

- (i) activities to treat insect- and disease-infected trees;
- (ii) activities to reduce hazardous fuels; and
- (iii) any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat.

(B) Exclusions

The term “forest, rangeland, and watershed restoration services” does not include—

- (i) construction, reconstruction, repair, or restoration of paved or permanent roads or parking areas; or
- (ii) construction, alteration, repair or replacement of public buildings or works.

(4) Good neighbor agreement

The term “good neighbor agreement” means a cooperative agreement or contract (including a sole source contract) entered into between the Secretary and a Governor to carry out authorized restoration services under this section.

(5) Governor

The term “Governor” means the Governor or any other appropriate executive official of an affected State or the Commonwealth of Puerto Rico.

(6) Road

The term “road” has the meaning given the term in section 212.1 of title 36, Code of Federal Regulations (as in effect on February 7, 2014).

(7) Secretary

The term “Secretary” means—

- (A) the Secretary of Agriculture, with respect to National Forest System land; and
- (B) the Secretary of the Interior, with respect to Bureau of Land Management land.

(b) Good neighbor agreements

(1) Good neighbor agreements

(A) In general

The Secretary may enter into a good neighbor agreement with a Governor to carry out authorized restoration services in accordance with this section.

(B) Public availability

The Secretary shall make each good neighbor agreement available to the public.

(2) Timber sales

(A) In general

Subsections (d) and (g) of section 472a of this title shall not apply to services performed under a cooperative agreement or contract entered into under subsection (a).

(B) Approval of silviculture prescriptions and marking guides

The Secretary shall provide or approve all silviculture prescriptions and marking guides to be applied on Federal land in all timber sale projects conducted under this section.

(3) Retention of NEPA responsibilities

Any decision required to be made under the National Environmental Policy Act of 1969 (42

U.S.C. 4321 et seq.) with respect to any authorized restoration services to be provided under this section on Federal land shall not be delegated to a Governor.

(Pub. L. 113-79, title VIII, §8206, Feb. 7, 2014, 128 Stat. 921.)

REFERENCES IN TEXT

The National Environmental Policy Act of 1969, referred to in subsec. (b)(3), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

CODIFICATION

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

§ 2114. Administration

(a) In general

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

(b) Guidelines

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

(c) Existing mechanisms

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

(d) Land grant universities

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

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

CHAPTER 42—EMERGENCY CONSERVATION PROGRAM

Sec.	
2201.	Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria.
2202.	Payments to agricultural producers for carrying out water conservation or water enhancing measures; criteria.
2203.	Emergency measures.
2204.	Authorization of appropriations; availability of funds; implementation of provisions; limitations on expenditures.
2205.	Regulations for implementation of provisions.
2206.	Emergency forest restoration program.

§ 2201. Payments to agricultural producers for carrying out wind erosion control or rehabilitation measures; criteria

The Secretary of Agriculture is authorized to make payments to agricultural producers who

carry out emergency measures to control wind erosion on farmlands or to rehabilitate farmlands damaged by wind erosion, floods, hurricanes, or other natural disasters when, as a result of the foregoing, new conservation problems have been created that (1) if not treated, will impair or endanger the land, (2) materially affect the productive capacity of the land, (3) represent damage that is unusual in character and, except for wind erosion, is not the type that would recur frequently in the same area, and (4) will be so costly to rehabilitate that Federal assistance is or will be required to return the land to productive agricultural use.

(Pub. L. 95-334, title IV, §401, Aug. 4, 1978, 92 Stat. 433.)

EFFECTIVE DATE

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

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

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

(Pub. L. 95-334, title IV, §402, Aug. 4, 1978, 92 Stat. 434; Pub. L. 101-82, title V, §502, Aug. 14, 1989, 103 Stat. 586.)

AMENDMENTS

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

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

EFFECTIVE AND TERMINATION DATES OF 1989 AMENDMENT

Pub. L. 101-82, title V, §502(2), Aug. 14, 1989, 103 Stat. 586, provided in part that amendment by section 502(2) of Pub. L. 101-82 is effective only for fiscal year 1989.

§ 2203. Emergency measures

(a) In general

The Secretary of Agriculture is authorized to undertake emergency measures, including the purchase of floodplain easements, for runoff retardation and soil-erosion prevention, in cooperation with landowners and land users, as the Secretary deems necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed whenever fire, flood, or any other natural occurrence is causing or has caused a sudden impairment of that watershed.

(b) Floodplain easements

(1) Modification and termination

The Secretary may modify or terminate a floodplain easement administered by the Secretary under this section if—

(A) the current owner agrees to the modification or termination; and

(B) the Secretary determines that the modification or termination—

(i) will address a compelling public need for which there is no practicable alternative; and

(ii) is in the public interest.

(2) Consideration

(A) Termination

As consideration for termination of an easement and associated agreements under paragraph (1), the Secretary shall enter into compensatory arrangements as determined to be appropriate by the Secretary.

(B) Modification

In the case of a modification under paragraph (1)—

(i) as a condition of the modification, the current owner shall enter into a compensatory arrangement (as determined to be appropriate by the Secretary) to incur the costs of modification; and

(ii) the Secretary shall ensure that—

(I) the modification will not adversely affect the floodplain functions and values for which the easement was acquired;

(II) any adverse impacts will be mitigated by enrollment and restoration of other land that provides greater floodplain functions and values at no additional cost to the Federal Government; and

(III) the modification will result in equal or greater environmental and economic values to the United States.

(Pub. L. 95-334, title IV, §403, Aug. 4, 1978, 92 Stat. 434; Pub. L. 104-127, title III, §382, Apr. 4, 1996, 110 Stat. 1016; Pub. L. 113-79, title II, §2506, Feb. 7, 2014, 128 Stat. 752.)

AMENDMENTS

2014—Pub. L. 113-79 inserted section catchline, designated existing provisions as subsec. (a) and inserted heading, and added subsec. (b).

1996—Pub. L. 104-127 inserted "including the purchase of floodplain easements," after "emergency measures".

DISASTER ASSISTANCE FOR WATERSHED PROTECTION ACTIVITIES

Pub. L. 100-387, title IV, §402, as added Pub. L. 101-82, title V, §503, Aug. 14, 1989, 103 Stat. 586, provided that: "(a) IN GENERAL.—The Secretary of Agriculture may provide disaster relief assistance in accordance with this section to repair damage caused by storms occurring in 1988 or 1989 to watersheds located in any county in any State, to the extent that funds authorized by this section remain available.

"(b) FORM OF ASSISTANCE.—The assistance authorized by this section—

"(1) includes both financial and technical assistance; and

"(2) shall be provided in a manner consistent with similar assistance authorized under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$25,000,000 for fiscal year 1990."

§ 2204. Authorization of appropriations; availability of funds; implementation of provisions; limitations on expenditures

There are authorized to be appropriated such funds as may be necessary to carry out the pur-

poses of this chapter. Such funds shall remain available until expended. In implementing the provisions of this chapter, the Secretary of Agriculture may use the facilities, services, and authorities of the Commodity Credit Corporation. The Corporation shall not make any expenditures to carry out the provisions of this chapter unless funds specifically appropriated for such purpose have been transferred to it.

(Pub. L. 95-334, title IV, §404, Aug. 4, 1978, 92 Stat. 434.)

§ 2205. Regulations for implementation of provisions

The Secretary of Agriculture is authorized to prescribe such regulations as the Secretary determines necessary to carry out the provisions of this chapter.

(Pub. L. 95-334, title IV, §405, Aug. 4, 1978, 92 Stat. 434.)

§ 2206. Emergency forest restoration program

(a) Definitions

In this section:

(1) Emergency measures

The term “emergency measures” means those measures that—

(A) are necessary to address damage caused by a natural disaster to natural resources on nonindustrial private forest land, and the damage, if not treated—

(i) would impair or endanger the natural resources on the land; and

(ii) would materially affect future use of the land; and

(B) would restore forest health and forest-related resources on the land.

(2) Natural disaster

The term “natural disaster” includes wildfires, hurricanes or excessive winds, drought, ice storms or blizzards, floods, or other resource-impacting events, as determined by the Secretary.

(3) Nonindustrial private forest land

The term “nonindustrial private forest land” means rural land, as determined by the Secretary, that—

(A) has existing tree cover (or had tree cover immediately before the natural disaster and is suitable for growing trees); and

(B) is owned by any nonindustrial private individual, group, association, corporation, or other private legal entity, that has definitive decision-making authority over the land.

(4) Secretary

The term “Secretary” means the Secretary of Agriculture.

(b) Availability of assistance

The Secretary may make payments to an owner of nonindustrial private forest land who carries out emergency measures to restore the land after the land is damaged by a natural disaster.

(c) Eligibility

To be eligible to receive a payment under subsection (b), an owner must demonstrate to the

satisfaction of the Secretary that the nonindustrial private forest land on which the emergency measures are carried out had tree cover immediately before the natural disaster.

(d) Cost share requirement

Payments made under subsection (b) shall not exceed 75 percent of the total cost of the emergency measures carried out by an owner of nonindustrial private forest land.

(e) Authorization of appropriations

There are authorized to be appropriated to the Secretary such funds as may be necessary to carry out this section. Amounts so appropriated shall remain available until expended.

(Pub. L. 95-334, title IV, §407, as added Pub. L. 110-234, title VIII, §8203(a), May 22, 2008, 122 Stat. 1290, and Pub. L. 110-246, §4(a), title VIII, §8203(a), June 18, 2008, 122 Stat. 1664, 2051.)

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

EFFECTIVE DATE

Enactment of this section and repeal of Pub. L. 110-234 by Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234, see section 4 of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.

REGULATIONS

Pub. L. 110-234, title VIII, §8203(b), May 22, 2008, 122 Stat. 1291, and Pub. L. 110-246, §4(a), title VIII, §8203(b), June 18, 2008, 122 Stat. 1664, 2052, provided that: “Not later than one year after the date of the enactment of this Act [June 18, 2008], the Secretary of Agriculture shall issue regulations to carry out section 407 of the Agricultural Credit Act of 1978 [16 U.S.C. 2206], as added by subsection (a).”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note under section 8701 of Title 7, Agriculture.]

CHAPTER 43—PUBLIC TRANSPORTATION PROGRAMS FOR NATIONAL PARK SYSTEM AREAS

Sec.

2301 to 2306. Omitted, Transferred, or Repealed.

§ 2301. Omitted or Transferred

CODIFICATION

Section, Pub. L. 95-344, title III, §301, Aug. 15, 1978, 92 Stat. 477, which related to congressional statement of findings and purpose, was omitted in part and transferred in part. Subsec. (a), which related to findings, was omitted from the Code following the enactment of Title 54, National Park Service and Related Programs, by Pub. L. 113-287. Subsec. (b), which related to purpose of former chapter 43 of this title, was transferred and is set out as a note under section 101521 of Title 54.

§ 2302. Repealed. Pub. L. 113-287, § 7, Dec. 19, 2014, 128 Stat. 3272

Section, Pub. L. 95-344, title III, §302, Aug. 15, 1978, 92 Stat. 478; Pub. L. 103-437, §6(d)(18), Nov. 2, 1994, 108 Stat. 4584; Pub. L. 104-333, div. I, title VIII, §814(d)(1)(A), Nov. 12, 1996, 110 Stat. 4195, related to transportation service and facility programs. See section 101521 of Title 54, National Park Service and Related Programs.