

the fiscal year transitional period ending Sept. 30, 1976, fiscal year ending Sept. 30, 1977, and fiscal year ending Sept. 30, 1978, and struck out provisions authorizing appropriations of not to exceed \$2,000,000 for fiscal year 1974, and not to exceed \$1,500,000 for fiscal year 1975.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1537 of this title.

§ 1543. Construction with Marine Mammal Protection Act of 1972

Except as otherwise provided in this chapter, no provision of this chapter shall take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1361 et seq.].

(Pub. L. 93-205, § 17, Dec. 28, 1973, 87 Stat. 903.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original "this Act", meaning Pub. L. 93-205, Dec. 28, 1973, 81 Stat. 884, as amended, known as the "Endangered Species Act of 1973", which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

The Marine Mammal Protection Act of 1972, referred to in text, is Pub. L. 92-522, Oct. 21, 1972, 86 Stat. 1027, as amended, which is classified generally to chapter 31 (§ 1361 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1361 of this title and Tables.

§ 1544. Annual cost analysis by Fish and Wildlife Service

On or before January 15, 1990, and each January 15 thereafter, the Secretary of the Interior, acting through the Fish and Wildlife Service, shall submit to the Congress an annual report covering the preceding fiscal year which shall contain—

(1) an accounting on a species by species basis of all reasonably identifiable Federal expenditures made primarily for the conservation of endangered or threatened species pursuant to this chapter; and

(2) an accounting on a species by species basis of all reasonably identifiable expenditures made primarily for the conservation of endangered or threatened species pursuant to this chapter by States receiving grants under section 1535 of this title.

(Pub. L. 93-205, § 18, as added Pub. L. 100-478, title I, § 1012, Oct. 7, 1988, 102 Stat. 2314.)

CHAPTER 36—FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING

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This chapter is referred to in section 472a of this title.

SUBCHAPTER I—PLANNING

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in sections 4600o, 4600v-4, 472a, 497b, 539c, 582a, 670o, 1261, 1641, 2101, 4805 of this title; title 43 section 1721.

§ 1600. Congressional findings

The Congress finds that—

(1) the management of the Nation's renewable resources is highly complex and the uses, demand for, and supply of the various resources are subject to change over time;

(2) the public interest is served by the Forest Service, Department of Agriculture, in cooperation with other agencies, assessing the Nation's renewable resources, and developing and preparing a national renewable resource program, which is periodically reviewed and updated;

(3) to serve the national interest, the renewable resource program must be based on a comprehensive assessment of present and anticipated uses, demand for, and supply of renewable resources from the Nation's public and private forests and rangelands, through analysis of environmental and economic impacts, coordination of multiple use and sustained yield opportunities as provided in the Multiple-Use Sustained-Yield Act of 1960 (74 Stat. 215; 16 U.S.C. 528-531), and public participation in the development of the program;

(4) the new knowledge derived from coordinated public and private research programs will promote a sound technical and ecological base for effective management, use, and protection of the Nation's renewable resources;

(5) inasmuch as the majority of the Nation's forests and rangeland is under private, State, and local governmental management and the Nation's major capacity to produce goods and services is based on these nonfederally managed renewable resources, the Federal Government should be a catalyst to encourage and assist these owners in the efficient long-term use and improvement of these lands and their renewable resources consistent with the principles of sustained yield and multiple use;

(6) the Forest Service, by virtue of its statutory authority for management of the National Forest System, research and cooperative programs, and its role as an agency in the Department of Agriculture, has both a responsibility and an opportunity to be a leader in assuring that the Nation maintains a natural resource conservation posture that will meet the requirements of our people in perpetuity; and

(7) recycled timber product materials are as much a part of our renewable forest resources as are the trees from which they originally came, and in order to extend our timber and timber fiber resources and reduce pressures for timber production from Federal lands, the Forest Service should expand its research in the use of recycled and waste timber product materials, develop techniques for the substitution of these secondary materials for primary materials, and promote and encourage the use of recycled timber product materials.

(Pub. L. 93-378, §2, as added Pub. L. 94-588, §2, Oct. 22, 1976, 90 Stat. 2949.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in par. (3), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

SHORT TITLE OF 1988 AMENDMENTS

Pub. L. 100-521, §1, Oct. 24, 1988, 102 Stat. 2601, provided that: "This Act [amending section 1642 of this title and enacting provisions set out as a note under section 1642 of this title] may be cited as the 'Forest Ecosystems and Atmospheric Pollution Research Act of 1988'."

Pub. L. 100-231, §1, Jan. 5, 1988, 101 Stat. 1565, provided that: "This Act [amending sections 1674 and 1675 of this title and provisions set out as a note under section 1671 of this title] may be cited as the 'Renewable Resources Extension Act Amendments of 1987'."

SHORT TITLE OF 1980 AMENDMENT

Pub. L. 96-554, § 1, Dec. 19, 1980, 94 Stat. 3257, provided: "That this Act [enacting subchapter IV of this chapter and enacting provision set out as a note under section 1681 of this title] may be cited as the 'Wood Residue Utilization Act of 1980'."

SHORT TITLE OF 1978 AMENDMENTS

Pub. L. 95-307, § 1, June 30, 1978, 92 Stat. 353, provided: "That this Act [enacting subchapter II of this chapter, repealing sections 581 to 581i of this title, and enacting provisions set out as a note under section 1641 of this title] may be cited as the 'Forest and Rangeland Renewable Resources Research Act of 1978'."

Pub. L. 95-306, § 1, June 30, 1978, 92 Stat. 349, provided: "That this Act [enacting subchapter III of this chapter and provision set out as a note under section 1671 of this title] may be cited as the 'Renewable Resources Extension Act of 1978'."

SHORT TITLE OF 1976 AMENDMENT

Section 1 of Pub. L. 94-588 provided: "That this Act [enacting this section and sections 472a, 521b, and 1611 to 1614 of this title, amending sections 500, 515, 516, 518, 576b, 581h, and 1601 to 1610 of this title, repealing sections 476, 513 and 514 of this title, and enacting provisions set out as notes under this section and sections 476, 513, 528, and 594-2 of this title] may be cited as the 'National Forest Management Act of 1976'."

SHORT TITLE

Section 1 of Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, provided: "That this Act [enacting this subchapter and amending section 581h of this title] may be cited as the 'Forest and Rangeland Renewable Resources Planning Act of 1974'."

SEPARABILITY

Section 21 of Pub. L. 94-588 provided that: "If any provision of this Act [see Short Title of 1976 Amendment note set out above] or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby."

ACT REFERRED TO IN OTHER SECTIONS

The National Forest Management Act of 1976 is referred to in sections 4607, 460qq, 497b, 539d, 544k, 544o, 620 of this title; title 43 section 1635.

§ 1601. Renewable Resource Assessment**(a) Preparation by Secretary of Agriculture; time of preparation, updating and contents**

In recognition of the vital importance of America's renewable resources of the forest, range, and other associated lands to the Nation's social and economic well-being, and of the necessity for a long term perspective in planning and undertaking related national renewable resource programs administered by the Forest Service, the Secretary of Agriculture shall prepare a Renewable Resource Assessment (hereinafter called the "Assessment"). The Assessment shall be prepared not later than December 31, 1975, and shall be updated during 1979 and each tenth year thereafter, and shall include but not be limited to—

(1) an analysis of present and anticipated uses, demand for, and supply of the renewable resources, with consideration of the international resource situation, and an emphasis of pertinent supply and demand and price relationship trends;

(2) an inventory, based on information developed by the Forest Service and other Federal agencies, of present and potential renewable resources, and an evaluation of opportunities for improving their yield of tangible and intangible goods and services, together with estimates of investment costs and direct and indirect returns to the Federal Government;

(3) a description of Forest Service programs and responsibilities in research, cooperative programs and management of the National Forest System, their interrelationships, and the relationship of these programs and responsibilities to public and private activities;

(4) a discussion of important policy considerations, laws, regulations, and other factors expected to influence and affect significantly the use, ownership, and management of forest, range, and other associated lands; and¹

(5) an analysis of the potential effects of global climate change on the condition of renewable resources on the forests and rangelands of the United States; and

(6) an analysis of the rural and urban forestry opportunities to mitigate the buildup of atmospheric carbon dioxide and reduce the risk of global climate change.²

(b) Omitted**(c) Contents of Assessments**

The Secretary shall report in the 1979 and subsequent Assessments on:

(1) the additional fiber potential in the National Forest System including, but not restricted to, forest mortality, growth, salvage potential, potential increased forest products sales, economic constraints, alternate markets, contract considerations, and other multiple use considerations;

(2) the potential for increased utilization of forest and wood product wastes in the National Forest System and on other lands, and of urban wood wastes and wood product recycling, including recommendations to the Congress for actions which would lead to increased utilization of material now being wasted both in the forests and in manufactured products; and

(3) the milling and other wood fiber product fabrication facilities and their location in the United States, noting the public and private forested areas that supply such facilities, assessing the degree of utilization into product form of harvested trees by such facilities, and setting forth the technology appropriate to facilities to improve utilization either individually or in aggregate the units of harvested trees and to reduce wasted wood fibers. The Secretary shall set forth a program to encourage the adoption by these facilities of these technologies for improving wood fiber utilization.

(d)³ Public involvement; consultation with governmental departments and agencies

In developing the reports required under subsection (c) of this section, the Secretary shall

¹ So in original. The word "and" probably should not appear.

² So in original. The comma probably should be a period.

³ So in original. Two subsecs. (d) have been enacted.

provide opportunity for public involvement and shall consult with other interested governmental departments and agencies.

(d)³ Congressional policy of multiple use sustained yield management; examination and certification of lands; estimate of appropriations necessary for reforestation and other treatment; budget requirements; authorization of appropriations

(1) It is the policy of the Congress that all forested lands in the National Forest System shall be maintained in appropriate forest cover with species of trees, degree of stocking, rate of growth, and conditions of stand designed to secure the maximum benefits of multiple use sustained yield management in accordance with land management plans. Accordingly, the Secretary is directed to identify and report to the Congress annually at the time of submission of the President's budget together with the annual report provided for under section 1606(c) of this title, beginning with submission of the President's budget for fiscal year 1978, the amount and location by forests and States and by productivity class, where practicable, of all lands in the National Forest System where objectives of land management plans indicate the need to reforest areas that have been cut-over or otherwise denuded or deforested, and all lands with stands of trees that are not growing at their best potential rate of growth. All national forest lands treated from year to year shall be examined after the first and third growing seasons and certified by the Secretary in the report provided for under this subsection as to stocking rate, growth rate in relation to potential and other pertinent measures. Any lands not certified as satisfactory shall be returned to the backlog and scheduled for prompt treatment. The level and types of treatment shall be those which secure the most effective mix of multiple use benefits.

(2) Notwithstanding the provisions of section 1607 of this title, the Secretary shall annually for eight years following October 22, 1976, transmit to the Congress in the manner provided in this subsection an estimate of the sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to be in need of treatment to eliminate the backlog within the eight-year period. After such eight-year period, the Secretary shall transmit annually to the Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut over and maintain planned timber production on all other forested lands in the National Forest System so as to prevent the development of a backlog of needed work larger than the needed work at the beginning of the fiscal year. The Secretary's estimate of sums necessary, in addition to the sums available under other authorities, for accomplishment of the reforestation and other treatment of National Forest System lands under this section shall be provided annually for inclusion in the President's budget and shall also be transmitted to the Speaker of the House and the President of

the Senate together with the annual report provided for under section 1606(c) of this title at the time of submission of the President's budget to the Congress beginning with the budget for fiscal year 1978. The sums estimated as necessary for reforestation and other treatment shall include moneys needed to secure seed, grow seedlings, prepare sites, plant trees, thin, remove deleterious growth and underbrush, build fence to exclude livestock and adverse wildlife from regeneration areas and otherwise establish and improve growing forests to secure planned production of trees and other multiple use values.

(3) Effective for the fiscal year beginning October 1, 1977, and each fiscal year thereafter, there is hereby authorized to be appropriated for the purpose of reforesting and treating lands in the National Forest System \$200,000,000 annually to meet requirements of this subsection (d). All sums appropriated for the purposes of this subsection shall be available until expended.

(e) Report on herbicides and pesticides

The Secretary shall submit an annual report to the Congress on the amounts, types, and uses of herbicides and pesticides used in the National Forest System, including the beneficial or adverse effects of such uses.

(Pub. L. 93-378, §3, formerly §2, Aug. 17, 1974, 88 Stat. 476; renumbered §3 and amended Pub. L. 94-588, §§2-4, Oct. 22, 1976, 90 Stat. 2949, 2950; Pub. L. 101-624, title XXIV, §2408(a), Nov. 28, 1990, 104 Stat. 4061.)

CODIFICATION

Subsec. (b) of this section amended section 581h of this title.

AMENDMENTS

1990—Subsec. (a)(5), (6). Pub. L. 101-624 added pars. (5) and (6).

1976—Subsecs. (c) to (e). Pub. L. 94-588, §§3, 4, added subsecs. (c) to (e).

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 this subchapter and system activities requiring coordination and approval under general authorities of this subchapter with respect to pre-construction, 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.

PRESIDENTIAL COMMISSION ON STATE AND PRIVATE FORESTS

Section 1245 of title XII of Pub. L. 101-624, as amended by Pub. L. 102-237, title X, §1018(b), Dec. 13, 1991, 105 Stat. 1905, provided that:

“(a) ESTABLISHMENT.—The President shall establish a Commission on State and Private Forests (hereafter in

this section referred to as the 'Commission') which shall assess the status of the State and private forest lands of the United States, the problems affecting these lands, and the potential contribution of these lands to the renewable natural resource needs of the United States associated with their improved management and protection.

“(b) COMPOSITION.—The Commission shall be composed of 25 members to be appointed by the President, including Federal, State, and local officials, timber industry representatives, nonindustrial private forest landowners, conservationists, and community leaders. No more than five members shall be appointed from any one State. Not fewer than 20 members shall be appointed by the President from nominations submitted by the following Members of Congress:

“(1) The chairman of the Committee on Agriculture of the House of Representatives.

“(2) The ranking minority member of the Committee on Agriculture of the House of Representatives.

“(3) The chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(4) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

“(c) VACANCY.—A vacancy on the Commission shall be filled by appointment by the President in the manner provided in subsection (b).

“(d) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission by a majority vote.

“(e) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

“(f) DUTIES.—

“(1) STUDY.—The Commission shall conduct a study that shall include—

“(A) an assessment using existing inventories of the current status of the State and private forest lands of the United States, including—

“(i) ownership status and past and future trends;

“(ii) the production of timber and nontimber resources from such lands; and

“(iii) landowner attitudes toward the protection and management of these lands;

“(B) a review of the problems affecting the State and private forest lands of the United States, including—

“(i) resource losses to insects, disease, fire, and damaging weather;

“(ii) inadequate reforestation;

“(iii) fragmentation and conversion of the forest land base; and

“(iv) management options;

“(C) constraints on, and opportunities for, providing multiresource outputs from forest lands;

“(D) administrative and legislative recommendations for addressing the problems and capitalizing on the potential of these lands for contributing to the renewable natural resource needs of the United States.

“(2) FINDINGS AND RECOMMENDATIONS.—On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the President with respect to the future demands placed on State and private forests in meeting both commodity and noncommodity needs of the United States in anticipation of impending changes in the management of the national forests, especially with regard to timber harvest. This assessment should focus on the role of State and private forest lands and help to identify means of improving their contribution to meeting the timber and nontimber needs of the United States.

“(3) REPORT.—The Commission shall submit to the President, not later than December 1, 1992, a report containing its findings and recommendations. The President shall submit the report to the Committee on Agriculture of the House of Representatives and

the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the report is authorized to be printed as a House Document.

“(g) OPERATIONS IN GENERAL.—

“(1) AGENCY COOPERATION.—The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office shall cooperate with the Commission.

“(2) COMPENSATION.—Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

“(3) DIRECTOR.—To the extent there are sufficient funds available to the Commission and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

“(A) appoint and fix the compensation of a director; and

“(B) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

“(4) STAFF AND SERVICES.—On the request of the Commission, the heads of executive agencies, the Comptroller General, and the Director of the Office of Technology Assessment may furnish the Commission with such office, personnel or support services as the head of the agency, or office, and the chairperson of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not be required to pay, or reimburse, any agency for office, personnel or support services provided by this subsection.

“(5) EXEMPTIONS.—

“(A) FACAs.—The Commission shall be exempt from sections 7(d), 10(e), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).

“(B) TITLE 5.—The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

“(h) AUTHORIZATION OF APPROPRIATIONS AND SPENDING AUTHORITY.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to implement this section.

“(2) SPENDING AUTHORITY.—Any spending authority (as defined in section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) provided in this title [see Short Title of 1990 Amendment note set out under section 2101 of this title] shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

“(i) TERMINATION.—The Presidential Commission on State and Private Forests shall cease to exist 90 days following the submission of its report to the President.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1606, 1606a, 1642, 1674, 1675, 2105 of this title; title 7 section 3121.

§ 1602. Renewable Resource Program; preparation by Secretary of Agriculture and transmittal to President; purpose and development of program; time of preparation, updating and contents

In order to provide for periodic review of programs for management and administration of

the National Forest System, for research, for cooperative State and private Forest Service programs, and for conduct of other Forest Service activities in relation to the findings of the Assessment, the Secretary of Agriculture, utilizing information available to the Forest Service and other agencies within the Department of Agriculture, including data prepared pursuant to section 1010a of title 7, shall prepare and transmit to the President a recommended Renewable Resource Program (hereinafter called the "Program"). The Program transmitted to the President may include alternatives, and shall provide in appropriate detail for protection, management, and development of the National Forest System, including forest development roads and trails; for cooperative Forest Service programs; and for research. The Program shall be developed in accordance with principles set forth in the Multiple-Use Sustained-Yield Act of June 12, 1960 (74 Stat. 215; 16 U.S.C. 528-531), and the National Environmental Policy Act of 1969 (83 Stat. 852) [42 U.S.C. 4321 et seq.]. The Program shall be prepared not later than December 31, 1975, to cover the four-year period beginning October 1, 1976, and at least each of the four fiscal decades next following such period, and shall be updated no later than during the first half of the fiscal year ending September 30, 1980, and the first half of each fifth fiscal year thereafter to cover at least each of the four fiscal decades beginning next after such updating. The Program shall include, but not be limited to—

(1) an inventory of specific needs and opportunities for both public and private program investments. The inventory shall differentiate between activities which are of a capital nature and those which are of an operational nature;

(2) specific identification of Program outputs, results anticipated, and benefits associated with investments in such a manner that the anticipated costs can be directly compared with the total related benefits and direct and indirect returns to the Federal Government;

(3) a discussion of priorities for accomplishment of inventoried Program opportunities, with specified costs, outputs, results, and benefits;

(4) a detailed study of personnel requirements as needed to implement and monitor existing and ongoing programs; and

(5) Program recommendations which—

(A) evaluate objectives for the major Forest Service programs in order that multiple-use and sustained-yield relationships among and within the renewable resources can be determined;

(B) explain the opportunities for owners of forests and rangeland to participate in programs to improve and enhance the condition of the land and the renewable resource products therefrom;

(C) recognize the fundamental need to protect and, where appropriate, improve the quality of soil, water, and air resources;

(D) state national goals that recognize the interrelationships between and interdependence within the renewable resources;

(E) evaluate the impact of the export and import of raw logs upon domestic timber supplies and prices; and

(F) account for the effects of global climate change on forest and rangeland conditions, including potential effects on the geographic ranges of species, and on forest and rangeland products.

(Pub. L. 93-378, §4, formerly §3, Aug. 17, 1974, 88 Stat. 477, renumbered §4 and amended Pub. L. 94-588, §§2, 5, Oct. 22, 1976, 90 Stat. 2949, 2951; Pub. L. 101-624, title XXIV, §2408(b), Nov. 28, 1990, 104 Stat. 4061.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in text, is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

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

AMENDMENTS

1990—Par. (5)(F). Pub. L. 101-624 added subpar. (F).

1976—Par. (4). Pub. L. 94-588 substituted "implement and monitor" for "satisfy".

Par. (5). Pub. L. 94-588 added par. (5).

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460bbb-1, 460bbb-7, 1604, 1606 of this title; title 7 section 3121.

§ 1603. National Forest System resource inventories; development, maintenance, and updating by Secretary of Agriculture as part of Assessment

As a part of the Assessment, the Secretary of Agriculture shall develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System lands and renewable resources. This inventory shall be kept current so as to reflect changes in conditions and identify new and emerging resources and values.

(Pub. L. 93-378, §5, formerly §4, Aug. 17, 1974, 88 Stat. 477, renumbered §5, Pub. L. 94-588, §2, Oct. 22, 1976, 90 Stat. 2949.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 43 section 1903.

§ 1604. National Forest System land and resource management plans

(a) Development, maintenance, and revision by Secretary of Agriculture as part of program; coordination

As a part of the Program provided for by section 1602 of this title, the Secretary of Agriculture shall develop, maintain, and, as appropriate, revise land and resource management

plans for units of the National Forest System, coordinated with the land and resource management planning processes of State and local governments and other Federal agencies.

(b) Criteria

In the development and maintenance of land management plans for use on units of the National Forest System, the Secretary shall use a systematic interdisciplinary approach to achieve integrated consideration of physical, biological, economic, and other sciences.

(c) Incorporation of standards and guidelines by Secretary; time of completion; progress reports; existing management plans

The Secretary shall begin to incorporate the standards and guidelines required by this section in plans for units of the National Forest System as soon as practicable after October 22, 1976, and shall attempt to complete such incorporation for all such units by no later than September 30, 1985. The Secretary shall report to the Congress on the progress of such incorporation in the annual report required by section 1606(c) of this title. Until such time as a unit of the National Forest System is managed under plans developed in accordance with this subchapter, the management of such unit may continue under existing land and resource management plans.

(d) Public participation in management plans; availability of plans; public meetings

The Secretary shall provide for public participation in the development, review, and revision of land management plans including, but not limited to, making the plans or revisions available to the public at convenient locations in the vicinity of the affected unit for a period of at least three months before final adoption, during which period the Secretary shall publicize and hold public meetings or comparable processes at locations that foster public participation in the review of such plans or revisions.

(e) Required assurances

In developing, maintaining, and revising plans for units of the National Forest System pursuant to this section, the Secretary shall assure that such plans—

(1) provide for multiple use and sustained yield of the products and services obtained therefrom in accordance with the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531], and, in particular, include coordination of outdoor recreation, range, timber, watershed, wildlife and fish, and wilderness; and

(2) determine forest management systems, harvesting levels, and procedures in the light of all of the uses set forth in subsection (c)(1) of this section, the definition of the terms “multiple use” and “sustained yield” as provided in the Multiple-Use Sustained-Yield Act of 1960, and the availability of lands and their suitability for resource management.

(f) Required provisions

Plans developed in accordance with this section shall—

(1) form one integrated plan for each unit of the National Forest System, incorporating in one document or one set of documents, avail-

able to the public at convenient locations, all of the features required by this section;

(2) be embodied in appropriate written material, including maps and other descriptive documents, reflecting proposed and possible actions, including the planned timber sale program and the proportion of probable methods of timber harvest within the unit necessary to fulfill the plan;

(3) be prepared by an interdisciplinary team. Each team shall prepare its plan based on inventories of the applicable resources of the forest;

(4) be amended in any manner whatsoever after final adoption after public notice, and, if such amendment would result in a significant change in such plan, in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section; and

(5) be revised (A) from time to time when the Secretary finds conditions in a unit have significantly changed, but at least every fifteen years, and (B) in accordance with the provisions of subsections (e) and (f) of this section and public involvement comparable to that required by subsection (d) of this section.

(g) Promulgation of regulations for development and revision of plans; environmental considerations; resource management guidelines; guidelines for land management plans

As soon as practicable, but not later than two years after October 22, 1976, the Secretary shall in accordance with the procedures set forth in section 553 of title 5, promulgate regulations, under the principles of the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531] that set out the process for the development and revision of the land management plans, and the guidelines and standards prescribed by this subsection. The regulations shall include, but not be limited to—

(1) specifying procedures to insure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], including, but not limited to, direction on when and for what plans an environmental impact statement required under section 102(2)(C) of that Act [42 U.S.C. 4332(2)(C)] shall be prepared;

(2) specifying guidelines which—

(A) require the identification of the suitability of lands for resource management;

(B) provide for obtaining inventory data on the various renewable resources, and soil and water, including pertinent maps, graphic material, and explanatory aids; and

(C) provide for methods to identify special conditions or situations involving hazards to the various resources and their relationship to alternative activities;

(3) specifying guidelines for land management plans developed to achieve the goals of the Program which—

(A) insure consideration of the economic and environmental aspects of various systems of renewable resource management, including the related systems of silviculture and protection of forest resources, to provide

for outdoor recreation (including wilderness), range, timber, watershed, wildlife, and fish;

(B) provide for diversity of plant and animal communities based on the suitability and capability of the specific land area in order to meet overall multiple-use objectives, and within the multiple-use objectives of a land management plan adopted pursuant to this section, provide, where appropriate, to the degree practicable, for steps to be taken to preserve the diversity of tree species similar to that existing in the region controlled by the plan;

(C) insure research on and (based on continuous monitoring and assessment in the field) evaluation of the effects of each management system to the end that it will not produce substantial and permanent impairment of the productivity of the land;

(D) permit increases in harvest levels based on intensified management practices, such as reforestation, thinning, and tree improvement if (i) such practices justify increasing the harvests in accordance with the Multiple-Use Sustained-Yield Act of 1960, and (ii) such harvest levels are decreased at the end of each planning period if such practices cannot be successfully implemented or funds are not received to permit such practices to continue substantially as planned;

(E) insure that timber will be harvested from National Forest System lands only where—

(i) soil, slope, or other watershed conditions will not be irreversibly damaged;

(ii) there is assurance that such lands can be adequately restocked within five years after harvest;

(iii) protection is provided for streams, streambanks, shorelines, lakes, wetlands, and other bodies of water from detrimental changes in water temperatures, blockages of water courses, and deposits of sediment, where harvests are likely to seriously and adversely affect water conditions or fish habitat; and

(iv) the harvesting system to be used is not selected primarily because it will give the greatest dollar return or the greatest unit output of timber; and

(F) insure that clearcutting, seed tree cutting, shelterwood cutting, and other cuts designed to regenerate an evenaged stand of timber will be used as a cutting method on National Forest System lands only where—

(i) for clearcutting, it is determined to be the optimum method, and for other such cuts it is determined to be appropriate, to meet the objectives and requirements of the relevant land management plan;

(ii) the interdisciplinary review as determined by the Secretary has been completed and the potential environmental, biological, esthetic, engineering, and economic impacts on each advertised sale area have been assessed, as well as the consistency of the sale with the multiple use of the general area;

(iii) cut blocks, patches, or strips are shaped and blended to the extent practicable with the natural terrain;

(iv) there are established according to geographic areas, forest types, or other suitable classifications the maximum size limits for areas to be cut in one harvest operation, including provision to exceed the established limits after appropriate public notice and review by the responsible Forest Service officer one level above the Forest Service officer who normally would approve the harvest proposal: *Provided*, That such limits shall not apply to the size of areas harvested as a result of natural catastrophic conditions such as fire, insect and disease attack, or windstorm; and

(v) such cuts are carried out in a manner consistent with the protection of soil, watershed, fish, wildlife, recreation, and esthetic resources, and the regeneration of the timber resource.

(h) Scientific committee to aid in promulgation of regulations; termination; revision committees; clerical and technical assistance; compensation of committee members

(1) In carrying out the purposes of subsection (g) of this section, the Secretary of Agriculture shall appoint a committee of scientists who are not officers or employees of the Forest Service. The committee shall provide scientific and technical advice and counsel on proposed guidelines and procedures to assure that an effective interdisciplinary approach is proposed and adopted. The committee shall terminate upon promulgation of the regulations, but the Secretary may, from time to time, appoint similar committees when considering revisions of the regulations. The views of the committees shall be included in the public information supplied when the regulations are proposed for adoption.

(2) Clerical and technical assistance, as may be necessary to discharge the duties of the committee, shall be provided from the personnel of the Department of Agriculture.

(3) While attending meetings of the committee, the members shall be entitled to receive compensation at a rate of \$100 per diem, including traveltime, and while away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, for persons in the Government service employed intermittently.

(i) Consistency of resource plans, permits, contracts, and other instruments with land management plans; revision

Resource plans and permits, contracts, and other instruments for the use and occupancy of National Forest System lands shall be consistent with the land management plans. Those resource plans and permits, contracts, and other such instruments currently in existence shall be revised as soon as practicable to be made consistent with such plans. When land management plans are revised, resource plans and permits, contracts, and other instruments, when necessary, shall be revised as soon as practicable. Any revision in present or future permits, contracts, and other instruments made pursuant to

this section shall be subject to valid existing rights.

(j) Effective date of land management plans and revisions

Land management plans and revisions shall become effective thirty days after completion of public participation and publication of notification by the Secretary as required under subsection (d) of this section.

(k) Development of land management plans

In developing land management plans pursuant to this subchapter, the Secretary shall identify lands within the management area which are not suited for timber production, considering physical, economic, and other pertinent factors to the extent feasible, as determined by the Secretary, and shall assure that, except for salvage sales or sales necessitated to protect other multiple-use values, no timber harvesting shall occur on such lands for a period of 10 years. Lands once identified as unsuitable for timber production shall continue to be treated for reforestation purposes, particularly with regard to the protection of other multiple-use values. The Secretary shall review his decision to classify these lands as not suited for timber production at least every 10 years and shall return these lands to timber production whenever he determines that conditions have changed so that they have become suitable for timber production.

(l) Program evaluation; process for estimating long-term costs and benefits; summary of data included in annual report

The Secretary shall—

(1) formulate and implement, as soon as practicable, a process for estimating long-terms¹ costs and benefits to support the program evaluation requirements of this subchapter. This process shall include requirements to provide information on a representative sample basis of estimated expenditures associated with the reforestation, timber stand improvement, and sale of timber from the National Forest System, and shall provide a comparison of these expenditures to the return to the Government resulting from the sale of timber; and

(2) include a summary of data and findings resulting from these estimates as a part of the annual report required pursuant to section 1606(c) of this title, including an identification on a representative sample basis of those advertised timber sales made below the estimated expenditures for such timber as determined by the above cost process; and

(m) Establishment of standards to ensure culmination of mean annual increment of growth; silvicultural practices; salvage harvesting; exceptions

The Secretary shall establish—

(1) standards to insure that, prior to harvest, stands of trees throughout the National Forest System shall generally have reached the culmination of mean annual increment of growth (calculated on the basis of cubic measurement or other methods of calculation at the discre-

tion of the Secretary): *Provided*, That these standards shall not preclude the use of sound silvicultural practices, such as thinning or other stand improvement measures: *Provided further*, That these standards shall not preclude the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow or other catastrophe, or which are in imminent danger from insect or disease attack; and

(2) exceptions to these standards for the harvest of particular species of trees in management units after consideration has been given to the multiple uses of the forest including, but not limited to, recreation, wildlife habitat, and range and after completion of public participation processes utilizing the procedures of subsection (d) of this section.

(Pub. L. 93-378, §6, formerly, §5, Aug. 17, 1974, 88 Stat. 477, renumbered §6 and amended Pub. L. 94-588, §§2, 6, 12(a), Oct. 22, 1976, 90 Stat. 2949, 2952, 2958.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in subsecs. (e) and (g), is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

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

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, §12(a), substituted “section 4” for “section 3” in the original, which, because of the translation as “section 1602 of this title” required no change in text.

Subsecs. (c) to (m). Pub. L. 94-588, §6, added subsecs. (c) to (m).

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

EXPEDITIOUS COMPLETION OF MANAGEMENT PLANS OF FOREST SERVICE AND BUREAU OF LAND MANAGEMENT; CONTINUATION OF EXISTING PLANS; JUDICIAL REVIEW

Pub. L. 101-121, title III, §312, Oct. 23, 1989, 103 Stat. 743, provided that: “The Forest Service and Bureau of Land Management are to continue to complete as expeditiously as possible development of their respective Forest Land and Resource Management Plans to meet all applicable statutory requirements. Notwithstanding the date in section 6(c) of the NFMA (16 U.S.C. 1600) [16 U.S.C. 1604(c)], the Forest Service, and the Bureau of Land Management under separate authority, may continue the management of lands within their jurisdiction under existing land and resource management plans pending the completion of new plans. Nothing shall limit judicial review of particular activities on these lands: *Provided, however*, That there shall be no challenges to any existing plan on the sole basis that the plan in its entirety is outdated, or in the case of the Bureau of Land Management, solely on the basis that the plan does not incorporate information available subsequent to the completion of the existing plan:

¹ So in original. Probably should be “long-term”.

Provided further, That any and all particular activities to be carried out under existing plans may nevertheless be challenged.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 100-446, title III, §314, Sept. 27, 1988, 102 Stat. 1825.

Pub. L. 100-202, §101(g) [title III, §314], Dec. 22, 1987, 101 Stat. 1329-213, 1329-254.

Pub. L. 99-500, §101(h) [title II], Oct. 18, 1986, 100 Stat. 1783-242, 1783-268, and Pub. L. 99-591, §101(h) [title II], Oct. 30, 1986, 100 Stat. 3341-242, 3341-268.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 46000, 460vv-4, 460hhh-4, 460jjj-1, 539d, 542d, 545a, 1611 of this title; title 42 section 8855; title 43 section 1752.

§ 1605. Protection, use and management of renewable resources on non-Federal lands; utilization of Assessment, surveys and Program by Secretary of Agriculture to assist States, etc.

The Secretary of Agriculture may utilize the Assessment, resource surveys, and Program prepared pursuant to this subchapter to assist States and other organizations in proposing the planning for the protection, use, and management of renewable resources on non-Federal land.

(Pub. L. 93-378, §7, formerly §6, Aug. 17, 1974, 88 Stat. 478, renumbered §7, Pub. L. 94-588, §2, Oct. 22, 1976, 90 Stat. 2949.)

§ 1606. Budget requests by President for Forest Service activities

(a) Transmittal to Speaker of House and President of Senate of Assessment, Program and Statement of Policy used in framing requests; time for transmittal; implementation by President of programs established under Statement of Policy unless Statement subsequently disapproved by Congress; time for disapproval

On the date Congress first convenes in 1976 and thereafter following each updating of the Assessment and the Program, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, when Congress convenes, the Assessment as set forth in section 1601 of this title and the Program as set forth in section 1602 of this title, together with a detailed Statement of Policy intended to be used in framing budget requests by that Administration for Forest Service activities for the five- or ten-year program period beginning during the term of such Congress for such further action deemed appropriate by the Congress. Following the transmission of such Assessment, Program, and Statement of Policy, the President shall, subject to other actions of the Congress, carry out programs already established by law in accordance with such Statement of Policy or any subsequent amendment or modification thereof approved by the Congress, unless, before the end of the first period of ninety calendar days of continuous session of Congress after the date on which the President of the Senate and the Speaker of the House are recipients of the transmission of such Assessment, Program, and Statement of Policy, either House

adopts a resolution reported by the appropriate committee of jurisdiction disapproving the Statement of Policy. For the purpose of this subsection, the continuity of a session shall be deemed to be broken only by an adjournment sine die, and the days on which either House is not in session because of an adjournment of more than three days to a day certain shall be excluded in the computation of the ninety-day period. Notwithstanding any other provision of this subchapter, Congress may revise or modify the Statement of Policy transmitted by the President, and the revised or modified Statement of Policy shall be used in framing budget requests.

(b) Contents of requests to show extent of compliance of projected programs and policies with policies approved by Congress; requests not conforming to approved policies; expenditure of appropriations

Commencing with the fiscal budget for the year ending September 30, 1977, requests presented by the President to the Congress governing Forest Service activities shall express in qualitative and quantitative terms the extent to which the programs and policies projected under the budget meet the policies approved by the Congress in accordance with subsection (a) of this section. In any case in which such budget so presented recommends a course which fails to meet the policies so established, the President shall specifically set forth the reason or reasons for requesting the Congress to approve the lesser programs or policies presented. Amounts appropriated to carry out the policies approved in accordance with subsection (a) of this section shall be expended in accordance with the Congressional Budget and Impoundment Control Act of 1974.

(c) Annual evaluation report to Congress of Program components; time of submission; status of major research programs; application of findings; status, etc., of cooperative forestry assistance programs and activities

For the purpose of providing information that will aid Congress in its oversight responsibilities and improve the accountability of agency expenditures and activities, the Secretary of Agriculture shall prepare an annual report which evaluates the component elements of the Program required to be prepared by section 1602 of this title which shall be furnished to the Congress at the time of submission of the annual fiscal budget commencing with the third fiscal year after August 17, 1974. With regard to the research component of the program, the report shall include, but not be limited to, a description of the status of major research programs, significant findings, and how these findings will be applied in National Forest System management and in cooperative State and private Forest Service programs. With regard to the cooperative forestry assistance part of the Program, the report shall include, but not be limited to, a description of the status, accomplishments, needs, and work backlogs for the programs and activities conducted under the Cooperative Forestry Assistance Act of 1978 [16 U.S.C. 2101 et seq.].

(d) Required contents of annual evaluation report

These annual evaluation reports shall set forth progress in implementing the Program required to be prepared by section 1602 of this title, together with accomplishments of the Program as they relate to the objectives of the Assessment. Objectives should be set forth in qualitative and quantitative terms and accomplishments should be reported accordingly. The report shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. Program benefits shall include, but not be limited to, environmental quality factors such as esthetics, public access, wildlife habitat, recreational and wilderness use, and economic factors such as the excess of cost savings over the value of foregoing benefits and the rate of return on renewable resources.

(e) Additional required contents of annual evaluation report

The reports shall indicate plans for implementing corrective action and recommendations for new legislation where warranted.

(f) Form of annual evaluation report

The reports shall be structured for Congress in concise summary form with necessary detailed data in appendices.

(Pub. L. 93-378, § 8, formerly § 7, Aug. 17, 1974, 88 Stat. 478, renumbered § 8 and amended Pub. L. 94-588, §§ 2, 7, 12(b), Oct. 22, 1976, 90 Stat. 2949, 2956, 2958; Pub. L. 95-313, § 15, formerly § 12, July 1, 1978, 92 Stat. 374, renumbered § 15, Pub. L. 101-624, title XII, § 1215(1), Nov. 28, 1990, 104 Stat. 3525.)

REFERENCES IN TEXT

The Congressional Budget and Impoundment Control Act of 1974, referred to in subsec. (b), is Pub. L. 93-344, July 12, 1974, 88 Stat. 297, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 621 of Title 2, The Congress, and Tables.

The Cooperative Forestry Assistance Act of 1978, referred to in subsec. (c), is Pub. L. 95-313, July 1, 1978, 92 Stat. 365, which is classified principally to chapter 41 (§ 2101 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2101 of this title and Tables.

AMENDMENTS

1978—Subsec. (c). Pub. L. 95-313 inserted provisions relating to inclusion in report of findings involving cooperative State and private Forest Service programs, and provisions relating to scope of report descriptions involving programs and activities under the Cooperative Forestry Assistance Act of 1978.

1976—Subsec. (a). Pub. L. 94-588, §§ 7(a), 12(b)(1), substituted “section 3” and “section 4” for “section 2” and “section 3”, respectively, in the original, which, because of their translation as “section 1601 of this title” and “section 1602 of this title” required no change in text, and substituted “ninety calendar days of continuous session” for “sixty days of continuous session” and “ninety-day period” for “sixty-day period”.

Subsec. (c). Pub. L. 94-588, §§ 7(b), 12(b)(2), substituted “section 4” for “section 3” in the original which, because of its translation as “section 1602 of this title” required no change in text and inserted provision requiring that the report include a description of the

status of major research programs, significant findings, and how such findings will be applied in National Forest System management.

Subsec. (d). Pub. L. 94-588, § 12(b)(3), substituted “section 4” for “section 3” in the original which, because of the translation as “section 1602 of this title”, required no change in text.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-313 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.

STATEMENT OF POLICY

Pub. L. 96-514, title III, § 310, Dec. 12, 1980, 94 Stat. 2984, provided that: “The Statement of Policy transmitted by the President to the Speaker of the House of Representatives and the President of the Senate on June 19, 1980, as required under section 8 of the Forest and Rangeland Renewable Resources Planning Act of 1974 [this section], is revised and modified to read as follows:

“STATEMENT OF POLICY

“BASIC PRINCIPLES

“It is the policy of the United States—

“(1) forests and rangeland, in all ownerships, should be managed to maximize their net social and economic contributions to the Nation’s well being, in an environmentally sound manner.

“(2) the Nation’s forested land, except such public land that is determined by law or policy to be maintained in its existing or natural state, should be managed at levels that realize its capabilities to satisfy the Nation’s need for food, fiber, energy, water, soil stability, wildlife and fish, recreation, and esthetic values.

“(3) the productivity of suitable forested land, in all ownerships, should be maintained and enhanced to minimize the inflationary impacts of wood product prices on the domestic economy and permit a net export of forest products by the year 2030.

“(4) in order to achieve this goal, it is recognized that in the major timber growing regions most of the commercial timber lands will have to be brought to and maintained, where possible, at 90 percent of their potential level of growth, consistent with the provisions of the National Forest Management Act of 1976 [see Short Title of 1976 Amendment note set out under section 1600 of this title] on Federal lands, so that all resources are utilized in the combination that will best meet the needs of the American people.

“(5) forest and rangeland protection programs should be improved to more adequately protect forest and rangeland resources from fire, erosion, insects, disease, and the introduction or spread of noxious weeds, insects, and animals.

“(6) the Federal agencies carrying out the policies contained in this Statement will cooperate and coordinate their efforts to accomplish the goals contained in this Statement and will consult, coordinate, and cooperate with the planning efforts of the States.

“(7) in carrying out the Assessment and the Program under the Forest and Rangeland Renewable Resources Planning Act of 1974 [this subchapter] and the Appraisal and the Program under the Soil and Water Resources Conservation Act of 1977 [section 2001 et seq. of this title], the Secretary of Agriculture shall assure that resources and economic information and evaluation data will be continually improved so that the best possible information is always available for use by Federal agencies and the public.

“RANGE LAND DATA BASE AND ITS IMPROVEMENT

“The data on and understanding of the cover and condition of range lands is less refined than the data on and understanding of commercial forest land. Range lands have significant value in the production of water

and protection of watersheds; the production of fish and wildlife food and habitat; recreation; and the production of livestock forage. An adequate data base on the cover and condition of range lands should be developed by the year 1990. Currently, cattle production from these lands is annually estimated at 213 million animal unit months of livestock forage. These lands should be maintained and enhanced, including their water and other resource values, so that they can annually provide 310 million animal units months of forage by the year 2030, along with other benefits.

“GENERAL ACCEPTANCE OF HIGH BOUND PROGRAM

“Congress generally accepts the ‘high-bound’ program described on pages 7 through 18 of the 1980 Report to Congress on the Nation’s Renewable Resources prepared by the Secretary of Agriculture. However, Congress finds that the ‘high-bound’ program may not be sufficient to accomplish the goals contained in this statement, particularly in the area of range and watershed resources, State and private forest cooperation and timber management.

“STATE AND PRIVATE LANDS

“States and owners of private forest and rangelands will be encouraged, consistent with their individual objectives, to manage their land in support of this Statement of Policy. The State and private forestry and range programs of the Forest Service will be essential to the furtherance of this Statement of Policy.

“FUNDING THE GOALS

“In order to accomplish the policy goals contained in this statement by the year 2030, the Federal Government should adequately fund programs of research (including cooperative research), extension, cooperative forestry assistance and protection, and improved management of the forest and rangelands. The Secretary of Agriculture shall continue his efforts to evaluate the cost-effectiveness of the renewable resource programs.”

STATEMENT OF PURPOSES OF AMENDMENT BY
COOPERATIVE FORESTRY ASSISTANCE ACT OF 1978

Section 15, formerly section 12 of Pub. L. 95-313, renumbered §15, Pub. L. 101-624, title XII, §1215(1), Nov. 28, 1990, 104 Stat. 3525, provided in part that the amendment of subsec. (c) of this section by Pub. L. 95-313 is to insure that Congress has adequate information to implement its oversight responsibilities and to provide accountability for expenditures and activities under the Cooperative Forestry Assistance Act of 1978. See Short Title note set out under section 2101 of this title for classification of the Cooperative Forestry Assistance Act of 1978 in the Code.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1601, 1604, 1684, 4503c of this title.

§ 1606a. Reforestation Trust Fund

(a) Establishment; source of funds

There is established in the Treasury of the United States a trust fund, to be known as the Reforestation Trust Fund (hereinafter in this section referred to as the “Trust Fund”), consisting of such amounts as are transferred to the Trust Fund under subsection (b)(1) of this section and any interest earned on investment of amounts in the Trust Fund under subsection (c)(2) of this section.

(b) Transfer of certain tariff receipts to Trust Fund; fiscal year limitation; quarterly transfers; adjustment of estimates

(1) Subject to the limitation in paragraph (2), the Secretary of the Treasury shall transfer to

the Trust Fund an amount equal to the sum of the tariffs received in the Treasury after January 1, 1989, under headings 4401 through 4412 and subheadings 4418.50.00, 4418.90.20, 4420.10.00, 4420.90.80, 4421.90.10 through 4421.90.20, and 4421.90.70 of chapter 44, subheadings 6808.00.00 and 6809.11.00 of chapter 68 and subheading 9614.10.00 of chapter 96 of the Harmonized Tariff Schedule of the United States.

(2) The Secretary shall not transfer more than \$30,000,000 to the Trust Fund for any fiscal year.

(3) The amounts required to be transferred to the Trust Fund under paragraph (1) shall be transferred at least quarterly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the Treasury. Proper adjustment shall be made in the amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(c) Report to Congress; printing as House and Senate document; investments; sale and redemption of obligations; credits for Trust Fund

(1) It shall be the duty of the Secretary of the Treasury to hold the Trust Fund, and (after consultation with the Secretary of Agriculture) to report to the Congress each year on the financial condition and the results of the operations of the Trust Fund during the preceding fiscal year and on its expected condition and operations during the next fiscal year. Such report shall be printed as both a House and Senate document of the session of the Congress to which the report is made.

(2)(A) It shall be the duty of the Secretary of the Treasury to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. 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. For such purpose, such obligations may be acquired (i) on original issue at the issue price, or (ii) by purchase of outstanding obligations at the market price. The purposes for which obligations of the United States may be issued under chapter 31 of title 31 are hereby extended to authorize the issuance at par of special obligations exclusively to the Trust Fund. Such special obligations shall bear interest at a rate equal to the average rate of interest, computed as to the end of the calendar month next preceding the date of such issue, borne by all marketable interest-bearing obligations of the United States then forming a part of the Public Debt; except that where such average rate is not a multiple of one-eighth of 1 percent, the rate of interest of such special obligations shall be the multiple of one-eighth of 1 percent next lower than such average rate. Such special obligations shall be issued only if the Secretary of the Treasury determines that the purchase of other interest-bearing obligations of the United States, or of obligations guaranteed as to both principal and interest by the United States on original issue or at the market price, is not in the public interest.

(B) Any obligation acquired by the Trust Fund (except special obligations issued exclusively to

the Trust Fund) may be sold by the Secretary of the Treasury at the market price, and such special obligations may be redeemed at par plus accrued interest.

(C) The interest on, and the proceeds from the sale or redemption of, any obligations held in Trust Fund shall be credited to and form a part of the Trust Fund.

(d) Obligations from Trust Fund

The Secretary of Agriculture is on and after December 19, 1985, authorized to obligate such sums as are available in the Trust Fund (including any amounts not obligated in previous fiscal years) for—

(1) reforestation and timber stand improvement as specified in section 1601(d) of this title; and

(2) properly allocable administrative costs of the Federal Government for the activities specified above.

(Pub. L. 96-451, title III, §303, Oct. 14, 1980, 94 Stat. 1991; Pub. L. 97-424, title IV, §422, Jan. 6, 1983, 96 Stat. 2164; Pub. L. 99-190, §101(d) [title II, §201], Dec. 19, 1985, 99 Stat. 1224, 1245; Pub. L. 100-418, title I, §1214(r), Aug. 23, 1988, 102 Stat. 1160.)

REFERENCES IN TEXT

The Harmonized Tariff Schedule of the United States, referred to in subsec. (b)(1), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of Title 19, Customs Duties.

CODIFICATION

Section was not enacted as part of the Forest and Rangeland Renewable Resources Planning Act of 1974 which comprises this subchapter.

In subsec. (c)(2)(A), “chapter 31 of title 31” substituted for “the Second Liberty Bond Act, as amended” 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

1988—Subsec. (b)(1). Pub. L. 100-418 amended par. (1) generally. Prior to amendment, par. (1) read as follows: “Subject to the limitation in paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund an amount equal to the sum of the tariffs received in the Treasury after September 30, 1979, under subparts A and B of part 1 of schedule 2 of the Tariff Schedules of the United States (19 U.S.C. 1202) and under part 3 of such schedule.”

1985—Subsec. (d). Pub. L. 99-190 amended subsec. (d) generally, substituting provisions authorizing the Secretary to obligate available sums in the Trust Fund, for provisions requiring the Secretary to expend all available amounts in each of fiscal years 1983, 1984, and 1985.

Subsec. (e). Pub. L. 99-190 struck out subsec. (e) which related to sense of Congress with respect to disposition of unexpended funds.

1983—Subsec. (b)(1). Pub. L. 97-424, §422(b), struck out “and before October 1, 1985,” after “September 30, 1979”.

Subsec. (d). Pub. L. 97-424, §422(a), substituted provisions relating to fiscal years 1983 through 1985 for provision that directed that for each of the first 5 fiscal years beginning after Sept. 30, 1980, there was authorized after that date to be appropriated to the Secretary of Agriculture, out of any amounts in the Trust Fund, an amount equal to the sum of the amount by which the sum estimated by the Secretary of Agriculture for the fiscal year under section 1601(d)(2) of this title to be necessary for reforestation and other treatment of acreage, as set forth in the report transmitted by the

Secretary to the Congress under that section for the fiscal year, exceeded the sum of the amounts appropriated for the fiscal year under the authorization contained in section 1601(d)(3) of this title and under any other provision of law to carry out the same purpose; and such sums as were determined by the Secretary of Agriculture to be properly allocable to administrative costs of the Federal Government incurred for the fiscal year in connection with the reforestation program carried out under this chapter.

Subsec. (e). Pub. L. 97-424, §422(a), substituted provision that it is the intent of Congress that the Secretary expend all of the funds available in the Trust Fund in each fiscal year and that any such funds which are not expended in a given fiscal year remain available for expenditure without fiscal year limitation; except that any funds not expended prior to Oct. 1, 1985, shall, no later than Apr. 30, 1986, be distributed to the States for use in State forestry programs pursuant to the formula set forth in section 500 of this title for provision that the Secretary of the Treasury pay into the general fund of the Treasury any amounts, including interest earned on such amounts, remaining in the Trust Fund after Sept. 30, 1985, which were not expended and remained in the Trust Fund.

EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-418 effective Jan. 1, 1989, and applicable with respect to articles entered on or after such date, see section 1217(b)(1) of Pub. L. 100-418, set out as an Effective Date note under section 3001 of Title 19, Customs Duties.

§ 1607. National Forest System renewable resources; development and administration by Secretary of Agriculture in accordance with multiple use and sustained yield concepts for products and services; target year for operational posture of resources; budget requests

The Secretary of Agriculture shall take such action as will assure that the development and administration of the renewable resources of the National Forest System are in full accord with the concepts for multiple use and sustained yield of products and services as set forth in the Multiple-Use Sustained-Yield Act of 1960 [16 U.S.C. 528-531]. To further these concepts, the Congress hereby sets the year 2000 as the target year when the renewable resources of the National Forest System shall be in an operating posture whereby all backlogs of needed treatment for their restoration shall be reduced to a current basis and the major portion of planned intensive multiple-use sustained-yield management procedures shall be installed and operating on an environmentally-sound basis. The annual budget shall contain requests for funds for an orderly program to eliminate such backlogs: *Provided*, That when the Secretary finds that (1) the backlog of areas that will benefit by such treatment has been eliminated, (2) the cost of treating the remainder of such area exceeds the economic and environmental benefits to be secured from their treatment, or (3) the total supplies of the renewable resources of the United States are adequate to meet the future needs of the American people, the budget request for these elements of restoration may be adjusted accordingly.

(Pub. L. 93-378, §9, formerly §8, Aug. 17, 1974, 88 Stat. 479, renumbered §9, Pub. L. 94-588, §2, Oct. 22, 1976, 90 Stat. 2949.)

REFERENCES IN TEXT

The Multiple-Use Sustained-Yield Act of 1960, referred to in text, is Pub. L. 86-517, June 12, 1960, 74 Stat. 215, as amended, which is classified to sections 528 to 531 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 528 of this title and Tables.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1601 of this title.

§ 1608. National Forest Transportation System**(a) Congressional declaration of policy; time for development; method of financing; financing of forest development roads**

The Congress declares that the installation of a proper system of transportation to service the National Forest System, as is provided for in sections 532 to 538 of this title, shall be carried forward in time to meet anticipated needs on an economical and environmentally sound basis, and the method chosen for financing the construction and maintenance of the transportation system should be such as to enhance local, regional, and national benefits: *Provided*, That limitations on the level of obligations for construction of forest roads by timber purchasers shall be established in annual appropriation Acts.

(b) Construction of temporary roadways in connection with timber contracts, and other permits or leases

Unless the necessity for a permanent road is set forth in the forest development road system plan, any road constructed on land of the National Forest System in connection with a timber contract or other permit or lease shall be designed with the goal of reestablishing vegetative cover on the roadway and areas where the vegetative cover has been disturbed by the construction of the road, within ten years after the termination of the contract, permit, or lease either through artificial or natural means. Such action shall be taken unless it is later determined that the road is needed for use as a part of the National Forest Transportation System.

(c) Standards of roadway construction

Roads constructed on National Forest System lands shall be designed to standards appropriate for the intended uses, considering safety, cost of transportation, and impacts on land and resources.

(Pub. L. 93-378, § 10, formerly § 9, Aug. 17, 1974, 88 Stat. 479, renumbered § 10 and amended Pub. L. 94-588, §§ 2, 8, Oct. 22, 1976, 90 Stat. 2949, 2956; Pub. L. 97-100, title II, § 201, Dec. 23, 1981, 95 Stat. 1405.)

AMENDMENTS

1981—Subsec. (a). Pub. L. 97-100 substituted “*Provided*, That limitations on the level of obligations for construction of forest roads by timber purchasers shall be

established in annual appropriation Acts” for “, except that the financing of forest development roads as authorized by clause (2) of section 535 of this title, shall be deemed ‘budget authority’ and ‘budget outlays’ as those terms are defined in section 1302(a) of title 31, and shall be effective for any fiscal year only in the manner required for new spending authority as specified by section 1351(a) of title 31”.

1976—Pub. L. 94-588, § 8, designated existing provisions as subsec. (a) and added subsecs. (b) and (c).

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

§ 1609. National Forest System**(a) Congressional declaration of constituent elements and purposes; lands etc., included within; return of lands to public domain**

Congress declares that the National Forest System consists of units of federally owned forest, range, and related lands throughout the United States and its territories, united into a nationally significant system dedicated to the long-term benefit for present and future generations, and that it is the purpose of this section to include all such areas into one integral system. The “National Forest System” shall include all national forest lands reserved or withdrawn from the public domain of the United States, all national forest lands acquired through purchase, exchange, donation, or other means, the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act [7 U.S.C. 1010 et seq.], and other lands, waters, or interests therein which are administered by the Forest Service or are designated for administration through the Forest Service as a part of the system. Notwithstanding the provisions of section 473 of this title, no land now or hereafter reserved or withdrawn from the public domain as national forests pursuant to section 471¹ of this title, or any act supplementary to and amendatory thereof, shall be returned to the public domain except by an act of Congress.

(b) Location of Forest Service offices

The on-the-ground field offices, field supervisory offices, and regional offices of the Forest Service shall be so situated as to provide the optimum level of convenient, useful services to the public, giving priority to the maintenance and location of facilities in rural areas and towns near the national forest and Forest Service program locations in accordance with the standards in section 3122(b) of title 42.

(Pub. L. 93-378, § 11, formerly § 10, Aug. 17, 1974, 88 Stat. 480, renumbered § 11 and amended Pub. L. 94-588, §§ 2, 9, Oct. 22, 1976, 90 Stat. 2949, 2957.)

REFERENCES IN TEXT

The Bankhead-Jones Farm Tenant Act, referred to in subsec. (a), is act July 22, 1937, ch. 517, 50 Stat. 522, as amended. Title III of the Bankhead Jones Farm Tenant Act is classified generally to subchapter III (§1010 et

¹ See References in Text note below.

seq.) of chapter 33 of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 1000 of Title 7 and Tables.

Section 471 of this title, referred to in subsec. (a), was repealed by Pub. L. 94-579, title VII, §704(a), Oct. 21, 1976, 90 Stat. 2792.)

AMENDMENTS

1976—Subsec. (a). Pub. L. 94-588, §9, prohibited the return to the public domain of land reserved or withdrawn from the public domain as national forests pursuant to section 471 of this title except by an act of Congress.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 460hhh, 5207 of this title; title 42 section 8401.

§ 1610. Implementation of provisions by Secretary of Agriculture; utilization of information and data of other organizations; avoidance of duplication of planning, etc.; “renewable resources” defined

In carrying out this subchapter, the Secretary of Agriculture shall utilize information and data available from other Federal, State, and private organizations and shall avoid duplication and overlap of resource assessment and program planning efforts of other Federal agencies. The term “renewable resources” shall be construed to involve those matters within the scope of responsibilities and authorities of the Forest Service on August 17, 1974 and on the date of enactment of any legislation amendatory or supplementary thereto.

(Pub. L. 93-378, §12, formerly §11, Aug. 17, 1974, 88 Stat. 480, renumbered §12 and amended Pub. L. 94-588, §§2, 10, Oct. 22, 1976, 90 Stat. 2949, 2957.)

AMENDMENTS

1976—Pub. L. 94-588, §10, inserted “and on the date of enactment of any legislation amendatory or supplementary thereto”.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

§ 1611. Timber

(a) Limitations on removal; variations in allowable sale quantity; public participation

The Secretary of Agriculture shall limit the sale of timber from each national forest to a quantity equal to or less than a quantity which can be removed from such forest annually in perpetuity on a sustained-yield basis: *Provided*, That, in order to meet overall multiple-use objectives, the Secretary may establish an allowable sale quantity for any decade which departs from the projected long-term average sale quantity that would otherwise be established: *Pro-*

vided further, That any such planned departure must be consistent with the multiple-use management objectives of the land management plan. Plans for variations in the allowable sale quantity must be made with public participation as required by section 1604(d) of this title. In addition, within any decade, the Secretary may sell a quantity in excess of the annual allowable sale quantity established pursuant to this section in the case of any national forest so long as the average sale quantities of timber from such national forest over the decade covered by the plan do not exceed such quantity limitation. In those cases where a forest has less than two hundred thousand acres of commercial forest land, the Secretary may use two or more forests for purposes of determining the sustained yield.

(b) Salvage harvesting

Nothing in subsection (a) of this section shall prohibit the Secretary from salvage or sanitation harvesting of timber stands which are substantially damaged by fire, windthrow, or other catastrophe, or which are in imminent danger from insect or disease attack. The Secretary may either substitute such timber for timber that would otherwise be sold under the plan or, if not feasible, sell such timber over and above the plan volume.

(Pub. L. 93-378, §13, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2957.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

EMERGENCY SALVAGE TIMBER SALE PROGRAM

Pub. L. 104-19, title II, §2001, July 27, 1995, 109 Stat. 240, provided that:

“(a) DEFINITIONS.—For purposes of this section:

“(1) The term ‘appropriate committees of Congress’ means the Committee on Resources, the Committee on Agriculture, and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations of the Senate.

“(2) The term ‘emergency period’ means the period beginning on the date of the enactment of this section [July 27, 1995] and ending on September 30, 1997.

“(3) The term ‘salvage timber sale’ means a timber sale for which an important reason for entry includes the removal of disease- or insect-infested trees, dead, damaged, or down trees, or trees affected by fire or imminently susceptible to fire or insect attack. Such term also includes the removal of associated trees or trees lacking the characteristics of a healthy and viable ecosystem for the purpose of ecosystem improvement or rehabilitation, except that any such sale must include an identifiable salvage component of trees described in the first sentence.

“(4) The term ‘Secretary concerned’ means—

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

“(B) the Secretary of the Interior, with respect to Federal lands under the jurisdiction of the Bureau of Land Management.

“(b) COMPLETION OF SALVAGE TIMBER SALES.—

“(1) SALVAGE TIMBER SALES.—Using the expedited procedures provided in subsection (c), the Secretary

concerned shall prepare, advertise, offer, and award contracts during the emergency period for salvage timber sales from Federal lands described in subsection (a)(4). During the emergency period, the Secretary concerned is to achieve, to the maximum extent feasible, a salvage timber sale volume level above the programmed level to reduce the backlogged volume of salvage timber. The preparation, advertisement, offering, and awarding of such contracts shall be performed utilizing subsection (c) and notwithstanding any other provision of law, including a law under the authority of which any judicial order may be outstanding on or after the date of the enactment of this Act [July 27, 1995].

“(2) USE OF SALVAGE SALE FUNDS.—To conduct salvage timber sales under this subsection, the Secretary concerned may use salvage sale funds otherwise available to the Secretary concerned.

“(3) SALES IN PREPARATION.—Any salvage timber sale in preparation on the date of the enactment of this Act shall be subject to the provisions of this section.

“(c) EXPEDITED PROCEDURES FOR EMERGENCY SALVAGE TIMBER SALES.—

“(1) SALE DOCUMENTATION.—

“(A) PREPARATION.—For each salvage timber sale conducted under subsection (b), the Secretary concerned shall prepare a document that combines an environmental assessment under section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)) (including regulations implementing such section) and a biological evaluation under section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)(2)) and other applicable Federal law and implementing regulations. A document embodying decisions relating to salvage timber sales proposed under authority of this section shall, at the sole discretion of the Secretary concerned and to the extent the Secretary concerned considers appropriate and feasible, consider the environmental effects of the salvage timber sale and the effect, if any, on threatened or endangered species, and to the extent the Secretary concerned, at his sole discretion, considers appropriate and feasible, be consistent with any standards and guidelines from the management plans applicable to the National Forest or Bureau of Land Management District on which the salvage timber sale occurs.

“(B) USE OF EXISTING MATERIALS.—In lieu of preparing a new document under this paragraph, the Secretary concerned may use a document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) before the date of the enactment of this Act [July 27, 1995], a biological evaluation written before such date, or information collected for such a document or evaluation if the document, evaluation, or information applies to the Federal lands covered by the proposed sale.

“(C) SCOPE AND CONTENT.—The scope and content of the documentation and information prepared, considered, and relied on under this paragraph is at the sole discretion of the Secretary concerned.

“(2) REPORTING REQUIREMENTS.—Not later than August 30, 1995, the Secretary concerned shall submit a report to the appropriate committees of Congress on the implementation of this section. The report shall be updated and resubmitted to the appropriate committees of Congress every six months thereafter until the completion of all salvage timber sales conducted under subsection (b). Each report shall contain the following:

“(A) The volume of salvage timber sales sold and harvested, as of the date of the report, for each National Forest and each district of the Bureau of Land Management.

“(B) The available salvage volume contained in each National Forest and each district of the Bureau of Land Management.

“(C) A plan and schedule for an enhanced salvage timber sale program for fiscal years 1995, 1996, and

1997 using the authority provided by this section for salvage timber sales.

“(D) A description of any needed resources and personnel, including personnel reassignments, required to conduct an enhanced salvage timber sale program through fiscal year 1997.

“(E) A statement of the intentions of the Secretary concerned with respect to the salvage timber sale volume levels specified in the joint explanatory statement of managers accompanying the conference report on H.R. 1158, House Report 104-124.

“(3) ADVANCEMENT OF SALES AUTHORIZED.—The Secretary concerned may begin salvage timber sales under subsection (b) intended for a subsequent fiscal year before the start of such fiscal year if the Secretary concerned determines that performance of such salvage timber sales will not interfere with salvage timber sales intended for a preceding fiscal year.

“(4) DECISIONS.—The Secretary concerned shall design and select the specific salvage timber sales to be offered under subsection (b) on the basis of the analysis contained in the document or documents prepared pursuant to paragraph (1) to achieve, to the maximum extent feasible, a salvage timber sale volume level above the program level.

“(5) SALE PREPARATION.—

“(A) USE OF AVAILABLE AUTHORITIES.—The Secretary concerned shall make use of all available authority, including the employment of private contractors and the use of expedited fire contracting procedures, to prepare and advertise salvage timber sales under subsection (b).

“(B) EXEMPTIONS.—The preparation, solicitation, and award of salvage timber sales under subsection (b) shall be exempt from—

“(i) the requirements of the Competition in Contracting Act [of 1984] (41 U.S.C. 253 et seq.) and the implementing regulations in the Federal Acquisition Regulation issued pursuant to section 25(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)) and any departmental acquisition regulations; and

“(ii) the notice and publication requirements in section 18 of such Act (41 U.S.C. 416) and [section] 8(e) of the Small Business Act (15 U.S.C. 637(e)) and the implementing regulations in the Federal Acquisition Regulations and any departmental acquisition regulations.

“(C) INCENTIVE PAYMENT RECIPIENTS; REPORT.—The provisions of section 3(d)(1) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 5 U.S.C. 5597 note) shall not apply to any former employee of the Secretary concerned who received a voluntary separation incentive payment authorized by such Act [Pub. L. 103-226, see Short Title of 1994 Amendment note set out under section 2101 of Title 5, Government Organization and Employees] and accepts employment pursuant to this paragraph. The Director of the Office of Personnel Management and the Secretary concerned shall provide a summary report to the appropriate committees of Congress, the Committee on Government Reform and Oversight of the House of Representatives, and the Committee on Governmental Affairs of the Senate regarding the number of incentive payment recipients who were rehired, their terms of reemployment, their job classifications, and an explanation, in the judgment of the agencies involved of how such reemployment without repayment of the incentive payments received is consistent with the original waiver provisions of such Act. This report shall not be conducted in a manner that would delay the rehiring of any former employees under this paragraph, or affect the normal confidentiality of Federal employees.

“(6) COST CONSIDERATIONS.—Salvage timber sales undertaken pursuant to this section shall not be precluded because the costs of such activities are likely to exceed the revenues derived from such activities.

“(7) EFFECT OF SALVAGE SALES.—The Secretary concerned shall not substitute salvage timber sales con-

ducted under subsection (b) for planned non-salvage timber sales.

“(8) REFORESTATION OF SALVAGE TIMBER SALE PARCELS.—The Secretary concerned shall plan and implement reforestation of each parcel of land harvested under a salvage timber sale conducted under subsection (b) as expeditiously as possible after completion of the harvest on the parcel, but in no case later than any applicable restocking period required by law or regulation.

“(9) EFFECT ON JUDICIAL DECISIONS.—The Secretary concerned may conduct salvage timber sales under subsection (b) notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section [July 27, 1995].

“(d) DIRECTION TO COMPLETE TIMBER SALES ON LANDS COVERED BY OPTION 9.—Notwithstanding any other law (including a law under the authority of which any judicial order may be outstanding on or after the date of enactment of this Act [July 27, 1995]), the Secretary concerned shall expeditiously prepare, offer, and award timber sale contracts on Federal lands described in the ‘Record of Decision for Amendments to Forest Service and Bureau of Land Management Planning Documents Within the Range of the Northern Spotted Owl’, signed by the Secretary of the Interior and the Secretary of Agriculture on April 13, 1994. The Secretary concerned may conduct timber sales under this subsection notwithstanding any decision, restraining order, or injunction issued by a United States court before the date of the enactment of this section. The issuance of any regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) to ease or reduce restrictions on non-Federal lands within the range of the northern spotted owl shall be deemed to satisfy the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), given the analysis included in the Final Supplemental Impact Statement on the Management of the Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl, prepared by the Secretary of Agriculture and the Secretary of the Interior in 1994, which is, or may be, incorporated by reference in the administrative record of any such regulation. The issuance of any such regulation pursuant to section 4(d) of the Endangered Species Act of 1973 (16 U.S.C. 1533(d)) shall not require the preparation of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

“(e) ADMINISTRATIVE REVIEW.—Salvage timber sales conducted under subsection (b), timber sales conducted under subsection (d), and any decision of the Secretary concerned in connection with such sales, shall not be subject to administrative review.

“(f) JUDICIAL REVIEW.—

“(1) PLACE AND TIME OF FILING.—A salvage timber sale to be conducted under subsection (b), and a timber sale to be conducted under subsection (d), shall be subject to judicial review only in the United States district court for the district in which the affected Federal lands are located. Any challenge to such sale must be filed in such district court within 15 days after the date of initial advertisement of the challenged sale. The Secretary concerned may not agree to, and a court may not grant, a waiver of the requirements of this paragraph.

“(2) EFFECT OF FILING ON AGENCY ACTION.—For 45 days after the date of the filing of a challenge to a salvage timber sale to be conducted under subsection (b) or a timber sale to be conducted under subsection (d), the Secretary concerned shall take no action to award the challenged sale.

“(3) PROHIBITION ON RESTRAINING ORDERS, PRELIMINARY INJUNCTIONS, AND RELIEF PENDING REVIEW.—No restraining order, preliminary injunction, or injunction pending appeal shall be issued by any court of the United States with respect to any decision to prepare, advertise, offer, award, or operate a salvage

timber sale pursuant to subsection (b) or any decision to prepare, advertise, offer, award, or operate a timber sale pursuant to subsection (d). Section 705 of title 5, United States Code, shall not apply to any challenge to such a sale.

“(4) STANDARD OF REVIEW.—The courts shall have authority to enjoin permanently, order modification of, or void an individual salvage timber sale if it is determined by a review of the record that the decision to prepare, advertise, offer, award, or operate such sale was arbitrary and capricious or otherwise not in accordance with applicable law (other than those laws specified in subsection (i)).

“(5) TIME FOR DECISION.—Civil actions filed under this subsection shall be assigned for hearing at the earliest possible date. The court shall render its final decision relative to any challenge within 45 days from the date such challenge is brought, unless the court determines that a longer period of time is required to satisfy the requirement of the United States Constitution. In order to reach a decision within 45 days, the district court may assign all or part of any such case or cases to one or more Special Masters, for prompt review and recommendations to the court.

“(6) PROCEDURES.—Notwithstanding any other provision of law, the court may set rules governing the procedures of any proceeding brought under this subsection which set page limits on briefs and time limits on filing briefs and motions and other actions which are shorter than the limits specified in the Federal rules of civil or appellate procedure.

“(7) APPEAL.—Any appeal from the final decision of a district court in an action brought pursuant to this subsection shall be filed not later than 30 days after the date of decision.

“(g) EXCLUSION OF CERTAIN FEDERAL LANDS.—

“(1) EXCLUSION.—The Secretary concerned may not select, authorize, or undertake any salvage timber sale under subsection (b) with respect to lands described in paragraph (2).

“(2) DESCRIPTION OF EXCLUDED LANDS.—The lands referred to in paragraph (1) are as follows:

“(A) Any area on Federal lands included in the National Wilderness Preservation System.

“(B) Any roadless area on Federal lands designated by Congress for wilderness study in Colorado or Montana.

“(C) Any roadless area on Federal lands recommended by the Forest Service or Bureau of Land Management for wilderness designation in its most recent land management plan in effect as of the date of the enactment of this Act [July 27, 1995].

“(D) Any area on Federal lands on which timber harvesting for any purpose is prohibited by statute.

“(h) RULEMAKING.—The Secretary concerned is not required to issue formal rules under section 553 of title 5, United States Code, to implement this section or carry out the authorities provided by this section.

“(i) EFFECT ON OTHER LAWS.—The documents and procedures required by this section for the preparation, advertisement, offering, awarding, and operation of any salvage timber sale subject to subsection (b) and any timber sale under subsection (d) shall be deemed to satisfy the requirements of the following applicable Federal laws (and regulations implementing such laws):

“(1) The Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.).

“(2) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

“(3) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(4) The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

“(5) The National Forest Management Act of 1976 (16 U.S.C. 472a et seq.) [Pub. L. 94-588, see Short Title of 1976 Amendment note set out under section 1600 of this title].

“(6) The Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 528 et seq.).

“(7) Any compact, executive agreement, convention, treaty, and international agreement, and implementing legislation related thereto.

“(8) All other applicable Federal environmental and natural resource laws.

“(j) EXPIRATION DATE.—The authority provided by subsections (b) and (d) shall expire on December 31, 1996. The terms and conditions of this section shall continue in effect with respect to salvage timber sale contracts offered under subsection (b) and timber sale contracts offered under subsection (d) until the completion of performance of the contracts.

“(k) AWARD AND RELEASE OF PREVIOUSLY OFFERED AND UNAWARDED TIMBER SALE CONTRACTS.—

“(1) AWARD AND RELEASE REQUIRED.—Notwithstanding any other provision of law, within 45 days after the date of the enactment of this Act [July 27, 1995], the Secretary concerned shall act to award, release, and permit to be completed in fiscal years 1995 and 1996, with no change in originally advertised terms, volumes, and bid prices, all timber sale contracts offered or awarded before that date in any unit of the National Forest System or district of the Bureau of Land Management subject to section 318 of Public Law 101-121 (103 Stat. 745). The return of the bid bond of the high bidder shall not alter the responsibility of the Secretary concerned to comply with this paragraph.

“(2) THREATENED OR ENDANGERED BIRD SPECIES.—No sale unit shall be released or completed under this subsection if any threatened or endangered bird species is known to be nesting within the acreage that is the subject of the sale unit.

“(3) ALTERNATIVE OFFER IN CASE OF DELAY.—If for any reason a sale cannot be released and completed under the terms of this subsection within 45 days after the date of the enactment of this Act, the Secretary concerned shall provide the purchaser an equal volume of timber, of like kind and value, which shall be subject to the terms of the original contract and shall not count against current allowable sale quantities.

“(l) EFFECT ON PLANS, POLICIES, AND ACTIVITIES.—Compliance with this section shall not require or permit any administrative action, including revisions, amendment, consultation, supplementation, or other action, in or for any land management plan, standard, guideline, policy, regional guide, or multiforest plan because of implementation or impacts, site-specific or cumulative, of activities authorized or required by this section, except that any such administrative action with respect to salvage timber sales is permitted to the extent necessary, at the sole discretion of the Secretary concerned, to meet the salvage timber sale goal specified in subsection (b)(1) of this section or to reflect the effects of the salvage program. The Secretary concerned shall not rely on salvage timber sales as the basis for administrative action limiting other multiple use activities nor be required to offer a particular salvage timber sale. No project decision shall be required to be halted or delayed by such documents or guidance, implementation, or impacts.”

§ 1612. Public participation

(a) Adequate notice and opportunity to comment

In exercising his authorities under this subchapter and other laws applicable to the Forest Service, the Secretary, by regulation, shall establish procedures, including public hearings where appropriate, to give the Federal, State, and local governments and the public adequate notice and an opportunity to comment upon the formulation of standards, criteria, and guidelines applicable to Forest Service programs.

(b) Advisory boards

In providing for public participation in the planning for and management of the National Forest System, the Secretary, pursuant to the Federal Advisory Committee Act (86 Stat. 770)

and other applicable law, shall establish and consult such advisory boards as he deems necessary to secure full information and advice on the execution of his responsibilities. The membership of such boards shall be representative of a cross section of groups interested in the planning for and management of the National Forest System and the various types of use and enjoyment of the lands thereof.

(Pub. L. 93-378, §14, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958.)

REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (b), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

FOREST SERVICE DECISIONMAKING AND APPEALS REFORM

Pub. L. 102-381, title III, §322, Oct. 5, 1992, 106 Stat. 1149, provided that:

“(a) IN GENERAL.—In accordance with this section, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall establish a notice and comment process for proposed actions of the Forest Service concerning projects and activities implementing land and resource management plans developed under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601 [1600] et seq.) and shall modify the procedure for appeals of decisions concerning such projects.

“(b) NOTICE AND COMMENT.—

“(1) NOTICE.—Prior to proposing an action referred to in subsection (a), the Secretary shall give notice of the proposed action, and the availability of the action for public comment by—

“(A) promptly mailing notice about the proposed action to any person who has requested it in writing, and to persons who are known to have participated in the decisionmaking process; and,

“(B)(i) in the case of an action taken by the Chief of the Forest Service, publishing notice of action in the Federal Register; or

“(ii) in the case of any other action referred to in subsection (a), publishing notice of the action in a newspaper of general circulation that has previously been identified in the Federal Register as the newspaper in which notice under this paragraph may be published.

“(2) COMMENT.—The Secretary shall accept comments on the proposed action within 30 days after publication of the notice in accordance with paragraph (1).

“(c) RIGHT TO APPEAL.—Not later than 45 days after the date of issuance of a decision of the Forest Service concerning actions referred to in subsection (a), a person who was involved in the public comment process under subsection (b) through submission of written or oral comments or by otherwise notifying the Forest Service of their interest in the proposed action may file an appeal.

“(d) DISPOSITION OF AN APPEAL.—

“(1) INFORMAL DISPOSITION.—

“(A) IN GENERAL.—Subject to subparagraph (B), a designated employee of the Forest Service shall offer to meet with each individual who files an appeal in accordance with subsection (c) and attempt to dispose of the appeal.

“(B) TIME AND LOCATION OF THE MEETING.—Each meeting in accordance with subparagraph (A) shall take place—

“(i) not later than 15 days after the closing date for filing an appeal; and

“(ii) at a location designated by the Chief of the Forest Service that is in the vicinity of the lands affected by the decision.

“(2) FORMAL REVIEW.—If the appeal is not disposed of in accordance with paragraph (1), an appeals review officer designated by the Chief of the Forest Service shall review the appeal and recommend in writing, to the official responsible for deciding the appeal, the appropriate disposition of the appeal. The official responsible for deciding the appeal shall then decide the appeal. The appeals review officer shall be a line officer at least at the level of the agency official who made the initial decision on the project or activity that is under appeal, who has not participated in the initial decision and will not be responsible for implementation of the initial decision after the appeal is decided.

“(3) TIME FOR DISPOSITION.—Disposition of appeals under this subsection shall be completed not later than 30 days after the closing date for filing of an appeal, provided that the Forest Service may extend the closing date by an additional 15 days.

“(4) If the Secretary fails to decide the appeal within the 45-day period, the decision on which the appeal is based shall be deemed to be a final agency action for the purpose of chapter 7 of title 5, United States Code.

“(e) STAY.—Unless the Chief of the Forest Service determines that an emergency situation exists with respect to a decision of the Forest Service, implementation of the decision shall be stayed during the period beginning on the date of the decision—

“(1) for 45 days, if an appeal is not filed, or

“(2) for an additional 15 days after the date of the disposition of an appeal under this section, if the agency action is deemed final under subsection (d)(4).”

§ 1613. Promulgation of regulations

The Secretary of Agriculture shall prescribe such regulations as he determines necessary and desirable to carry out the provisions of this subchapter.

(Pub. L. 93-378, §15, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this subchapter to Federal Inspector, Office of Federal Inspector for Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 1601 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 50 App. section 1989c-6.

§ 1614. Severability

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.

(Pub. L. 93-378, §16, as added Pub. L. 94-588, §11, Oct. 22, 1976, 90 Stat. 2958.)

SUBCHAPTER II—RESEARCH

§ 1641. Findings and purpose

(a) Findings

(1) Congress finds that scientific discoveries and technological advances must be made and applied to support the protection, management, and utilization of the Nation's renewable resources. It is the purpose of this subchapter to authorize the Secretary of Agriculture (hereinafter in this subchapter referred to as the “Secretary”) to implement a comprehensive program of forest and rangeland renewable resources research and dissemination of the findings of such research.

(2) Congress further finds that the forest and rangeland renewable resources of the world are threatened by deforestation due to conversion to agriculture of lands better suited to other uses, over-grazing, over-harvesting, and other causes that pose a direct adverse threat to people, the global environment, and the world economy.

(b) Relationship to other law

This subchapter shall be deemed to complement the policies and direction set forth in the Forest and Rangeland Renewable Resources Planning Act of 1974 [16 U.S.C. 1600 et seq.].

(c) Purpose

It is the purpose of this subchapter to authorize the Secretary to expand research activities to encompass international forestry and natural resource issues on a global scale.

(Pub. L. 95-307, §2, June 30, 1978, 92 Stat. 353; Pub. L. 101-513, title VI, §611(a)(1), formerly §607(a)(1), Nov. 5, 1990, 104 Stat. 2072, renumbered §611(a)(1), Pub. L. 102-574, §2(a)(1), Oct. 29, 1992, 106 Stat. 4593.)

REFERENCES IN TEXT

This subchapter, referred to in text, was in the original “this Act”, meaning Pub. L. 95-307, June 2, 1978, 92 Stat. 353, as amended, known as the Forest and Rangeland Renewable Resources Research Act of 1978, which enacted this subchapter, repealed sections 581 to 581i of this title, and enacted provisions set out as a note under section 1641 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 Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in subsec. (b), is Pub. L. 93-378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

AMENDMENTS

1990—Subsecs. (a), (c). Pub. L. 101-513 designated existing provisions of subsec. (a) as par. (1), added par. (2), and added subsec. (c).

EFFECTIVE DATE

Section 9 of Pub. L. 95-307 which provided that Pub. L. 95-307 (enacting this subchapter, repealing sections 581 to 581i of this title, and enacting provisions set out as a note under section 1600 of this title) is effective Oct. 1, 1978, was amended generally by Pub. L. 101-624 and is classified to section 1648 of this title.

SHORT TITLE

For short title of Pub. L. 95-307, June 30, 1978, 92 Stat. 353, as the Forest and Rangeland Renewable Resources

Research Act of 1978, see Short Title of 1978 Amendment note set out under section 1600 of this title.

§ 1642. Investigations, experiments, tests, and other activities

(a) Authorization; scope and purposes of activities

The Secretary is authorized to conduct, support, and cooperate in investigations, experiments, tests, and other activities the Secretary deems necessary to obtain, analyze, develop, demonstrate, and disseminate scientific information about protecting, managing, and utilizing forest and rangeland renewable resources in rural, suburban, and urban areas. The activities conducted, supported, or cooperated in by the Secretary under this subchapter shall include, but not be limited to, the five major areas of renewable resource research identified in paragraphs (1) through (5) of this subsection.

(1) Renewable resource management research shall include, as appropriate, research activities related to managing, reproducing, planting, and growing vegetation on forests and rangelands for timber, forage, water, fish and wildlife, esthetics, recreation, wilderness, energy production, activities related to energy conservation, and other purposes, including activities for encouraging improved reforestation of forest lands from which timber has been harvested; determining the role of forest and rangeland management in the productive use of forests and rangelands, in diversified agriculture, and in mining, transportation, and other industries; and developing alternatives for the management of forests and rangelands that will make possible the most effective use of their multiple products and services.

(2) Renewable resource environmental research shall include, as appropriate, research activities related to understanding and managing surface and subsurface water flow, preventing and controlling erosion, and restoring damaged or disturbed soils on forest and rangeland watersheds; maintaining and improving wildlife and fish habitats; managing vegetation to reduce air and water pollution, provide amenities, and for other purposes; and understanding, predicting, and modifying weather, climatic, and other environmental conditions that affect the protection and management of forests and rangelands.

(3) Renewable resource protection research shall include, as appropriate, research activities related to protecting vegetation and other forest and rangeland resources, including threatened and endangered flora and fauna, as well as wood and wood products in storage or use, from fires, insects, diseases, noxious plants, animals, air pollutants, and other agents through biological, chemical, and mechanical control methods and systems; and protecting people, natural resources, and property from fires in rural areas.

(4) Renewable resource utilization research shall include, as appropriate, research activities related to harvesting, transporting, processing, marketing, distributing, and utilizing wood and other materials derived from forest and rangeland renewable resources; recycling and fully utilizing wood fiber; producing and

conserving energy; and testing forest products, including necessary fieldwork associated therewith.

(5) Renewable resource assessment research shall include, as appropriate, research activities related to developing and applying scientific knowledge and technology in support of the survey and analysis of forest and rangeland renewable resources described in subsection (b) of this section.

(b) Development of periodic Renewable Resource Assessment through survey and analysis of conditions; implementation; authorization of appropriations

(1) To ensure the availability of adequate data and scientific information for development of the periodic Renewable Resource Assessment provided for in section 1601 of this title, the Secretary of Agriculture shall make and keep current a comprehensive survey and analysis of the present and prospective conditions of and requirements for renewable resources of the forests and rangelands of the United States and of the supplies of such renewable resources, including a determination of the present and potential productivity of the land, and of such other facts as may be necessary and useful in the determination of ways and means needed to balance the demand for and supply of these renewable resources, benefits, and uses in meeting the needs of the people of the United States. The Secretary shall conduct the survey and analysis under such plans as the Secretary may determine to be fair and equitable, and cooperate with appropriate officials of each State and, either through them or directly, with private or other entities.

(2) In implementing this subsection, the Secretary is authorized to develop and implement improved methods of survey and analysis of forest inventory information, for which purposes there are hereby authorized to be appropriated annually \$10,000,000.

(c) Program of research and study relative to health and productivity of domestic forest ecosystems; advisory committee; reports

(1) The Secretary, acting through the United States Forest Service, shall establish not later than 180 days after October 24, 1988, a 10-year program (hereinafter in this subsection referred to as the "Program") to—

(A) increase the frequency of forest inventories in matters that relate to atmospheric pollution and conduct such surveys as are necessary to monitor long-term trends in the health and productivity of domestic forest ecosystems;

(B) determine the scope of the decline in the health and productivity of domestic forest ecosystems;

(C) accelerate and expand existing research efforts (including basic forest ecosystem research) to evaluate the effects of atmospheric pollutants on forest ecosystems and their role in the decline in domestic forest health and productivity;

(D) study the relationship between atmospheric pollution and other climatological, chemical, physical, and biological factors that may affect the health and productivity of domestic forest ecosystems;

(E) develop recommendations for solving or mitigating problems related to the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems;

(F) foster cooperation among Federal, State, and private researchers and encourage the exchange of scientific information on the effects of atmospheric pollutants on forest ecosystems among the United States, Canada, European nations, and other nations;

(G) support the long-term funding of research programs and related efforts to determine the causes of declines in the health and productivity of domestic forest ecosystems and the effects of atmospheric pollutants on the health and productivity of domestic forest ecosystems; and

(H) enlarge the Eastern Hardwood Cooperative by devoting additional resources to field analysis of the response of hardwood species to atmospheric pollution, and other factors that may affect the health and productivity of these ecosystems.

(2) The Secretary shall establish a committee to advise the Secretary in developing and carrying out the Program, which shall be composed of scientists with training and experience in various disciplines, including atmospheric, ecological, and biological sciences. Such scientists shall be selected from among individuals who are actively performing research for Federal or State agencies or for private industries, institutions, or organizations.

(3) The Secretary shall coordinate the Program with existing research efforts of Federal and State agencies and private industries, institutions, or organizations.

(4) The Secretary shall submit to the President and to Congress the following reports:

(A) Not less than 30 days before establishing the Program, the Secretary shall submit an initial program report—

(i) discussing existing information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

(ii) outlining the findings and status of all current research and monitoring efforts in North America and Europe on the causes and effects of atmospheric pollution on the health and productivity of forest ecosystems;

(iii) describing the Program; and

(iv) estimating the cost of implementing the Program for each fiscal year of its duration.

(B) Not later than January 15, 1990, and January 15 of each year thereafter, during which the Program is in operation following the year in which the initial program report is submitted, the Secretary shall submit an annual report—

(i) updating information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

(ii) updating the findings and status of all current research and monitoring efforts in North America and Europe on the causes and effects of atmospheric pollution on the

health and productivity of forest ecosystems, including efforts conducted under the Program;

(iii) recommending additional research and monitoring efforts to be undertaken under the Program to determine the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems; and

(iv) recommending methods for solving or mitigating problems stemming from the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems.

(C) Not later than 10 years after the date on which the initial program report is submitted, the Secretary shall submit a final report—

(i) reviewing existing information about declining health and productivity of forest ecosystems on public and private lands in North America and Europe;

(ii) reviewing the nature and findings of all research and monitoring efforts conducted under the Program and any other relevant research and monitoring efforts related to the effects of atmospheric pollution on forest ecosystem; and

(iii) making final recommendations for solving or mitigating problems stemming from the effects of atmospheric pollution on the health and productivity of domestic forest ecosystems.

(d) Studies relative to problems associated with urban forests; effects of Federal revenue codes on private forests; development of improved delivery systems for information and technical assistance provided to private landowners

The Secretary is authorized to conduct, support, and cooperate in studies and other activities the Secretary deems necessary to—

(1) evaluate renewable resource management problems associated with urban-forest interface;

(2) assess effects of changes in Federal revenue codes on private forest management and investment; and

(3) develop improved delivery systems for information and technical assistance provided to private landowners.

(Pub. L. 95-307, § 3, June 30, 1978, 92 Stat. 353; Pub. L. 96-294, title II, § 254, June 30, 1980, 94 Stat. 707; Pub. L. 100-521, § 3, Oct. 24, 1988, 102 Stat. 2601; Pub. L. 101-624, title XII, § 1241(a), Nov. 28, 1990, 104 Stat. 3544.)

REFERENCES IN TEXT

The Federal revenue codes, referred to in subsec. (d)(2), are classified generally to Title 26, Internal Revenue Code.

AMENDMENTS

1990—Subsec. (a)(1). Pub. L. 101-624, § 1241(a)(1), inserted “, including activities for encouraging improved reforestation of forest lands from which timber has been harvested” after “purposes”.

Subsec. (b). Pub. L. 101-624, § 1241(a)(2), designated existing provisions as par. (1) and added par. (2).

Subsec. (d). Pub. L. 101-624, § 1241(a)(3), added subsec. (d).

1988—Subsec. (c). Pub. L. 100-521 added subsec. (c).

1980—Subsec. (a)(1). Pub. L. 96-294, §254(1), inserted applicability to energy production and energy conservation activities.

Subsec. (a)(4). Pub. L. 96-294, §254(2), inserted applicability to producing and conserving energy.

SOUTHERN FOREST REGENERATION PROGRAM

Section 1242 of Pub. L. 101-624 provided that:

“(a) ESTABLISHMENT.—The Secretary of Agriculture shall make a grant to a State for the establishment, within such State, of a center, to be known as the ‘Southern Forest Regeneration Center’ (hereafter referred to in this section as the ‘Center’), to study forest regeneration problems and forest productivity in the southern region of the United States.

“(b) DUTIES OF CENTER.—The Center shall study forest regeneration problems and forest productivity in the southern region of the United States, including—

“(1) nursery management concerns that will lead to improved seedling quality;

“(2) forest management practices that account for environmental stresses; and

“(3) the development of low-cost forest regeneration methods that provide options for wood products, species diversity, wildlife habitat, and production of clean air and water.

“(c) ESTABLISHMENT OF OTHER PROGRAMS.—The Secretary of Agriculture may establish other programs in other regions of the United States, or a comprehensive National program, to carry out the purposes of this section as the Secretary determines appropriate.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.”

SEMIARID AGROFORESTRY RESEARCH CENTER

Section 1243 of Pub. L. 101-624 provided that:

“(a) SEMIARID AGROFORESTRY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTER.—The Secretary of Agriculture shall establish at the Forestry Sciences Laboratory of the United States Forest Service, in Lincoln, Nebraska, a Semiarid Agroforestry Research, Development, and Demonstration Center (hereafter referred to in this section as the ‘Center’) and appoint a Director to manage and coordinate the program established at the Center under subsection (b).

“(b) PROGRAM.—The Secretary shall establish a program at the Center and seek the participation of Federal or State governmental entities, land-grant colleges or universities, State agricultural experiment stations, State and private foresters, the National Arbor Day Foundation, and other nonprofit foundations in such program to conduct or assist research, investigations, studies, and surveys to—

“(1) develop sustainable agroforestry systems on semiarid lands that minimize topsoil loss and water contamination and stabilize or enhance crop productivity;

“(2) adapt, demonstrate, document, and model the effectiveness of agroforestry systems under different farming systems and soil or climate conditions;

“(3) develop dual use agroforestry systems compatible with paragraphs (1) and (2) which would provide high-value forestry products for commercial sale from semiarid land;

“(4) develop and improve the drought and pest resistance characteristics of trees for conservation forestry and agroforestry applications in semiarid regions, including the introduction and breeding of trees suited for the Great Plains region of the United States;

“(5) develop technology transfer programs that increase farmer and public acceptance of sustainable agroforestry systems;

“(6) develop improved windbreak and shelterbelt technologies for drought preparedness, soil and water conservation, environmental quality, and biological diversity on semiarid lands;

“(7) develop technical and economic concepts for sustainable agroforestry on semiarid lands, including

the conduct of economic analyses of the costs and benefits of agroforestry systems and the development of models to predict the economic benefits under soil or climate conditions;

“(8) provide international leadership in the development and exchange of agroforestry practices on semiarid lands worldwide;

“(9) support research on the effects of agroforestry systems on semiarid lands in mitigating nonpoint source water pollution;

“(10) support research on the design, establishment, and maintenance of tree and shrub plantings to regulate the deposition of snow along roadways; and

“(11) conduct sociological, demographic, and economic studies as needed to develop strategies for increasing the use of forestry conservation and agroforestry practices.

“(c) INFORMATION COLLECTION AND DISSEMINATION.—The Secretary shall establish at the Center a program, to be known as the National Clearinghouse on Agroforestry Conservation and Promotion to—

“(1) collect, analyze, and disseminate information on agroforestry conservation technologies and practices; and

“(2) promote the use of such information by landowners and those organizations associated with forestry and tree promotion.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 annually to carry out this section.”

FOREST ECOSYSTEMS AND ATMOSPHERIC POLLUTION RESEARCH; CONGRESSIONAL FINDINGS

Section 2 of Pub. L. 100-521 provided that: “Congress finds that—

“(1) the health and productivity of forests in certain regions of the United States are declining;

“(2) there is a special concern about the decline of certain hardwood species, particularly sugar maples and oaks, in the eastern United States and the effects of atmospheric pollutants on the health and productivity of these forests;

“(3) declines in the productivity of certain commercially important Southern pine species have been measured;

“(4) existing research indicates that atmospheric pollution, including ozone, acidic deposition, and heavy metals, may contribute to this decline;

“(5) there is an urgent need to expand and better coordinate existing Federal, State, and private research, including research by private industry, to determine the cause of changes in the health and productivity of domestic forest ecosystems and to monitor and evaluate the effects of atmospheric pollutants on such ecosystems; and

“(6) such research and monitoring should not impede efforts to control atmospheric pollutants.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1648 of this title; title 42 section 8852.

§ 1643. Implementation of provisions

(a) Establishment and maintenance of research facilities; acquisition, expenditures, etc., for property

In implementing this subchapter, the Secretary is authorized to establish and maintain a system of experiment stations, research laboratories, experimental areas, and other forest and rangeland research facilities. The Secretary is authorized, with donated or appropriated funds, to acquire by lease, donation, purchase, exchange, or otherwise, land or interests in land within the United States needed to implement this subchapter, to make necessary expenditures to examine, appraise, and survey such property,

and to do all things incident to perfecting title thereto in the United States.

(b) Acceptance, holding, and administration of gifts, donations, and bequests; use and investment of gifts, proceeds, etc.; funding requirements

In implementing this subchapter, the Secretary is authorized to accept, hold, and administer gifts, donations, and bequests of money, real property, or personal property from any source not otherwise prohibited by law and to use such gifts, donations, and bequests to (1) establish or operate any forest and rangeland research facility within the United States, or (2) perform any forest and rangeland renewable resource research activity authorized by this subchapter. Such gifts, donations, and bequests, or the proceeds thereof, and money appropriated for these purposes shall be deposited in the Treasury in a special fund. At the request of the Secretary, the Secretary of the Treasury may invest or reinvest any money in the fund that in the opinion of the Secretary is not needed for current operations. Such investments shall be in public debt securities with maturities suitable for the needs of the fund and bearing interest at prevailing market rates. There are hereby authorized to be expended from such fund such amounts as may be specified in annual appropriation Acts, which shall remain available until expended.

(c) Cooperation with international, Federal, State, and other governmental agencies, public and private agencies, etc.; funding requirements for contributions from cooperators

In implementing this subchapter, the Secretary may cooperate with international, Federal, State, and other governmental agencies, with public or private agencies, institutions, universities, and organizations, and with businesses and individuals in the United States and in other countries. The Secretary may receive money and other contributions from cooperators under such conditions as the Secretary may prescribe. Any money contributions received under this subsection shall be credited to the applicable appropriation or fund to be used for the same purposes and shall remain available until expended as the Secretary may direct for use in conducting research activities authorized by this subchapter and in making refunds to contributors.

(Pub. L. 95-307, §4(a)-(c), June 30, 1978, 92 Stat. 354, 355; Pub. L. 101-513, title VI, §611(a)(2), formerly §607(a)(2), Nov. 5, 1990, 104 Stat. 2072, renumbered §611(a)(2), Pub. L. 102-574, §2(a)(1), Oct. 29, 1992, 106 Stat. 4593.)

AMENDMENTS

1990—Subsec. (c). Pub. L. 101-513, which directed amendment of “the first section of” this subsection by inserting “international,” before “Federal”, was executed by making the insertion in the first sentence of this subsection to reflect the probable intent of Congress.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 4503b of this title.

§ 1644. Competitive grants; scope and purposes; prerequisites

In addition to any grants made under other laws, the Secretary is authorized to make competitive grants that will further research activities authorized by this subchapter to Federal, State, and other governmental agencies, public or private agencies, institutions, universities, and organizations, and businesses and individuals in the United States. In making these grants, the Secretary shall emphasize basic and applied research activities that are important to achieving the purposes of this subchapter, and shall obtain, through review by qualified scientists and other methods, participation in research activities by scientists throughout the United States who have expertise in matters related to forest and rangeland renewable resources. Grants under this section shall be made at the discretion of the Secretary under whatever conditions the Secretary may prescribe, after publicly soliciting research proposals, allowing sufficient time for submission of the proposals, and considering qualitative, quantitative, financial, administrative, and other factors that the Secretary deems important in judging, comparing, and accepting the proposals. The Secretary may reject any or all proposals received under this section if the Secretary determines that it is in the public interest to do so.

(Pub. L. 95-307, §5, June 30, 1978, 92 Stat. 355.)

§ 1645. General provisions

(a) Availability of funds to cooperators and grantees

The Secretary may make funds available to cooperators and grantees under this subchapter without regard to the provisions of section 3324(a) and (b) of title 31, which prohibits advances of public money.

(b) Coordination of cooperative aid and grants with other aid and grant authorities

To avoid duplication, the Secretary shall coordinate cooperative aid and grants under this subchapter with cooperative aid and grants the Secretary makes under any other authority.

(c) Dissemination of knowledge and technology developed from research activities; cooperation with specified entities

The Secretary shall use the authorities and means available to the Secretary to disseminate the knowledge and technology developed from research activities conducted under or supported by this subchapter. In meeting this responsibility, the Secretary shall cooperate, as the Secretary deems appropriate, with the entities identified in subsection (d)(3) of this section and with others.

(d) Additional implementative authorities

In implementing this subchapter, the Secretary, as the Secretary deems appropriate and practical, shall—

- (1) use, and encourage cooperators and grantees to use, the best available scientific skills from a variety of disciplines within and outside the fields of agriculture and forestry;

(2) seek, and encourage cooperators and grantees to seek, a proper mixture of short-term and long-term research and a proper mixture of basic and applied research;

(3) avoid unnecessary duplication and coordinate activities under this section among agencies of the Department of Agriculture and with other affected Federal departments and agencies, State agricultural experiment stations, State extension services, State foresters or equivalent State officials, forestry schools, and private research organizations; and

(4) encourage the development, employment, retention, and exchange of qualified scientists and other specialists through postgraduate, postdoctoral, and other training, national and international exchange of scientists, and other incentives and programs to improve the quality of forest and rangeland renewable resources research.

(e) Construction of statutory provisions

This subchapter shall be construed as supplementing all other laws relating to the Department of Agriculture and shall not be construed as limiting or repealing any existing law or authority of the Secretary except as specifically cited in this subchapter.

(f) Definitions

For the purposes of this subchapter, the terms “United States” and “State” shall include each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the territories and possessions of the United States.

(Pub. L. 95-307, § 6, June 30, 1978, 92 Stat. 355.)

CODIFICATION

In subsec. (a), “section 3324(a) and (b) of title 31” substituted for “section 3648 of the 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.

TERMINATION OF TRUST TERRITORY OF THE PACIFIC ISLANDS

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.

§ 1646. Authorization of appropriations

There are authorized to be appropriated annually such sums as may be needed to implement this subchapter. Funds appropriated under this subchapter shall remain available until expended.

(Pub. L. 95-307, § 7, June 30, 1978, 92 Stat. 356.)

§ 1647. Other Federal programs

(a) Repeal of statutory authorities relating to investigation, experiments, and tests in reforestation and forest products

The Act of May 22, 1928, known as the McSweeney-McNary Act (45 Stat. 699-702, as amended; 16 U.S.C. 581, 581a, 581b-581i), is hereby repealed.

(b) Force and effect of cooperative and other agreements under repealed statutory authorities relating to investigation, etc., in reforestation and forest products

Contracts and cooperative and other agreements under the McSweeney-McNary Act shall remain in effect until revoked or amended by their own terms or under other provisions of law.

(c) Issuance of rules and regulations for implementation of provisions and coordination with agricultural research, extension, and teaching provisions

The Secretary is authorized to issue such rules and regulations as the Secretary deems necessary to implement the provisions of this subchapter and to coordinate this subchapter with title XIV of the Food and Agriculture Act of 1977 [7 U.S.C. 3101 et seq.].

(d) Availability of funds appropriated under repealed statutory authorities relating to investigation, etc., in reforestation and forest products

Funds appropriated under the authority of the McSweeney-McNary Act shall be available for expenditure for the programs authorized under this subchapter.

(Pub. L. 95-307, § 8, June 30, 1978, 92 Stat. 356.)

REFERENCES IN TEXT

The Food and Agriculture Act of 1977, referred to in subsec. (c), is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XIV of the Food and Agriculture Act of 1977, known as the “National Agricultural Research, Extension, and Teaching Policy Act of 1977”, is classified principally to chapter 64 (§3101 et seq.) of Title 7, Agriculture. For complete classification of this title to the Code, see Short Title note set out under section 3101 of Title 7 and Tables.

§ 1648. Recycling research

(a) Findings

Congress finds that—

(1) the United States is amassing vast amounts of solid wastes, which is presenting an increasing problem for municipalities in locating suitable disposal sites;

(2) a large proportion of these wastes consists of paper and other wood wastes;

(3) less than one-third of these paper and wood wastes are recycled;

(4) additional recycling would result in reduced solid waste landfill disposal and would contribute to a reduced rate of removal of standing timber from forest lands; and

(5) additional research is needed to develop technological advances to address barriers to increased recycling of paper and wood wastes and utilization of products consisting of recycled materials.

(b) Recycling research program

The Secretary is authorized to conduct, support, and cooperate in an expanded wood fiber recycling research program, including the acquisition of necessary equipment. The Secretary shall seek to ensure that the program includes the cooperation and support of private industry and that program goals include the application of such research to industry and consumer needs.

(c) Authorization of appropriations

In addition to any other funds made available to implement section 1642 of this title, for the 5-year period beginning on October 1, 1990, there are authorized to be appropriated annually \$10,000,000 to implement this section.

(Pub. L. 95-307, § 9, as added Pub. L. 101-624, title XII, § 1241(b), Nov. 28, 1990, 104 Stat. 3544.)

PRIOR PROVISIONS

A prior section 9 of Pub. L. 95-307, June 30, 1978, 92 Stat. 357, provided the effective date for Pub. L. 95-307 and was set out as a note under section 1641 of this title, prior to general amendment by Pub. L. 101-624.

§ 1649. Forestry Student Grant Program**(a) Establishment**

The Secretary shall establish a program, to be known as the “Forestry Student Grant Program” (hereafter referred to in this section as the “Program”), to provide assistance to expand the professional education of forestry, natural resources, and environmental scientists.

(b) Student grants

Under the Program the Secretary shall provide assistance for the establishment of a competitive grant fellowship program to assist graduate, and undergraduate minority and female, students attending institutions having programs in forestry and natural resources.

(c) Eligibility

The Secretary shall ensure that students concentrating in the following studies shall be eligible for assistance under subsection (b) of this section:

- (1) Forestry.
- (2) Biology and forest organisms.
- (3) Ecosystem function and management.
- (4) Human-forest interaction.
- (5) International trade, competition, and cooperation.
- (6) Wood as a raw material.
- (7) Economics and policy.

(d) Authorization of appropriations

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

(Pub. L. 95-307, § 10, as added Pub. L. 101-624, title XII, § 1252, Nov. 28, 1990, 104 Stat. 3553.)

SUBCHAPTER III—EXTENSION PROGRAMS

SUBCHAPTER REFERRED TO IN OTHER SECTIONS

This subchapter is referred to in section 582a of this title; title 7 section 3332.

§ 1671. Congressional statement of findings

Congress finds that—

(1) the extension program of the Department of Agriculture and the extension activities of each State provide useful and productive educational programs for private forest and range landowners and processors and consumptive and nonconsumptive users of forest and rangeland renewable resources, and these educational programs complement research and assistance programs conducted by the Department of Agriculture;

(2) to meet national goals, it is essential that all forest and rangeland renewable resources (hereinafter in this subchapter referred to as “renewable resources”), including fish and wildlife, forage, outdoor recreation opportunities, timber, and water, be fully considered in designing educational programs for landowners, processors, and users;

(3) more efficient utilization and marketing of renewable resources extend available supplies of such resources, provide products to consumers at prices less than they would otherwise be, and promote reasonable returns on the investments of landowners, processors, and users;

(4) trees and forests in urban areas improve the esthetic quality, reduce noise, filter impurities from the air and add oxygen to it, save energy by moderating temperature extremes, control wind and water erosion, and provide habitat for wildlife; and

(5) trees and shrubs used as shelterbelts protect farm lands from wind and water erosion, promote moisture accumulation in the soil, and provide habitat for wildlife.

(Pub. L. 95-306, § 2, June 30, 1978, 92 Stat. 349.)

TERMINATION OF SUBCHAPTER

For termination of subchapter by section 8 of Pub. L. 95-306, see Effective and Termination Dates note below.

EFFECTIVE AND TERMINATION DATES

Section 8 of Pub. L. 95-306, as amended by Pub. L. 100-231, § 2(2), Jan. 5, 1988, 101 Stat. 1565, provided that: “The provisions of this Act [enacting this subchapter and provision set out as a note under section 1600 of this title] shall be effective for the period beginning October 1, 1978, and ending September 30, 2000.”

SHORT TITLE

For short title of Renewable Resources Extension Act of 1978, see Short Title of 1978 Amendment note set out under section 1600 of this title.

§ 1672. General program authorization**(a) Types of programs; preconditions and cooperation with State program directors, etc.**

The Secretary of Agriculture (hereinafter in this subchapter referred to as the “Secretary”), under conditions the Secretary may prescribe and in cooperation with the State directors of cooperative extension service programs and eligible colleges and universities, shall—

(1) provide educational programs that enable individuals to recognize, analyze, and resolve problems dealing with renewable resources, including forest- and range-based outdoor recreation opportunities, trees and forests in urban areas, and trees and shrubs in shelterbelts;

(2) use educational programs to disseminate the results of research on renewable resources;

(3) conduct educational programs that transfer the best available technology to those involved in the management and protection of forests and rangelands and the processing and use of their associated renewable resources;

(4) develop and implement educational programs that give special attention to the educational needs of small, private nonindustrial forest landowners;

(5) develop and implement educational programs in range and fish and wildlife management;

(6) assist in providing continuing education programs for professionally trained individuals in fish and wildlife, forest, range, and watershed management and related fields;

(7) help forest and range landowners in securing technical and financial assistance to bring appropriate expertise to bear on their problems;

(8) help identify areas of needed research regarding renewable resources;

(9) in cooperation with State foresters or equivalent State officials, promote public understanding of the energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community area environments and expand knowledge of the ecological relationships and benefits of trees and related resources in urban and community environments; and

(10) conduct a comprehensive natural resource and environmental education program for landowners and managers, public officials, and the public, with particular emphasis on youth.

(b) "Eligible colleges and universities" defined

As used in this subchapter, the term "eligible colleges and universities" means colleges and universities eligible to be supported and maintained, in whole or in part, with funds made available under the provisions of the Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307, 308), and the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326, 328), including Tuskegee Institute, and colleges and universities eligible for assistance under the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a, 582a-1-582a-7).

(c) Use of appropriate educational methods required; scope of methods

In implementing this section, all appropriate educational methods may be used, including, but not limited to, meetings, short courses, workshops, tours, demonstrations, publications, news releases, and radio and television programs.

(Pub. L. 95-306, §3, June 30, 1978, 92 Stat. 349; Pub. L. 101-624, title XII, §§1219(b)(1), 1251(b), Nov. 28, 1990, 104 Stat. 3538, 3552; Pub. L. 102-237, title X, §1018(d), Dec. 13, 1991, 105 Stat. 1905.)

REFERENCES IN TEXT

Act of July 2, 1862 (12 Stat. 503-505, as amended; 7 U.S.C. 301-305, 307, 308), 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 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326, 328), 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.

Act of October 10, 1962 (76 Stat. 806-807, as amended), referred to in subsec. (b), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, as amended, known as the McIntire-Stennis Act of 1962, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 582a of this title and Tables.

AMENDMENTS

1991—Subsec. (a)(8) to (10). Pub. L. 102-237 struck out "and" at end of par. (8), substituted ";" and "and" for period at end of par. (9), and redesignated par. (9), relating to education program, as (10).

1990—Subsec. (a)(9). Pub. L. 101-624, §1251(b), added par. (9) relating to education programs for landowners, managers, public officials, and the public.

Pub. L. 101-624, §1219(b)(1), added par. (9) relating to promotion of public understanding of energy conservation, economic, social, environmental, and psychological values of trees and open space in urban and community environments.

§ 1673. State programs

(a) Development by State program director, etc., of comprehensive and coordinated program by mutual agreement; consultations; review procedure

The State director of cooperative extension programs (hereinafter in this subchapter referred to as the "State director") and the administrative heads of extension for eligible colleges and universities in each State shall jointly develop, by mutual agreement, a single comprehensive and coordinated renewable resources extension program in which the role of each eligible college and university is well-defined. In meeting this responsibility, the State director and the administrative heads of extension for eligible colleges and universities shall consult and seek agreement with the administrative technical representatives and the forestry representatives provided for by the Secretary in implementation of the Act of October 10, 1962 (76 Stat. 806-807, as amended; 16 U.S.C. 582a, 582a-1-582a-7), in the State. Each State's renewable resources extension program shall be submitted to the Secretary annually. The National Agricultural Research and Extension Users Advisory Board established under section 3123 of title 7 shall review and make recommendations to the Secretary pertaining to programs conducted under this subchapter.

(b) Encouragement by State director, etc., of cooperation between county and State extension staffs and appropriate Federal and State agencies and organizations

The State director and the administrative heads of extension for eligible colleges and universities in each State shall encourage close cooperation between extension staffs at the county and State levels, and State and Federal research organizations dealing with renewable resources, State and Federal agencies that manage forests and rangelands and their associated renewable resources, State and Federal agencies that have responsibilities associated with the processing or use of renewable resources, and other agencies or organizations the State director and administrative heads of extension deem appropriate.

(c) Administration and coordination of program by State director; exception

Each State renewable resources extension program shall be administered and coordinated by the State director, except that, in States having colleges eligible to receive funds under the Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326, 328), including Tuskegee Institute, the State renewable resources extension program shall be administered by the State director and the administrative head or heads of extension for the college or colleges eligible to receive such funds.

(d) Appointment and use of advisory committees by State director, etc.; composition of advisory committees

In meeting the provisions of this section, each State director and administrative heads of extension for eligible colleges and universities shall appoint and use one or more advisory committees comprised of forest and range landowners, professionally trained individuals in fish and wildlife, forest, range, and watershed management, and related fields, as appropriate, and other suitable persons.

(e) "State" defined

For the purposes of this subchapter, the term "State" means any one of the fifty States, the Commonwealth of Puerto Rico, Guam, the District of Columbia, and the Virgin Islands of the United States.

(Pub. L. 95-306, § 4, June 30, 1978, 92 Stat. 350.)

REFERENCES IN TEXT

Act of October 10, 1962 (76 Stat. 806-807, as amended), referred to in subsec. (a), is Pub. L. 87-788, Oct. 10, 1962, 76 Stat. 806, as amended, known as the McIntire-Stennis Act of 1962, which is classified generally to subchapter III (§582a et seq.) of chapter 3 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 582a of this title and Tables.

Act of August 30, 1890 (26 Stat. 417-419, as amended; 7 U.S.C. 321-326, 328), referred to in subsec. (c), 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, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 321 of Title 7 and Tables.

§ 1674. Renewable Resources Extension Program plan

(a) Preparation and submission to Congress; purposes; contents

The Secretary shall prepare a five-year plan for implementing this subchapter, which is to be called the "Renewable Resources Extension Program" and shall submit such plan to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate no later than the last day of the first half of the fiscal year ending September 30, 1980, and the last day of the first half of each fifth fiscal year thereafter. The Renewable Resources Extension Program shall provide national emphasis and direction as well as guidance to State directors and administrative heads of extension for eligible

colleges and universities in the development of their respective State renewable resources extension programs, which are to be appropriate in terms of the conditions, needs, and opportunities in each State. The Renewable Resources Extension Program shall contain, but not be limited to, brief outlines of general extension programs for fish and wildlife management (for both game and nongame species), range management, timber management (including brief outlines of general extension programs for timber utilization, timber harvesting, timber marketing, wood utilization, and wood products marketing), and watershed management (giving special attention to water quality protection), as well as brief outlines of general extension programs for recognition and enhancement of forest- and range-based outdoor recreation opportunities, for urban and community forestry activities, and for planting and management of trees and shrubs in shelterbelts, and give special attention to water quality protection and natural resource and environmental education for landowners and managers, public officials, and the public.

(b) Considerations governing preparation

In preparing the Renewable Resources Extension Program, the Secretary shall take into account the respective capabilities of private forests and rangelands for yielding renewable resources and the relative needs for such resources identified in the periodic Renewable Resource Assessment provided for in section 1601 of this title and the periodic appraisal of land and water resources provided for in section 2004 of this title.

(c) Annual report to Congress

To provide information that will aid Congress in its oversight responsibilities and to provide accountability in implementing this subchapter, the Secretary shall prepare an annual report, which shall be furnished to Congress at the time of submission of each annual fiscal budget, beginning with the annual fiscal budget for the fiscal year ending September 30, 1981. The annual report shall set forth accomplishments of the Renewable Resources Extension Program, its strengths and weaknesses, recommendations for improvement, and costs of program administration, each with respect to the preceding fiscal year.

(d) Review of activities and evaluation of progress

To assist Congress and the public in evaluating the Renewable Resources Extension Program, the program shall include a review of activities undertaken in response to the preceding five-year plan and an evaluation of the progress made toward accomplishing the goals and objectives set forth in such preceding plan. Such review and evaluation shall be displayed in the program, for the Nation as a whole, and for each State.

(Pub. L. 95-306, § 5, June 30, 1978, 92 Stat. 351; Pub. L. 100-231, § 3, Jan. 5, 1988, 101 Stat. 1565; Pub. L. 101-624, title XII, §§1219(b)(2), 1251(c), Nov. 28, 1990, 104 Stat. 3539, 3553.)

AMENDMENTS

1990—Subsec. (a). Pub. L. 101-624, § 1251(c), inserted before period at end “; and give special attention to water quality protection and natural resource and environmental education for landowners and managers, public officials, and the public”.

Pub. L. 101-624, § 1219(b)(2), substituted “for urban and community forestry activities” for “for planting and management of trees and forests in urban areas”.

1988—Subsec. (a). Pub. L. 100-231, § 3(1), substituted “the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate” for “Congress”.

Subsec. (d). Pub. L. 100-231, § 3(2), added subsec. (d).

§ 1674a. Expanded programs**(a) In general**

The Secretary, acting through the Extension Service and the State cooperative extension services, and in consultation with State foresters or equivalent State officials, school boards, and universities, shall expand forestry and natural resources education programs conducted under this subchapter for private forest owners and managers, public officials, youth, and the general public, and shall include guidelines for the transfer of technology.

(b) Activities**(1) In general**

In expanding the programs conducted under this subchapter, the Secretary shall ensure that activities are undertaken to promote policies and practices that enhance the health, vitality, productivity, economic value, and environmental attributes of the forest lands of the United States.

(2) Types

The activities referred to in paragraph (1) shall include—

(A) demonstrating and teaching landowners and forest managers the concepts of multiple-use and sustainable natural resource management;

(B) conducting comprehensive environmental education programs that assist citizens to participate in environmentally positive activities such as tree planting, recycling, erosion prevention, and waste management; and

(C) educational programs and materials that will improve the capacity of schools, local governments and resource agencies to deliver forestry and natural resources information to young people, environmentally concerned citizens, and action groups.

(Pub. L. 95-306, § 5A, as added Pub. L. 101-624, title XII, § 1251(a), Nov. 28, 1990, 104 Stat. 3552.)

§ 1675. Authorization of appropriations; criteria for eligibility of States for funds

There are authorized to be appropriated to implement this subchapter \$15,000,000 for the fiscal year ending September 30, 1988, and \$15,000,000 for each of the next twelve fiscal years. Generally, States shall be eligible for funds appropriated under this subchapter according to the respective capabilities of their private forests and rangelands for yielding renewable resources and relative needs for such resources identified

in the periodic Renewable Resource Assessment provided for in section 1601 of this title and the periodic appraisal of land and water resources provided for in section 2004 of this title.

(Pub. L. 95-306, § 6, June 30, 1978, 92 Stat. 352; Pub. L. 100-231, § 2(1), Jan. 5, 1988, 101 Stat. 1565.)

AMENDMENTS

1988—Pub. L. 100-231 amended first sentence generally, substituting “1988” for “1979” and “twelve” for “nine”.

§ 1676. Issuance of rules and regulations for implementation of provisions and coordination with agricultural, research, extension, and teaching provisions

The Secretary is authorized to issue such rules and regulations as the Secretary deems necessary to implement the provisions of this subchapter and to coordinate this subchapter with title XIV of the Food and Agriculture Act of 1977 [7 U.S.C. 3101 et seq.].

(Pub. L. 95-306, § 7, June 30, 1978, 92 Stat. 352.)

REFERENCES IN TEXT

The Food and Agriculture Act of 1977, referred to in text, is Pub. L. 95-113, Sept. 29, 1977, 91 Stat. 913, as amended. Title XIV of the Food and Agriculture Act of 1977, known as the “National Agricultural Research, Extension, and Teaching Policy Act of 1977”, is classified principally to chapter 64 (§ 3101 et seq.) of Title 7, Agriculture. For complete classification of this title to the Code, see Short Title note set out under section 3101 of Title 7 and Tables.

SUBCHAPTER IV—WOOD RESIDUE UTILIZATION

§ 1681. Congressional statement of purpose

The purpose of this subchapter is to develop, demonstrate, and make available information on feasible methods that have potential for commercial application to increase and improve utilization, in residential, commercial, and industrial or powerplant applications, of wood residues resulting from timber harvesting and forest protection and management activities occurring on public and private forest lands, and from the manufacture of forest products, including wood-pulp.

(Pub. L. 96-554, § 2, Dec. 19, 1980, 94 Stat. 3257.)

EFFECTIVE DATE

Section 9 of Pub. L. 96-554 provided that: “This Act [enacting this subchapter and enacting a provision set out as a note under section 1600 of this title] shall become effective October 1, 1981”.

SHORT TITLE

For short title of Pub. L. 96-554, Dec. 19, 1980, 94 Stat. 3257, as the Wood Residue Utilization Act of 1980, see Short Title of 1980 Amendment note set out under section 1600 of this title.

§ 1682. Pilot projects and demonstrations**(a) Establishment, implementation**

The Secretary may establish pilot projects and demonstrations to carry out the purposes of this subchapter. The pilot projects and demonstrations established under this section (1) may be operated by the Secretary; or (2) may be

carried out through contracts or agreements with owners of private forest lands or other persons, or in conjunction with projects, contracts, or agreements entered into under any other authority which the Secretary may possess: *Provided*, That nothing contained in this subchapter shall abrogate or modify provisions of existing contracts or agreements, including contracts or agreements for the sale of national forest timber, except to the extent such changes are mutually agreed to by the parties to such contracts or agreements.

(b) Scope; residue removal credits

Pilot projects and demonstrations carried out under this section may include, but are not limited to (1) establishment and operation of utilization demonstration areas; (2) establishment and operation of fuel wood concentration and distribution centers; and (3) construction of access roads needed to facilitate wood residue utilization: *Provided*, That residue removal credits may be utilized by the Secretary only as provided in section 1683 of this title.

(Pub. L. 96-554, § 3, Dec. 19, 1980, 94 Stat. 3257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1687 of this title.

§ 1683. Pilot projects; requirements; residue removal credits as compensation; implementation guidelines

The Secretary may carry out pilot wood residue utilization projects under which purchasers of National Forest System timber under contracts awarded prior to October 1, 1986, may, except as otherwise provided in this section, be required to remove wood residues not purchased by them to points of prospective use in return for compensation in the form of "residue removal credits." Such projects may be carried out where the Secretary identifies situations in which pilot wood residue utilization projects on the National Forest system can provide important information on various methods and approaches to increasing the utilization, in residential, commercial, and industrial or power-plant applications, of wood residues and where such information cannot reasonably be obtained unless the pilot projects are done in conjunction with normal National Forest timber sale activities. The residue removal credits shall be applied against the amount payable for the timber purchased and shall represent the anticipated cost of removal of wood residues. The following guidelines shall apply to projects carried out under this section:

(1) Except in cases where wood residue removal is determined to be necessary for fire prevention, site preparation for regeneration, wildlife habitat improvement, or other land management purposes, the Secretary may not provide for removal of wood residues in instances where the anticipated cost of removal would exceed the anticipated value.

(2) The residue removal credits authorized by this section shall not exceed the amount payable by the purchaser for timber after the application of all other designated charges and credits.

(3) The Secretary may sell the wood residues removed to points of prospective use for not less than their appraised value.

(4) Pilot projects, demonstrations, and other programs established pursuant to this subchapter shall be carried out in a manner which does not result in an adverse effect on the furnishing of timber, free of charge, under any other provision of law.

(5) Wood residues shall be collected from a site so as to avoid soil depletion or erosion giving full consideration to the protection of wildlife habitat.

(6) For the purposes of section 500 of this title, (A) any residue removal credit applied under this section shall be considered as "money received" or "moneys received", respectively, and (B) the "money received" or "moneys received", respectively, from the sales of wood residues removed to points of prospective use shall be the proceeds of the sales less the sum of any residue removal credit applied with respect to such residues plus any costs incurred by the Forest Service in processing and storing such residues.

(Pub. L. 96-554, § 4, Dec. 19, 1980, 94 Stat. 3257.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1682, 1687 of this title.

§ 1684. Annual reports

This Secretary shall make annual reports to the Congress on the programs authorized by this subchapter. These reports shall be submitted with the reports required under section 1606(c) of this title.

(Pub. L. 96-554, § 5, Dec. 19, 1980, 94 Stat. 3258.)

§ 1685. Regulations

The Secretary shall issue such regulations as the Secretary deems necessary to implement the provisions of this subchapter.

(Pub. L. 96-554, § 6, Dec. 19, 1980, 94 Stat. 3258.)

§ 1686. Definitions

For purposes of this subchapter, the term:

(1) "Anticipated cost of removal" means the projected cost of removal of wood residues from timber sales areas to points of prospective use, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(2) "Anticipated value" means the projected value of wood residues as fuel or other merchantable wood products, as determined by the Secretary at the time of advertisement of the timber sales contract in accordance with appropriate appraisal and sale procedures.

(3) "Points of prospective use" means the locations where the wood residues are sold or otherwise put to use, as determined by the Secretary in accordance with appropriate appraisal and sale procedures.

(4) "Person" means an individual, partnership, joint-stock company, corporation, association, trust, estate, or any other legal entity, or any agency of Federal or State government or of a political subdivision of a State.

(5) “Secretary” means the Secretary of Agriculture.

(6) “Wood residues” includes, but is not limited to, logging slash, down timber material, woody plants, and standing live or dead trees which do not meet utilization standards because of size, species, merchantable volume, or economic selection criteria and which, in the case of live trees, are surplus to growing stock needs.

(Pub. L. 96-554, § 7, Dec. 19, 1980, 94 Stat. 3258.)

§ 1687. Authorization of appropriations

There is hereby authorized to be appropriated not to exceed \$25,000,000 for each of the fiscal years 1982, 1983, 1984, 1985, and 1986 to carry out the pilot projects and demonstrations authorized by section 1682 of this title, the residue removal credits authorized by section 1683 of this title, and the other provisions of this subchapter: *Provided*, That not to exceed \$2,500,000 of such amount may be appropriated for administrative expenses to carry out this subchapter for the period beginning October 1, 1981, and ending September 30, 1986. Such sums shall be in addition to those provided under other provisions of law and shall remain available until expended.

(Pub. L. 96-554, § 8, Dec. 19, 1980, 94 Stat. 3259.)

CHAPTER 37—YOUTH CONSERVATION CORPS AND PUBLIC LANDS CORPS

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in title 42 section 12651d.

SUBCHAPTER I—YOUTH CONSERVATION CORPS

§ 1701. Congressional declaration of policy and purpose

The Congress finds that the Youth Conservation Corps has demonstrated a high degree of success as a pilot program wherein American youth, representing all segments of society, have benefited by gainful employment in the healthful outdoor atmosphere of the national park system, the national forest system, other public land and water areas of the United States and by their employment have developed, enhanced, and maintained the natural resources of the United States, and whereas in so doing the youth have gained an understanding and appreciation of the Nation’s environment and heritage equal to one full academic year of study, it is accordingly the purpose of this subchapter to expand and make permanent the Youth Conservation Corps and thereby further the development and maintenance of the natural resources by America’s youth, and in so doing to prepare them for the ultimate responsibility of maintaining and managing these resources for the American people.

(Pub. L. 91-378, title I, § 101, formerly § 1, Aug. 13, 1970, 84 Stat. 794; Pub. L. 92-597, Oct. 27, 1972, 86 Stat. 1319; Pub. L. 93-408, Sept. 3, 1974, 88 Stat. 1066; renumbered title I, § 101, and amended Pub. L. 103-82, title I, § 105(1)-(3), Sept. 21, 1993, 107 Stat. 848.)

AMENDMENTS

1993—Pub. L. 103-82, § 105(2), substituted “subchapter” for “chapter”.

1974—Pub. L. 93-408 substantially reenacted existing provisions and added finding that the Youth Conservation Corps program be expanded and made permanent in view of the success of the pilot program.

1972—Pub. L. 92-597 substituted “areas of the United States” for “areas administered by the Secretary of the Interior and the Secretary of Agriculture”.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 123 of title I of Pub. L. 103-82 provided that: “This title [see Tables for classification], and the amendments made by this title, shall take effect on October 1, 1993.”