Secretaries of the Interior and Agriculture, may, by Executive order, when in his judgment the public interest would best be served thereby and after reasonable notice has been given through the Department of the Interior, restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured, to appropriation under any applicable public-lands law.

(May 28, 1940, ch. 220, § 1, 54 Stat. 224; Pub. L. 94–579, title VII, § 704(a), Oct. 21, 1976, 90 Stat. 2792.)

CODIFICATION

The words ''restore any of the lands so withdrawn'' have been changed to ''restore any reserved national-forest lands covered by a cooperative agreement with the Secretary of Agriculture for the protection of a watershed within a national forest from which water is secured'' to reflect the change made by Pub. L. 94–579. See 1976 Amendment note below.

AMENDMENTS

1976—Pub. L. 94–579 struck out everything preceding second proviso which read: ''Whenever a municipality obtains its water supply from a national forest and has entered into a cooperative agreement with the Secretary of Agriculture for the protection of the watershed within the national forest from which the water is secured, the President of the United States may, and he is, authorized, upon application by said municipality, and endorsed by the governing board of the county or counties in which the lands concerned are located and approved by the Secretaries of Agriculture and the Interior, to reserve and set aside from all forms of location, entry, or appropriation any national-forest lands, which are covered by such cooperative agreement, subject, however, to valid, existing rights and claims, and such reservation shall remain in force until revoked by the President or by an Act of Congress: *Provided*, That nothing herein shall affect the power of the Secretary of the Interior to withdraw and utilize withdrawn lands under the Federal reclamation laws''.

EFFECTIVE DATE OF 1976 AMENDMENT

Section 704(a) of Pub. L. 94–579 provided in part that this section is amended effective on and after Oct. 21, 1976.

SAVINGS PROVISION

Amendment by Pub. L. 94–579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note set out under section 1701 of Title 43, Public Lands.

§ 552b. Administration of withdrawn lands; rules and regulations

Lands withdrawn under the provisions of sections 552a to 552d of this title shall be administered by the Secretary of Agriculture under such agreements for the protection of the watershed as he may make with the municipality concerned, and the Secretary of Agriculture is authorized, in addition to the rules and regulations adopted for the administration of the national forests, to adopt and prescribe such further rules and regulations as he considers necessary to effect the adequate protection of the watershed, including a rule or regulation forbidding persons other than forest officers and representatives of the municipality from going on the lands so reserved or making any use whatever thereof.

(May 28, 1940, ch. 220, § 2, 54 Stat. 224.)

§ 552c. Reimbursement of United States for loss of revenue

Whenever national-forest lands are withdrawn under sections 552a to 552d of this title, and the municipality concerned objects to the utilization of the timber or other resources of lands withdrawn, and the Secretary of Agriculture agrees to withhold such resources from utilization, said municipality shall pay to the Forest Service annually an amount which the Secretary of Agriculture shall determine is necessary to reimburse the United States for the loss of net annual revenues which would be derived from the resources so withheld from disposition.

(May 28, 1940, ch. 220, § 3, 54 Stat. 225.)

§ 552d. Punishment of violations of regulations

Any violation of the regulations issued under sections 552a to 552d of this title shall be punished as is provided in section 1853 of title 18.

(May 28, 1940, ch. 220, § 4, 54 Stat. 225.)

CODIFICATION

''Section 1853 of title 18'' substituted in text for ''section 104 of title 18'' on authority of act June 25, 1948, ch. 645, 62 Stat. 683, the first section of which enacted Title 18, Crimes and Criminal Procedure.

§ 553. Duties of officials of Forest Service; stock laws; protection of fish and game

Officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to national forests, shall aid the other Federal bureaus and departments on request from them, in the performance of the duties imposed on them by law.

(May 23, 1908, ch. 192, 35 Stat. 259.)

TRANSFER OF FUNCTIONS

Functions of Secretary of Agriculture, administered through Bureau of Biological Survey, relating to conservation of wildlife, game, and migratory birds, transferred to Secretary of the Interior by Reorg. Plan No. II of 1939, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433, set out in the Appendix to Title 5, Government Organization and Employees.

§ 553a. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 655

Section, acts June 29, 1949, ch. 280, title I, 63 Stat. 337; Oct. 15, 1949, ch. 695, § 6(a), 63 Stat. 881, prescribed salary of Chief Forester. See section 5316 of Title 5, Government Organization and Employees.

§ 554. Forest supervisors and rangers

Forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the national forests, respectively, are situated.

(Feb. 1, 1905, ch. 288, § 3, 33 Stat. 628.)

CODIFICATION

"National forests" substituted in text for "reserves" on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

§ 554a. Employees to be appointed without regard to political affiliations

Forest inspectors, superintendents, supervisors, surveyors, rangers, and fire patrol are to be hereafter appointed by the Secretary of Agriculture wholly with reference to their fitness and without regard for their political affiliations.

(July 7, 1898, ch. 571, § 1, 30 Stat. 673; Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628.)

TRANSFER OF FUNCTIONS

Act Feb. 1, 1905, transferred certain functions with regard to the administration of public forests from Secretary of the Interior to Secretary of Agriculture.

§ 554b. Medical care for employees engaged in hazardous work; notification and transportation of employees

Appropriations for the Forest Service shall be available for medical supplies and services and other assistance necessary for the immediate relief of artisans, laborers, and other employees engaged in any hazardous work under the Forest Service, and for expenses of notifying employees of the death or serious illness of close relatives and, in such cases where no public transportation is available, for transporting the employees to a point where public transportation is available.

(Sept. 21, 1944, ch. 412, title II, § 202, 58 Stat. 736; Pub. L. 85–464, § 4, June 20, 1958, 72 Stat. 217.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

AMENDMENTS

1958—Pub. L. 85–464 made appropriations available for expenses of notifying employees of the death or serious illness of close relatives, and for transportation of employees.

§ 554c. Care of employees' graves

Appropriations for the Forest Service shall be available within such limitations as may be prescribed therein for the expenses of properly caring for the graves of persons who have lost their lives as a result of fighting fires while employed by the Forest Service.

(Sept. 21, 1944, ch. 412, title II, § 206, 58 Stat. 736.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 554d. Recreation facilities for employees of Forest Service and their immediate families

Not to exceed $100,000 annually of funds available to the Forest Service may be expended for providing recreation facilities, equipment, and services for use by employees of the Service located at isolated situations and, where deemed to be in the public interest, by members of the immediate families of such employees.

(Pub. L. 87–869, § 3, Oct. 23, 1962, 76 Stat. 1157; Pub. L. 101–512, title II, Nov. 5, 1990, 104 Stat. 1944.)

AMENDMENTS

1990—Pub. L. 101–512 substituted "$100,000" for "$35,000".

§ 554e. Employment of workers for emergencies

Notwithstanding any other provision of law, on and after October 21, 1998, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

(Pub. L. 105–277, div. A, § 101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–273.)

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. 1404.

Pub. L. 102–381, title II, Oct. 5, 1992, 106 Stat. 1402.
Pub. L. 102–154, title II, Nov. 13, 1991, 105 Stat. 1019.
Pub. L. 101–512, title II, Nov. 5, 1990, 104 Stat. 1944.

§ 555. Forest headquarters, ranger stations, dwellings, or other needed sites

Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed $50,000 may be expended in any one fiscal year pursuant to this authority.

(Mar. 3, 1925, ch. 457, § 5, 43 Stat. 1133; Apr. 24, 1950, ch. 97, § 13, 64 Stat. 86; Pub. L. 85–464, § 9, June 20, 1958, 72 Stat. 218.)

AMENDMENTS

1958—Pub. L. 85–464 substituted ''$50,000'' for ''$25,000''.

1950—Act Apr. 24, 1950, applied section to dwellings or other needed sites and inserted provisos.

§ 555a. Exchange of lands

Where lands under the jurisdiction of the Forest Service have been acquired and are being administered under laws which contain no provision for their exchange, the Secretary of Agriculture may convey such lands and in exchange therefor may accept on behalf of the United States title to any lands which in his opinion are suitable for use in connection with activities of the Forest Service. The value of the lands so conveyed by the Secretary of Agriculture shall not exceed the value of the lands accepted by him.

(Pub. L. 87–869, § 1, Oct. 23, 1962, 76 Stat. 1157.)

§ 555b. Street improvements; availability of Forest Service funds

Funds available to the Forest Service shall be available for expenses of, or payment of assessment for, construction of sidewalks, curbs, or street paving along the boundary of Government-owned residential or otherwise improved lots.

(Pub. L. 87–869, § 9, Oct. 23, 1962, 76 Stat. 1157.)

§ 556. Appropriations for Forest Service; use for transportation or traveling expenses; preparation or publication of newspaper or magazine articles

No part of any funds appropriated for the Forest Service shall be used to pay the transportation or traveling expenses of any forest officer or agent except he be traveling on business directly connected with the Forest Service and in furtherance of the works, aims, and objects specified and authorized by law; nor shall any such funds be paid or used for the purpose of paying for, in whole or in part, the preparation or publication of any newspaper or magazine article, but this shall not prevent the giving out to all persons, without discrimination, including newspapers and magazine writers and publishers, of any facts or official information of value to the public: *Provided*, That this prohibition shall not apply to scientific or technical articles prepared for or published in scientific publications.

(May 11, 1922, ch. 185, 42 Stat. 521; Pub. L. 85–464, § 8, June 20, 1958, 72 Stat. 218.)

AMENDMENTS

1958—Pub. L. 85–464 made prohibition inapplicable to scientific or technical articles prepared for or published in scientific publications.

§ 556a. Omitted

CODIFICATION

Section, acts June 16, 1955, ch. 147, title II, § 203, 69 Stat. 156; June 13, 1956, ch. 380, title II, § 202, 70 Stat. 270, which related to expenditures for options to purchase lands from appropriations made for the Forest Service, was superseded by section 428a of Title 7, Agriculture.

§ 556b. Use of appropriations for expenses of transporting automobiles of employees between points in Alaska

Funds available to the Forest Service may be used, in accordance with regulations prescribed by the Secretary of Agriculture for expenses of transporting automobiles of employees of that Service between points in Alaska in connection with transfers of official stations of such employees to meet the needs of the Service.

(Pub. L. 85–464, § 3, June 20, 1958, 72 Stat. 217.)

§ 556c. Reimbursement of employees for property losses resulting from fires, floods, or other casualties

Funds available to the Forest Service may be used in amounts not exceeding $100 in any single claim, for reimbursing employees of the Forest Service for loss of or damage to clothing and other personal effects resulting from fires, floods, or other casualties at or near the place in which such property is temporarily stored during services of the employees in connection with such casualties.

(Pub. L. 85–464, § 2, June 20, 1958, 72 Stat. 217.)

§ 556d. Advances of public moneys to Forest Service for fighting forest fires in emergency cases

Advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Government Accountability Office.

(May 23, 1908, ch. 192, 35 Stat. 259; June 10, 1921, ch. 18, title III, § 304, 42 Stat. 24; Pub. L. 92–310, title II, § 231(v), June 6, 1972, 86 Stat. 211; Pub. L. 108–271, § 8(b), July 7, 2004, 118 Stat. 814.)

CODIFICATION

Section was enacted as a part of the Agricultural Appropriation Act for the fiscal year 1909, act May 23, 1908.

Section was formerly classified to section 534 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1972—Pub. L. 92–310 struck out provisions which required chiefs of field parties to give bonds.

TRANSFER OF FUNCTIONS

''Government Accountability Office'' substituted in text for ''General Accounting Office'' pursuant to section 8(b) of Pub. L. 108–271, set out as a note under section 702 of Title 31, Money and Finance, which redesignated the General Accounting Office and any references thereto as the Government Accountability Office. Previously, ''General Accounting Office'' substituted in text for ''Treasury Department'' pursuant to act June 10, 1921, which transferred all powers and duties conferred upon Comptroller, six auditors, and certain other officers of the Treasury to General Accounting Office. See section 701 et seq. of Title 31.

§ 556e. Emergency appropriations for rehabilitation and wildfire suppression

Beginning in fiscal year 1993, and in each year thereafter, only amounts for emergency rehabilitation and wildfire suppression activities that are in excess of the average of such costs for the previous ten years shall be considered ''emergency requirements'' pursuant to section 901(b)(2)(D)[1] of title 2, and such amounts shall on and after November 13, 1991, be so designated.

(Pub. L. 102–154, title II, Nov. 13, 1991, 105 Stat. 1015.)

REFERENCES IN TEXT

Section 901 of title 2, referred to in text, was amended by Pub. L. 105–33, title X, § 10203(a)(4), Aug. 5, 1997, 111 Stat. 699, and, as so amended, section 901(b)(2)(D) no longer refers to ''emergency requirements''. However, ''emergency requirements'' are referred to elsewhere in section 901.

§ 556f. Expenses of student interns

On and after October 5, 1992, funds appropriated to the Department of Agriculture, Forest Service may be used to pay transportation, lodging, and subsistence expenses of student interns, defined as employees who assist scientific, professional, or technical employees and who are bona fide students of accredited colleges or universities who are pursuing courses related to the field in which employed.

(Pub. L. 102–381, title II, Oct. 5, 1992, 106 Stat. 1403.)

§ 556g. Reimbursement of employee license costs and certification fees

Notwithstanding any other provision of law, in fiscal year 1993 and thereafter, appropriations or funds available to the Department of the Interior or the Forest Service, Department of Agriculture, may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their employment and that are necessary to comply with State or Federal laws, regulations, or requirements.

(Pub. L. 102–381, title III, § 317, Oct. 5, 1992, 106 Stat. 1417.)

§ 556h. Recognition of private contributors to Forest Service programs

Notwithstanding any other provision of law, on and after October 21, 1998, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

(Pub. L. 105–277, div. A, § 101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–272.)

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. 1576.

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, 1321–184; 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. 1401.

Pub. L. 102–154, title II, Nov. 13, 1991, 105 Stat. 1017.

Pub. L. 101–512, title II, Nov. 5, 1990, 104 Stat. 1942.

Pub. L. 101–121, title II, Oct. 23, 1989, 103 Stat. 726.

§ 556i. Transfer of funds made available to Forest Service

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 2257 of title 7, section 7772 of title 7, or section 8316(b) of title 7.

(Pub. L. 111–88, div. A, title III, Oct. 30, 2009, 123 Stat. 2944.)

REFERENCES IN TEXT

Section 8316(b) of title 7, referred to in text, was in the original ''section 10417(b) of Public Law 107–107 (7 U.S.C. 8316(b))'' which was translated as meaning section 10417(b) of Pub. L. 107–171 to reflect the probable intent of Congress.

SIMILAR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 111–8, div. E, title III, Mar. 11, 2009, 123 Stat. 733.

Pub. L. 110–161, div. F, title III, Dec. 26, 2007, 121 Stat. 2133.

§ 557. Employees of Forest Service; subsistence furnished to; personal equipment; supplies, and medical attention

The Secretary of Agriculture is authorized to furnish subsistence to employees of the Forest Service, to purchase personal equipment and supplies for them, and to make deductions therefor from moneys appropriated for salary

[1] See References in Text note below.

payments or otherwise due such employees. He is also authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial: *Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.

(Mar. 3, 1925, ch. 457, §§ 4, 6, 43 Stat. 1133; Apr. 24, 1950, ch. 97, § 15, 64 Stat. 86.)

AMENDMENTS

1950—Act Apr. 24, 1950, inserted proviso to provide medical care for temporary employees.

§ 557a. Field season contracts; authority to make prior to appropriation

The Secretary of Agriculture is hereafter authorized, in connection with the administration of the national forests, to enter into contracts for the procurement of services, materials, and supplies for the ensuing fiscal year, prior to the passage of an appropriation therefor: *Provided*, That such contracts shall aliquot the cost for such service by fiscal years and shall not be binding on the United States as to that part for the ensuing year unless and until an appropriation applicable to the payment thereof is made: *And provided further*, That all such contracts shall by their terms provide that the obligation of the United States is contingent upon the passage of an applicable appropriation and that no payment thereunder will be made until such appropriation becomes available for expenditure.

(June 30, 1932, ch. 331, 47 Stat. 473.)

§ 557b. Omitted

CODIFICATION

Section, act June 16, 1955, ch. 147, title II, § 202, 69 Stat. 156, which related to employment of aliens in the Forest Service, was enacted as part of the Department of the Interior and Related Agencies Appropriation Act, 1956, and was not repeated in the Department of the Interior and Related Agencies Appropriation Act, 1957 (approved June 13, 1956, ch. 380, 70 Stat. 257), or subsequent appropriation acts.

§ 558. Repealed. Pub. L. 89–554, § 8(a), Sept. 6, 1966, 80 Stat. 642

Section, act Mar. 4, 1913, ch. 145, § 1[part], 37 Stat. 843, related to leaves of absence to employees of Forest Service in Alaska.

§ 558a. Volunteers in the National Forests Program

The Secretary of Agriculture (hereinafter referred to as the ''Secretary'') is authorized to recruit, train, and accept without regard to the civil service[1] classification laws, rules, or regulations the services of individuals without compensation as volunteers for or in aid of interpretive functions, visitor services, conservation measures and development, or other activities in and related to areas administered by the Secretary through the Forest Service. In carrying out this section, the Secretary shall consider referrals of prospective volunteers made by the Corporation for National and Community Service.

(Pub. L. 92–300, § 1, May 18, 1972, 86 Stat. 147; Pub. L. 103–82, title IV, § 405(d), Sept. 21, 1993, 107 Stat. 921.)

AMENDMENTS

1993—Pub. L. 103–82 substituted ''the Corporation for National and Community Service'' for ''ACTION''.

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103–82 effective Apr. 4, 1994, see section 406(b) of Pub. L. 103–82, set out as a note under section 8332 of Title 5, Government Organization and Employees.

SHORT TITLE

Section 5 of Pub. L. 92–300 provided that: ''This Act [enacting this section and sections 558b to 558d of this title] may be cited as the 'Volunteers in the National Forests Act of 1972'.''

§ 558b. Incidental expenses of program volunteers

The Secretary is authorized to provide for incidental expenses, such as transportation, uniforms, lodging, and subsistence.

(Pub. L. 92–300, § 2, May 18, 1972, 86 Stat. 147.)

§ 558c. Employment status of volunteers

(a) Federal employee status

Except as otherwise provided in this section, a volunteer shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employee benefits.

(b) Tort claims

For the purpose of the tort claim provisions of title 28, a volunteer under sections 558a to 558d of this title shall be considered a Federal employee.

(c) Civil employees

For the purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, volunteers under sections 558a to 558d of this title shall be deemed civil employees of the United States within the meaning of the term ''employee'' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

(d) Compensation for losses and damages

For the purposes of claims relating to damage to, or loss of, personal property of a volunteer

[1] So in original. The word ''and'' probably should appear after ''civil service''.

incident to volunteer service, a volunteer under sections 558a to 558d of this title shall be considered a Federal employee, and the provisions of section 3721 of title 31 shall apply.

(Pub. L. 92–300, § 3, May 18, 1972, 86 Stat. 147; Pub. L. 101–286, title II, § 204(a), May 9, 1990, 104 Stat. 175.)

AMENDMENTS

1990—Subsec. (d). Pub. L. 101–286 added subsec. (d).

§ 558d. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of sections 558a to 558d of this title.

(Pub. L. 92–300, § 4, May 18, 1972, 86 Stat. 147; Pub. L. 95–289, § 1, June 5, 1978, 92 Stat. 289.)

AMENDMENTS

1978—Pub. L. 95–289 struck out limitation requiring not more than $100,000 to be appropriated in any one year.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 2 of Pub. L. 95–289 provided that: ''The amendment made by this Act to the Volunteers in the National Forests Act of 1972 [amending this section] shall become effective October 1, 1978.''

§ 559. Arrests by employees of Forest Service for violations of laws and regulations

All persons employed in the Forest Service of the United States shall have authority to make arrests for the violation of the laws and regulations relating to the national forests, and any person so arrested shall be taken before the nearest United States magistrate judge, within whose jurisdiction the forest is located, for trial; and upon sworn information by any competent person any United States magistrate judge in the proper jurisdiction shall issue process for the arrest of any person charged with the violation of said laws and regulations; but nothing herein contained shall be construed as preventing the arrest by any officer of the United States, without process, of any person taken in the act of violating said laws and regulations.

(Mar. 3, 1905, ch. 1405, 33 Stat. 873; Pub. L. 90–578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 91–383, § 10(a)(2), Aug. 18, 1970, as added Pub. L. 94–458, § 2, Oct. 7, 1976, 90 Stat. 1941; Pub. L. 101–650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

CODIFICATION

''Forest Service of the United States'' substituted for ''forest reserve of the United States'' as the probable intent of Congress in that the federal forest reserves were transferred from Department of the Interior to Department of Agriculture by act Feb. 1, 1905, ch. 288, § 1, 33 Stat. 628, and administration of forest reserves was placed in Forest Service which was created by that act.

Words ''national forests'' and ''forest'' substituted for ''forest reserves'' and ''reservation'', respectively, on authority of act Mar. 4, 1907, ch. 2907, 34 Stat. 1269, which provided that forest reserves shall hereafter be known as national forests.

That part of act Mar. 3, 1905, which related to arrests by employees of the National Park Service for violations of laws and regulations, was (prior to the amendment made by Pub. L 94–458) classified to section 10 of this title.

AMENDMENTS

1976—Pub. L. 91–383, § 10(a)(2), as added Pub. L. 94–458, struck out ''and national parks'' after ''national forests'' and ''or national park'' after ''jurisdiction the forest''.

CHANGE OF NAME

''United States magistrate judge'' substituted for ''United States magistrate'' wherever appearing in text pursuant to section 321 of Pub. L. 101–650, set out as a note under section 631 of Title 28, Judiciary and Judicial Procedure. Previously, ''United States magistrate'' substituted for ''United States commissioner'' pursuant to Pub. L. 90–578. See chapter 43 (§ 631 et seq.) of Title 28.

§ 559a. Reward for information leading to arrest and conviction for violating laws and regulations

The Secretary of Agriculture may pay rewards from appropriations available for the protection and management of the national forests, under such regulations as he may prescribe, for information leading to the arrest and conviction for violation of the laws and regulations relating to fires in or near national forests, or for the unlawful taking of, or injury to, Government property.

(Sept. 21, 1944, ch. 412, title II, § 201, 58 Stat. 736.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 559b. Prevention of manufacture, etc., of marijuana and other controlled substances

(a) Purpose

The purpose of sections 559b to 559f of this title is to authorize the Secretary of Agriculture (hereinafter in sections 559b to 559f of this title referred to as the ''Secretary'') to take actions necessary, in connection with the administration and use of the National Forest System, to prevent the manufacture, distribution, or dispensing of marijuana and other controlled substances.

(b) Law enforcement authority

Nothing in sections 559b to 559f of this title shall diminish in any way the law enforcement authority of the Forest Service.

(c) Definitions

As used in sections 559b to 559f of this title, the terms ''manufacture'', ''dispense'', and ''distribute'' shall have the same meaning given such terms in section 802 of title 21.

(Pub. L. 99–570, title XV, § 15002, Oct. 27, 1986, 100 Stat. 3207–191.)

REFERENCES IN TEXT

Sections 559b to 559f of this title, referred to in text, was in the original ''this title'', meaning title XV of Pub. L. 99–570, Oct. 27, 1986, 100 Stat. 3207–191, known as the National Forest System Drug Control Act of 1986, which enacted sections 559b to 559f of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note below. For complete classification of title XV to the Code, see Short Title note set out below and Tables.

SHORT TITLE

Section 15001 of title XV of Pub. L. 99–570 provided that: ''This title [enacting this section and sections

559c to 559f of this title and amending section 841 of Title 21, Food and Drugs] may be cited as the 'National Forest System Drug Control Act of 1986'.''

NATIONAL FOREST SYSTEM, NATIONAL PARK SYSTEM, AND BUREAU OF LAND MANAGEMENT PUBLIC LANDS SAFETY; FINDINGS

Pub. L. 100–690, title VI, § 6254(a), Nov. 18, 1988, 102 Stat. 4363, provided that: ''Congress finds that—

''(1) National Forest System lands continue to be a haven for the unlawful production of marijuana and other controlled substances, which—

''(A) endangers the public in its use of National Forest System lands;

''(B) interferes with the ability of the Forest Service to effectively manage the natural resources and activities within the National Forest System; and

''(C) causes damage and destruction of the natural resources and facilities managed by the Forest Service;

''(2) the unlawful production of marijuana and other controlled substances often—

''(A) is generally harmful to the environment and public health and safety;

''(B) pollutes the air, soil, and water; and

''(C) is harmful to wildlife;

''(3) the Forest Service needs additional authority to adequately deal with the problem of controlled substance production that affects the administration of the National Forest System;

''(4) the Forest Service needs to be able to exercise its investigative authorities outside the boundaries of the National Forest System for drug-related crimes arising from within the National Forest System in order to be effective in deterring such crime;

''(5) the authority and powers of the Forest Service are not intended to be in conflict or interfere with the statutory authority, powers, or responsibilities of any State or political subdivision thereof; and

''(6) the Forest Service, in the exercise of its law enforcement powers, should cooperate to every extent possible with any other Federal, State, or local law enforcement authority having jurisdiction in areas where national forests are located, particularly where coordinated investigative and enforcement actions can be effective to control crime which affects multiple agencies.''

§ 559c. Powers of officers and employees of Forest Service

For the purposes of sections 559b to 559f of this title, if specifically designated by the Secretary and specially trained, not to exceed 1,000 special agents and law enforcement officers of the Forest Service when in the performance of their duties shall have authority to—

(1) carry firearms;

(2) conduct, within the exterior boundaries of the National Forest System, investigations of violations of and enforce section 841 of title 21 and other criminal violations relating to marijuana and other controlled substances that are manufactured, distributed, or dispensed on National Forest System lands and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest);

(3) make arrests with a warrant or process for misdemeanor violations, or without a warrant or process for violations of such misdemeanors that any such officer or employee has probable cause to believe are being committed in his presence or view, or for a felony with a warrant or without a warrant if he has probable cause to believe that the person to be arrested has committed or is committing such felony, for offenses committed within the National Forest System or which affect the administration of the National Forest System;;[1]

(4) serve warrants and other process issued by a court or officer of competent jurisdiction;

(5) search with or without warrant or process any person, place, or conveyance according to Federal law or rule of law; and

(6) seize with or without warrant or process any evidentiary item according to Federal law or rule of law.

(Pub. L. 99–570, title XV, § 15003, Oct. 27, 1986, 100 Stat. 3207–191; Pub. L. 100–690, title VI, § 6254(b), Nov. 18, 1988, 102 Stat. 4363.)

AMENDMENTS

1988—Pub. L. 100–690, § 6254(b)(1), in introductory provision substituted ''1,000 special agents and law enforcement officers'' for ''500 officers and employees'', and struck out ''within the boundaries of the National Forest System'' after ''shall have authority''.

Par. (2). Pub. L. 100–690, § 6254(b)(2), inserted '', within the exterior boundaries of the National Forest System,'' after ''conduct'' and ''and to conduct such investigations and enforcement of such laws outside the exterior boundaries of the National Forest System for offenses committed within the National Forest System or which affect the administration of the National Forest System (including the pursuit of persons suspected of such offenses who flee the National Forest System to avoid arrest)'' before semicolon at end.

Par. (3). Pub. L. 100–690, § 6254(b)(3), inserted '', for offenses committed within the National Forest System or which affect the administration of the National Forest System;'' before semicolon at end.

§ 559d. Cooperation with other Federal, State, and local law enforcement agencies

For the purposes of sections 559b to 559f of this title, in exercising the authority provided by section 559c of this title—

(1) the Forest Service shall cooperate with any other Federal law enforcement agency having primary investigative jurisdiction over the offense committed;

(2) the Secretary may authorize the Forest Service to cooperate with the law enforcement officials of any Federal agency, State, or political subdivision in the investigation of violations of and enforcement of section 401 of the Controlled Substances Act (21 U.S.C. 841), other laws and regulations relating to marijuana and other controlled substances, and State drug control laws or ordinances for offenses committed within the National Forest System or which affect the administration of the National Forest System.[1]

(3) the Forest Service shall cooperate with the Attorney General in carrying out the seizure and forfeiture provisions of section 511 of the Controlled Substances Act (21 U.S.C. 881) for violations of the Controlled Substances

[1] So in original.

[1] So in original. The period probably should be a semicolon.

Act [21 U.S.C. 801 et seq.] relating to offenses committed within the National Forest System, or which affect the administration of the National Forest System;

(4) the Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service; and

(5) the Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in a multi-agency law enforcement task force investigation of violations of the Controlled Substances Act [21 U.S.C. 801 et seq.] and other offenses committed in the course of or in connection with such violations.

(Pub. L. 99–570, title XV, § 15004, Oct. 27, 1986, 100 Stat. 3207–191; Pub. L. 100–690, title VI, § 6254(c), Nov. 18, 1988, 102 Stat. 4364.)

REFERENCES IN TEXT

The Controlled Substances Act, referred to in pars. (3) and (5), is title II of Pub. L. 91–513, Oct. 27, 1970, 84 Stat. 1242, as amended, which is classified principally to subchapter I (§ 801 et seq.) of chapter 13 of Title 21, Food and Drugs. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 21 and Tables.

AMENDMENTS

1988—Par. (2). Pub. L. 100–690, § 6254(c)(2), substituted ''for offenses committed within the National Forest System or which affect the administration of the National Forest System'' for '', within the boundaries of the National Forest System''.

Pars. (3) to (5). Pub. L. 100–690, § 6254(c)(3), added pars. (3) to (5).

§ 559e. Forest Service authorization

In order to improve Federal law enforcement activities relating to the use and production of narcotics and controlled substances on lands administered by the Forest Service, from amounts appropriated there shall be made available to the Secretary, in addition to sums made available under other authority of law, $10,000,000 for fiscal year 1989, and for each fiscal year thereafter, to be used for employment and training of additional and existing Forest Service law enforcement personnel, for expenses related to such employment, training, equipment, and facilities, and for cooperative programs with State and local law enforcement agencies.

(Pub. L. 99–570, title XV, § 15006, Oct. 27, 1986, 100 Stat. 3207–192; Pub. L. 100–690, title VI, § 6254(d)(1), Nov. 18, 1988, 102 Stat. 4364.)

AMENDMENTS

1988—Pub. L. 100–690 amended section generally. Prior to amendment, section read as follows: ''There is authorized to be appropriated $10,000,000 for each fiscal year to carry out sections 559b to 559f of this title.''

§ 559f. Approval of Secretary of Agriculture and Attorney General

The authorities conferred herein shall be exercised pursuant to an agreement approved by the Secretary of Agriculture and the Attorney General.

(Pub. L. 99–570, title XV, § 15007, Oct. 27, 1986, 100 Stat. 3207–192.)

REFERENCES IN TEXT

Herein, referred to in text, probably means title XV of Pub. L. 99–570, Oct. 27, 1986, 100 Stat. 3207–191, known as the National Forest System Drug Control Act of 1986, which enacted sections 559b to 559f of this title, amended section 841 of Title 21, Food and Drugs, and enacted provisions set out as a note under section 559b of this title. For complete classification of title XV to the Code, see Short Title note set out under section 559b of this title and Tables.

§ 559g. Designation authority of Secretary of Agriculture

(a) Purpose

It is the purpose of this section to authorize the Secretary of Agriculture to make law enforcement operations more efficient in connection with the administration and use of the National Forest System.

(b) Officers of other agencies

The Secretary is authorized to designate law enforcement officers of any other Federal agency, when the Secretary determines such designation to be economical and in the public interest, and with the concurrence of that agency, to exercise the powers and authorities of the Forest Service while assisting the Forest Service in the National Forest System, or for activities administered by the Forest Service.

(c) Acceptance by Forest Service

The Forest Service is authorized to accept law enforcement designation from any other Federal agency or agency of a State or political subdivision thereof for the purpose of cooperating in the investigation and enforcement of any Federal or State law or ordinance and regulation of any such agency, when such investigation or enforcement is mutually beneficial to the National Forest System and the cooperating agency or jurisdiction, upon entering into a memorandum of understanding or cooperative agreement with such agency or jurisdiction.

(Pub. L. 99–570, title XV, § 15008, as added Pub. L. 100–690, title VI, § 6254(e), Nov. 18, 1988, 102 Stat. 4365.)

§ 560. Use of timber for telephone lines for fire protection

The Secretary of Agriculture, whenever he may deem it necessary for the protection of the national forests from fire, may permit the use of timber free of charge for the construction of telephone lines.

(Mar. 4, 1913, ch. 145, § 1 (part), 37 Stat. 843.)

§ 560a. Omitted

CODIFICATION

Section, Pub. L. 93–404, title II, Aug. 31, 1974, 88 Stat. 817, which prohibited expenditure of funds appropriated

to the Forest Service for the purchase of twine manufactured from commodities or materials produced outside of the United States except to provide materials required for research or experimental work where no suitable domestic product was available, was from the Department of the Interior and Related Agencies Appropriation Act, 1975, and was not repeated in subsequent appropriation acts. Similar provisions were contained in the following prior appropriation acts:

Oct. 4, 1973, Pub. L. 93–120, title II, 87 Stat. 442.
Aug. 10, 1972, Pub. L. 92–369, title II, 86 Stat. 521.
Aug. 10, 1971, Pub. L. 92–76, title II, 85 Stat. 241.
July 31, 1970, Pub. L. 91–361, title II, 84 Stat. 682.
Oct. 29, 1969, Pub. L. 91–98, title II, 83 Stat. 161.
July 26, 1968, Pub. L. 90–425, title II, 82 Stat. 440.
June 24, 1967, Pub. L. 90–28, title II, 81 Stat. 72.
May 31, 1966, Pub. L. 89–435, title II, 80 Stat. 184.
June 28, 1965, Pub. L. 89–52, title II, 79 Stat. 188.
July 7, 1964, Pub. L. 88–356, title II, 78 Stat. 287.
July 26, 1963, Pub. L. 88–79, title II, 77 Stat. 110.
Aug. 9, 1962, Pub. L. 87–578, title II, 76 Stat. 348.
Aug. 3, 1961, Pub. L. 87–122, title II, § 201, 75 Stat. 259.
May 13, 1960, Pub. L. 86–455, title II, § 202, 74 Stat. 116.
June 23, 1959, Pub. L. 86–60, title II, § 202, 73 Stat. 105.
June 4, 1958, Pub. L. 85–439, title II, § 202, 72 Stat. 168.
July 1, 1957, Pub. L. 85–77, title II, § 202, 71 Stat. 270.
June 13, 1956, ch. 380, title II, § 203, 70 Stat. 270.
June 16, 1955, ch. 147, title II, § 204, 69 Stat. 156.

§ 561. Repealed. Oct. 31, 1951, ch. 654, § 1(45), 65 Stat. 703

Section, act Mar. 15, 1920, ch. 100, §§ 3, 4, 41 Stat. 531, related to transfer of surplus telephone supplies from the Military Establishment to the Department of Agriculture for use of the Forest Service.

§ 562. Forest experiment station in California

In order to determine and demonstrate the best methods for the conservative management of forest and forest lands and the protection of timber and other forest products, the Secretary of Agriculture is authorized and directed (1) to establish and maintain, in cooperation with the State of California and with the surrounding States, a forest experiment station at such place or places as he may determine to be most suitable, and (2) to conduct, independently or in cooperation with other branches of the Federal Government, the States, universities, colleges, county and municipal agencies, business organizations, and individuals, such silvicultural, dendrological, forest fire, economic, and other experiments and investigations as may be necessary.

(Mar. 3, 1925, ch. 424, § 1, 43 Stat. 1108.)

§ 562a. Forest experiment station in Ohio and Mississippi Valleys

The Secretary of Agriculture is authorized to establish and maintain a forest experiment station in the States of the Ohio Valley and central Mississippi Valley, at such a place or places as may be selected by him, and he is authorized and directed to conduct silvicultural, forest-fire, dendrological, and other experiments and investigations, independently or in cooperation with other branches of the Federal Government, and with States, universities, colleges, county and municipal agencies, associations, and individuals, to determine the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots. Such annual appropriations as may thereafter be necessary for its maintenance and operation are hereby authorized.

(July 3, 1926, ch. 767, §§ 1, 2, 44 Stat. 838.)

CODIFICATION

A provision authorizing an appropriation of $30,000 for fiscal year ending June 30, 1927, for establishment of the forest experiment station referred to in this section was omitted as executed.

§ 562b. Forest experiment station in Pennsylvania

In order to determine and demonstrate the best methods for the growing, management, and protection of timber crops on forest lands and farm wood lots, the Secretary of Agriculture is authorized and directed to establish and maintain a forest experiment station at such place or places as may be determined as most suitable by him, in cooperation with the State of Pennsylvania and with the neighboring States, and to conduct such silvicultural and other forest experiments and investigations as may be necessary, either independently or in cooperation with other organizations, institutions, or individuals, and to carry out the purposes of this section an appropriation in the amount of $30,000 is authorized.

(July 3, 1926, ch. 770, 44 Stat. 840.)

§ 563. Cooperation with States for fire protection on private or State forest lands upon the watersheds of navigable rivers

The Secretary of Agriculture is authorized, and on such conditions as he deems wise, to stipulate and agree with any State or group of States to cooperate in the organization and maintenance of a system of fire protection on any private or State forest lands within such State or States and situated upon the watershed of a navigable river. No such stipulation or agreement shall be made with any State which has not provided by law for a system of forest-fire protection. In no case shall the amount expended in any State exceed in any fiscal year the amount appropriated by that State for the same purpose during the same fiscal year.

(Mar. 1, 1911, ch. 186, § 2, 36 Stat. 961.)

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(1) of Pub. L. 94–274, Apr. 21, 1976, 90 Stat. 390, set out as a note under section 2652 of Title 7, Agriculture.

§§ 564, 565. Repealed. Pub. L. 95–313, § 16(a)(1), formerly § 13(a)(1), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(1), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section 564, act June 7, 1924, ch. 348, § 1, 43 Stat. 653, required cooperation between the Secretary of Agriculture and State officials as to recommendations for forest fire prevention and suppression systems.

Section 565, acts June 7, 1924, ch. 348, § 2, 43 Stat. 653; Mar. 3, 1925, ch. 447, 43 Stat. 1127; Apr. 13, 1926, ch. 119, 44 Stat. 242; Sept. 21, 1944, ch. 412, title II, § 207, 58 Stat. 736; July 25, 1947, ch. 327, § 1, 61 Stat. 449, required cooperation between the Secretary of Agriculture and

State officials in fire protection of timbered and forest-producing lands.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

§ 565a. Cooperation by Secretary of Agriculture with Territories

The Secretary of Agriculture is authorized to cooperate with the Territories of the United States on the same terms and conditions as with States under sections 564 and 565[1] of this title.

(Feb. 20, 1931, ch. 249, 46 Stat. 1200.)

REFERENCES IN TEXT

Sections 564 and 565 of this title, referred to in text, were repealed by Pub. L. 95–313, § 13(a)(1), July 1, 1978, 92 Stat. 374.

§ 565a–1. Cooperative agreements between Secretary of Agriculture and public or private agencies, organizations, institutions, and persons covering Forest Service programs; authority; funding

To facilitate the administration of the programs and activities of the Forest Service, the Secretary is authorized to negotiate and enter into cooperative agreements with public or private agencies, organizations, institutions, or persons to construct, operate, and maintain cooperative pollution abatement equipment and facilities, including sanitary landfills, water systems, and sewer systems; to engage in cooperative manpower and job training and development programs; to develop and publish cooperative environmental education and forest history materials; and to perform forestry protection, including fire protection, timber stand improvement, debris removal, and thinning of trees. The Secretary may enter into aforesaid agreements when he determines that the public interest will be benefited and that there exists a mutual interest other than monetary considerations. In such cooperative arrangements, the Secretary is authorized to advance or reimburse funds to cooperators from any Forest Service appropriation available for similar kinds of work or by furnishing or sharing materials, supplies, facilities, or equipment without regard to the provisions of section 3324(a) and (b) of title 31, relating to the advance of public moneys.

(Pub. L. 94–148, § 1, Dec. 12, 1975, 89 Stat. 804.)

CODIFICATION

"Section 3324(a) and (b) of title 31" substituted in text for "the Act of January 31, 1823 (Rev. Stat. 3648, as amended; 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.

MUTUAL BENEFIT OF AGREEMENTS TO FOREST SERVICE AND OTHER PARTIES

Pub. L. 108–7, div. F, title III, § 321, Feb. 20, 2003, 117 Stat. 274, as amended by Pub. L. 109–54, title IV, § 426, Aug. 2, 2005, 119 Stat. 555; Pub. L. 110–161, div. F, title IV, § 417, Dec. 26, 2007, 121 Stat. 2149, provided that: "Until September 30, 2010, the authority of the Secretary of Agriculture to enter into an agreement under the first section of Public Law 94–148 (16 U.S.C. 565a–1) for a purpose described in such section includes the authority to use that legal instrument when the principal purpose of the resulting relationship is to the mutually significant benefit of the Forest Service and the other party or parties to the agreement, including nonprofit entities. An agreement entered into under this section shall not be subject to Public Law 95–224, Federal Grant and Cooperative Agreement Act (1977) [see section 6301 et seq. of Title 31, Money and Finance]."

Similar provisions were contained in the following prior appropriation act:

Pub. L. 107–63, title III, § 328, Nov. 5, 2001, 115 Stat. 470.

§ 565a–2. Federal employee status of cooperators

In any agreement authorized by section 565a–1 of this title, cooperators and their employees may perform cooperative work under supervision of the Forest Service in emergencies or otherwise as mutually agreed to, but shall not be deemed to be Federal employees other than for the purposes of chapter 171 of title 28 and chapter 81 of title 5.

(Pub. L. 94–148, § 2, Dec. 12, 1975, 89 Stat. 804.)

§ 565a–3. Agreements otherwise authorized by law

Nothing in sections 565a–1 to 565a–3 of this title shall be construed as limiting or modifying the authority of the Secretary to enter into cooperative agreements otherwise authorized by law.

(Pub. L. 94–148, § 3, Dec. 12, 1975, 89 Stat. 804.)

§ 565b. Transfer of fire lookout towers and other improvements for fire control to States, political subdivisions or agencies; reversion

The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to transfer, without reimbursement or at such prices and upon such terms as he may impose, to States and political subdivisions or agencies thereof fire lookout towers and other structures or improvements used by the Forest Service for fire prevention or suppression purposes, and the land used in connection therewith if such land is outside national forest boundaries, when they are no longer needed by the Forest Service for such purposes but are of value to the State or political subdivision or agency thereof in its fire protection system: *Provided*, That if any property so transferred is not put to use for the purpose for which it was transferred within two years from the date of transfer, or if, within fifteen years from the date of transfer, any such property should cease to be used for the purpose for which it was transferred for a period of two years, title thereto shall revert to and immediately revest in the United States.

(Pub. L. 85–464, § 5, June 20, 1958, 72 Stat. 217.)

§ 566. Repealed. Pub. L. 95–313, § 16(a)(1), formerly § 13(a)(1), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(1), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section, acts June 7, 1924, ch. 348, § 3, 43 Stat. 653; May 5, 1944, ch. 189, 58 Stat. 216; May 5, 1972, Pub. L. 92–288, § 3(a), 86 Stat. 134, authorized expenditures by the Secretary of Agriculture for study of effects of tax and other laws on forest perpetuation, etc.

[1] See References in Text note below.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

§ 566a. Repealed. Pub. L. 92–288, § 3(b), May 5, 1972, 86 Stat. 134

Section, act Oct. 26, 1949, ch. 735, § 1, 63 Stat. 909, provided for annual authorization of appropriations for carrying out sections 564, 565, and 566 of this title, with maximum limits for the fiscal years ending June 30, 1950 through June 30, 1954.

§ 566b. Annual appropriations; limitation on use of other funds for the purposes of sections 564, 565, and 566 [1]

Notwithstanding any other provision of law, no funds heretofore or hereafter authorized to be appropriated to the Department of Agriculture or available under any other than the Act of June 7, 1924 (43 Stat. 653), shall be used for carrying out the programs or activities authorized by sections 564, 565, and 566 [1] of this title: *Provided*, That whenever the programs and activities being carried out under the provisions of sections 564, 565, and 566 [1] of this title are inadequate to the needs and purposes of programs and activities authorized by other law the use of funds specifically authorized to be appropriated to the Department of Agriculture or made available under other law shall not be prohibited to the extent that the programs and activities under said sections are inadequate to accomplish the purposes of such other programs or activities.

(Oct. 26, 1949, ch. 735, § 4, 63 Stat. 910.)

REFERENCES IN TEXT

Act of June 7, 1924, referred to in text, is act June 7, 1924, ch. 348, 43 Stat. 653, which is classified to sections 471, 499, 505, 515, 564, 565, 566, 567, 568, 569, and 570 of this title. For complete classification of this Act to the Code, see Tables.

Sections 564, 565, and 566 of this title, referred to in text, were repealed by Pub. L. 95–313, § 13(a)(1), July 1, 1978, 92 Stat. 374.

§ 567. Repealed. Pub. L. 95–313, § 16(a)(1), formerly § 13(a)(1), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(1), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section, acts June 7, 1924, ch. 348, § 4, 43 Stat. 654; Oct. 26, 1949, ch. 735, § 2, 63 Stat. 909, required cooperation between Secretary of Agriculture and States in procuring, etc., forest-tree seeds and plants.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

§ 567a. Cooperation by Secretary of Agriculture with States in acquisition and administration of State forests

For the purpose of stimulating the acquisition, development, and proper administration and management of State forests and of insuring coordinated effort by Federal and State agencies in carrying out a comprehensive national program of forest-land management, the Secretary of Agriculture is authorized to enter into cooperative agreements with appropriate officials of any State or States for acquiring in the name of the United States, by purchase or otherwise, such forest lands within the cooperating State as in his judgment the State is adequately prepared to administer, develop, and manage as State forests in accordance with the provisions of sections 567a to 567c of this title and with such other terms not inconsistent therewith as he shall prescribe, such acquisition to include the mapping, examination, appraisal, and surveying of such lands and the doing of all things necessary to perfect title thereto in the United States: *Provided*, That, since it is the declared policy of Congress to maintain and, where it is in the national interest to extend the national-forest system, nothing herein shall be construed to modify, limit, or change in any manner whatsoever the future ownership and administration by the United States of existing national forests and related facilities, or hereafter to restrict or prevent their extension through the acquisition by purchase or otherwise of additional lands for any national-forest purpose: *Provided further*, That sections 567a to 567c of this title shall not be construed to limit or repeal any legislation authorizing land exchanges by the Federal Government, and private lands acquired by exchange within the limits of any area subject to a cooperative agreement of the character herein authorized shall hereafter be subject to the provisions of sections 567a to 567c of this title.

(Aug. 29, 1935, ch. 808, § 1, 49 Stat. 963.)

§ 567b. Conditions and requirements for cooperation in acquisition and management of State forests

No cooperative agreement shall be entered into or continued in force under the authority of sections 567a to 567c of this title or any land acquired hereunder turned over to the cooperating State for administration, development, and management unless the State concerned, as a consideration for the benefits extended to it thereunder, complies in a manner satisfactory to the Secretary of Agriculture with the following conditions and requirements which shall constitute a part of every such agreement:

(a) In order to reduce the need for public expenditures in the acquisition of lands which may be brought into public ownership through the enforcement of appropriate tax delinquency laws, and, by bringing about the handling of such lands upon a sound social and economic basis, to terminate a system of indeterminate and unsound ownership injurious to the private and public interest alike, no additional lands shall be acquired within any State by the United States under sections 567a to 567c of this title after June 30, 1942, unless the State concerned has prior thereto provided by law for the reversion of title to the State or a political unit thereof of tax-delinquent lands and for blocking into State or other public forests the areas which are more suitable for public than private ownership, and which in the public interest should be devoted primarily to the production of timber crops and/or the maintenance of forests

[1] See References in Text note below.

for watershed protection, and for the enforcement of such law: *Provided*, That in the administration of sections 567a to 567c of this title prior to June 30, 1942, preference will be given to States applying for cooperation hereunder which provided by law for such reversion of title under tax delinquency laws.

(b) In order to insure a stable and efficient organization for the development and administration of the lands acquired under sections 567a to 567c of this title, the State shall provide for the employment of a State forester, who shall be a trained forester of recognized standing.

(c) The Secretary of Agriculture and the appropriate authorities of each cooperating State shall work out a mutually satisfactory plan defining forest areas within the State which can be most effectively and economically administered by said State, which plan shall constitute a part of the cooperative agreement between the United States and the State concerned: *Provided*, That nothing herein shall be held to prevent the Secretary of Agriculture from later agreeing with the proper State authorities to desirable modifications in such plan.

(d) No payment of Federal funds shall be made for land selected for purchase by the United States under sections 567a to 567c of this title until such proposed purchase has been submitted to and approved by the National Forest Reservation Commission created by section 513 of this title.

(e) Subject to the approval of the National Forest Reservation Commission, the Secretary of Agriculture is authorized to pay out of any available money appropriated for carrying out the purposes of sections 567a to 567c of this title any State, county, and/or town taxes, exclusive of penalties, due or accrued on any forest lands acquired by the United States under donations from the owners thereof and which lands are to be included in a State or other public forest pursuant to said sections.

(f) The State shall prepare such standards of forest administration, development, and management as are necessary to insure maximum feasible utility for timber production and watershed protection, and are acceptable to the Secretary of Agriculture and shall apply the same to lands acquired and placed under the jurisdiction of the State pursuant to sections 567a to 567c of this title.

(g) That with the exception of such Federal expenditures as may be made for unemployment relief, the State shall pay without assistance from the Federal Government the entire future cost of administering, developing, and managing all forest lands acquired and over which it has been given jurisdiction under sections 567a to 567c of this title.

(h) During the period any cooperative agreement made under sections 567a to 567c of this title remains in force, one-half of the gross proceeds from all lands covered by said agreement and to which the United States holds title shall be paid by the State to the United States and covered into the Treasury. All such payments shall be credited to the purchase price the State is to pay the United States for said land, such purchase price to be an amount equal to the total sum expended by the United States in acquiring said lands. Upon payments of the full purchase price, either as herein provided or otherwise, title to said lands shall be transferred from the Federal Government to the State, and the Secretary of Agriculture is authorized to take such action and incur such expenditures, as may be necessary to effectuate such transfer.

(i) Upon the request of the State concerned, any agreement made pursuant to sections 567a to 567c of this title may be terminated by the Secretary of Agriculture. The Secretary of Agriculture may, with the consent and approval of the National Forest Reservation Commission, after due notice given the State and an opportunity for hearing by said Commission, terminate any such agreement for violations of its terms and/or the provisions of said sections of this title. If such agreement is terminated, the United States shall reimburse the State for so much of the State funds as have been expended in the administration, development, and management of the lands involved as the Secretary of Agriculture may decide to be fair and equitable.

(j) The State shall furnish the Secretary of Agriculture with such annual, periodic, or special reports as he may require respecting the State's operations under its agreement with him.

(k) When a State or political unit thereof acquires under tax delinquency laws title to forest lands without cost to the United States and which lands are included within a State or other public forest, the Secretary of Agriculture, on behalf of the Federal Government, may contribute annually out of any funds made available under sections 567a to 567c of this title not to exceed one-half the cost of administering, developing, and managing said lands.

(Aug. 29, 1935, ch. 808, § 2, 49 Stat. 963.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in subsecs. (d), (e), and (i), was created by section 4 of act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2961.

§ 567c. Authorization of appropriation for cooperation in acquisition and management of State forests

For the purposes of sections 567a to 567c of this title, there is authorized to be appropriated, a sum or sums out of any money in the Treasury not otherwise appropriated, not to exceed $5,000,000, as Congress may from time to time appropriate.

(Aug. 29, 1935, ch. 808, § 3, 49 Stat. 965.)

§ 568. Cooperation by Secretary of Agriculture with States in establishing, etc., wood lots, shelter belts, windbreaks, etc.; limitation on expenditure; authorization of appropriations

The Secretary of Agriculture is authorized and directed, in cooperation with the land grant colleges and universities of the various States or, in his discretion, with other suitable State agencies, to aid farmers through advice, education,

demonstrations, and other similar means in establishing, renewing, protecting, and managing wood lots, shelter belts, windbreaks, and other valuable forest growth, and in harvesting, utilizing, and marketing the products thereof. Except for preliminary investigations, the amount expended by the Federal Government under this section in cooperation with any State or other cooperating agency during any fiscal year shall not exceed the amount expended by the State or other cooperating agency for the same purpose during the same fiscal year, and the Secretary of Agriculture is authorized to make expenditures on the certificate of the appropriate State official that the State expenditures, as provided for in this section, have been made. There is authorized to be appropriated annually out of any money in the Treasury not otherwise appropriated, not more than $500,000 to enable the Secretary of Agriculture to carry out the provisions of this section.

(June 7, 1924, ch. 348, § 5, 43 Stat. 654; Oct. 26, 1949, ch. 735, § 3, 63 Stat. 910.)

AMENDMENTS

1949—Act Oct. 26, 1949, enlarged and clarified the Federal-State educational program with small forest-land owners, and increased the annual appropriations from $100,000 to $500,000.

FISCAL YEAR TRANSITION PERIOD OF JULY 1, 1976, THROUGH SEPTEMBER 30, 1976, DEEMED FISCAL YEAR FOR PURPOSES OF MATCHING REQUIREMENTS

Fiscal year transition period of July 1, 1976, through Sept. 30, 1976, deemed fiscal year for purposes of this section relating to matching requirements, see section 202(2) of Pub. L. 94–274, Apr. 21, 1976, 90 Stat. 392, set out as a note under section 2652 of Title 7, Agriculture.

CONTRIBUTIONS BY STATES, ETC.

Section 208 of act Sept. 21, 1944, ch. 412, title II, 58 Stat. 736, provided: "No part of any appropriation which is available for carrying out the Cooperative Farm Forestry Act (16 U.S.C. 568b) [repealed] and sections 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567 [repealed], 568) shall be expended in any State or Territory unless the State or Territory, or local subdivision thereof, or individuals, or associations contribute a sum equal to that to be allotted therefrom by the Government or make contributions other than money deemed by the Secretary to be the value equivalent thereof."

APPROPRIATIONS AVAILABLE FOR 3 YEARS

Section 209 of act Sept. 21, 1944, ch. 412, title II, 58 Stat. 737, provided: "Appropriations for carrying out the Cooperative Farm Forestry Act (16 U.S.C. 568b) [repealed] and sections 4 and 5 of the Clarke-McNary Act (16 U.S.C. 567 [repealed], 568) and Acts supplementary thereto allocated for the production or procurement of nursery stock by any Federal agency, or funds appropriated to any Federal agency for allocation to cooperating States for the production or procurement of nursery stock, shall remain available for expenditure for not more than three fiscal years."

§ 568a. Cooperation by Secretary of Agriculture with Territories and other possessions

The Secretary of Agriculture is authorized to cooperate with Territories and other possessions of the United States on the same terms and conditions as with States under sections 566, 567,[1] and 568 of this title.

[1] See References in Text note below.

(Apr. 13, 1926, ch. 134, 44 Stat. 250.)

REFERENCES IN TEXT

Sections 566 and 567 of this title, referred to in text, were repealed by Pub. L. 95–313, § 13(a)(1), July 1, 1978, 92 Stat. 374.

§ 568b. Repealed. Aug. 25, 1950, ch. 781, § 3, 64 Stat. 473, eff. June 30, 1951

Section, act May 18, 1937, ch. 226, 50 Stat. 188, related to cooperation by Secretary of Agriculture in development of farm forestry in States and Territories. This section was known as the "Cooperative Farm Forestry Act".

§§ 568c to 568e. Repealed. Pub. L. 95–313, § 16(a)(4), (5), formerly § 13(a)(4), (5), July 1, 1978, 92 Stat. 374; renumbered § 16(a)(4), (5), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525

Section 568c, acts Aug. 25, 1950, ch. 781, § 1, 64 Stat. 473; May 5, 1972, Pub. L. 92–288, § 1, 86 Stat. 134, required cooperation between Secretary of Agriculture and State officials in providing technical services to private landowners, etc.

Section 568d, acts Aug. 25, 1950, ch. 781, § 2, 64 Stat. 473; Sept. 25, 1962, Pub. L. 87–680, 76 Stat. 569; May 5, 1972, Pub. L. 92–288, § 2, 86 Stat. 134, set forth funding requirements for cooperative forest management programs involving private landowners, etc.

Section 568e, act May 28, 1956, ch. 327, title IV, § 401, 70 Stat. 207, set forth provisions relating to assistance to States for tree planting and reforestation through the Secretary of Agriculture.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 17 of Pub. L. 95–313, set out as an Effective Date note under section 2101 of this title.

SHORT TITLE

Section 4 of act Aug. 25, 1950, setting forth the popular name of the act of Aug. 25, 1950, as the "Cooperative Forest Management Act," was repealed by Pub. L. 95–313, § 16(a)(4), formerly § 13(a)(4), July 1, 1978, 92 Stat. 374, renumbered § 16(a)(4), Pub. L. 101–624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525.

§§ 568f, 568g. Omitted

CODIFICATION

Section 568f, act May 28, 1956, ch. 327, title IV, § 402, 70 Stat. 208, required the Secretary of Agriculture to make a study of price trends and relationships for basic forest products and submit a report to the Congress within one year from May 28, 1956.

Section 568g, act May 28, 1956, ch. 327, title IV, § 403, as added Aug. 28, 1958, Pub. L. 85–829, 72 Stat. 986, which provided that as used in section 568e of this title, the term "State" included the Territory of Hawaii, is obsolete in view of the repeal of section 568e of this title by Pub. L. 95–313, § 13(a)(5), July 1, 1978, 92 Stat. 374.

§ 569. Donations to United States of lands for timber purposes

To enable owners of lands chiefly valuable for the growing of timber crops to donate or devise such lands to the United States in order to assure future timber supplies for the agricultural and other industries of the State or for other national forest purposes, the Secretary of Agriculture is authorized, in his discretion, to accept on behalf of the United States title to any such land so donated or devised, subject to such reservations by the donor of the present stand of

merchantable timber or of mineral or other rights for a period not exceeding twenty years as the Secretary of Agriculture may find to be reasonable and not detrimental to the purposes of this section, and to pay out of any moneys appropriated for the general expenses of the Forest Service the cost of recording deeds or other expenses incident to the examination and acceptance of title. Any lands to which title is so accepted shall be in units of such size or so located as to be capable of economical administration as national forests either separately or jointly with other lands acquired under this section, or jointly with an existing national forest. All lands to which title is accepted under this section shall, upon acceptance of title, become national forest lands, subject to all laws applicable to lands acquired under the Act of March 1, 1911, and amendments thereto. In the sale of timber from national forest lands acquired under this section preference shall be given to applicants who will furnish the products desired therefrom to meet the necessities of citizens of the United States engaged in agriculture in the States in which such national forest is situated. All property, rights, easements, and benefits authorized by this section to be retained by or reserved to owners of lands donated or devised to the United States shall be subject to the tax laws of the States where such lands are located.

(June 7, 1924, ch. 348, § 7, 43 Stat. 654.)

REFERENCES IN TEXT

Act of March 1, 1911, referred to in text, is act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

§ 570. Ascertainment by Secretary of Agriculture of public lands valuable for stream-flow protection and report thereof

The Secretary of Agriculture is authorized to ascertain and determine the location of public lands chiefly valuable for stream-flow protection or for timber production, which can be economically administered as parts of national forests, and to report his findings to the National Forest Reservation Commission established under the Act of March 1, 1911, and if the commission shall determine that the administration of said lands by the Federal Government will protect the flow of streams used for navigation or for irrigation, or will promote a future timber supply, the President shall lay the findings of the commission before the Congress of the United States.

(June 7, 1924, ch. 348, § 8, 43 Stat. 655.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was established under section 4 of Act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2961.

§ 571. Repealed. Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87

Section, act Mar. 3, 1925, ch. 457, § 2, 43 Stat. 1132, related to construction of buildings for national forest purposes.

§§ 571a, 571b. Omitted

CODIFICATION

Section 571a, Pub. L. 85–77, title II, July 1, 1957, 71 Stat. 270, which related to maximum allowance on construction costs, was from the Department of the Interior and Related Agencies Appropriations Act, 1958, and was not repeated in subsequent appropriation acts.

Section 571b, Pub. L. 85–439, title II, June 4, 1958, 72 Stat. 167, which related to maximum allowance for building improvements, was from the Department of the Interior and Related Agencies Appropriation Act, 1959, and was not repeated in subsequent appropriation acts.

PRIOR PROVISIONS

Provisions similar to former section 571a of this title were carried in following prior appropriation acts:

June 13, 1956, ch. 380, title II, 70 Stat. 268.
June 16, 1955, ch. 147, title II, 69 Stat. 153.
June 29, 1954, ch. 409, title I, 68 Stat. 307.
July 28, 1953, ch. 251, title I, 67 Stat. 211.
July 5, 1952, ch. 574, title I, 66 Stat. 342.
Aug. 31, 1951, ch. 374, title I, 65 Stat. 232.
Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 665.
June 29, 1949, ch. 280, title I, 63 Stat. 337.
June 19, 1948, ch. 543, 62 Stat. 520.
July 30, 1947, ch. 356, title I, 61 Stat. 523.
June 22, 1946, ch. 445, 60 Stat. 283.
May 5, 1945, ch. 109, 59 Stat. 149.
June 28, 1944, ch. 296, 58 Stat. 442.
July 12, 1943, ch. 215, 57 Stat. 411.
July 22, 1942, ch. 516, 56 Stat. 679.
July 1, 1941, ch. 267, 55 Stat. 421.
June 25, 1940, ch. 421, 54 Stat. 545.
June 30, 1939, ch. 253, title I, 53 Stat. 954.

Provisions similar to former section 571b of this title were contained in the following prior appropriation acts:

July 1, 1957, Pub. L. 85–77, title II, 71 Stat. 270.
June 13, 1956, ch. 380, title II, 70 Stat. 268.
June 16, 1955, ch. 147, title II, 69 Stat. 153.
June 29, 1954, ch. 409, title I, 68 Stat. 309.
July 28, 1953, ch. 251, title I, 67 Stat. 213.
July 5, 1952, ch. 574, title I, 66 Stat. 343.
Aug. 31, 1951, ch. 374, title I, 65 Stat. 233.
Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 667.
June 29, 1949, ch. 280, title I, 63 Stat. 339.
June 19, 1948, ch. 543, 62 Stat. 520.
July 30, 1947, ch. 356, title I, 61 Stat. 523.
June 22, 1946, ch. 445, 60 Stat. 283.
May 5, 1945, ch. 109, 59 Stat. 152.

§ 571c. Erection of permanent facilities on land not owned by United States; long term leases

Notwithstanding the provisions of existing law and without regard to sections 3111 and 3112 of title 40, but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

(Apr. 24, 1950, ch. 97, § 1, 64 Stat. 82.)

CODIFICATION

''Sections 3111 and 3112 of title 40'' substituted in text for ''section 355, Revised Statutes, as amended (40 U.S.C. 255)'' on authority of Pub. L. 107–217, § 5(c), Aug. 21, 2002, 116 Stat. 1303, the first section of which enacted Title 40, Public Buildings, Property, and Works.

§ 572. Cooperation between Secretary of Agriculture and public or private agencies in working land under State or private ownership

(a) Payment of expenses by interested parties; work contemplated

The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or land-owner for any damage incident to the performance of such work.

(b) Cooperation where national forests or lands are used by permittees

Cooperation and assistance on the same basis as that authorized in subsection (a) of this section is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) Disposition and availability of moneys; advancements; adjustments

Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

(Mar. 3, 1925, ch. 457, § 1, 43 Stat. 1132; Apr. 24, 1950, ch. 97, § 5, 64 Stat. 83.)

AMENDMENTS

1950—Act Apr. 24, 1950, amended section generally to broaden the authority to permit performance of various kinds of work by the Forest Service, at the expense of interested parties, on national forests and other related lands.

APPROPRIATIONS

Appropriation of all moneys received as contributions toward cooperative work under this section was made by acts Jan. 18, 1927, ch. 39, 44 Stat. 991; Mar. 26, 1934, ch. 89, 48 Stat. 483.

TRUST FUNDS

Classification as trust funds, appropriation and disbursement of funds appearing on books of Government as ''Cooperative work, Forest Service,'' see section 1321 of Title 31, Money and Finance.

§ 572a. Deposits from timber purchasers to defray cost of scaling services

The Forest Service may accept money from timber purchasers for deposit into the Treasury in the trust account, ''Forest Service cooperative fund'', which moneys are made available for scaling services requested by purchasers in addition to those required by the Forest Service, and for refunds of amounts deposited in excess of the cost of such work.

(Sept. 21, 1944, ch. 412, title II, § 210, 58 Stat. 737.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

§ 573. Repealed. Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87

Section, act May 27, 1930, ch. 337, § 1, 46 Stat. 387, related to water supply and sanitary systems.

§ 574. Damages caused private property in protection, administration, and improvement of national forests; reimbursement

The Secretary of Agriculture is authorized to reimburse owners of private property for damage or destruction thereof caused by employees of the United States in connection with the protection, administration, or improvement of the national forests, payment to be made from any funds appropriated for the protection, administration, and improvement of the national forests: *Provided*, That no payment in excess of $2,500 shall be made on any such claim.

(May 27, 1930, ch. 337, § 2, 46 Stat. 387; Pub. L. 87–869, § 8, Oct. 23, 1962, 76 Stat. 1157.)

AMENDMENTS

1962—Pub. L. 87–869 increased from $500 to $2,500 the authorization for reimbursement of owners of private

property for damages caused in protection, administration, and improvement of national forests.

§ 575. Search for lost persons, and transportation of sick, injured, or dead persons, within national forests; authorization to incur expense

The Secretary of Agriculture is authorized in cases of emergency to incur such expenses as may be necessary in searching for persons lost in the national forests and in transporting persons seriously ill, injured, or who die within the national forests to the nearest place where the sick or injured person, or the body, may be transferred to interested parties or local authorities.

(May 27, 1930, ch. 337, § 3, 46 Stat. 387.)

§ 576. Reforestation; establishment of forest tree nurseries; tree planting; seed sowing and forest improvement work

The Secretary of Agriculture is authorized to establish forest tree nurseries and do all other things needful in preparation for planting on national forests on the scale possible under the appropriations authorized by section 576a of this title: *Provided*, That nothing in this section shall be deemed to restrict the authority of the said Secretary under other authority of law.

(June 9, 1930, ch. 416, § 1, 46 Stat. 527.)

SHORT TITLE

The act of June 9, 1930, ch. 416, 46 Stat. 527, as amended, which is classified to sections 576 to 576b of this title, is popularly known as the ''Knutson-Vandenberg Act''.

§ 576a. Authorization of appropriation for reforestation

There is authorized to be appropriated for each fiscal year after year ending June 30, 1934, not to exceed $400,000, to enable the Secretary of Agriculture to establish and operate nurseries, to collect or to purchase tree seed or young trees, to plant trees, and to do all other things necessary for reforestation by planting or seeding national forests and for the additional protection, care, and improvement of the resulting plantations or young growth.

(June 9, 1930, ch. 416, § 2, 46 Stat. 527.)

§ 576b. Purchasers of national-forest timber; deposits of money in addition to payments for timber; use of deposits; seedlings and young trees for burned-over areas in national parks

(a) The Secretary of Agriculture may, when in his or her judgment such action will be in the public interest, require any purchaser of national-forest timber to make deposits of money in addition to the payments for the timber, to cover the cost to the United States of (1) planting (including the production or purchase of young trees), (2) sowing with tree seeds (including the collection or purchase of such seeds), (3) cutting, destroying, or otherwise removing undesirable trees or other growth, on the national-forest land cut over by the purchaser, in order to improve the future stand of timber, (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management, or (5) watershed restoration, wildlife habitat improvement, control of insects, disease and noxious weeds, community protection activities, and the maintenance of forest roads, within the Forest Service region in which the timber sale occurred: *Provided*, That such activities may be performed through the use of contracts, forest product sales, and cooperative agreements. Such deposits shall be covered into the Treasury and shall constitute a special fund, which is appropriated and made available until expended, to cover the cost to the United States of such tree planting, seed sowing, and forest improvement work, as the Secretary of Agriculture may direct. The Secretary of Agriculture is authorized, upon application of the Secretary of the Interior, to furnish seedlings and/or young trees for replanting of burned-over areas in any national park.

(c)[1] Any portion of the balance at the end of a fiscal year in the special fund established pursuant to this section that the Secretary of Agriculture determines to be in excess of the cost of doing work described in subsection (a) of this section (as well as any portion of the balance in the special fund that the Secretary determined, before October 1, 2004, to be excess of the cost of doing work described in subsection (a) of this section, but which has not been transferred by that date) shall be transferred to miscellaneous receipts, National Forest Fund, as a National Forest receipt, but only if the Secretary also determines that—

(1) the excess amounts will not be needed for emergency wildfire suppression during the fiscal year in which the transfer would be made; and

(2) the amount to be transferred to miscellaneous receipts, National Forest Fund, exceeds the outstanding balance of unreimbursed funds transferred from the special fund in prior fiscal years for wildfire suppression.

(June 9, 1930, ch. 416, § 3, 46 Stat. 527; Pub. L. 94–588, § 18, Oct. 22, 1976, 90 Stat. 2962; Pub. L. 108–447, div. E, title III, § 318, Dec. 8, 2004, 118 Stat. 3096; Pub. L. 109–54, title IV, § 412, Aug. 2, 2005, 119 Stat. 551.)

AMENDMENTS

2005—Subsec. (a). Pub. L. 109–54 added cl. (5).

2004—Pub. L. 108–447, § 318(1), which directed the amendment of this section ''by striking 'The Secretary of Agriculture may, when in his' and inserting '(a) The Secretary of Agriculture may, when in his or her';

'(b) Amounts deposited under subsection (a) of this section' '',

was partially executed by designating existing text as subsec. (a) and substituting ''The Secretary of Agriculture may, when in his or her'' for ''The Secretary of Agriculture may, when in his''. However, the provisions relating to subsec. (b) were not inserted, because of missing directory language.

Subsec. (a). Pub. L. 108–447, § 318(2), substituted ''may direct. The Secretary of Agriculture'' for ''may direct: *Provided*, That any portion of any deposit found to be in excess of the cost of doing said work shall, upon the determination that it is so in excess, be transferred to

[1] See 2004 Amendment notes below.

miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made: *Provided further*, That the Secretary of Agriculture''.

Subsec. (c). Pub. L. 108–447, § 318(3), added subsec. (c).

1976—Pub. L. 94–588 struck out ''or'' before ''(3)'' and substituted '', or (4) protecting and improving the future productivity of the renewable resources of the forest land on such sale area, including sale area improvement operations, maintenance and construction, reforestation and wildlife habitat management'' for '': *Provided*, That the total amount so required to be deposited by any purchaser shall not exceed, on an acreage basis, the average cost of planting (including the production or purchase of young trees) other comparable national-forest lands during the previous three years''.

§ 576c. Supplemental National Forest Reforestation Fund; establishment; duration; authorization of appropriations

Notwithstanding any other provision of law, the Secretary of Agriculture shall establish a ''Supplemental National Forest Reforestation Fund'', and transfer to that fund beginning with the fiscal year, commencing July 1, 1972, and ending on September 30, 1987, such amounts as may be appropriated therefor. There is hereby authorized to be appropriated for such purpose for each of the fiscal years during such period the sum of $65,000,000.

(Pub. L. 92–421, § 1, Sept. 18, 1972, 86 Stat. 678; Pub. L. 94–273, § 2(9), Apr. 21, 1976, 90 Stat. 375.)

AMENDMENTS

1976—Pub. L. 94–273 substituted ''September'' for ''June''.

§ 576d. Expenditure of Supplemental National Forest Reforestation Fund moneys; availability of moneys from other sources unaffected

Moneys transferred to the National Forest Reforestation Fund under the provisions of sections 576c to 576e[1] of this title shall be available to the Secretary of Agriculture, for expenditure upon appropriation, for the purpose of supplementing programs of tree planting and seeding of national forest lands determined by the Secretary to be in need of reforestation. Such moneys shall be available until expended, and shall be provided without prejudice to appropriations or funds available from other sources for the same purposes, including those available pursuant to section 576b of this title.

(Pub. L. 92–421, § 2, Sept. 18, 1972, 86 Stat. 678.)

REFERENCES IN TEXT

Section 576e of this title, referred to in text, was repealed by Pub. L. 96–470, title I, § 102(b), Oct. 19, 1980, 94 Stat. 2237.

§ 576e. Repealed. Pub. L. 96–470, title I, § 102(b), Oct. 19, 1980, 94 Stat. 2237

Section, Pub. L. 92–421, § 3, Sept. 18, 1972, 86 Stat. 678, required Secretary of Agriculture to provide, within one year after Sept. 18, 1972, a report to Congress setting forth scope of total national forest reforestation needs and a planned program for reforesting such lands, including a description of extent to which funds authorized by sections 576c to 576e of this title were to be applied and to annually thereafter make a report to Congress on use of funds authorized by sections 576c to 576e of this title and progress toward completion of the planned national forest reforestation program.

[1] See References in Text note below.

§ 577. Public lands in northern Minnesota; withdrawal from entry and appropriation

All public lands of the United States situated north of township 60 north in the Counties of Cook and Lake, State of Minnesota, including the natural shore lines of Lake Superior within such area; all public lands of the United States situated in that part of St. Louis County, State of Minnesota, lying north of a line beginning at the northeast corner of Township 63 north, Range 12 west, 4th P. M., thence westerly along the township line to the southwest corner of Township 64 north, Range 18 west, 4th P. M., thence northerly to the northwest corner of Township 65 north, Range 18 west, 4th P. M., thence westerly to the southwest corner, Township 66 north, Range 21 west, 4th P. M., thence northerly along the Township line to its intersection with the international boundary between the United States and the Dominion of Canada; all public lands of the United States on the shore lines of the lakes and streams forming the international boundary, so far as such lands lie within the areas heretofore described in this section; all public lands of the United States in that part of the Superior National Forest located in Townships 61 and 62, Ranges 12 and 13 west, 4th P. M.; and all public lands of the United States on the shore lines of Burntside Lake and Lake Vermilion, State of Minnesota, are withdrawn from all forms of entry or appropriation under the public land laws of the United States, subject to prior existing legal rights initiated under the public land laws, so long as such claims are maintained as required by the applicable law or laws and subject to such permits and licenses as may be granted or issued by the Department of Agriculture under laws or regulations generally applicable to national forests.

(July 10, 1930, ch. 881, § 1, 46 Stat. 1020.)

SHORT TITLE

The act of July 10, 1930, ch. 881, 46 Stat. 1020, which is classified to sections 577 to 577b of this title, is popularly known as the ''Shipstead-Nolan Act''.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 FR 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§ 577a. Conserving shore line beauty for recreational use of public lands in northern Minnesota; regulation of logging

The principle of conserving the natural beauty of shore lines for recreational use shall apply to all Federal lands which border upon any boundary lake or stream contiguous to this area, or any other lake or stream within this area which is now or eventually to be in general use for boat or canoe travel, and that for the purpose of carrying out this principle logging of all such

shores to a depth of four hundred feet from the natural water line is forbidden except as the Forest Service of the Department of Agriculture may see fit in particular instances to vary the distance for practical reasons: *Provided*, That in no case shall logging of any timber other than diseased, insect infested, dying, or dead be permitted closer to the natural shore line than two hundred feet, except where necessary to open areas for banking grounds, landings, and other uses connected with logging operations.

(July 10, 1930, ch. 881, § 2, 46 Stat. 1021.)

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§ 577b. Preserving water level of lakes and streams of public lands in northern Minnesota; reservoirs; water power

In order to preserve the shore lines, rapids, waterfalls, beaches, and other natural features of the region in an unmodified state of nature, no further alteration of the natural water level of any lake or stream within or bordering upon the designated area shall be authorized by any permit, license, lease, or other authorization granted by any official or commission of the United States, which will result in flooding lands of the United States within or immediately adjacent to the Superior National Forest, unless and until specific authority for granting such permit, license, lease, or other authorization shall have first been obtained by special Act from the Congress of the United States covering each such project: *Provided*, That nothing in this section shall be construed as interfering with the duties of the International Joint Commission created pursuant to the convention concerning the boundary waters between the United States and Canada and concluded between the United States and Great Britain on January 11, 1909, and action taken or to be taken in accordance with provisions of the convention, protocol, and agreement between the United States and Canada, which were signed at Washington on February 24, 1925, for the purpose of regulating the levels of the Lake of the Woods: *Provided*, That with the written approval and consent of the Forest Service of the Department of Agriculture, reservoirs not exceeding one hundred acres in area may be constructed and maintained for the transportation of logs or in connection with authorized recreational uses of national-forest lands, and maximum water levels not higher than the normal high-water mark may be maintained temporarily where essential strictly for logging purposes, in the streams between lakes by the construction and operation of small temporary dams: *Provided*, *however*, That nothing herein shall be construed to prevent the Secretary of Agriculture from listing for homestead entry under the provisions of the Act of June 11, 1906 (34 Stat. 233), any of the above-described lands found by him to be chiefly valuable for agriculture and not needed for public purposes: *Provided further*, That the provisions of this section shall not apply to any proposed development for water-power purposes for which an application for license was pending under the terms of the Federal Power Act [16 U.S.C. 791a et seq.] on or before January 1, 1928.

(July 10, 1930, ch. 881, § 3, 46 Stat. 1021.)

REFERENCES IN TEXT

Act of June 11, 1906 (34 Stat. 233), referred to in text, which was classified to sections 506 to 508 and 509 of this title, was repealed by Pub. L. 87–869, § 4, Oct. 23, 1962, 76 Stat. 1157.

The Federal Power Act, referred to in text, was in the original the ''Federal Water Power Act'', which was redesignated the Federal Power Act by section 791a of this title. The Federal Power Act is act June 10, 1920, ch. 285, 41 Stat. 1063, as amended, and is classified generally to chapter 12 (§ 791a et seq.) of this title. For complete classification of this Act to the Code, see section 791a of this title and Tables.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§ 577c. Acquisition of additional lands in northern Minnesota

To protect and administer more effectively the publicly owned lands within certain parts of the area described in section 577 of this title, and to accomplish certain public purposes explicit and implicit in sections 577a and 577b of this title, the Secretary of Agriculture is authorized and directed to acquire any lands or interest in lands, and appurtenances thereto, situated within the area described in section 577d of this title, where in his opinion development or exploitation, or the potentialities for development or exploitation, impair or threaten to impair the unique qualities and natural features of the remaining wilderness canoe country.

(June 22, 1948, ch. 593, § 1, 62 Stat. 568; Pub. L. 87–351, Oct. 4, 1961, 75 Stat. 772.)

AMENDMENTS

1961—Pub. L. 87–351 removed the restriction on condemnation of contiguous tracts of land in one ownership, not exceeding five hundred acres in the aggregate, if the lands were encumbered with structures of a permanent type suitable for human occupancy and if the owners thereof filed written objections before expiration of the time for answering the petition in the proceedings.

SHORT TITLE

The act of June 22, 1948, ch. 593, 62 Stat. 568, as amended, which is classified to sections 577c, 577d, and 577e to 577h of this title, is popularly known as the ''Thye-Blatnik Act''.

§ 577d. Boundary limits of additional lands acquired in northern Minnesota

The authority granted in section 577c of this title shall be supplemental to the authority granted by existing Acts relating to the acquisition of lands for national-forest purposes and shall not be deemed as repealing any portions of those Acts except as provided hereinafter; and

said supplemental authority granted by section 577c of this title, but not the authority granted by existing Acts, shall be confined to the following described areas in Cook, Lake, and Saint Louis Counties, State of Minnesota:

Township 63 north, range 2 west, fourth principal meridian, sections 5 to 8, inclusive.

Township 63 north, range 3 west, fourth principal meridian, sections 1 to 12, inclusive.

Township 63 north, ranges 4, 5, 6, 7 and 8 west, fourth principal meridian, entire townships.

Township 63 north, range 9 west, fourth principal meridian, south half section 19 and sections 20 to 36, inclusive.

Township 63 north, range 13 west, fourth principal meridian, section 6.

Township 63 north, range 14 west, fourth principal meridian, sections 1 to 12, inclusive, and 14 to 22, inclusive.

Township 63 north, range 15 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 63 north, range 16 west, fourth principal meridian, sections 1 to 3 inclusive, 10 to 15, inclusive, and 22 to 24, inclusive.

Township 64 north, range 3 east, fourth principal meridian, south half section 7.

Township 64 north, range 2 east, fourth principal meridian, sections 1 to 12, inclusive.

Township 64 north, range 1 east, fourth principal meridian, sections 1 to 4, inclusive, south half section 7, sections 8 to 12, inclusive, 15 to 17, inclusive, and east half section 18.

Township 64 north, range 1 west, fourth principal meridian, sections 17 to 20, inclusive, and 29 to 32, inclusive.

Township 64 north, range 2 west, fourth principal meridian, sections 7 to 11, inclusive, and 13 to 36, inclusive.

Township 64 north, range 3 west, fourth principal meridian, sections 7 to 36, inclusive.

Township 64 north, range 4 west, fourth principal meridian, sections 6, 7, and 10 to 36, inclusive.

Township 64 north, ranges 5, 6, 7, and 8 west, fourth principal meridian, entire townships.

Township 64 north, range 9 west, fourth principal meridian, sections 1 to 24, inclusive.

Township 64 north, range 10 west, fourth principal meridian, sections 1 to 18, inclusive.

Township 64 north, range 11 west, fourth principal meridian, sections 1 to 4, inclusive, and 9 to 16, inclusive.

Township 64 north, range 13 west, fourth principal meridian, sections 5 to 8, inclusive, 15 to 22, inclusive, and 28 to 32, inclusive.

Township 64 north, range 14 west, fourth principal meridian, sections 6 to 36, inclusive.

Township 64 north, range 15 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 36, inclusive.

Township 64 north, range 16 west, fourth principal meridian, sections 22 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 2 east, fourth principal meridian, entire township.

Township 65 north, range 1 east, fourth principal meridian, sections 19 to 30, inclusive, and 33 to 36, inclusive.

Township 65 north, range 1 west, fourth principal meridian, sections 19 to 30, inclusive.

Township 65 north, range 4 west, fourth principal meridian, sections 1 to 3, inclusive, 10 to 14, inclusive, and 31.

Township 65 north, range 5 west, fourth principal meridian, sections 6, 7, and 18 to 36, inclusive.

Township 65 north, ranges 6, 7, 8, 9, 10, and 11 west, fourth principal meridian, entire townships.

Township 65 north, range 12 west, fourth principal meridian, sections 1 to 17, inclusive, 20 to 27, inclusive, and 34 to 36, inclusive.

Township 65 north, range 13 west, fourth principal meridian, sections 1 to 3, inclusive, and 10 to 12, inclusive.

Township 65 north, range 14 west, fourth principal meridian, sections 18, 19, 30, and 31.

Township 65 north, range 15 west, fourth principal meridian, sections 13, 14, 23 to 26, inclusive, 35 to 36.

Township 66 north, range 4 west, fourth principal meridian, sections 3, 9, 16, 21, 22, 26 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 5 west, fourth principal meridian, sections 2, 8, 9, 16 to 20, inclusive, 30 and 31.

Township 66 north, range 6 west, fourth principal meridian, entire township.

Township 66 north, ranges 11, 12, and 13 west, fourth principal meridian, entire townships.

Township 66 north, range 14 west, fourth principal meridian, sections 1 to 28, inclusive, and 33 to 36, inclusive.

Township 66 north, range 15 west, fourth principal meridian, sections 1 to 17, inclusive, and 20 to 24, inclusive.

Township 66 north, range 16 west, fourth principal meridian, sections 1 to 5, inclusive, and 9 to 12, inclusive.

Township 67 north, ranges 13, 14, and 15 west, fourth principal meridian, entire townships.

Township 67 north, range 16 west, fourth principal meridian, sections 6 to 8, inclusive, 16 to 18, inclusive, 20, 21, 28, 29, and 32 to 34, inclusive.

Township 67 north, range 17 west, fourth principal meridian, those portions of sections 1, 12, and 13 east of Crane Lake.

Township 68 north, ranges 13, 14, 15, and 16 west, fourth principal meridian, entire townships.

Township 68 north, range 17 west, fourth principal meridian, that portion of section 36 east of Crane Lake.

(June 22, 1948, ch. 593, § 2, 62 Stat. 568.)

§ 577d–1. Extension to other sections of land

Except as hereinafter provided, the provisions of sections 577c, 577d, 577e to 577h of this title, are extended and made applicable to the following described lands:

Township 61 north, range 6 west, fourth principal meridian: Sections 5 to 8, inclusive; west half section 4; west half section 9.

Township 61 north, range 7 west, fourth principal meridian: Sections 1 to 12, inclusive.

Township 61 north, range 8 west, fourth principal meridian: Sections 3 to 8, inclusive.

Township 61 north, range 9 west, fourth principal meridian: Sections 1 to 12, inclusive.

Township 61 north, range 10 west, fourth principal meridian: Sections 1, 2, 11, and 12.

Township 62 north, range 3 west, fourth principal meridian: West half of section 3; sections 4 to 9, inclusive.

Township 62 north, range 4 west, fourth principal meridian: Sections 1 to 6, inclusive; sections 8 to 15, inclusive.

Township 62 north, range 5 west, fourth principal meridian: Sections 1 to 24, inclusive.

Township 62 north, range 6 west, fourth principal meridian: Sections 1 to 20, inclusive; north half section 21; sections 22 to 24, inclusive; sections 29 to 32, inclusive.

Township 62 north, range 7 west, fourth principal meridian: Entire township.

Township 62 north, range 8 west, fourth principal meridian: Sections 1 to 34, inclusive; north half section 35; north half section 36.

Township 62 north, range 9 west, fourth principal meridian: Entire township.

Township 62 north, range 10 west, fourth principal meridian: Sections 1 to 6 inclusive; sections 8 to 17, inclusive; sections 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 62 north, range 11 west, fourth principal meridian: Sections 1 and 2.

Township 63 north, range 1 west, fourth principal meridian: Sections 4 to 9, inclusive; sections 16 to 21, inclusive.

Township 63 north, range 2 west, fourth principal meridian: Sections 1 to 4, inclusive; sections 9 to 16, inclusive; north half of section 17; north half of section 18; sections 21 to 24, inclusive.

Township 63 north, range 3 west, fourth principal meridian: North half section 13; north half section 14; north half, southwest quarter section 15; sections 16 to 21, inclusive; west half section 22; west half section 27; sections 28 to 33, inclusive; west half section 34.

Township 63 north, range 9 west, fourth principal meridian: Lot 3 section 15; lots 4, 6, 7, 8, 10, 11 and 12 section 16; lots 6 and 7 section 19.

Township 63 north, range 10 west, fourth principal meridian: Section 6, north half section 7; lots 7 and 8 section 24; northeast quarter, lots 1, 3 and 4, southwest quarter southwest quarter, east half southwest quarter, southeast quarter section 25; lots 5, 6, 7, 8, 9, 10, southeast quarter southeast quarter section 26; lots 3 to 6, inclusive, lot 8, southwest quarter, southwest quarter southeast quarter section 27; lots 5 to 8, inclusive, south half section 28; lots 5 to 8, inclusive, south half section 29; lots 10 to 14, inclusive, southeast quarter southeast quarter section 30; sections 31 to 36, inclusive.

Township 63 north, range 11 west, fourth principal meridian: Sections 1 to 4, inclusive; north half of sections 9 to 12, inclusive; lots 9 to 12, inclusive, section 25; lots 5 and 6, section 26; section 35 except lot 3; section 36.

Township 63 north, range 13 west, fourth principal meridian: Sections 5, 7, and 18.

Township 63 north, range 14 west, fourth principal meridian: Sections 12, 23, and 24.

Township 64 north, range 1 east, fourth principal meridian: Lot 15, section 5.

Township 64 north, range 1 west, fourth principal meridian: Sections 21, 22, 27, 28, 33, and 34.

Township 64 north, range 2 west, fourth principal meridian: South half of sections 3 to 6, inclusive.

Township 64 north, range 3 west, fourth principal meridian: South half of sections 1 to 4, inclusive; sections 5 and 6.

Township 64 north, range 4 west, fourth principal meridian: Sections 1 to 5, inclusive; sections 8 and 9.

Township 64 north, range 9 west, fourth principal meridian: North half of sections 25 to 30, inclusive.

Township 64 north, range 10 west, fourth principal meridian: Sections 19 to 24, inclusive; north half of sections 25, 26, and 27; sections 28 to 33, inclusive.

Township 64 north, range 11 west, fourth principal meridian: Sections 8, 17, 21 to 28, inclusive; sections 33 to 36, inclusive.

Township 64 north, range 13 west, fourth principal meridian: Sections 14 and 23; north half northwest quarter, southwest quarter northwest quarter section 26; section 27.

Township 65 north, range 3 west, fourth principal meridian: Section 18.

Township 65 north, range 4 west, fourth principal meridian: South half section 6; sections 7, 18, 19, and 30.

Township 65 north, range 5 west, fourth principal meridian: Sections 1 to 5, inclusive; sections 8 to 17, inclusive.

Township 65 north, range 12 west, fourth principal meridian: Sections 18, 19, 28, 29, 30, 32, and 33.

Township 65 north, range 13 west, fourth principal meridian: Sections 4 to 9, inclusive; sections 13, 14, 16, 17, and 24.

Township 65 north, range 14 west, fourth principal meridian: Sections 1 to 3, inclusive.

Township 66 north, range 4 west, fourth principal meridian: Sections 4 to 8, inclusive; sections 17 to 20, inclusive.

Township 66 north, range 5 west, fourth principal meridian: Section 1; sections 3 to 7, inclusive; sections 10 to 15, inclusive; sections 21 to 29, inclusive; sections 32 to 35, inclusive; west half section 36.

Township 66 north, range 14 west, fourth principal meridian: Sections 29 and 30.

Township 66 north, range 15 west, fourth principal meridian: Sections 18 and 19; sections 25 to 30, inclusive.

Township 66 north, range 16 west, fourth principal meridian: Sections 13, 24, and 25.

Township 67 north, range 4 west, fourth principal meridian: Entire township.

(June 22, 1956, ch. 425, § 1, 70 Stat. 326.)

SHORT TITLE

The act of June 22, 1956, ch. 425, 70 Stat. 326, as amended, which is classified to sections 577d–1, 577g–1 and 577h of this title, is popularly known as the ''Humphrey-Thye-Blatnik-Andresen Act''.

§ 577e. Approval by National Forest Reservation Commission for acquisition of additional lands

Lands shall be acquired by purchase or condemnation under the supplemental authority granted in section 577c of this title only with prior approval of the National Forest Reservation Commission created by section 4 of the Act approved March 1, 1911, as amended, and lands so acquired shall become parts of the Superior National Forest and be subject to the provisions of said Act, as amended, and of such other laws as apply to land acquired under the provisions of

said Act, as amended, except as hereinafter provided.

(June 22, 1948, ch. 593, § 3, 62 Stat. 570.)

REFERENCES IN TEXT

The National Forest Reservation Commission, referred to in text, was created by section 4 of act Mar. 1, 1911 (16 U.S.C. 513). Section 4 of the 1911 Act was repealed, and all functions of the National Forest Reservation Commission were transferred to the Secretary of Agriculture, by section 17(a)(1) of Pub. L. 94–588, Oct. 22, 1976, 90 Stat. 2961.

Said Act, referred to in text, means act Mar. 1, 1911, ch. 186, 36 Stat. 961, as amended, popularly known as the Weeks Law, which is classified to sections 480, 500, 513 to 519, 521, 552, and 563 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 552 of this title and Tables.

§ 577f. Exchange of lands

Upon finding and determination by the Secretary of Agriculture that the public purposes and objectives explicit and implicit in sections 577 to 577b of this title, more effectively can be accomplished by exchanging lands of the United States situated within the boundaries described in said sections for other lands in State, county, or private ownership situated within the said boundaries which are more suitable for public ownership, management, and use, for the purposes contemplated by said sections, such lands of the United States shall be subject to exchange under the provisions of sections 485 and 486 of this title, or the provisions of section 516 of this title.

(June 22, 1948, ch. 593, § 4, 62 Stat. 570.)

§ 577g. Payment for additional lands acquired in northern Minnesota

The Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 577d of this title at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided*, That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further*, That the first payment to the State of Minnesota under the provisions of this section shall not be due until the close of the first full fiscal year after June 22, 1948: *And provided further*, That the provisions of section 500 of this title, shall not be applicable to the national-forest lands to which this section applies.

(June 22, 1948, ch. 593, § 5, 62 Stat. 570.)

CODIFICATION

Section, as amended by act June 22, 1956, ch. 425, § 2, 70 Stat. 328, is set out as section 577g–1 of this title.

§ 577g–1. Payment to State of Minnesota for extension to other sections of land

The Secretary of the Treasury, upon the certification of the Secretary of Agriculture, shall pay to the State of Minnesota, at the close of each fiscal year from any national-forest receipts not otherwise appropriated a sum of money equivalent to three-quarters of 1 per centum of the fair appraised value of such national-forest lands as may be situated within the area described in section 577d–1 of this title at the end of each fiscal year; and the payments made hereunder shall be distributed to each of the three aforesaid counties in conformity with the fair appraised value of such national-forest lands in each county: *Provided*, That the fair appraised value of the lands shall be determined by the Secretary of Agriculture at ten-year intervals and his determination shall be conclusive and final: *Provided further*, That the first payment to the State of Minnesota under the provisions of this section shall be due at the close of the fiscal year 1959: *And provided further*, That the provisions of section 500 of this title, shall not be applicable to the national-forest lands to which this section applies.

(June 22, 1948, ch. 593, § 5, 62 Stat. 570; June 22, 1956, ch. 425, § 2, 70 Stat. 328.)

CODIFICATION

Section 5 of act June 22, 1948, as it read prior to amendment by act June 22, 1956, is set out as section 577g of this title.

AMENDMENTS

1956—Act June 22, 1956, amended section with respect to the lands described in section 577d–1 by revising the proviso to fix the due date of the first payment to Minnesota as of the close of the fiscal year 1959. For payment for lands described in section 577d, see section 577g of this title.

§ 577h. Authorization of appropriations; limitation on amount for purchase of additional lands, water or interests therein; availability of other funds; annual report to Congress

(a) Appropriations authorized; purposes

There are authorized to be appropriated annually such sums as are necessary to implement sections 577c, 577d, and 577e to 577h of this title: *Provided*, That the total appropriations under the authority of said sections shall not exceed $9,000,000 for the purchase and condemnation of lands, water, or interests therein, and that funds made available through the provisions of the Land and Water Conservation Fund Act (78 Stat. 897), as amended [16 U.S.C. 460*l*–4 et seq.], may also be used for such acquisitions: *Provided further*, That such appropriations may be used for the payment of court judgments in condemnation actions brought under authority of sections 577c, 577d, and 577e to 577h of this title without regard to the date such actions were initially instituted.

(b) Reports on acquisitions

Not later than March 1 of each year 1977 through 1980, the Secretary of Agriculture shall submit to the Congress a report concerning the acquisition of lands or interests in lands under sections 577c, 577d, and 577e to 577h of this title.

The final report of the Secretary shall specify whether additional authorizations or appropriations are necessary to carry out the purposes of said sections.

(June 22, 1948, ch. 593, § 6, 62 Stat. 570; June 22, 1956, ch. 425, § 3, 70 Stat. 328; Pub. L. 87–351, Oct. 4, 1961, 75 Stat. 772; Pub. L. 94–384, Aug. 13, 1976, 90 Stat. 1123.)

REFERENCES IN TEXT

The Land and Water Conservation Fund Act of 1965, referred to in subsec. (a), is Pub. L. 88–578, Sept. 3, 1964, 78 Stat. 897, as amended, which is classified generally to part B (§ 460*l*–4 et seq.) of subchapter LXIX of chapter 1 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 460*l*–4 of this title and Tables.

AMENDMENTS

1976—Pub. L. 94–384 designated existing provisions as subsec. (a), substituted ''implement'' for ''carry out the provisions of'', ''$9,000,000'' for ''$4,500,000'', and ''lands, water, or interests therein'' for ''land'', struck out ''however'' after ''*Provided*'', inserted provision relating to the availability of funds under the Land and Water Conservation Fund Act and provision relating to the availability of appropriations for payment of court judgments in condemnation actions regardless of the date of institution of such action, and added subsec. (b).

1961—Pub. L. 87–351 increased appropriation for purchase and condemnation of land from $2,500,000 to $4,500,000.

1956—Act June 22, 1956, increased appropriation for purchase and condemnation of land from $500,000 to $2,500,000.

AVAILABILITY OF APPROPRIATIONS

Pub. L. 87–351 provided in part that: ''Funds appropriated to carry out the purposes of the Act [sections 577c, 577d and 577e to 577h of this title] shall remain available until expended.''

§§ 578 to 579. Omitted

CODIFICATION

Section 578, act June 25, 1940, ch. 421, 54 Stat. 546, which authorized rental of Forest Service equipment to other Federal agencies, was from the Department of Agriculture Appropriation Act, 1941, and was not repeated in subsequent appropriation acts. Similar provisions appeared in the Department of Agriculture Appropriation Act, 1940, approved June 30, 1939, ch. 253, title I, 53 Stat. 955.

Section 578a, acts July 1, 1941, ch. 267, 55 Stat. 422; July 22, 1942, ch. 516, 56 Stat. 679; July 12, 1943, ch. 215, 57 Stat. 411; June 28, 1944, ch. 296, 58 Stat. 443, related to rental of foreign service equipment to non-Federal agencies, and is now covered by section 580 of this title.

Section 579, act June 29, 1954, ch. 409, title I, 68 Stat. 307, which authorized the purchase of improvements in lieu of construction, was from the Department of the Interior and Related Agencies Appropriations Act, 1955, and was not repeated in subsequent appropriation acts. Similar provisions were contained in following prior appropriation acts:

July 28, 1953, ch. 251, title I, 67 Stat. 212.
July 5, 1952, ch. 574, title I, 66 Stat. 342.
Aug. 31, 1951, ch. 374, title I, 65 Stat. 232.
Sept. 6, 1950, ch. 896, Ch. VI, title I, 64 Stat. 666.
June 29, 1949, ch. 280, title I, 63 Stat. 337.
June 19, 1948, ch. 543, 62 Stat. 521.
July 30, 1947, ch. 356, title I, 61 Stat. 523.
June 22, 1946, ch. 445, 60 Stat. 283.
May 5, 1945, ch. 109, 59 Stat. 150.
June 28, 1944, ch. 296, 58 Stat. 444.
July 12, 1943, ch. 215, 57 Stat. 412.
July 22, 1942, ch. 516, 56 Stat. 680.
July 1, 1941, ch. 267, 55 Stat. 422.
June 25, 1940, ch. 421, 54 Stat. 546.

§ 579a. Operation of aerial facilities and services

The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests and other lands administered by it, including the furnishing, at the airbase, of facilities, equipment, materials and the preparation, mixing and loading into aircraft, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

(Sept. 21, 1944, ch. 412, title II, § 205, 58 Stat. 736; Apr. 24, 1950, ch. 97, § 4, 64 Stat. 83; Pub. L. 91–435, Oct. 6, 1970, 84 Stat. 888.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

AMENDMENTS

1970—Pub. L. 91–435 authorized the Forest Service to extend aerial facilities and services for the protection and management of other lands administered by the Service and to procure, at the airbase, facilities, equipment, materials and the preparation, mixing and loading into aircraft.

1950—Act Apr. 24, 1950, amended section to provide for aerial facilities and services for the protection and management of our national forests.

§ 579b. Working capital fund; establishment; availability; transfer; capitalization; advance payments credited

There is established a working capital fund which shall be available without fiscal year limitation for expenses necessary, including the purchase or construction of buildings and improvements within the limitations thereon set forth in the appropriations for the Forest Service, for furnishing supply and equipment services in support of programs of the Forest Service. The Secretary of Agriculture is authorized to transfer to the fund, without reimbursement, and to capitalize in the fund at fair and reasonable values, such receivables, inventories, equipment, and other assets as he may determine, and assume the liabilities in connection with such assets: *Provided*, That the fund shall be credited with advance payments in connection with firm orders and reimbursements from appropriations and funds of the Forest Service, other departmental and Federal agencies, and from other sources, as authorized by law, at rates approximately equal to the cost of furnishing the facilities and service.

(Aug. 3, 1956, ch. 950, § 13, 70 Stat. 1034; Pub. L. 87–869, § 10, Oct. 23, 1962, 76 Stat. 1157.)

AMENDMENTS

1962—Pub. L. 87–869 struck out the $25,000,000 limitation on amount of capitalization in Forest Service working capital fund.

§ 579c. Availability of funds received from forfeitures, judgments, compromises, or settlements

Any moneys received by the United States with respect to lands under the administration

of the Forest Service (1) as a result of the forfeiture of a bond or deposit by a permittee or timber purchaser for failure to complete performance of improvement, protection, or rehabilitation work required under the permit or timber sale contract or (2) as a result of a judgment, compromise, or settlement of any claim, involving present or potential damage to lands or improvements, shall be covered into the Treasury and are hereby appropriated and made available until expended to cover the cost to the United States of any improvement, protection, or rehabilitation work on lands under the administration of the Forest Service rendered necessary by the action which led to the forfeiture, judgment, compromise, or settlement: *Provided*, That any portion of the moneys so received in excess of the amount expended in performing the work necessitated by the action which led to their receipt shall be transferred to miscellaneous receipts.

(Pub. L. 85–464, § 7, June 20, 1958, 72 Stat. 217.)

§ 579d. Indirect expenditures; future budget justifications

The Forest Service shall implement and adhere to the definitions of indirect expenditures established pursuant to Public Law 105–277 on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in all future budget justifications, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications.

(Pub. L. 107–63, title II, Nov. 5, 2001, 115 Stat. 452.)

REFERENCES IN TEXT

Public Law 105–277, referred to in text, is Pub. L. 105–277, Oct. 21, 1998, 112 Stat. 2681, known as the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is from the Department of the Interior and Related Agencies Appropriations Act, 2002.

PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 106–291, title II, Oct. 11, 2000, 114 Stat. 973.

Pub. L. 106–113, div. B, § 1000(a)(3) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A–178.

DEFINITIONS OF INDIRECT EXPENDITURES

Pub. L. 105–277, div. A, § 101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–274, provided in part: ''That not later than 90 days after the date of the enactment of this Act [Oct. 21, 1998], the Forest Service shall provide, to the Committees on Appropriations of the House of Representatives and Senate, proposed definitions, which are consistent with Federal Accounting Standards Advisory Board standards, to be used with the fiscal year 2000 budget, for indirect expenditures: *Provided further*, That the Forest Service shall implement and adhere to the definitions on a nationwide basis without flexibility for modification by any organizational level except the Washington Office, and when changed by the Washington Office, such changes in definition shall be reported in budget requests submitted by the Forest Service: *Provided further*, That the Forest Service shall provide in the fiscal year 2000 budget justification, planned indirect expenditures in accordance with the definitions, summarized and displayed to the Regional, Station, Area, and detached unit office level. The justification shall display the estimated source and amount of indirect expenditures, by expanded budget line item, of funds in the agency's annual budget justification. The display shall include appropriated funds and the Knutson-Vandenberg, Brush Disposal, Cooperative Work-Other, and Salvage Sale funds. Changes between estimated and actual indirect expenditures shall be reported in subsequent budget justifications''.

§ 580. Use of Forest Service appropriations for repair, etc. of equipment; rental of fire control equipment to non-Federal agencies

Appropriations for the work of the Forest Service available for the operation, repair, maintenance, and replacement of motor and other equipment may be reimbursed for use of such equipment on projects of the Forest Service chargeable to other appropriations, or on work of other Federal agencies, when requested by such agencies, reimbursement to be made from appropriations applicable to the work on which used at rental rates fixed by the Chief Forester based on the actual or estimated cost of operation, repair, maintenance, depreciation, and equipment management control, and credited to appropriations currently available at the time adjustment is effected. The Forest Service may also rent equipment for fire-control purposes to State, county, private, or other non-Federal agencies cooperating with the Forest Service in fire control under the terms of written cooperative agreements, the amount collected for such rental to be credited to appropriations currently available at the time payment is received.

(Sept. 21, 1944, ch. 412, title II, § 204, 58 Stat. 736.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following Department of Agriculture Appropriation Acts:

June 28, 1944, ch. 296, 58 Stat. 443.

July 12, 1943, ch. 215, 57 Stat. 411.

July 22, 1942, ch. 516, 56 Stat. 679.

July 1, 1941, ch. 267, 55 Stat. 421.

§ 580a. Sale and distribution of supplies, equipment, and materials to other Government activities and to cooperating State and private agencies; reimbursement

The Forest Service may sell and distribute supplies, equipment, and materials to other

Government activities and to State and private agencies who cooperate with the Forest Service in fire control under terms of written cooperative agreements, the cost of such supplies, equipment, and materials, including the cost of supervision, transportation, warehousing, and handling, to be reimbursed to appropriations current at the time additional supplies, equipment, and materials are procured for warehouse stocks.

(Sept. 21, 1944, ch. 412, title II, § 203, 58 Stat. 736.)

CODIFICATION

Section was enacted as a part of the Department of Agriculture Organic Act of 1944.

PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following Department of Agriculture Appropriation Acts:
June 28, 1944, ch. 296, 58 Stat. 443.
July 12, 1943, ch. 215, 57 Stat. 411.
July 22, 1942, ch. 516, 56 Stat. 679.
July 1, 1941, ch. 267, 55 Stat. 421.
June 25, 1940, ch. 421, 54 Stat. 546.
June 30, 1939, ch. 253, 53 Stat. 955.
June 16, 1938, ch. 464, 52 Stat. 726.
June 29, 1937, ch. 404, 50 Stat. 411.
June 4, 1936, ch. 489, title I, 49 Stat. 1436.
May 17, 1935, ch. 131, title I, 49 Stat. 261.
Mar. 26, 1934, ch. 89, title I, 48 Stat. 481.
Mar. 3, 1933, ch. 203, 47 Stat. 1447.
July 7, 1932, ch. 443, 47 Stat. 625.

§ 580b. Forest Service telephone lines; correction of inductive interference

Appropriations for the Forest Service shall be available hereafter for the correction of inductive interference on Forest Service telephone lines caused by transmission lines constructed by organizations financed by loans from the Rural Electrification Administration.

(June 29, 1949, ch. 280, title I, 63 Stat. 338.)

§ 580c. Purchases of experimental materials, special devices, test models, etc.

The provisions of section 6101 of title 41 shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed $50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed $10,000 on any one item or purchase.

(Apr. 24, 1950, ch. 97, § 3, 64 Stat. 83.)

CODIFICATION

In text, ''section 6101 of title 41'' substituted for ''section 3709, Revised Statutes (41 U.S.C. 5),'' on authority of Pub. L. 111–350, § 6(c), Jan. 4, 2011, 124 Stat. 3854, which Act enacted Title 41, Public Contracts.

§ 580d. Use of Forest Service structures or improvements and land by public and private agencies, etc.; terms

The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to renovate, recondition, improve, and maintain the structures and land to a satisfactory standard.

(Apr. 24, 1950, ch. 97, § 7, 64 Stat. 84; Pub. L. 105–277, div. A, § 101(e) [title III, § 346], Oct. 21, 1998, 112 Stat. 2681–231, 2681–298.)

AMENDMENTS

1998—Pub. L. 105–277, which directed the substitution of ''renovate, recondition, improve, and maintain'' for ''recondition and maintain,'', was executed by making the substitution for language which did not include a comma after ''maintain'' to reflect the probable intent of Congress.

FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT

Pub. L. 109–54, title V, Aug. 2, 2005, 119 Stat. 559, as amended by Pub. L. 111–8, div. E, title IV, § 422, Mar. 11, 2009, 123 Stat. 748, provided that:

''SEC. 501. SHORT TITLE.

''This title may be cited as the 'Forest Service Facility Realignment and Enhancement Act of 2005'.

''SEC. 502. DEFINITIONS.

''In this title:

''(1) ADMINISTRATIVE SITE.—The term 'administrative site' means—

''(A) any facility or improvement, including curtilage, that was acquired or is used specifically for purposes of administration of the National Forest System;

''(B) any Federal land associated with a facility or improvement described in subparagraph (A) that was acquired or is used specifically for purposes of administration of Forest Service activities and underlies or abuts the facility or improvement; or

''(C) not more than 10 isolated, undeveloped parcels per fiscal year of not more than 40 acres each that were acquired or used for purposes of administration of Forest Service activities, but are not being so utilized, such as vacant lots outside of the proclaimed boundary of a unit of the National Forest System.

''(2) FACILITY OR IMPROVEMENT.—The term 'facility or improvement' includes—

''(A) a forest headquarters;
''(B) a ranger station;
''(C) a research station or laboratory;
''(D) a dwelling;
''(E) a warehouse;
''(F) a scaling station;
''(G) a fire-retardant mixing station;
''(H) a fire-lookout station;
''(I) a guard station;
''(J) a storage facility;
''(K) a telecommunication facility; and
''(L) other administrative installations for conducting Forest Service activities.

''(3) MARKET ANALYSIS.—The term 'market analysis' means the identification and study of the real estate market for a particular economic good or service.

''(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

''SEC. 503. AUTHORIZATION FOR CONVEYANCE OF FOREST SERVICE ADMINISTRATIVE SITES.

''(a) CONVEYANCES AUTHORIZED.—In the manner provided by this title, the Secretary may convey an ad-

ministrative site, or an interest in an administrative site, that is under the jurisdiction of the Secretary.

''(b) MEANS OF CONVEYANCE.—The conveyance of an administrative site under this title may be made—

''(1) by sale;

''(2) by lease;

''(3) by exchange;

''(4) by a combination of sale and exchange; or

''(5) by such other means as the Secretary considers appropriate.

''(c) SIZE OF CONVEYANCE.—An administrative site or compound of administrative sites disposed of in a single conveyance under this title may not exceed 40 acres.

''(d) CERTAIN LANDS EXCLUDED.—The following Federal land may not be conveyed under this title:

''(1) Any land within a unit of the National Forest System that is exclusively designated for natural area or recreational purposes.

''(2) Any land included within the National Wilderness Preservation System, the Wild and Scenic River System, or a National Monument.

''(3) Any land that the Secretary determines—

''(A) is needed for resource management purposes or to provide access to other land or water;

''(B) is surrounded by National Forest System land or other publicly owned land, if conveyance would not be in the public interest due to the creation of a non-Federal inholding that would preclude the efficient management of the surrounding land; or

''(C) would be in the public interest to retain.

''(e) CONGRESSIONAL NOTIFICATIONS.—

''(1) NOTICE OF ANTICIPATED USE OF AUTHORITY.—As part of the annual budget justification documents provided to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate, the Secretary shall include—

''(A) a list of the anticipated conveyances to be made, including the anticipated revenue that may be obtained, using the authority provided by this title or other conveyance authorities available to the Secretary;

''(B) a discussion of the intended purposes of any new revenue obtained using this authority or other conveyance authorities available to the Secretary, and a list of any individual projects that exceed $500,000; and

''(C) a presentation of accomplishments of previous years using this authority or other conveyance authorities available to the Secretary.

''(2) NOTICE OF CHANGES TO CONVEYANCE LIST.—If the Secretary proposes to convey an administrative site under this title or using other conveyance authorities available to the Secretary and the administrative site is not included on a list provided under paragraph (1)(A), the Secretary shall submit to the congressional committees specified in paragraph (3) written notice of the proposed conveyance, including the anticipated revenue that may be obtained from the conveyance.

''(3) NOTICE OF USE OF AUTHORITY.—At least once a year, the Secretary shall submit to the Committee on Agriculture, the Committee on Appropriations, and the Committee on Resources [now Committee on Natural Resources] of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, the Committee on Appropriations, and the Committee on Energy and Natural Resources of the Senate a report containing a description of all conveyances of National Forest System land made by the Secretary under this title or other conveyance authorities during the period covered by the report.

''(f) DURATION OF AUTHORITY.—The authority of the Secretary to initiate the conveyance of an administrative site under this title expires on September 30, 2011.

''(g) REPEAL OF PILOT CONVEYANCE AUTHORITY.—Effective September 30, 2006, section 329 of the Department of the Interior and Related Agencies Appropriations Act, 2002 (16 U.S.C. 580d note; Public Law 107–63), is repealed. Notwithstanding the repeal of such section, the Secretary may complete the conveyance under such section of any administrative site whose conveyance was initiated under such section before that date.

''SEC. 504. CONVEYANCE REQUIREMENTS.

''(a) CONFIGURATION OF ADMINISTRATIVE SITES.—

''(1) CONFIGURATION.—To facilitate the conveyance of an administrative site under this title, the Secretary may configure the administrative site—

''(A) to maximize the marketability of the administrative site; and

''(B) to achieve management objectives.

''(2) SEPARATE TREATMENT OF FACILITY OR IMPROVEMENT.—A facility or improvement on an administrative site to be conveyed under this title may be severed from the land and disposed of in a separate conveyance.

''(3) TERMS, CONDITIONS, AND RESERVATIONS.—The conveyance of an administrative site under this title shall be subject to such terms, conditions, and reservations as the Secretary determines to be necessary to protect the public interest[.]

''(b) CONSIDERATION.—

''(1) CONSIDERATION REQUIRED.—A person or entity acquiring an administrative site under this title shall provide to the Secretary consideration in an amount that is at least equal to the market value of the administrative site.

''(2) FORM OF CONSIDERATION.—

''(A) SALE.—Consideration for an administrative site conveyed by sale under this title shall be paid in cash on conveyance of the administrative site.

''(B) EXCHANGE.—If the administrative site is conveyed by exchange, the consideration shall be provided in the form of a conveyance to the Secretary of land or improvements that are equal in market value to the conveyed administrative site. If the market values are not equal, the market values may be equalized by—

''(i) the Secretary making a cash payment to the person or entity acquiring the administrative site; or

''(ii) the person or entity acquiring the administrative site making a cash equalization payment to the Secretary.

''(c) DETERMINATION OF MARKET VALUE.—The Secretary shall determine the market value of an administrative site to be conveyed under this title or of non-Federal land or improvements to be provided as consideration in exchange for an administrative site—

''(1) by conducting an appraisal that is performed in accordance with—

''(A) the Uniform Appraisal Standards for Federal Land Acquisitions, established in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.); and

''(B) the Uniform Standards of Professional Appraisal Practice; or

''(2) by competitive sale.

''(d) RELATION TO OTHER LAWS.—

''(1) FEDERAL PROPERTY DISPOSAL.—Chapter 5 of subtitle I of title 40, United States Code, shall not apply to the conveyance of an administrative site under this title.

''(2) LAND EXCHANGES.—Section 206 of the Federal Land Policy and Management Act [of 1976] (43 U.S.C. 1716) shall not apply to the conveyance of an administrative site under this title carried out by means of an exchange or combination of sale and exchange.

''(3) LEAD-BASED PAINT AND ASBESTOS ABATEMENT.—Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint or asbestos-containing building materials, the Secretary is not required to mitigate or abate lead-based paint or asbestos-containing building materials with respect to an administrative site to be conveyed under this title. However, if the administrative site has lead-

based paint or asbestos-containing building materials, the Secretary shall—

''(A) provide notice to the person or entity acquiring the administrative site of the presence of the lead-based paint or asbestos-containing building material; and

''(B) obtain written assurance from the person or entity acquiring the administrative site that the person or entity will comply with applicable Federal, State, and local laws relating to the management of the lead-based paint and asbestos-containing building materials.

''(4) ENVIRONMENTAL REVIEW.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to the conveyance of administrative sites under this title, except that, in any environmental review or analysis required under such Act for the conveyance of an administrative site under this title, the Secretary is only required to—

''(A) analyze the most reasonably foreseeable use of the administrative site, as determined through a market analysis;

''(B) determine whether to include terms, conditions, and reservations under subsection (a)(3); and

''(C) evaluate the alternative of not conveying the administrative site, consistent with the National Environmental Policy Act of 1969.

''(e) REJECTION OF OFFERS.—The Secretary shall reject any offer made for the acquisition of an administrative site under this title if the Secretary determines that the offer is—

''(1) not adequate to cover the market value of the administrative site; or

''(2) not otherwise in the public interest.

''(f) CONSULTATION AND PUBLIC NOTICE.—As appropriate, the Secretary is encouraged to work with the Administrator of the General Services Administration with respect to the conveyance of administrative sites under this title. Before making an administrative site available for conveyance under this title, the Secretary shall consult with local governmental officials of the community in which the administrative site is located and provide public notice of the proposed conveyance.

''SEC. 505. DISPOSITION OF PROCEEDS RECEIVED FROM ADMINISTRATIVE SITE CONVEYANCES.

''(a) DEPOSIT.—The Secretary shall deposit in the fund established under Public Law 90–171 (commonly known as the Sisk Act; 16 U.S.C. 484a) all of the proceeds from the conveyance of an administrative site under this title.

''(b) USE.—Amounts deposited under paragraph (1) shall be available to the Secretary, until expended and without further appropriation, to pay any necessary and incidental costs incurred by the Secretary in connection with—

''(1) the acquisition, improvement, maintenance, reconstruction, or construction of a facility or improvement for the National Forest System; and

''(2) the conveyance of administrative sites under this title, including costs described in subsection (c).

''(c) BROKERAGE SERVICES.—The Secretary may use the proceeds from the conveyance of an administrative site under this title to pay reasonable commissions or fees for brokerage services obtained in connection with the conveyance if the Secretary determines that the services are in the public interest. The Secretary shall provide public notice of any brokerage services contract entered into in connection with a conveyance under this title.''

CONVEYANCE OF EXCESS FOREST SERVICE STRUCTURES

Pub. L. 107–63, title III, § 329, Nov. 5, 2001, 115 Stat. 471, as amended by Pub. L. 108–7, div. F, title III, § 325, Feb. 20, 2003, 117 Stat. 275; Pub. L. 108–108, title III, § 322, Nov. 10, 2003, 117 Stat. 1307; Pub. L. 108–447, div. E, title III, § 322, Dec. 8, 2004, 118 Stat. 3098, which gave the Secretary of Agriculture temporary and limited authority to convey excess structures located on National Forest System lands and to use the proceeds from those conveyances for certain maintenance and rehabilitation activities, was repealed, effective Sept. 30, 2006, by Pub. L. 109–54, title V, § 503(g), Aug. 2, 2005, 119 Stat. 561, which also provided that the Secretary could complete any conveyance initiated before the effective date of the repeal.

§ 580e. Services furnished persons attending Forest Service demonstrations and users of national forest resources and recreational facilities; rate of charges; disposition of moneys

The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of $10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

(Apr. 24, 1950, ch. 97, § 8, 64 Stat. 84.)

§ 580f. Telephones for official use in private residences

Notwithstanding the provisions of section 1348 of title 31, appropriations for the protection and management of the national forests and other lands administered by the Forest Service shall be available to pay for telephone service installed in residences of employees and of persons cooperating with the Forest Service who reside within or near such lands when such installation is determined by the Secretary of Agriculture to be needed in protecting such lands: *Provided*, That in addition to the monthly local service charge, the Government may pay only such tolls or other charges as are required strictly for the public business.

(Apr. 24, 1950, ch. 97, § 10, 64 Stat. 85; Pub. L. 85–464, § 6, June 20, 1958, 72 Stat. 217.)

CODIFICATION

''Section 1348 of title 31'' substituted in text for ''section 7 of the Act of August 23, 1912, as amended (31 U.S.C. 679)'' 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.

AMENDMENTS

1958—Pub. L. 85–464 inserted ''and other lands administered by the Forest Service'' after ''forests'', and substituted ''residences of employees'' for ''residences of seasonal employees'', and ''such lands'' for ''the national forests'' in two places.

§ 580g. Seeding leased range land; conditions and limitations

Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and

privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

(Apr. 24, 1950, ch. 97, § 11, 64 Stat. 85.)

§ 580h. Range improvements from appropriated funds

Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

(Apr. 24, 1950, ch. 97, § 12, 64 Stat. 85.)

SAVINGS PROVISION

Provisions of Federal Land Policy and Management Act of 1976, Pub. L. 94–579, Oct. 21, 1976, 90 Stat. 2743, not to be construed as affecting the distribution of livestock grazing revenues to local governments under this section, see section 701(j) of Pub. L. 94–579, set out as a note under section 1701 of Title 43, Public Lands.

§ 580i. Acquisition of winter range, land, and helicopter landing site

There are authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed $50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed $25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

(Apr. 24, 1950, ch. 97, § 14, 64 Stat. 86.)

§ 580j. Injury benefits for temporary employees

Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by subchapter I of chapter 81 of title 5, when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of fifteen days and the Secretary of Labor shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the Secretary of Labor to the employee on account of the injury, the amount so deducted by the Secretary of Labor to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the Secretary of Labor from denying further payments should the Secretary of Labor determine that compensation is not properly allowable under the provisions of subchapter I of chapter 81 of title 5.

(Apr. 24, 1950, ch. 97, § 16, 64 Stat. 86.)

CODIFICATION

"Subchapter I of chapter 81 of title 5" substituted in text for references to the United States Employees' Compensation Act, on authority of Pub. L. 89–554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

References to Secretary of Labor substituted in text for references to the United States Employees' Compensation Commission. United States Employees' Compensation Commission, created by section 28 of act Sept. 7, 1916, ch. 458, 39 Stat. 748, abolished and functions thereof transferred to Federal Security Agency to be performed in such manner and under such rules and regulations as Federal Security Administrator shall prescribe, by section 3 of Reorg. Plan No. 2 of 1946. These functions subsequently transferred to Department of Labor, to be administered under direction and supervision of Secretary of Labor, by section 1 of Reorg. Plan No. 19, of 1950.

§ 580k. Grazing advisory boards

(a) Composition; election meetings

(1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof, whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose on April 24, 1950, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Advice and recommendations on matters within jurisdiction

Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) Notification by Secretary of Agriculture of intention to issue regulations; recommendations; written explanation of reasons for overruling

(1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under sections 490, 500, 504, 504a, 555, 557, 571c, 572, 579a, 580c to 580*l*, and 581[1] of this title or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

(Apr. 24, 1950, ch. 97, § 18, 64 Stat. 87.)

REFERENCES IN TEXT

Section 581 of this title, referred to in subsec. (c)(1), was repealed by Pub. L. 95–307, § 8(a), June 30, 1978, 92 Stat. 356.

TERMINATION OF ADVISORY BOARDS

Advisory boards in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a board established by the President or an officer of the Federal Government, such board is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a board established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 580*l*. Permits for grazing livestock on national forests

The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

(Apr. 24, 1950, ch. 97, § 19, 64 Stat. 88.)

§ 580m. Development of reservoir areas for future resources of timber; Congressional declaration of policy

It is declared to be the policy of the United States to provide that reservoir areas of projects for flood control, navigation, hydroelectric power development, and other related purposes owned in fee and under the jurisdiction of the Secretary of the Army and the Chief of Engi-

[1] See References in Text note below.

neers shall be developed and maintained so as to encourage, promote, and assure fully adequate and dependable future resources of readily available timber, through sustained yield programs, reforestation, and accepted conservation practices, and to increase the value of such areas for conservation, recreation, and other beneficial uses: *Provided*, That such development and management shall be accomplished to the extent practicable and compatible with other uses of the project.

(Pub. L. 86–717, § 1, Sept. 6, 1960, 74 Stat. 817.)

§ 580n. Protection and development of forest or other vegetative cover; establishment and maintenance of conservation measures; coordination of programs and policies

In order to carry out the national policy declared in section 580m of this title, the Chief of Engineers, under the supervision of the Secretary of the Army, shall provide for the protection and development of forest or other vegetative cover and the establishment and maintenance of other conservation measures on reservoir areas under his jurisdiction, so as to yield the maximum benefit and otherwise improve such areas. Programs and policies developed pursuant to the preceding sentence shall be coordinated with the Secretary of Agriculture, and with appropriate State conservation agencies.

(Pub. L. 86–717, § 2, Sept. 6, 1960, 74 Stat. 817.)

§ 580*o*. Forest Service appropriations

Notwithstanding any other provision of law, there are hereby authorized to be appropriated for the necessary expenses of the Forest Service for carrying out the programs for Forest Research, State and Private Forestry, and National Forest System under the appropriations account for Forest Management, Protection, and Utilization, and the programs under the appropriations account for Construction and Land Acquisition: $1,575,552,000 for fiscal year 1981; $1,498,000,000 for fiscal year 1982; $1,560,000,000 for fiscal year 1983; and $1,620,000,000 for fiscal year 1984: *Provided*, That none of the funds authorized to be appropriated hereby may be used for carrying out the Bald Mountain road in the Siskiyou National Forest.

(Pub. L. 97–35, title I, § 122, Aug. 13, 1981, 95 Stat. 368.)

§ 580p. "Woodsy Owl" and "Smokey Bear" characters and names; definitions

As used in this Act—

(1) the term ''Woodsy Owl'' means the name and representation of a fanciful owl, who wears slacks (forest green when colored), a belt (brown when colored), and a Robin Hood style hat (forest green when colored) with a feather (red when colored), and who furthers the slogan, ''Give a Hoot, Don't Pollute'', originated by the Forest Service of the United States Department of Agriculture;

(2) the term ''Smokey Bear'' means the name and character ''Smokey Bear'' originated by the Forest Service of the United States Department of Agriculture in cooperation with the Association of State Foresters and the Advertising Council.

(3) the term ''Secretary'' means the Secretary of Agriculture.

(Pub. L. 93–318, § 1, June 22, 1974, 88 Stat. 244.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 93–318, June 22, 1974, 88 Stat. 244, which enacted sections 580p, 580p–1, 580p–3, and 580p–4 of this title and section 711a of Title 18, Crimes and Criminal Procedure, and amended section 580p–2 of this title and section 711 of Title 18. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 488b–3 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 580p–1. Property of the United States

The following are hereby declared the property of the United States:

(1) The name and character ''Smokey Bear''.

(2) The name and character ''Woodsy Owl'' and the associated slogan, ''Give a Hoot, Don't Pollute''.

(Pub. L. 93–318, § 2, June 22, 1974, 88 Stat. 245.)

CODIFICATION

Section was formerly classified to section 488b–4 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 580p–2. Deposit of fees collected under regulations relating to "Smokey Bear"; availability

The Secretary of Agriculture shall deposit into a special account to be available for furthering the nationwide forest-fire prevention campaign all fees collected under regulations promulgated by him relating to ''Smokey Bear''.

(May 23, 1952, ch. 327, § 3, 66 Stat. 92; Pub. L. 93–318, § 7, June 22, 1974, 88 Stat. 245.)

CODIFICATION

Section was formerly classified to section 488a of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

AMENDMENTS

1974—Pub. L. 93–318 struck out ''under the provisions of section 711 of title 18'' after ''relating to 'Smokey Bear'.''

§ 580p–3. Use of royalty fees; special account

(a) The Secretary may establish and collect use or royalty fees for the manufacture, reproduction, or use of the name or character ''Woodsy Owl'' and the associated slogan, ''Give a Hoot, Don't Pollute'', as a symbol for a public service campaign to promote wise use of the environment and programs which foster maintenance and improvement of environmental quality.

(b) The Secretary shall deposit into a special account all fees collected pursuant to this Act. Such fees are hereby made available for obligation and expenditure for the purpose of furthering the ''Woodsy Owl'' campaign.

(Pub. L. 93–318, § 3, June 22, 1974, 88 Stat. 245.)

REFERENCES IN TEXT

This Act, referred to in subsec. (b), is Pub. L. 93–318, June 22, 1974, 88 Stat. 244, which enacted sections 580p, 580p–1, 580p–3, and 580p–4 of this title and section 711a of Title 18, Crimes and Criminal Procedure, and amended section 580p–2 of this title and section 711 of Title 18. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was formerly classified to section 488b–5 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 580p–4. Injunction against unauthorized manufacture, use, or reproduction

(a) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character ''Smokey Bear'', or the name ''Smokey Bear'', or a facsimile or simulation of such character or name in such a manner as suggests ''Smokey Bear'' may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(b) Whoever, except as provided by rules and regulations issued by the Secretary, manufactures, uses, or reproduces the character ''Woodsy Owl'', the name ''Woodsy Owl'', or the slogan ''Give a Hoot, Don't Pollute'', or a facsimile or simulation of such character, name, or slogan in such a manner as suggests ''Woodsy Owl'' may be enjoined from such manufacture, use, or reproduction at the suit of the Attorney General upon complaint by the Secretary.

(Pub. L. 93–318, § 4, June 22, 1974, 88 Stat. 245.)

CODIFICATION

Section was formerly classified to section 488b–6 of Title 31 prior to the general revision and enactment of Title 31, Money and Finance, by Pub. L. 97–258, § 1, Sept. 13, 1982, 96 Stat. 877.

§ 580q. National Tree Seed Laboratory; disposition of fees

Notwithstanding any other provision of law, fees received by the National Tree Seed Laboratory, administered by the Forest Service, United States Department of Agriculture, for the provision of a tree seed testing service, shall be retained and deposited as a reimbursement to current appropriations used to cover the costs of providing such service.

(Pub. L. 99–198, title XVII, § 1772, Dec. 23, 1985, 99 Stat. 1658.)

SUBCHAPTER II—INVESTIGATIONS, EXPERIMENTS, AND TESTS AFFECTING REFORESTATION AND FOREST PRODUCTS

§§ 581, 581a. Repealed. Pub. L. 95–307, § 8(a), June 30, 1978, 92 Stat. 356

Section 581, acts May 22, 1928, ch. 678, § 1, 45 Stat. 699; Apr. 24, 1950, ch. 97, § 17(a), 64 Stat. 87, authorized investigations, experiments, and tests affecting reforestation and forest products through cooperation with State and other agencies.

Section 581a, acts May 22, 1928, ch. 678, § 2, 45 Stat. 700; June 15, 1936, ch. 553, 49 Stat. 1515, set forth provisions establishing and authorizing appropriations for specific forest experiment stations.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 9 of Pub. L. 95–307, set out as an Effective Date note under section 1641 of this title.

§ 581a–1. Repealed. Pub. L. 95–307, § 4(d), June 30, 1978, 92 Stat. 355

Section, act Aug. 31, 1951, ch. 374, title I, § 101, 65 Stat. 233, authorized receipt of funds on or after Aug. 31, 1951, from States, etc., for establishment or operation of forest research facilities.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 9 of Pub. L. 95–307, set out as an Effective Date note under section 1641 of this title.

§ 581a–2. Omitted

CODIFICATION

Section, act June 13, 1956, ch. 380, title II, § 200, 70 Stat. 269, which authorized advance of funds to cooperators, was from the Department of the Interior and Related Agencies Appropriation Act, 1957, and was not repeated in subsequent appropriation acts. Similar provisions were contained in following prior appropriation acts:

June 16, 1955, ch. 147, title II, § 200, 69 Stat. 154.
June 29, 1954, ch. 409, title I, § 101, 68 Stat. 308.
July 28, 1953, ch. 251, title I, § 101, 67 Stat. 212.
Act July 5, 1952, ch. 574, title I, § 101, 66 Stat. 343.

§§ 581b to 581i. Repealed. Pub. L. 95–307, § 8(a), June 30, 1978, 92 Stat. 356

Section 581b, act May 22, 1928, ch. 678, § 3, 45 Stat. 701, authorized appropriations for investigations of diseases of forest trees and products.

Section 581c, act May 22, 1928, ch. 678, § 4, 45 Stat. 701, authorized appropriations for investigations of forest insects.

Section 581d, act May 22, 1928, ch. 678, § 5, 45 Stat. 701, authorized appropriations for experiments and investigations of life histories and habits of forest animals, birds, and wildlife.

Section 581e, act May 22, 1928, ch. 678, § 6, 45 Stat. 701, authorized appropriations for investigations of the relationship of weather conditions to forest fires.

Section 581f, act May 22, 1928, ch. 678, § 7, 45 Stat. 701, authorized appropriations for experiments and investigations for development of improved methods of management of forest ranges.

Section 581g, act May 22, 1928, ch. 678, § 8, 45 Stat. 701, authorized appropriations for experiments, investigations, and tests of the physical and chemical properties of forest products.

Section 581h, acts May 22, 1928, ch. 678, § 9, 45 Stat. 702; May 31, 1944, ch. 217, 58 Stat. 265; June 25, 1949, ch. 245, 63 Stat. 271; Aug. 8, 1953, ch. 378, 67 Stat. 489; Sept. 25, 1962, Pub. L. 87–685, 76 Stat. 579; Dec. 14, 1967, Pub. L. 90–193, 81 Stat. 579; Aug. 17, 1974, Pub. L. 93–378, § 3(b), formerly § 2(b), 88 Stat. 476, renumbered Oct. 22, 1976, Pub. L. 94–588, § 2, 90 Stat. 2949, set forth provisions relating to comprehensive survey and analysis of the present and prospective conditions of and requirements for renewable resources.

Section 581i, act May 22, 1928, ch. 678, § 10, 45 Stat. 702, authorized appropriations for economic investigations of forest lands and forest products.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1978, see section 9 of Pub. L. 95–307, set out as an Effective Date note under section 1641 of this title.

§ 581i–1. Advance of funds for cooperative research

For the purpose of fostering and stimulating participation with the Forest Service in forest, range, and watershed management research through investigations, experiments, tests, or such other means as he may deem advisable, and in order to aid in obtaining the fullest cooperation from States and other public and private agencies, organizations, institutions, and individuals, in effectuating such research the Secretary of Agriculture is authorized in accordance with such regulations as he may issue and when in his judgment such cooperative work will be stimulated or facilitated to make funds available to the cooperators without regard to the provisions of section 3324(a) and (b) of title 31, prohibiting advances of public moneys.

(Apr. 24, 1950, ch. 97, § 20, as added Apr. 6, 1956, ch. 176, 70 Stat. 100.)

CODIFICATION

"Section 3324(a) and (b) of title 31" substituted in text for "section 3648, 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.

§ 581j. Congressional declaration of policy on reforestation and revegetation

It is the declared policy of the Congress to accelerate and provide a continuing basis for the needed reforestation and revegetation of national-forest lands and other lands under administration or control of the Forest Service of the Department of Agriculture in order to obtain the benefits hereinbefore enumerated.

(Oct. 11, 1949, ch. 674, § 1, 63 Stat. 763.)

REFERENCES IN TEXT

The benefits hereinbefore enumerated, referred to in text, means the benefits enumerated in the preamble to Joint Res. 53, Oct. 11, 1949, ch. 674, 63 Stat. 762. The preamble is set out as a note below.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies, and employees of Department of Agriculture transferred with certain exceptions, to Secretary of Agriculture by Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note in Appendix to Title 5, Government Organization and Employees.

PREAMBLE

The preamble to act Oct. 11, 1949, provided that:

"Whereas the national forests of the United States contain approximately eighty million acres of the Nation's commercial timber lands and approximately eighty-three million acres of the Nation's important grazing lands; and

"Whereas these national-forest lands comprise the principal source of water supply for domestic, irrigation, and industrial purposes for thousands of communities, farms, and industries, and good forest and other vegetative cover is essential for watershed protection; and

"Whereas these lands annually supply approximately four billion board-feet of forest products through twenty-seven thousand sales transactions and the demand for national forest timber is steadily increasing; and

"Whereas these lands are the sole or main source of summer range for ten million cattle and sheep grazed by thirty thousand livestock permittees whose livelihood is wholly or partially dependent upon livestock grazed on national-forest ranges; and

"Whereas these lands contain over four million acres of denuded and unsatisfactorily stocked timberlands and an additional four million acres of seriously depleted range lands; and

"Whereas all of these lands are potentially capable of producing an important part of the timber and forage needs of local communities, and contributing to the protection of watersheds, thereby alleviating flood damage and insuring a continuing water supply, increasing opportunity for local employment, bringing greater stability to local communities, and increasing returns to counties in the national forests from their share of national forests receipts, together with other benefits; and

"Whereas these lands will not restock or revegetate satisfactorily or within a reasonable time except through reforestation and revegetation or other measures to induce restocking or revegetation; and

"Whereas it is practical to reforest these denuded and unsatisfactorily stocked timber lands and revegetate these seriously depleted range lands in a period of fifteen years; and

"Whereas it is necessary to provide reasonable continuity of reforestation and revegetation programs in order to insure effective, efficient, and economical operations: Therefore be it".

§ 581k. Authorization of appropriations for reforestation and revegetation

For the purpose of carrying out the provisions of this joint resolution on national-forest lands and other lands under the administration or control of the Forest Service of the Department of Agriculture, including the acquisition of land or interests therein for nurseries, there is authorized to be appropriated to remain available until December 31 of the ensuing fiscal year, $3,000,000 for the fiscal year ending June 30, 1951; $5,000,000 for the fiscal year ending June 30, 1952; $7,000,000 for the fiscal year ending June 30, 1953; $8,000,000 for the fiscal year ending June 30, 1954; $10,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for reforestation; and $1,500,000 for the fiscal year ending June 30, 1951; $1,750,000 for the fiscal year ending June 30, 1952; $2,000,000 for the fiscal year ending June 30, 1953; $2,500,000 for the fiscal year ending June 30, 1954; $3,000,000 for the fiscal year ending June 30, 1955; a like amount for each subsequent year through the fiscal year ending June 30, 1965, and thereafter such amounts as may be needed for range revegetation.

(Oct. 11, 1949, ch. 674, § 2, 63 Stat. 763.)

REFERENCES IN TEXT

This joint resolution, referred to in text, means Joint Res. 53, Oct. 11, 1949, ch. 674, 63 Stat. 762, which is classified to this section and section 581j of this title.

§ 582. Puerto Rico; application of forest protection laws

The provisions of sections 515, 564, 565,[1] and 569 of this title are extended to the Territory of Puerto Rico, and the Secretary of Agriculture is authorized to cooperate with the appropriate officials of Puerto Rico on the same terms and conditions as with the States: *Provided*, That not

[1] See References in Text note below.

to exceed fifty thousand acres of land may be acquired in Puerto Rico under section 515 of this title.

(Mar. 3, 1931, ch. 452, 46 Stat. 1516; May 17, 1932, ch. 190, 47 Stat. 158.)

REFERENCES IN TEXT

Sections 564 and 565 of this title, referred to in text, were repealed by Pub. L. 95–313, § 13(a)(1), July 1, 1978, 92 Stat. 374.

CHANGE OF NAME

''Puerto Rico'' substituted in text for ''Porto Rico'' pursuant to act May 17, 1932, which is classified to section 731a of Title 48, Territories and Insular Possessions.

SUBCHAPTER III—RESEARCH PROGRAMS

§ 582a. Congressional findings

It is recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry. It is also recognized that the provisions of this subchapter are essential to assist in providing the research background that undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974 [16 U.S.C. 1600 et seq.], the Renewable Resources Extension Act of 1978 [16 U.S.C. 1671 et seq.], and the Soil and Water Resources Conservation Act of 1977 [16 U.S.C. 2001 et seq.].

(Pub. L. 87–788, § 1, Oct. 10, 1962, 76 Stat. 806; Pub. L. 97–98, title XIV, § 1441(a), Dec. 22, 1981, 95 Stat. 1320.)

REFERENCES IN TEXT

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in text, is Pub. L. 93–378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§ 1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The Renewable Resources Extension Act of 1978, referred to in text, is Pub. L. 95–306, June 30, 1978, 92 Stat. 349, which is classified generally to subchapter III (§ 1671 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title of 1978 Amendment note set out under section 1600 of this title and Tables.

The Soil and Water Resources Conservation Act of 1977, referred to in text, is Pub. L. 95–192, Nov. 18, 1977, 91 Stat. 1407, which is classified generally to chapter 40 (§ 2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

AMENDMENTS

1981—Pub. L. 97–98 inserted provision relating to recognition that provisions of this subchapter are essential to assist in providing the research background that undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974, the Renewable Resources Extension Act of 1978, and the Soil and Water Resources Conservation Act of 1977.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

SHORT TITLE

Pub. L. 87–788, Oct. 10, 1962, 76 Stat. 806, as amended, which is classified generally to this subchapter, is popularly known as the ''McIntire-Stennis Act of 1962'' and also as the ''McIntire-Stennis Cooperative Forestry Act''.

REAFFIRMATION OF MCINTIRE-STENNIS RESEARCH PROGRAM

Pub. L. 101–624, title XII, § 1231, Nov. 28, 1990, 104 Stat. 3543, provided that: ''It is the sense of Congress to reaffirm the importance of Public Law 87–788 (16 U.S.C. 582a et seq.) commonly known as the McIntire-Stennis Cooperative Forestry Act.''

§ 582a–1. Cooperation by Secretary of Agriculture with States; assistance: plans, eligible institutions and amount

In order to promote research in forestry, the Secretary of Agriculture is authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of forestry research.

Such assistance shall be in accordance with plans to be agreed upon in advance by the Secretary and (a) land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862, as amended [7 U.S.C. 301 et seq.], and the Hatch Act of March 2, 1887, as amended [7 U.S.C. 361a et seq.], and 1890 Institutions (as defined in section 7601 of title 7), and (b) other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school; however, an appropriate State representative designated by the State's Governor shall, in any agreement drawn up with the Secretary of Agriculture for the purposes of this subchapter, certify those eligible institutions of the State which will qualify for assistance and shall determine the proportionate amounts of assistance to be extended these certified institutions. If more than one institution within a State are certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complementary programs of forestry research for the State.

(Pub. L. 87–788, § 2, Oct. 10, 1962, 76 Stat. 806; Pub. L. 97–98, title XIV, § 1441(b), Dec. 22, 1981, 95 Stat. 1320; Pub. L. 110–234, title VII, § 7412(a), May 22, 2008, 122 Stat. 1255; Pub. L. 110–246, § 4(a), title VII, § 7412(a), June 18, 2008, 122 Stat. 1664, 2017.)

REFERENCES IN TEXT

The Morrill Act of July 2, 1862, as amended, referred to in text, is act July 2, 1862, ch. 130, 12 Stat. 503, as amended, which is classified generally to subchapter I (§ 301 et seq.) of chapter 13 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 301 of Title 7 and Tables.

The Hatch Act of March 2, 1887, as amended, referred to in text, is act Mar. 2, 1887, ch. 314, 24 Stat. 440, as

amended, which is classified generally to sections 361a to 361i of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 361a of Title 7 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.

AMENDMENTS

2008—Pub. L. 110–246, § 7412(a), inserted ''and 1890 Institutions (as defined in section 7601 of title 7),'' before ''and (b)''.

1981—Pub. L. 97–98 inserted provision that if more than one institution within a State are certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complimentary programs of forestry research for the State.

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.

Pub. L. 110–234, title VII, § 7412(b), May 22, 2008, 122 Stat. 1255, and Pub. L. 110–246, § 4(a), title VII, § 7412(b), June 18, 2008, 122 Stat. 1664, 2017, provided that: ''The amendment made by subsection (a) [amending this section] takes effect on October 1, 2008.''

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under section 8701 of Title 7, Agriculture.]

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

§ 582a–2. Authorization of appropriations; other allotments and grants

To enable the Secretary to carry out the provisions of this subchapter there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary but not exceeding in any one fiscal year one-half the amount appropriated for Federal forestry research conducted directly by the Department of Agriculture for the fiscal year preceding the year in which the budget is presented for such appropriation. Funds appropriated and made available to the States under this subchapter shall be in addition to allotments or grants that may be made under other authorizations.

(Pub. L. 87–788, § 3, Oct. 10, 1962, 76 Stat. 806.)

§ 582a–3. Matching funds; reapportionment to other qualifying institutions; reductions

The amount paid by the Federal Government to any State-certified institutions eligible for assistance under this subchapter shall not exceed during any fiscal year the amount available to and budgeted for expenditure by such college or university during the same fiscal year for forestry research from non-Federal sources, except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the college or university having charge of the forestry research for which the expenditures as herein provided are to be made. If any or all of the colleges or universities certified for receipt of funds under this subchapter fails to make available and budget for expenditure for forestry research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this subchapter, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the college or university shall be reapportioned by the Secretary to other eligible colleges or universities of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying colleges and universities of other States participating in the forestry research program. If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance under this subchapter is reduced because of an increase in the allotment made available under this subchapter, the allotment of such State-certified institution from the next succeeding appropriation shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary shall reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.

(Pub. L. 87–788, § 4, Oct. 10, 1962, 76 Stat. 806; Pub. L. 92–318, title V, § 506(i), June 23, 1972, 86 Stat. 351; Pub. L. 97–98, title XIV, § 1442(b), Dec. 22, 1981, 95 Stat. 1321.)

AMENDMENTS

1981—Pub. L. 97–98 inserted provision that if, in any year, the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance is reduced because of an increase in the available allotment, the allotment of such State-certified institution from the next succeeding appropriation be reduced in an equivalent amount and that the Secretary reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.

1972—Pub. L. 92–318 provided that for fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement shall not be applicable to the Virgin Islands and Guam and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–318 effective after June 30, 1970, see section 506(n) of Pub. L. 92–318, set out as an

Effective Date note under section 326a of Title 7, Agriculture.

§ 582a–4. Regulations; advice and assistance; appointment, membership, etc., of council

(a) Regulations and assistance

The Secretary shall prescribe such regulations as may be necessary to carry out this subchapter and to furnish such advice and assistance through a cooperative State forestry research unit in the Department as will best promote the purposes of this subchapter.

(b) Advisory council

The Secretary shall appoint a council of not fewer than sixteen members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified eligible institutions, State agricultural experiment stations, and volunteer public groups concerned with forests and related natural resources. The council shall meet at least annually and shall submit a report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds. The Secretary shall seek, at least once each year, the advice of the council to accomplish efficiently the purposes of this subchapter.

(Pub. L. 87–788, § 5, Oct. 10, 1962, 76 Stat. 807; Pub. L. 97–98, title XIV, § 1441(c), Dec. 22, 1981, 95 Stat. 1320.)

AMENDMENTS

1981—Pub. L. 97–98 substituted provisions directing the Secretary to promulgate necessary regulations, furnish necessary advice and assistance, and appoint a council of no fewer than sixteen members in order to give representation to Federal and State agencies in developing cooperative State forestry programs for provisions which had directed the Secretary to make apportionments among participating States only after consulting with a national advisory board of not less than seven officials of the forestry schools of the State-certified eligible colleges and universities chosen by a majority of such schools. See section 582a–5 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

TERMINATION OF ADVISORY COUNCILS

Advisory councils established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a council established by the President or an officer of the Federal Government, such council is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a council established by the Congress, its duration is otherwise provided for by law. See sections 3(2) and 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 770, 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 582a–5. Apportionments, advice, criteria, etc.

Apportionments among participating States shall be determined by the Secretary after consultation with the council appointed under section 582a–4 of this title. In making such apportionments, consideration shall be given to pertinent factors including non-Federal expenditures for forestry research by State-certified eligible institutions, areas of non-Federal commercial forest land, and the volume of timber cut annually. Three per centum of such funds as may be appropriated shall be made available to the Secretary for administration of this subchapter. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for purposes of assessing research opportunities or research planning.

(Pub. L. 87–788, § 6, Oct. 10, 1962, 76 Stat. 807; Pub. L. 97–98, title XIV, § 1441(c), Dec. 22, 1981, 95 Stat. 1320.)

AMENDMENTS

1981—Pub. L. 97–98 substituted provisions directing the Secretary to make apportionments among participating States only after consultation with the council appointed under section 582a–4 of this title, enumerating the factors to be considered in making apportionments, and authorizing the expenditure of funds to transport scientists to research meetings for provisions which had authorized the Secretary to prescribe necessary rules and regulations, to furnish necessary advice and assistance, and to appoint an advisory committee. See section 582a–4 of this title.

EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

§ 582a–6. Scope of forestry research

The term ''forestry research'' as used in this subchapter shall include investigations relating to: (1) Reforestation and management of land for the production of crops of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6) utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

(Pub. L. 87–788, § 7, Oct. 10, 1962, 76 Stat. 807.)

§ 582a–7. "State" defined

The term ''State'' as used in this subchapter shall include Puerto Rico, the Virgin Islands, and Guam.

(Pub. L. 87–788, § 8, Oct. 10, 1962, 76 Stat. 807; Pub. L. 92–318, title V, § 506(j), June 23, 1972, 86 Stat. 351.)

AMENDMENTS

1972—Pub. L. 92–318 inserted reference to Virgin Islands and Guam.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92–318 effective after June 30, 1970, see section 506(n) of Pub. L. 92–318, set out as an Effective Date note under section 326a of Title 7, Agriculture.

§ 582a–8. Competitive forestry, natural resources, and environmental grants program

(a) Establishment

The Secretary of Agriculture (hereafter referred to in this section as the ''Secretary'') shall establish a competitive forestry, natural resources, and environmental grant program to award grants for the conduct of research as described in subsection (c) of this section.

(b) Eligible entities

To be eligible to receive a grant under subsection (a) of this section, an entity shall—

(1) be a State agricultural experiment station, a college or university, a research institution or organization, a Federal agency, a private organization, or a corporation that has a demonstrable capacity to conduct forestry, natural resources, and environmental research as determined by the Secretary; and

(2) prepare and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including the proposed use of the amounts that may be received under a grant.

(c) Use

In awarding the initial grants under subsection (a) of this section the Secretary shall give priority to applicants who will use such grants for research concerning—

(1) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

(2) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

(3) wood as a raw material, including forest products and harvesting;

(4) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

(5) international trade, competition, and cooperation related to forest products;

(6) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

(7) viable economic production and marketing systems for alternative natural resource products and services;

(8) economic and environmental benefits of various conservation practices on forest lands;

(9) genetic tree improvement; and

(10) market expansion.

(d) Facilities and equipment

(1) Authority

Grants made under this section may be used to update research facilities and equipment available to facilitate the conduct of state-of-the-art research in forestry, natural resources, and the environment.

(2) Priorities and criteria

The Secretary, in consultation with the Cooperative Forestry Research Council appointed under section 582a–4(b) of this title, may develop criteria and priorities for the awarding of grants for use under paragraph (1).

(e) Recommendations

The Secretary shall request the Cooperative Forestry Research Council referred to in subsection (d)(2) of this section to provide recommendations regarding grant priorities.

(f) Term

The Secretary may make grants under this section for periods of not to exceed 5 years.

(g) Authorization of appropriations

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

(Pub. L. 101–624, title XII, § 1232, Nov. 28, 1990, 104 Stat. 3543.)

CODIFICATION

Section was enacted as part of the Forest Stewardship Act of 1990 and as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the McIntire-Stennis Act of 1962 which comprises this subchapter.

SUBCHAPTER IV—SUSTAINED-YIELD FOREST MANAGEMENT

§ 583. Establishment of sustained-yield units to stabilize forest industries, employment, communities and taxable wealth

In order to promote the stability of forest industries, of employment, of communities, and of taxable forest wealth, through continuous supplies of timber; in order to provide for a continuous and ample supply of forest products; and in order to secure the benefits of forests in maintenance of water supply, regulation of stream flow, prevention of soil erosion, amelioration of climate, and preservation of wildlife, the Secretary of Agriculture and the Secretary of the Interior are severally authorized to establish by formal declaration, when in their respective judgments such action would be in the public interest, cooperative sustained-yield units which shall consist of federally owned or administered forest land under the jurisdiction of the Secretary establishing the unit and, in addition thereto, land which reasonably may be expected to be made the subject of one or more of the cooperative agreements with private landowners authorized by section 583a of this title.

(Mar. 29, 1944, ch. 146, § 1, 58 Stat. 132.)

§ 583a. Cooperative agreements with private owners; privileges of private owners; recordation of agreements

The Secretary of Agriculture, with respect to forest land under his jurisdiction, and the Secretary of the Interior, with respect to forest land under his jurisdiction, are severally authorized, for the purposes specified in section 583 of this title, to enter into cooperative agreements with private owners of forest land within a cooperative sustained-yield unit, established pursu-

ant to said section, providing for the coordinated management of such private forest land and of federally owned or administered forest lands within the sustained-yield unit involved. Each cooperative agreement may give the cooperating private landowner the privilege of purchasing without competitive bidding at prices not less than their appraised value, subject to periodic readjustments of stumpage rates and to such other conditions and requirements as the Secretary may prescribe, timber and other forest products from federally owned or administered forest land within the unit, in accordance with the provisions of sustained-yield management plans formulated or approved by the Secretary for the unit; shall limit the time, rate, and method of cutting or otherwise harvesting timber and other forest products from the land of the cooperating private landowner, due consideration being given to the character and condition of the timber, to the relation of the proposed cutting to the sustained-yield plan for the unit, and to the productive capacity of the land; shall prescribe the terms and conditions, but not the price, upon which the cooperating private landowner may sell to any person timber and other forest products from his land, compliance by the purchaser with such conditions to be required by the contract of sale; shall contain such provisions as the Secretary deems necessary to protect the reasonable interest of other owners of forest land within the unit; and shall contain such other provisions as the Secretary believes necessary to carry out the purposes of this subchapter.

Each cooperative agreement shall be placed on record in the county or counties in which the lands of the cooperating private landowner covered thereby are located, and the costs incident to such recordation may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit. When thus recorded, the agreement shall be binding upon the heirs, successors, and assigns of the owner of such land, and upon purchasers of timber or other forest products from such land, throughout the life of such cooperative agreement.

(Mar. 29, 1944, ch. 146, § 2, 58 Stat. 132.)

§ 583b. Establishment of sustained-yield units to stabilize sale of timber and forest products

The Secretary of Agriculture and the Secretary of the Interior are further severally authorized, whenever in their respective judgments the maintenance of a stable community or communities is primarily dependent upon the sale of timber or other forest products from federally owned or administered forest land and such maintenance cannot effectively be secured by following the usual procedures in selling such timber or other forest products, to establish by formal declaration for the purpose of maintaining the stability of such community or communities a sustained-yield unit consisting of forest land under the jurisdiction of the Secretary establishing such unit, to determine and define the boundaries of the community or communities for whose benefit such unit is created, and to sell, subject to such conditions and requirements as the Secretary believes necessary, federally owned or administered timber and other forest products from such unit without competitive bidding at prices not less than their appraised values, to responsible purchasers within such community or communities.

(Mar. 29, 1944, ch. 146, § 3, 58 Stat. 133.)

§ 583c. Agreements between Secretaries of Agriculture and the Interior, or with other Federal agencies having jurisdiction over forest land

Each of the said Secretaries is further authorized in his discretion to enter into cooperative agreements with the other Secretary, or with any Federal agency having jurisdiction over federally owned or administered forest land, or with any State or local agency having jurisdiction over publicly owned or administered forest land, providing for the inclusion of such land in any coordinated plan of management otherwise authorized by the provisions of this subchapter when by such a cooperative agreement he may be aided in accomplishing the purposes of this subchapter; but no federally or publicly owned or administered forest land not under the jurisdiction of the Secretary establishing the sustained-yield unit concerned shall be included in any such plan except in pursuance of a cooperative agreement made under this section.

(Mar. 29, 1944, ch. 146, § 4, 58 Stat. 133.)

§ 583d. Notice; registered mail and publication; costs; contents; request for hearing; time; determination and record available for inspection

Before any sustained-yield unit authorized by section 583 or 583b of this title shall be established, and before any cooperative agreement authorized by section 583a or 583c of this title shall be entered into, advance notice thereof shall be given by registered mail or by certified mail to each landowner whose land is proposed to be included and by publication in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of the federally owned or administered forest land involved. This notice shall state: (1) the location of the proposed unit; (2) the name of each proposed cooperator; (3) the duration of the proposed cooperative agreement or agreements; (4) the location and estimated quantity of timber on the land of each proposed cooperator and on the Federal land involved; (5) the expected rate of cutting of such timber; and (6) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice for the presentation of the advantages and disadvantages of the proposed action to the community or communities affected.

Before any sale agreement made without competition and involving more than $500 in stumpage value of federally owned or administered timber shall be entered into under this subchapter, advance notice thereof shall be given by publication once weekly for four consecutive

weeks in one or more newspapers of general circulation in the vicinity of the place where the timber is located, and the costs incident to such publication may be paid out of any funds available for the protection or management of federally owned or administered forest land within the unit concerned. This notice shall state: (1) the quantity and appraised value of the timber; (2) the time and place of a public hearing to be held not less than thirty days after the first publication of said notice if requested by the State or county where the timber is located or by any other person deemed to have a reasonable interest in the proposed sale or in its terms; and (3) the place where any request for a public hearing shall be made. Such requests need be considered only if received at the place designated in the notice not later than fifteen days after the first publication of such notice. If a request for a hearing is received within the time designated, notice of the holding of the hearing shall be given not less than ten days before the time set for such hearing, in the same manner as provided for the original notice.

The determination made by the Secretary having jurisdiction upon the proposals considered at any such hearing, which determination may include the modification of the terms of such proposals, together with the minutes or other record of the hearing, shall be available for public inspection during the life of any coordinated plan of management or agreement entered into in consequence of such determination.

(Mar. 29, 1944, ch. 146, § 5, 58 Stat. 133; Pub. L. 86–507, § 1(17), June 11, 1960, 74 Stat. 201.)

AMENDMENTS

1960—Pub. L. 86–507 inserted ''or by certified mail'' after ''registered mail''.

§ 583e. Remedies against private owners; jurisdiction; final orders; "owner" defined

In addition to any other remedy available under existing law, upon failure of any private owner of forest land which is subject to a cooperative agreement entered into pursuant to this subchapter to comply with the terms of such agreement, or upon failure of any purchaser of timber or other forest products from such land to comply with the terms and conditions required by such agreement to be included in the contract of sale, the Attorney General, at the request of the Secretary concerned, is authorized to institute against such owner or such purchaser a proceeding in equity in the proper district court of the United States, to require compliance with the terms and conditions of said cooperative agreement; and jurisdiction is conferred upon said district courts to hear and determine such proceedings, to order compliance with the terms and conditions of cooperative agreements entered into pursuant to this subchapter, and to make such temporary and final orders as shall be deemed just in the premises. As used in this section the term ''owner'' shall include the heirs, successors, and assigns of the landowner entering into the cooperative agreements.

(Mar. 29, 1944, ch. 146, § 6, 58 Stat. 134.)

§ 583f. "Federally owned or administered forest land" defined

Whenever used in this subchapter, the term ''federally owned or administered forest land'' shall be construed to mean forest land in which, or in the natural resources of which, the United States has a legal or equitable interest of any character sufficient to entitle the United States to control the management or disposition of the timber or other forest products thereon, except land heretofore or hereafter reserved or withdrawn for purposes which are inconsistent with the exercise of the authority conferred by this subchapter; and shall include trust or restricted Indian land, whether tribal or allotted, except that such land shall not be included without the consent of the Indians concerned.

(Mar. 29, 1944, ch. 146, § 7, 58 Stat. 134.)

§ 583g. Rules and regulations; delegation of powers and duties

The Secretary of Agriculture and the Secretary of the Interior may severally prescribe such rules and regulations as may be appropriate to carry out the purposes of this subchapter. Each Secretary may delegate any of his powers and duties under this subchapter to other officers or employees of his Department.

(Mar. 29, 1944, ch. 146, § 8, 58 Stat. 134.)

§ 583h. Prior acts as affecting or affected by subchapter

Nothing contained in this subchapter shall be construed to abrogate or curtail any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by any Act relating to management of federally owned or administered forest lands, and nothing contained in any such Acts shall be construed to limit or restrict any authority conferred upon the Secretary of Agriculture or the Secretary of the Interior by this subchapter.

(Mar. 29, 1944, ch. 146, § 9, 58 Stat. 134.)

§ 583i. Authorization of appropriations

Funds available for the protection or management of Federally owned or administered forest land within the unit concerned may also be expended in carrying out the purposes of this subchapter, and there are authorized to be appropriated such additional sums for the purposes of this subchapter as the Congress may from time to time deem necessary, but such additional sums shall not exceed $150,000 for the Department of Agriculture and $50,000 for the Department of the Interior, for any fiscal year.

(Mar. 29, 1944, ch. 146, § 10, 58 Stat. 135.)

SUBCHAPTER V—FOREST FOUNDATION

§ 583j. Establishment and purposes of Foundation

(a) Establishment

There is established the National Forest Foundation (hereinafter referred to as the ''Foundation'') as a charitable and nonprofit corporation domiciled in the District of Columbia.

(b) Purposes

The purposes of the Foundation are to—

(1) encourage, accept, and administer private gifts of money, and of real and personal property for the benefit of, or in connection with, the activities and services of the Forest Service of the Department of Agriculture;

(2) undertake and conduct activities that further the purposes for which units of the National Forest System are established and are administered and that are consistent with approved forest plans; and

(3) undertake, conduct and encourage educational, technical and other assistance, and other activities that support the multiple use, research, cooperative forestry and other programs administered by the Forest Service.

(c) Limitation and conflicts of interests

(1) The Foundation shall not participate or intervene in a political campaign on behalf of any candidate for public office.

(2) No director, officer, or employee of the Foundation shall participate, directly or indirectly, in the consideration or determination of any question before the Foundation affecting—

(A) the financial interests of the director, officer, or employee; or

(B) the interests of any corporation partnership, entity, or organization in which such director, officer, or employee—

(i) is an officer, director, or trustee; or

(ii) has any direct or indirect financial interest.

(Pub. L. 101–593, title IV, § 402, Nov. 16, 1990, 104 Stat. 2970.)

SHORT TITLE OF 1993 AMENDMENT

Pub. L. 103–106, § 1, Oct. 12, 1993, 107 Stat. 1031, provided that: ''This Act [amending sections 583j–3 and 583j–8 of this title and enacting provisions set out as a note under section 583j–3 of this title] may be cited as the 'National Forest Foundation Act Amendment Act of 1993'.''

SHORT TITLE

Section 401 of title IV of Pub. L. 101–593 provided that: ''This title [enacting this subchapter] may be cited as the 'National Forest Foundation Act'.''

§ 583j–1. Board of Directors of Foundation

(a) Establishment and membership

The Foundation shall have a governing Board of Directors (hereinafter referred to as the ''Board''), which shall consist of not more than 30 Directors, each of whom shall be a United States citizen. At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty. At all times, a majority of members of the Board shall be educated or have actual experience in natural or cultural resource management, law, or research. To the extent practicable, members of the Board shall represent diverse points of view relating to natural and cultural resource issues. The Chief of the Forest Service shall be an ex officio nonvoting member of the Board.

(b) Appointment and terms

Within one year from November 16, 1990, the Secretary of Agriculture (hereinafter referred to as the ''Secretary'') shall appoint the Directors of the Board. Directors shall be appointed for terms of six years; except that the Secretary, in making the initial appointments to the Board, shall appoint one-third each of the Directors to terms of two, four, and six years respectively. A vacancy on the Board shall be filled within sixty days of such vacancy in the manner in which the original appointment was made. No individual may serve more than twelve consecutive years as a Director.

(c) Chairman

The Chairman shall be elected by the Board from its members. A chairman shall serve for a two-year term, and may be re-elected to the post during his tenure as a Director.

(d) Quorum

A majority of the current voting membership of the Board shall constitute a quorum for the transaction of business.

(e) Meetings

The Board shall meet at the call of the Chairman at least once a year. If a Director misses three consecutive regularly scheduled meetings, that individual may be removed from the Board by majority vote of the Board of Directors and that vacancy filled in accordance with subsection (b) of this section.

(f) Reimbursement of expenses

Voting members of the Board shall serve without pay, but may be reimbursed for the actual and necessary traveling and subsistence expenses incurred by them in the performance of their duties for the Foundation. Such reimbursement may not exceed such amount as would be authorized under section 5703 of title 5 for the payment of expenses and allowances for individuals employed intermittently in the Federal Government service.

(g) General powers

The Board may complete the organization of the Foundation by appointing employees, adopting a constitution and bylaws consistent with the purposes of the Foundation and the provisions of this subchapter, and undertaking other such acts as may be necessary to function and to carry out the provisions of this subchapter.

(h) Officers and employees

Officers and employees may not be appointed until the Foundation has sufficient funds to pay for their services. Officers and employees of the Foundation shall be appointed without regard to the provisions of title 5 governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(Pub. L. 101–593, title IV, § 403, Nov. 16, 1990, 104 Stat. 2970; Pub. L. 107–63, title II, Nov. 5, 2001, 115 Stat. 450; Pub. L. 111–88, div. A, title IV, § 432, Oct. 30, 2009, 123 Stat. 2964.)

REFERENCES IN TEXT

This subchapter, referred to in subsec. (g), was in the original ''this subtitle'' and was translated as reading ''this title'', meaning title IV of Pub. L. 101–593, Nov.

16, 1990, 104 Stat. 2969, known as the National Forest Foundation Act, which does not contain subtitles, and which is classified generally to this subchapter. For complete classification of title IV to the Code, see Short Title note set out under section 583j of this title and Tables.

AMENDMENTS

2009—Subsec. (a). Pub. L. 111–88 substituted ''not more than 30 Directors'' for ''fifteen Directors'' in first sentence.

2001—Subsec. (a). Pub. L. 107–63 inserted ''At the discretion of the Secretary of Agriculture, the Secretary may increase the number of Directors to not more than twenty.'' after first sentence.

§ 583j–2. Corporate powers and obligations

(a) In general

The Foundation—

(1) shall have perpetual succession;

(2) may conduct business throughout the several States, territories, and possessions of the United States and in foreign countries;

(3) shall have its principal offices in the Washington, D.C. metropolitan area; and

(4) shall at all times maintain a designated agent in the District of Columbia authorized to accept service of process for the Foundation.

(b) Notice and service of process

The serving of notice to, or service of process upon, the agent required under this paragraph,[1] or mailed to the business address of such agent, shall be deemed as service upon or notice to the Foundation.

(c) Seal

The Foundation shall have an official seal selected by the Board which shall be judicially noticed.

(d) Powers

To carry out its purposes, the Foundation shall have, in addition to powers otherwise authorized under this subchapter, the usual powers of a corporation in the District of Columbia, including the power to—

(1) accept, receive, solicit, hold, administer and use any gift, devise, or bequest, either absolutely or in trust, or real or personal property or any income therefrom or other interest therein;

(2) acquire by donation, gift, devise, purchase or exchange any real or personal property or interest therein;

(3) unless otherwise required by the instrument of transfer, sell, donate, lease, invest, reinvest, retain or otherwise dispose of any property or income therefrom;

(4) borrow money and issue bonds, debentures, or other debt instruments;

(5) sue and be sued, and complain and defend itself in any court of competent jurisdiction (except that the Directors of the Board shall not be personally liable, except for gross negligence);

(6) enter into contracts or other arrangements with public agencies, private organizations, and persons and to make such payments as may be necessary to carry out the purposes thereof; and

(7) do any and all acts necessary and proper to carry out the purposes of the Foundation.

(e) Property

(1) The Foundation may acquire, hold and dispose of lands, waters, or other interests in real property by donation, gift, devise, purchase or exchange. For the purposes of this subchapter, an interest in real property shall include, but not be limited to, mineral and water rights, rights of way, and easements appurtenant or in gross. A gift, devise, or bequest may be accepted by the Foundation even though it is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest therein is for the benefit of the Foundation.

(2) No lands or waters, or interests therein, that are owned by the Foundation and are determined by the Chief of the United States Forest Service to be valuable for purposes established in this subchapter shall be subject to condemnation by any State or political subdivision, or any agent or instrumentality thereof.

(3) The Foundation and any income or property received or owned by it, and all transactions relating to such income or property, shall be exempt from all Federal, State, and local taxation with respect thereto.

(4) Contributions, gifts, and other transfers made to or for the use of the Foundation shall be treated as contributions, gifts, or transfers to an organization exempt from taxation under section 501(c)(3) of title 26.

(Pub. L. 101–593, title IV, § 404, Nov. 16, 1990, 104 Stat. 2971.)

§ 583j–3. Administrative services and support

(a) Startup funds

For purposes of assisting the Foundation in establishing an office and meeting initial administrative, project, and other startup expenses, the Secretary is authorized to provide to the Foundation $500,000, from funds appropriated pursuant to section 583j–8(a) of this title, per year for the two years beginning October 1, 1992. Such funds shall remain available to the Foundation until they are expended for authorized purposes.

(b) Matching funds

In addition to the startup funds provided under subsection (a) of this section, for a period of five years beginning October 1, 1992, the Secretary is authorized to provide matching funds for administrative and project expenses incurred by the Foundation as authorized by section 583j–8(b) of this title including reimbursement of expenses under section 583j–1 of this title, not to exceed then current Federal Government per diem rates.

(c) Administrative expenses

At any time, the Secretary may provide the Foundation use of Department of Agriculture personnel, facilities, and equipment, with partial or no reimbursement, with such limitations and on such terms and conditions as the Secretary shall establish.

(Pub. L. 101–593, title IV, § 405, Nov. 16, 1990, 104 Stat. 2972; Pub. L. 103–106, § 3(a), Oct. 12, 1993, 107 Stat. 1031.)

[1] So in original. Probably should be ''this section,''.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–106, § 3(a)(1), inserted ‘‘, project,’’ after ‘‘administrative’’ and substituted ‘‘beginning October 1, 1992’’ for ‘‘following November 16, 1990’’.

Subsec. (b). Pub. L. 103–106, § 3(a)(2), substituted ‘‘beginning October 1, 1992’’ for ‘‘from November 16, 1990’’ and inserted ‘‘and project’’ after ‘‘administrative’’.

PURPOSE OF PUB. L. 103–106

Section 2 of Pub. L. 103–106 provided that: ‘‘It is the purpose of this Act [see Short Title of 1993 Amendment note set out under section 583j of this title]—

‘‘(1) to provide for start-up and matching funds for project expenses to carry out the National Forest Foundation Act [16 U.S.C. 583j et seq.]; and

‘‘(2) to extend the funding authorization for start-up expenses for 1 year.’’

§ 583j–4. Volunteers

The Secretary may accept, without regard to the civil service classification laws, rules and regulations, any director, officer, employee or agent of the Foundation as a volunteer for purposes of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558a through 558d; 86 Stat. 147).

(Pub. L. 101–593, title IV, § 406, Nov. 16, 1990, 104 Stat. 2973.)

REFERENCES IN TEXT

The Volunteers in the National Forests Act of 1972, referred to in text, is Pub. L. 92–300, May 18, 1972, 86 Stat. 147, as amended, which is classified generally to section 558a et seq. of this title. For complete classification of this Act to the Code, see Short Title note set out under section 558a of this title and Tables.

§ 583j–5. Audits and report requirements

(a) Audits

For purposes of section 10101 of title 36 the Foundation shall be treated as a corporation in part B of subtitle II of title 36.

(b) Annual reports

The Foundation shall,[1] transmit each year to Congress a report of its proceedings and activities of the previous year, including a full and complete statement of its receipts, expenditures, and investments.

(Pub. L. 101–593, title IV, § 407, Nov. 16, 1990, 104 Stat. 2973.)

CODIFICATION

In subsec. (a), ‘‘section 10101 of title 36’’ substituted for ‘‘the Act entitled ‘An Act for audit of accounts of private corporations established under Federal law,’ approved August 30, 1964 (36 U.S.C. 1101 through 1103; Public Law 88–504)’’ and ‘‘a corporation in part B of subtitle II of title 36’’ substituted for ‘‘a private corporation established under Federal law’’ on authority of Pub. L. 105–225, § 5(b), Aug. 12, 1998, 112 Stat. 1499, the first section of which enacted Title 36, Patriotic and National Observances, Ceremonies, and Organizations.

§ 583j–6. United States release from liability

The United States shall not be liable for any debts, defaults, acts or omissions of the Foundation nor shall the full faith and credit of the United States extend to any obligations of the Foundation.

(Pub. L. 101–593, title IV, § 408, Nov. 16, 1990, 104 Stat. 2973.)

§ 583j–7. Activities of Foundation and United States Forest Service

The activities of the Foundation authorized under the provisions of this Act shall be supplemental to and shall not preempt any authority or responsibility of the United States Forest Service under any other provision of law.

(Pub. L. 101–593, title IV, § 409, Nov. 16, 1990, 104 Stat. 2973.)

REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 101–593, Nov. 16, 1990, 104 Stat. 2954, which enacted this subchapter, chapter 32A of this title, and section 777e–1 of this title, amended sections 2910, 3702, 3709, 4403, and 4404 of this title, and enacted provisions listed in a table of National Environmental Centers set out under section 668dd of this title and provisions set out in notes under section 3701 of this title and section 4321 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

§ 583j–8. Authorization of appropriations

(a) Startup funds

For the purposes of section 583j–3 of this title, there are authorized to be appropriated $1,000,000.

(b) Matching funds

For the purposes of section 583j–3 of this title, during the five-year period beginning October 1, 1992, there are authorized to be appropriated $1,000,000 annually to the Secretary of Agriculture to be made available to the Foundation to match, on a one-for-one basis, private contributions made to the Foundation.

(Pub. L. 101–593, title IV, § 410, Nov. 16, 1990, 104 Stat. 2973; Pub. L. 103–106, § 3(b), Oct. 12, 1993, 107 Stat. 1032.)

AMENDMENTS

1993—Subsec. (b). Pub. L. 103–106 substituted ‘‘beginning October 1, 1992’’ for ‘‘following November 16, 1990’’.

§ 583j–9. Federal funds

On and after November 5, 2001, the National Forest Foundation may hold Federal funds made available but not immediately disbursed and may use any interest or other investment income earned (before, on, or after November 5, 2001) on Federal funds to carry out the purposes of Public Law 101–593: *Provided further*, That such investments may be made only in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(Pub. L. 107–63, title II, Nov. 5, 2001, 115 Stat. 450.)

REFERENCES IN TEXT

Public Law 101–593, referred to in text, is Pub. L. 101–593, Nov. 16, 1990, 104 Stat. 2954, which enacted this subchapter, chapter 32A of this title, and section 777e–1 of this title, amended sections 2910, 3702, 3709, 4403, and 4404 of this title, and enacted provisions listed in a table of National Wildlife Refuges set out under section 668dd of this title and provisions set out in notes under section 3701 of this title and section 4321 of Title 42, The

[1] So in original. The comma probably should not appear.

Public Health and Welfare. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section was enacted as part of the Department of the Interior and Related Agencies Appropriations Act, 2002, and not as part of the National Forest Foundation Act which comprises this subchapter.

PRIOR PROVISIONS

Provisions similar to this section were contained in the following prior appropriation acts:

Pub. L. 106–291, title II, Oct. 11, 2000, 114 Stat. 972.

Pub. L. 106–113, div. B, §1000(a)(3) [title II], Nov. 29, 1999, 113 Stat. 1535, 1501A–176.

Pub. L. 105–277, div. A, §101(e) [title II], Oct. 21, 1998, 112 Stat. 2681–231, 2681–273.

Pub. L. 105–83, title II, Nov. 14, 1997, 111 Stat. 1577.

AUTHORIZED INVESTMENTS

Provisions similar to the proviso in this section were contained in the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2006, Pub. L. 109–54, title III, Aug. 2, 2005, 119 Stat. 538, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions also were contained in the following prior appropriations acts:

Pub. L. 108–447, div. E, title II, Dec. 8, 2004, 118 Stat. 3079.

Pub. L. 108–108, title II, Nov. 10, 2003, 117 Stat. 1288.

Pub. L. 108–7, div. F, title II, Feb. 20, 2003, 117 Stat. 256.

CHAPTER 3A—UNEMPLOYMENT RELIEF THROUGH PERFORMANCE OF USEFUL PUBLIC WORK

SUBCHAPTER I—CIVILIAN CONSERVATION CORPS

§§ 584 to 584q. Omitted

CODIFICATION

Section 584, acts June 28, 1937, ch. 383, §1, 50 Stat. 319; Aug. 7, 1939, ch. 553, §1, 53 Stat. 1253, related to establishment of Corps.

Section 584a, act June 28, 1937, ch. 383, §2, 50 Stat. 319, related to appointment, compensation, and authority of Director.

Section 584b, act June 28, 1937, ch. 383, §3, 50 Stat. 319, related to work projects authorized.

Section 584c, act June 28, 1937, ch. 383, §4, 50 Stat. 320, related to transfer of personnel, property, etc., from Emergency Conservation Work and operation of camp exchange.

Section 584d, acts June 28, 1937, ch. 383, §5, 50 Stat. 320; June 13, 1940, ch. 348, 54 Stat. 383, related to appointment of civilian personnel with powers of notaries public.

Section 584e, act June 28, 1937, ch. 383, §6, 50 Stat. 320, related to service of other officers with Corps.

Section 584f, act June 28, 1937, ch. 383, §7, 50 Stat. 320, related to number of enrollees.

Section 584f–1, acts July 1, 1941, ch. 269, title I, §1, 55 Stat. 473; Aug. 25, 1941, ch. 409, title IV, §1, 55 Stat. 683, related to annual expenditures per enrollee.

Section 584g, acts June 28, 1937, ch. 383, §8, 50 Stat. 320; May 12, 1938, ch. 200, §§1, 2, 52 Stat. 349; Oct. 21, 1940, ch. 906, 54 Stat. 1206, related to qualifications of enrollees, term of enrollment, educational leaves, and certificates of merit.

Section 584g–1, act June 26, 1940, ch. 432, §38, 54 Stat. 625, related to training of enrollees in noncombatant subjects.

Section 584h, acts June 28, 1937, ch. 383, §9, 50 Stat. 320; June 25, 1938, ch. 701, 52 Stat. 1198, related to compensation of enrollees and use of pay.

Section 584h–1, acts July 1, 1937, ch. 425, §1, 50 Stat. 470; May 23, 1938, ch. 259, §1, 52 Stat. 414; Mar. 16, 1939, ch. 11, §1, 53 Stat. 529; June 26, 1940, ch. 428, title II, 54 Stat. 581, related to compensation of enrollee blood donors.

Section 584i, act June 28, 1937, ch. 383, §10, 50 Stat. 321, related to subsistence, etc., furnished to enrollees, disability and death benefits.

Section 584j, acts June 28, 1937, ch. 383, §11, 50 Stat. 321; Oct. 10, 1940, ch. 851, §4, 54 Stat. 1112, related to financial administration.

Section 584k, act June 28, 1937, ch. 383, §12, 50 Stat. 321, related to use of services and facilities of other governmental agencies.

Section 584*l*, acts June 28, 1937, ch. 383, §13, 50 Stat. 321; Aug. 7, 1939, ch. 553, §2, 53 Stat. 1253, related to use of services and facilities of state agencies and departments.

Section 584m, act June 28, 1937, ch. 383, §14, 50 Stat. 321, related to expenditures for subsistence, transportation, etc., of enrollees.

Section 584n, act June 28, 1937, ch. 383, §15, 50 Stat. 321, related to disposal of surplus property.

Section 584n–1, acts Mar. 16, 1939, ch. 11, §1, 53 Stat. 529; June 26, 1940, ch. 428, title II, 54 Stat. 581; July 1, 1941, ch. 269, title II, 55 Stat. 473, related to exchange of equipment.

Section 584*o*, act June 28, 1937, ch. 383, §16, 50 Stat. 321, related to claims for property damage or personal injury.

Section 584p, act June 28, 1937, ch. 383, §17, 50 Stat. 322, related to appropriations and restrictions on use for camp exchanges.

Section 584q, act June 28, 1937, ch. 383, §18, 50 Stat. 322, related to effective date.

REPEALS

Sections 1, 2, 5, 8 to 10 of act June 28, 1937, ch. 383, 50 Stat. 319–321, formerly classified to sections 584, 584a, 584d, 584g, 584h, and 584i of this title, were repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 649.

Act May 12, 1938, ch. 200, 52 Stat. 349, formerly classified to section 584g of this title, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 650.

Act June 25, 1938, ch. 701, 52 Stat. 1198, formerly classified to section 584h of this title, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 650.

Act Aug. 7, 1939, ch. 553, 53 Stat. 1253, formerly classified to sections 584 and 584*l* of this title, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 650.

Act June 13, 1940, ch. 348, 54 Stat. 383, formerly classified to section 584d of this title, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 650.

Act Oct. 21, 1940, ch. 906, 54 Stat. 1206, formerly classified to section 584g of this title, was repealed by Pub. L. 89–554, §8(a), Sept. 6, 1966, 80 Stat. 651.

TRANSFER OF FUNCTIONS

Civilian Conservation Corps camps transferred to Administrator of Food Production and Distribution by former section 1355(e) of Appendix to Title 50, War and National Defense.

Civilian Conservation Corps and its functions consolidated with other agencies under Federal Security Agency, to be administered by Director of said Corps under direction and supervision of Federal Security Administration by Reorg. Plan No. I of 1939, §§201 and 207, eff. July 1, 1939, 4 F.R. 2728, 2729, 53 Stat. 1425, set out in the Appendix to Title 5, Government Organization and Employees.

SECTIONS CONTINUED FOR PURPOSES OF LIQUIDATION

Act July 12, 1943, ch. 221, title II, 57 Stat. 499, provided in part: "For the purposes hereof the provisions of the Act to establish the Civilian Conservation Corps and for other purposes approved June 28, 1937, as amended, shall continue in full force and effect to such extent as may be necessary to facilitate liquidation of such corps, and the Federal Security Administrator