

## **16 USC CHAPTER 3, SUBCHAPTER III: RESEARCH PROGRAMS**

### **From Title 16—CONSERVATION**

#### **CHAPTER 3—FORESTS; FOREST SERVICE; REFORESTATION; MANAGEMENT**

### **SUBCHAPTER III—RESEARCH PROGRAMS**

#### **§582a. Congressional findings**

It is recognized that research in forestry is the driving force behind progress in developing and utilizing the resources of the Nation's forest and related rangelands. The production, protection, and utilization of the forest resources depend on strong technological advances and continuing development of the knowledge necessary to increase the efficiency of forestry practices and to extend the benefits that flow from forest and related rangelands. It is recognized that the total forestry research efforts of the several State colleges and universities and of the Federal Government are more fully effective if there is close coordination between such programs, and it is further recognized that forestry schools are especially vital in the training of research workers in forestry. It is also recognized that the provisions of this subchapter are essential to assist in providing the research background that undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974 [16 U.S.C. 1600 et seq.], the Renewable Resources Extension Act of 1978,<sup>1</sup> and the Soil and Water Resources Conservation Act of 1977 [16 U.S.C. 2001 et seq.].

(Pub. L. 87–788, §1, Oct. 10, 1962, 76 Stat. 806; Pub. L. 97–98, title XIV, §1441(a), Dec. 22, 1981, 95 Stat. 1320.)

#### **REFERENCES IN TEXT**

The Forest and Rangeland Renewable Resources Planning Act of 1974, referred to in text, is Pub. L. 93–378, Aug. 17, 1974, 88 Stat. 476, as amended, which is classified generally to subchapter I (§1600 et seq.) of chapter 36 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1600 of this title and Tables.

The Renewable Resources Extension Act of 1978, referred to in text, is Pub. L. 95–306, June 30, 1978, 92 Stat. 349, which was classified generally to subchapter III (§1671 et seq.) of chapter 36 of this title, and subsequently was omitted from the Code pursuant to section 8 of Pub. L. 95–306, set out as an Effective and Termination Dates note under section 1671 of this title.

The Soil and Water Resources Conservation Act of 1977, referred to in text, is Pub. L. 95–192, Nov. 18, 1977, 91 Stat. 1407, which is classified generally to chapter 40 (§2001 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2001 of this title and Tables.

#### **AMENDMENTS**

**1981**—Pub. L. 97–98 inserted provision relating to recognition that provisions of this subchapter are essential to assist in providing the research background that undergirds the Forest and Rangeland Renewable Resources Planning Act of 1974, the Renewable Resources Extension Act of 1978, and the Soil and Water Resources Conservation Act of 1977.

#### **EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

#### **SHORT TITLE**

Pub. L. 87–788, Oct. 10, 1962, 76 Stat. 806, as amended, which is classified generally to this subchapter, is popularly known as the "McIntire-Stennis Act of 1962" and also as the "McIntire-Stennis Cooperative Forestry Act".

#### **REAFFIRMATION OF MCINTIRE-STENNIS RESEARCH PROGRAM**

Pub. L. 101–624, title XII, §1231, Nov. 28, 1990, 104 Stat. 3543, provided that: "It is the sense of Congress to reaffirm the importance of Public Law 87–788 (16 U.S.C. 582a et seq.) commonly known as the McIntire-Stennis Cooperative Forestry Act."

<sup>1</sup> See References in Text note below.

## **§582a–1. Cooperation by Secretary of Agriculture with States; assistance: plans, eligible institutions and amount**

In order to promote research in forestry, the Secretary of Agriculture is authorized to cooperate with the several States for the purpose of encouraging and assisting them in carrying out programs of forestry research.

Such assistance shall be in accordance with plans to be agreed upon in advance by the Secretary and (a) land-grant colleges or agricultural experiment stations established under the Morrill Act of July 2, 1862, as amended [7 U.S.C. 301 et seq.], and the Hatch Act of March 2, 1887, as amended [7 U.S.C. 361a et seq.], and 1890 Institutions (as defined in section 7601 of title 7), and (b) other State-supported colleges and universities offering graduate training in the sciences basic to forestry and having a forestry school; however, an appropriate State representative designated by the State's Governor shall, in any agreement drawn up with the Secretary of Agriculture for the purposes of this subchapter, certify those eligible institutions of the State which will qualify for assistance and shall determine the proportionate amounts of assistance to be extended these certified institutions. If more than one institution within a State are certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complementary programs of forestry research for the State.

(Pub. L. 87–788, §2, Oct. 10, 1962, 76 Stat. 806; Pub. L. 97–98, title XIV, §1441(b), Dec. 22, 1981, 95 Stat. 1320; Pub. L. 110–234, title VII, §7412(a), May 22, 2008, 122 Stat. 1255; Pub. L. 110–246, §4(a), title VII, §7412(a), June 18, 2008, 122 Stat. 1664, 2017.)

### **REFERENCES IN TEXT**

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

The Hatch Act of March 2, 1887, as amended, referred to in text, is act [Mar. 2, 1887, ch. 314](#), 24 Stat. 440, as amended, which is classified generally to sections 361a to 361i of Title 7. For complete classification of this Act to the Code, see Short Title note set out under section 361a of Title 7 and Tables.

### **CODIFICATION**

Pub. L. 110–234 and Pub. L. 110–246 made identical amendments to this section. The amendments by Pub. L. 110–234 were repealed by section 4(a) of Pub. L. 110–246.

### **AMENDMENTS**

**2008**—Pub. L. 110–246, §7412(a), inserted "and 1890 Institutions (as defined in section 7601 of title 7)," before "and (b)".

**1981**—Pub. L. 97–98 inserted provision that if more than one institution within a State are certified as qualifying for assistance, then it shall be the responsibility of such institutions, in agreement with the Secretary, to develop complimentary programs of forestry research for the State.

### **EFFECTIVE DATE OF 2008 AMENDMENT**

Amendment of this section and repeal of Pub. L. 110–234 by Pub. L. 110–246 effective May 22, 2008, the date of enactment of Pub. L. 110–234, except as otherwise provided, see section 4 of Pub. L. 110–246, set out as an Effective Date note under section 8701 of Title 7, Agriculture.

Pub. L. 110–234, title VII, §7412(b), [May 22, 2008](#), 122 Stat. 1255, and Pub. L. 110–246, §4(a), title VII, §7412(b), [June 18, 2008](#), 122 Stat. 1664, [2017](#), provided that: "The amendment made by subsection (a) [amending this section] takes effect on October 1, 2008."

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

### **EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97–98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97–98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

## **§582a–2. Authorization of appropriations; other allotments and grants**

To enable the Secretary to carry out the provisions of this subchapter there are authorized to be appropriated such sums as the Congress may from time to time determine to be necessary but not exceeding in any one fiscal year one-half the amount appropriated for Federal forestry research conducted directly by the Department of Agriculture for the fiscal year preceding the year in which the budget is presented for such appropriation. Funds appropriated and made available to the States under this subchapter shall be in addition to allotments or grants that may be made under other authorizations.

### **§582a-3. Matching funds; reapportionment to other qualifying institutions; reductions**

The amount paid by the Federal Government to any State-certified institutions eligible for assistance under this subchapter shall not exceed during any fiscal year the amount available to and budgeted for expenditure by such college or university during the same fiscal year for forestry research from non-Federal sources, except that for the fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement hereof shall not be applicable to the Virgin Islands and Guam, and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research. The Secretary is authorized to make such expenditures on the certificate of the appropriate official of the college or university having charge of the forestry research for which the expenditures as herein provided are to be made. If any or all of the colleges or universities certified for receipt of funds under this subchapter fails to make available and budget for expenditure for forestry research in any fiscal year sums at least as much as the amount for which it would be eligible for such year under this subchapter, the difference between the Federal funds available and the funds made available and budgeted for expenditure by the college or university shall be reapportioned by the Secretary to other eligible colleges or universities of the same State if there be any which qualify therefor and, if there be none, the Secretary shall reapportion such differences to the qualifying colleges and universities of other States participating in the forestry research program. If in any year the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance under this subchapter is reduced because of an increase in the allotment made available under this subchapter, the allotment of such State-certified institution from the next succeeding appropriation shall be reduced in an equivalent amount. The Secretary shall reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary shall reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.

(Pub. L. 87-788, §4, Oct. 10, 1962, 76 Stat. 806; Pub. L. 92-318, title V, §506(i), June 23, 1972, 86 Stat. 351; Pub. L. 97-98, title XIV, §1442(b), Dec. 22, 1981, 95 Stat. 1321.)

#### **AMENDMENTS**

**1981**—Pub. L. 97-98 inserted provision that if, in any year, the amount made available by a State from its own funds (including any revenue-sharing funds) to a State-certified institution eligible for assistance is reduced because of an increase in the available allotment, the allotment of such State-certified institution from the next succeeding appropriation be reduced in an equivalent amount and that the Secretary reapportion the amount of such reduction to other eligible colleges and universities of the same State if there be any that qualify therefor and, if there be none, the Secretary reapportion such amount to the qualifying colleges and universities of other States participating in the forestry research program.

**1972**—Pub. L. 92-318 provided that for fiscal years ending June 30, 1971, and June 30, 1972, the matching funds requirement shall not be applicable to the Virgin Islands and Guam and sums authorized for such years for the Virgin Islands and Guam may be used to pay the total cost of programs for forestry research.

#### **EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

#### **EFFECTIVE DATE OF 1972 AMENDMENT**

Amendment by Pub. L. 92-318 effective after June 30, 1970, see section 506(n) of Pub. L. 92-318, set out as an Effective Date note under section 326a of Title 7, Agriculture.

### **§582a-4. Regulations; advice and assistance; appointment, membership, etc., of council**

#### **(a) Regulations and assistance**

The Secretary shall prescribe such regulations as may be necessary to carry out this subchapter and to furnish such advice and assistance through a cooperative State forestry research unit in the Department as will best promote the purposes of this subchapter.

#### **(b) Advisory council**

The Secretary shall appoint a council of not fewer than sixteen members which shall be constituted to give representation to Federal and State agencies concerned with developing and utilizing the Nation's forest resources, the forest industries, the forestry schools of the State-certified eligible institutions, State agricultural experiment stations, and volunteer public groups concerned with forests and related natural resources. The council

shall meet at least annually and shall submit a report to the Secretary on regional and national planning and coordination of forestry research within the Federal and State agencies, forestry schools, and the forest industries, and shall advise the Secretary on the apportionment of funds. The Secretary shall seek, at least once each year, the advice of the council to accomplish efficiently the purposes of this subchapter.

(Pub. L. 87-788, §5, Oct. 10, 1962, 76 Stat. 807; Pub. L. 97-98, title XIV, §1441(c), Dec. 22, 1981, 95 Stat. 1320.)

## **AMENDMENTS**

**1981**—Pub. L. 97-98 substituted provisions directing the Secretary to promulgate necessary regulations, furnish necessary advice and assistance, and appoint a council of no fewer than sixteen members in order to give representation to Federal and State agencies in developing cooperative State forestry programs for provisions which had directed the Secretary to make apportionments among participating States only after consulting with a national advisory board of not less than seven officials of the forestry schools of the State-certified eligible colleges and universities chosen by a majority of such schools. See section 582a-5 of this title.

## **EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

## **TERMINATION OF ADVISORY COUNCILS**

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

## **§582a-5. Apportionments, advice, criteria, etc.**

Apportionments among participating States shall be determined by the Secretary after consultation with the council appointed under section 582a-4 of this title. In making such apportionments, consideration shall be given to pertinent factors including non-Federal expenditures for forestry research by State-certified eligible institutions, areas of non-Federal commercial forest land, and the volume of timber cut annually. Three per centum of such funds as may be appropriated shall be made available to the Secretary for administration of this subchapter. These administrative funds may be used for transportation of scientists who are not officers or employees of the United States to research meetings convened for purposes of assessing research opportunities or research planning.

(Pub. L. 87-788, §6, Oct. 10, 1962, 76 Stat. 807; Pub. L. 97-98, title XIV, §1441(c), Dec. 22, 1981, 95 Stat. 1320.)

## **AMENDMENTS**

**1981**—Pub. L. 97-98 substituted provisions directing the Secretary to make apportionments among participating States only after consultation with the council appointed under section 582a-4 of this title, enumerating the factors to be considered in making apportionments, and authorizing the expenditure of funds to transport scientists to research meetings for provisions which had authorized the Secretary to prescribe necessary rules and regulations, to furnish necessary advice and assistance, and to appoint an advisory committee. See section 582a-4 of this title.

## **EFFECTIVE DATE OF 1981 AMENDMENT**

Amendment by Pub. L. 97-98 effective Dec. 22, 1981, see section 1801 of Pub. L. 97-98, set out as an Effective Date note under section 4301 of Title 7, Agriculture.

## **§582a-6. Scope of forestry research**

The term "forestry research" as used in this subchapter shall include investigations relating to: (1) Reforestation and management of land for the production of crops of timber and other related products of the forest; (2) management of forest and related watershed lands to improve conditions of waterflow and to protect resources against floods and erosion; (3) management of forest and related rangeland for production of forage for domestic livestock and game and improvement of food and habitat for wildlife; (4) management of forest lands for outdoor recreation; (5) protection of forest land and resources against fire, insects, diseases, or other destructive agents; (6) utilization of wood and other forest products; (7) development of sound policies for the management of forest lands and the harvesting and marketing of forest products; and (8) such other studies as may be necessary to obtain the fullest and most effective use of forest resources.

(Pub. L. 87-788, §7, Oct. 10, 1962, 76 Stat. 807.)

## **§582a–7. "State" defined**

The term "State" as used in this subchapter shall include Puerto Rico, the Virgin Islands, and Guam.  
(Pub. L. 87–788, §8, Oct. 10, 1962, 76 Stat. 807; Pub. L. 92–318, title V, §506(j), June 23, 1972, 86 Stat. 351.)

### **AMENDMENTS**

**1972**—Pub. L. 92–318 inserted reference to Virgin Islands and Guam.

### **EFFECTIVE DATE OF 1972 AMENDMENT**

Amendment by Pub. L. 92–318 effective after June 30, 1970, see section 506(n) of Pub. L. 92–318, set out as an Effective Date note under section 326a of Title 7, Agriculture.

## **§582a–8. Competitive forestry, natural resources, and environmental grants program**

### **(a) Establishment**

The Secretary of Agriculture (hereafter referred to in this section as the "Secretary") shall establish a competitive forestry, natural resources, and environmental grant program to award grants for the conduct of research as described in subsection (c).

### **(b) Eligible entities**

To be eligible to receive a grant under subsection (a), an entity shall—

(1) be a State agricultural experiment station, a college or university, a research institution or organization, a Federal agency, a private organization, or a corporation that has a demonstrable capacity to conduct forestry, natural resources, and environmental research as determined by the Secretary; and

(2) prepare and submit to the Secretary, an application at such time, in such manner, and containing such information as the Secretary shall require, including the proposed use of the amounts that may be received under a grant.

### **(c) Use**

In awarding the initial grants under subsection (a) the Secretary shall give priority to applicants who will use such grants for research concerning—

(1) the biology of forest organisms, including physiology, genetic mechanisms, and biotechnology;

(2) ecosystem function and management, including forest ecosystem research, biodiversity, forest productivity, pest management, water resources, and alternative silvicultural systems;

(3) wood as a raw material, including forest products and harvesting;

(4) human forest interactions, including outdoor recreation, public policy formulation, economics, sociology, and administrative behavior;

(5) international trade, competition, and cooperation related to forest products;

(6) alternative native crops, products, and services that can be produced from renewable natural resources associated with privately held forest lands;

(7) viable economic production and marketing systems for alternative natural resource products and services;

(8) economic and environmental benefits of various conservation practices on forest lands;

(9) genetic tree improvement; and

(10) market expansion.

### **(d) Facilities and equipment**

#### **(1) Authority**

Grants made under this section may be used to update research facilities and equipment available to facilitate the conduct of state-of-the-art research in forestry, natural resources, and the environment.

#### **(2) Priorities and criteria**

The Secretary, in consultation with the Cooperative Forestry Research Council appointed under section 582a–4(b) of this title, may develop criteria and priorities for the awarding of grants for use under paragraph (1).

### **(e) Recommendations**

The Secretary shall request the Cooperative Forestry Research Council referred to in subsection (d)(2) to provide recommendations regarding grant priorities.

### **(f) Term**

The Secretary may make grants under this section for periods of not to exceed 5 years.

### **(g) Authorization of appropriations**

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

(Pub. L. 101–624, title XII, §1232, Nov. 28, 1990, 104 Stat. 3543.)

## **CODIFICATION**

Section was enacted as part of the Forest Stewardship Act of 1990 and as part of the Food, Agriculture, Conservation, and Trade Act of 1990, and not as part of the McIntire-Stennis Act of 1962 which comprises this subchapter.