

sitions within such agency which are of a non-regulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Violation; penalty

Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than \$2,500 or imprisoned not more than one year, or both.

(Pub. L. 94-429, §13, Sept. 28, 1976, 90 Stat. 1344.)

REFERENCES IN TEXT

This Act, referred to in subsec. (a)(1), is Pub. L. 94-429, which enacted this chapter, amended sections 123 and 450y-2 of this title, and repealed sections 350, 350a, 447, and 450z of this title. For complete classification of this Act to the Code, see Tables.

CHAPTER 40—SOIL AND WATER RESOURCES CONSERVATION

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CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 582a of this title.

§ 2001. Congressional findings

The Congress finds that:

(1) There is a growing demand on the soil, water, and related resources of the Nation to meet present and future needs.

(2) The Congress, in its concern for sustained use of the resource base,¹ of the United States, has ensured that the Department of Agriculture possesses information, technical expertise, and a

¹ So in original. The comma probably should not appear.

delivery system for providing assistance to land users with respect to conservation and use of soils; plants; woodlands; watershed protection and flood prevention; the conservation, development, utilization, and disposal of water; animal husbandry; fish and wildlife management; recreation; community development; and related resource uses.

(3) Resource appraisal is basic to effective soil and water conservation. Since individual and governmental decisions concerning soil and water resources often transcend administrative boundaries and affect other programs and decisions, a coordinated appraisal and program framework are essential.

(Pub. L. 95-192, §2, Nov. 18, 1977, 91 Stat. 1407; Pub. L. 103-354, title II, §246(f)(2)(A), Oct. 13, 1994, 108 Stat. 3225.)

AMENDMENTS

1994—Par. (2). Pub. L. 103-354 struck out “created the Soil Conservation Service” after “resource base,” and substituted “, has ensured that the Department of Agriculture” for “Department of Agriculture which” after “United States”.

SHORT TITLE

Section 1 of Pub. L. 95-192 provided: “That this Act [enacting this chapter] may be cited as the ‘Soil and Water Resources Conservation Act of 1977’.”

§ 2002. Definitions

As used in this chapter:

(1) The term “Secretary” means the Secretary of Agriculture.

(2) The term “soil, water, and related resources” means those resources which come within the scope of the programs administered and participated in by the Secretary of Agriculture.

(3) The term “soil and water conservation program” means a set of guidelines for attaining the purposes of this chapter.

(Pub. L. 95-192, §3, Nov. 18, 1977, 91 Stat. 1407; Pub. L. 103-354, title II, §246(f)(2)(B), Oct. 13, 1994, 108 Stat. 3225.)

AMENDMENTS

1994—Par. (2). Pub. L. 103-354 struck out “through the Soil Conservation Service” after “Agriculture”.

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 chapter 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.

§ 2003. Congressional policy and declaration of purpose

(a) Responsiveness to long-term needs

In order to further the conservation of soil, water, and related resources, it is declared to be the policy of the United States and purpose of this chapter that the conduct of programs administered by the Secretary of Agriculture for the conservation of such resources shall be responsive to the long-term needs of the Nation, as determined under the provisions of this chapter.

(b) Full utilization of cooperative arrangements with State agencies

Recognizing that the arrangements under which the Federal Government cooperates with State soil and water conservation agencies and other appropriate State natural resource agencies such as those concerned with forestry and fish and wildlife and, through conservation districts, with other local units of government and land users, have effectively aided in the protection and improvement of the Nation's basic resources, including the restoration and maintenance of resources damaged by improper use, it is declared to be the policy of the United States that these arrangements and similar cooperative arrangements should be utilized to the fullest extent practicable to achieve the purpose of this chapter consistent with the roles and responsibilities of the non-Federal agencies, landowners and land users.

(c) Attainment of policies and purposes

The Secretary shall promote the attainment of the policies and purposes expressed in this chapter by—

- (1) appraising on a continuing basis the soil, water, and related resources of the Nation;
- (2) developing and updating periodically a program for furthering the conservation, protection, and enhancement of the soil, water, and related resources of the Nation consistent with the roles and program responsibilities of other Federal agencies and State and local governments; and
- (3) providing to Congress and the public, through reports, the information developed pursuant to paragraphs (1) and (2) of this subsection, and by providing Congress with an annual evaluation report as provided in section 2006 of this title.

(Pub. L. 95-192, § 4, Nov. 18, 1977, 91 Stat. 1407.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter 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 2002 of this title.

§ 2004. Continuing appraisal of soil, water, and related resources

(a) Data

In recognition of the importance of and need for obtaining and maintaining information on the current status of soil, water, and related resources, the Secretary is authorized and directed

to carry out a continuing appraisal of the soil, water, and related resources of the Nation. The appraisal shall include, but not be limited to—

- (1) data on the quality and quantity of soil, water, and related resources, including fish and wildlife habitats;
- (2) data on the capability and limitations of those resources for meeting current and projected demands on the resource base;
- (3) data on the changes that have occurred in the status and condition of those resources resulting from various past uses, including the impact of farming technologies, techniques, and practices;
- (4) data on current Federal and State laws, policies, programs, rights, regulations, ownerships, and their trends and other considerations relating to the use, development, and conservation of soil, water, and related resources;
- (5) data on the costs and benefits of alternative soil and water conservation practices; and
- (6) data on alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.

(b) Collection of data

The appraisal shall utilize data collected under this chapter and pertinent data and information collected by the Department of Agriculture and other Federal, State, and local agencies and organizations. The Secretary shall establish an integrated system capable of using combinations of resource data to determine the quality and capabilities for alternative uses of the resource base and to identify areas of local, State, and National concerns and related roles pertaining to soil and water conservation, resource use and development, and environmental improvement.

(c) Public participation

The appraisal shall be made in cooperation with conservation districts, State soil and water conservation agencies, and other appropriate citizen groups, and local and State agencies under such procedures as the Secretary may prescribe to insure public participation.

(d) Completion dates

The Secretary shall conduct four comprehensive appraisals under this section, to be completed by December 31, 1979, December 31, 1986, December 31, 1995, and December 31, 2005, respectively. The Secretary may make such additional interim appraisals as the Secretary considers appropriate.

(Pub. L. 95-192, § 5, Nov. 18, 1977, 91 Stat. 1408; Pub. L. 99-198, title XII, § 1252(a), Dec. 23, 1985, 99 Stat. 1516.)

AMENDMENTS

1985—Subsec. (d). Pub. L. 99-198 amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: "The appraisal shall be completed by December 31, 1979, and at each five-year interval thereafter during the period this chapter is in effect."

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture

under this chapter 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 2002 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1674, 1675, 2005, 2006 of this title; title 7 section 3121.

§ 2005. Soil and water conservation program

(a) Program development

The Secretary is hereby authorized and directed to develop in cooperation with and participation by the public through conservation districts, State and national organizations and agencies, and other appropriate means, a national soil and water conservation program (hereinafter called the “program”) to be used as a guide in carrying out the activities of the Secretary which assist landowners and land users, at their request, in furthering soil and water conservation on the private and non-Federal lands of the Nation. The program shall set forth direction for future soil and water conservation efforts of the United States Department of Agriculture based on the current soil, water, and related resource appraisal developed in accordance with section 2004 of this title, taking into consideration both the long- and short-term needs of the Nation, the landowners, and the land users, and the roles and responsibilities of Federal, State, and local governments in such conservation efforts. The program shall also include but not be limited to—

- (1) analysis of the Nation’s soil, water, and related resource problems;
- (2) analysis of existing Federal, State, and local government authorities and adjustments needed;
- (3) an evaluation of the effectiveness of the soil and water conservation ongoing programs and the overall progress being achieved by Federal, State, and local programs and the landowners and land users in meeting the soil and water conservation objectives of this chapter;
- (4) identification and evaluation of alternative methods for the conservation, protection, environmental improvement, and enhancement of soil and water resources, in the context of alternative time frames, and a recommendation of the preferred alternatives and the extent to which they are being implemented;
- (5) investigation and analysis of the practicability, desirability, and feasibility of collecting organic waste materials, including manure, crop and food wastes, industrial organic waste, municipal sewage sludge, logging and wood-manufacturing residues, and any other organic refuse, composting, or similarly treating such materials, transporting and placing such materials onto the land to improve soil tilth and fertility. The analysis shall include the projected cost of such collection, transportation, and placement in accordance with sound locally approved soil and water conservation practices;
- (6) analysis of the Federal and non-Federal inputs required to implement the program;
- (7) analysis of costs and benefits of alternative soil and water conservation practices; and

(8) investigation and analysis of alternative irrigation techniques regarding their costs, benefits, and impact on soil and water conservation, crop production, and environmental factors.

(b) Completion dates

The initial program shall be completed not later than December 31, 1979, and program updates shall be completed by December 31, 1987, December 31, 1997, and December 31, 2007, respectively.

(Pub. L. 95–192, §6, Nov. 18, 1977, 91 Stat. 1409; Pub. L. 99–198, title XII, §1252(b), Dec. 23, 1985, 99 Stat. 1516; Pub. L. 103–354, title II, §246(f)(2)(C), Oct. 13, 1994, 108 Stat. 3225.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103–354 in first sentence of introductory provisions substituted “Secretary” for “Soil Conservation Service” before “which assist”.

1985—Subsec. (b). Pub. L. 99–198 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The program plan shall be completed not later than December 31, 1979, and be updated at each five-year interval thereafter during the period this chapter is in effect.”

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter 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 2002 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2006 of this title; title 7 section 3121.

§ 2005a. Repealed. Pub. L. 104–127, title III, § 336(e), Apr. 4, 1996, 110 Stat. 1007

Section, Pub. L. 99–198, title XII, §1251, Dec. 23, 1985, 99 Stat. 1516, related to technical assistance for water resources.

§ 2005b. Conservation of private grazing land

(a) Findings

Congress finds that—

- (1) private grazing land constitutes nearly ½ of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;
- (2) private grazing land contains a complex set of interactions among soil, water, air, plants, and animals;
- (3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;
- (4) private grazing land constitutes the most extensive wildlife habitat in the United States;
- (5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-product nutrient resources;
- (6) owners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive sound technical assistance to improve or

conserve grazing land resources to meet ecological and economic demands;

(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land resources;

(8) agencies of the Department with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and research to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land;

(9) although competing demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is currently limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing land resources; and

(10) private grazing land can be enhanced to provide many benefits to all citizens of the United States through voluntary cooperation among owners and managers of the land, local conservation districts, and the agencies of the Department responsible for providing assistance to owners and managers of land and to conservation districts.

(b) Purpose

It is the purpose of this section to authorize the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

(1) establishing a coordinated and cooperative Federal, State, and local grazing conservation program for management of private grazing land;

(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

(3) conserving and improving wildlife habitat on private grazing land;

(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

(5) protecting and improving water quality;

(6) improving the dependability and consistency of water supplies;

(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

(c) Definitions

In this section:

(1) Department

The term “Department” means the Department of Agriculture.

(2) Private grazing land

The term “private grazing land” means private, State-owned, tribally-owned, and any other non-federally owned rangeland, pastureland, grazed forest land, and hay land.

(3) Secretary

The term “Secretary” means the Secretary of Agriculture.

(d) Private grazing land conservation assistance

(1) Assistance to grazing landowners and others

Subject to the availability of appropriations for this section, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

(B) implementing grazing land management technologies;

(C) managing resources on private grazing land, including—

(i) planning, managing, and treating private grazing land resources;

(ii) ensuring the long-term sustainability of private grazing land resources;

(iii) harvesting, processing, and marketing private grazing land resources; and

(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

(D) protecting and improving the quality and quantity of water yields from private grazing land;

(E) maintaining and improving wildlife and fish habitat on private grazing land;

(F) enhancing recreational opportunities on private grazing land;

(G) maintaining and improving the aesthetic character of private grazing lands; and

(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises.

(2) Program elements

(A) Funding

If funding is provided to carry out this section, it shall be provided through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

(B) Technical assistance and education

Personnel of the Department trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

(e) Grazing technical assistance self-help

(1) Findings

Congress finds that—

(A) there is a severe lack of technical assistance for farmers and ranchers who graze livestock;

(B) Federal budgetary constraints preclude any significant expansion, and may force a

reduction of, current levels of technical support; and

(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

(2) Establishment of grazing demonstration

In accordance with paragraph (3), the Secretary may establish 2 grazing management demonstration districts at the recommendation of the grazing lands conservation initiative steering committee.

(3) Procedure

(A) Proposal

Within a reasonable time after the submission of a request of an organization of farmers or ranchers engaged in grazing, the Secretary shall propose that a grazing management district be established.

(B) Funding

The terms and conditions of the funding and operation of the grazing management district shall be proposed by the producers.

(C) Approval

The Secretary shall approve the proposal if the Secretary determines that the proposal—

- (i) is reasonable;
- (ii) will promote sound grazing practices; and
- (iii) contains provisions similar to the provisions contained in the beef promotion and research order issued under section 2903 of title 7 in effect on April 4, 1996.

(D) Area included

The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of a petition by farmers or ranchers.

(E) Authorization

The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

(F) Activities

The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of ranchers, farmers, and technical experts.

(f) Authorization of appropriations

There are authorized to be appropriated to carry out this section—

- (1) \$20,000,000 for fiscal year 1996;
- (2) \$40,000,000 for fiscal year 1997; and
- (3) \$60,000,000 for fiscal year 1998 and each subsequent fiscal year.

(Pub. L. 104-127, title III, § 386, Apr. 4, 1996, 110 Stat. 1017.)

REFERENCES IN TEXT

The Agricultural Adjustment Act, reenacted with amendments by the Agricultural Marketing Agreement

Act of 1937, referred to in subsec. (e)(3)(E), is title I of act May 12, 1933, ch. 25, 48 Stat. 31, as amended, which is classified generally to chapter 26 (§601 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 601 of Title 7 and Tables.

CODIFICATION

Section was enacted as part of the Federal Agriculture Improvement and Reform Act of 1996, and not as part of the Soil and Water Resources Conservation Act of 1977 which comprises this chapter.

§ 2006. Reports to Congress

(a) Appraisal, program, and detailed statement of policy when Congress convenes

(1) At the time Congress convenes in 1980, 1987, 1996, and 2006, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the appraisal developed under section 2004 of this title and completed prior to the end of the previous year.

(2) At the time Congress convenes in 1980, 1988, 1998, and 2008, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate the initial program or updated program developed under section 2005 of this title and completed prior to the end of the previous year, together with a detailed statement of policy regarding soil and water conservation activities of the United States Department of Agriculture.

(b) Annual report accompanying budget covering program effectiveness

The Secretary, during budget preparation for fiscal year 1982 and annually thereafter during the period this chapter is in effect, shall prepare and transmit to the Congress, through the President, a report to accompany the budget which evaluates the program's effectiveness in attaining the purposes of this chapter. The report, prepared in concise summary form with appropriate detailed appendices, shall contain pertinent data from the current resource appraisal required to be prepared by section 2004 of this title, shall set forth the progress in implementing the program required to be developed by section 2005 of this title, and shall contain appropriate measurements of pertinent costs and benefits. The evaluation shall assess the balance between economic factors and environmental quality factors. The report shall also indicate plans for implementing action and recommendations for new legislation where warranted.

(Pub. L. 95-192, § 7, Nov. 18, 1977, 91 Stat. 1410; Pub. L. 99-198, title XII, § 1252(c), Dec. 23, 1985, 99 Stat. 1516.)

AMENDMENTS

1985—Subsec. (a). Pub. L. 99-198, § 1252(c)(1), added subsec. (a) and struck out former subsec. (a) which read as follows: "On the first day Congress convenes in 1980 and at each five-year interval thereafter during the period this chapter is in effect the President shall transmit to the Speaker of the House of Representatives and the President of the Senate, the appraisal and the program as required by sections 2004 and 2005 of this title, together with a detailed statement of policy regarding soil and water conservation activities of the United States Department of Agriculture."

Subsecs. (b), (c). Pub. L. 99-198, § 1252(c)(2), (3), struck out subsec. (b) which provided for an annual report of

program and policy achievement, and redesignated sub-sec. (c) as (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2003 of this title.

§ 2007. Authorization of appropriations

There are authorized to be appropriated such funds as may be necessary to carry out the purposes of this chapter.

(Pub. L. 95-192, § 8, Nov. 18, 1977, 91 Stat. 1411.)

§ 2008. Utilization of available information and data

In the implementation of this chapter, the Secretary shall utilize information and data available from other Federal, State, and local governments, and private organizations and he shall coordinate his actions with the resource appraisal and planning efforts of other Federal agencies and avoid unnecessary duplication and overlap of planning and program efforts.

(Pub. L. 95-192, § 9, Nov. 18, 1977, 91 Stat. 1411.)

TRANSFER OF FUNCTIONS

For transfer of certain enforcement functions of Secretary or other official in Department of Agriculture under this chapter to Federal Inspector, Office of Federal Inspector for the Alaska Natural Gas Transportation System, and subsequent transfer to Secretary of Energy, see note set out under section 2002 of this title.

§ 2009. Termination of program

The provisions of this chapter shall terminate on December 31, 2008.

(Pub. L. 95-192, § 10, Nov. 18, 1977, 91 Stat. 1411; Pub. L. 99-198, title XII, § 1252(d), Dec. 23, 1985, 99 Stat. 1517.)

AMENDMENTS

1985—Pub. L. 99-198 substituted “2008” for “1985”.

CHAPTER 41—COOPERATIVE FORESTRY ASSISTANCE

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