

Union Calendar No. 249

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 2515**

[Report No. 105-440, Part I]

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**A BILL**

To address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes.

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MARCH 12, 1998

Reported from the Committee on Agriculture with amendments

MARCH 12, 1998

Referral to the Committee on Resources extended for a period ending not later than March 12, 1998

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The Committee on Resources discharged; referred to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 1997

Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. COMBEST, Mr. BISHOP, Mr. CALLAHAN, Mrs. EMERSON, and Mr. PETERSON of Pennsylvania) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MARCH 12, 1998

Additional sponsors: Mr. PETERSON of Minnesota, Mr. DEAL of Georgia, Mr. PICKERING, Mr. SKEEN, Mr. CHAMBLISS, Mr. HERGER, Mr. BARRETT of Nebraska, Mr. RADANOVICH, Mr. NETHERCUTT, Mr. STUPAK, Mr. THUNE, Ms. DUNN, and Ms. DANNER

MARCH 12, 1998

Reported from the Committee on Agriculture with amendments

[Strike out all after the enacting clause and insert the part printed in *italic*]

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# A BILL

To address the declining health of forests on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests and their resources, and for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
 2 *tives of the United States of America in Congress assembled,*

3        **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the “For-*  
 5 *est Recovery and Protection Act of 1998”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents of this*  
 7 *Act is as follows:*

- Sec. 1. Short title; table of contents.*
- Sec. 2. Findings.*
- Sec. 3. Definitions.*
- Sec. 4. National Program of Forest Recovery and Protection.*
- Sec. 5. Scientific Advisory Panel.*
- Sec. 6. Advance recovery projects.*
- Sec. 7. Forest Recovery and Protection Fund.*
- Sec. 8. Authorization of appropriations.*
- Sec. 9. Audit requirements.*
- Sec. 10. Forest inventorying and analysis.*

8        **SEC. 2. FINDINGS.**

9        *Congress finds the following:*

10                (1) *There are tradeoffs in values associated with*  
 11 *proactive, passive, or delayed forest management. The*

1 *values gained by proactive management outweigh the*  
2 *values gained by delayed or passive management of*  
3 *certain Federal forest lands.*

4 *(2) Increases in both the number and severity of*  
5 *wildfire, insect infestation, and disease outbreaks on*  
6 *Federal forest lands are occurring as a result of high*  
7 *tree densities, species composition, and structure that*  
8 *are outside the historic range of variability. These*  
9 *disturbances cause or contribute to significant soil*  
10 *erosion, degradation of air and water quality, loss of*  
11 *watershed values, habitat loss, and damage to other*  
12 *forest resources.*

13 *(3) Serious destruction or degradation of impor-*  
14 *tant forest resources occurs in all regions of the*  
15 *United States. Management activities to restore and*  
16 *protect these resources in perpetuity are needed in*  
17 *each region and should be designed to address region-*  
18 *specific needs.*

19 *(4) According to the Chief of the United States*  
20 *Forest Service, between 35 and 40 million of the 191*  
21 *million acres of Federal forest lands managed by the*  
22 *Forest Service are at an unacceptable risk of destruc-*  
23 *tion by catastrophic wildfire. The condition of these*  
24 *forests can pose a significant threat of destruction to*  
25 *human life and property as well as to the habitat for*

1 *fish and wildlife (including threatened and endan-*  
2 *gered species), public recreation areas, timber, water-*  
3 *sheds, and other important forest resources.*

4 *(5) Restoration and protection of important for-*  
5 *est resources require active forest management involv-*  
6 *ing a range of management activities, including*  
7 *thinning, salvage, prescribed fire (after appropriate*  
8 *thinning), sanitation and other insect and disease*  
9 *control, riparian and other habitat improvement, soil*  
10 *stabilization and other water quality improvement,*  
11 *and seedling planting and protection.*

12 *(6) Many units of the National Forest System*  
13 *have an increasing backlog of unfunded projects to re-*  
14 *store and protect degraded forest resources. Adequate*  
15 *funding, structured so as to maximize the allocation*  
16 *of monies for on-the-ground projects, is needed to ad-*  
17 *dress this backlog in an efficient, cost-effective way.*

18 *(7) A comprehensive, nationwide effort is needed*  
19 *to restore and protect important forest resources in an*  
20 *organized, timely, and scientific manner. There*  
21 *should be immediate action to improve the areas of*  
22 *Federal forest lands where serious resource degrada-*  
23 *tion has been thoroughly identified and assessed or*  
24 *where serious resource destruction or degradation by*  
25 *natural disturbance is imminent.*

1           (8) *Congress and the Comptroller General have*  
2           *identified the need to increase agency accountability*  
3           *for achieving measurable results at all levels of gov-*  
4           *ernment, both in the management of fiscal resources*  
5           *and in carrying out statutory mandates. Additional*  
6           *funding to address the backlog of recovery projects in*  
7           *the National Forest System must, therefore, be accom-*  
8           *panied by performance standards and accountability*  
9           *mechanisms that will clearly demonstrate the results*  
10          *achieved by any additional investment of taxpayer*  
11          *dollars.*

12          (9) *Frequent forest inventory and analysis of the*  
13          *status and trends in the conditions of forests and*  
14          *their resources are needed to identify and reverse the*  
15          *destruction or degradation of important forest re-*  
16          *sources in a timely and effective manner. The present*  
17          *average 12- to 15-year cycle of forest inventory and*  
18          *analysis to comply with existing statutory require-*  
19          *ments is too prolonged to provide forest managers*  
20          *with the data necessary to make timely and effective*  
21          *management decisions, particularly decisions respon-*  
22          *sive to changing forest conditions.*

23 **SEC. 3. DEFINITIONS.**

24          *For purposes of this Act:*

1           (1) *FEDERAL FOREST LANDS.*—*The term “Federal forest lands” means lands within the National Forest System.*

4           (2) *FUND.*—*The terms “Forest Recovery and Protection Fund” and “Fund” mean the fund established under section 7.*

7           (3) *IMPLEMENTATION DATE.*—*The term “implementation date” means January 15, 2000, or the first day of the 19th full month following the date of the enactment of this Act, whichever is later. However, if the implementation date under the second option would occur within six months of the next January 15, the Secretary may designate that January 15 as the implementation date.*

15          (4) *LAND MANAGEMENT PLAN.*—*The term “land management plan” means a land and resource management plan prepared by the Forest Service pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604) for Federal forest lands under the jurisdiction of the Secretary of Agriculture.*

22          (5) *NATIONAL PROGRAM.*—*The term “national program” means the National Program of Forest Recovery and Protection required by section 4.*

1           (6) *OVERHEAD EXPENSES.*—*The terms “overhead*  
2 *expenses” and “overhead” mean—*

3           (A) *common services and indirect expenses,*  
4 *as such terms are defined by expense items 1–10*  
5 *in Appendix E of the United States Forest Serv-*  
6 *ice Timber Cost Efficiency Study Final Report,*  
7 *dated April 16, 1993 (pages 125–126);*

8           (B) *direct and indirect general administra-*  
9 *tion expenses, as such terms are identified in*  
10 *Appendix D of the United States Forest Service*  
11 *Forest Management Program Annual Report,*  
12 *Fiscal Year 1996 (FS–614), dated December,*  
13 *1997 (pages 110–111); and*

14           (C) *any other cost of line management or*  
15 *program support that cannot be directly attrib-*  
16 *utable to specific projects or programs.*

17           (7) *RECOVERY AREA.*—*The term “recovery area”*  
18 *means an area of Federal forest lands, identified by*  
19 *the Secretary under section 4(c)—*

20           (A) *that has experienced disturbances from*  
21 *wildfires, insect infestations, disease, wind, flood,*  
22 *or other causes, which have caused or contributed*  
23 *to significant soil erosion, degradation of water*  
24 *quality, loss of watershed values, habitat loss, or*  
25 *damage to other forest resources of the area; or*

1           (B) *in which the forest structure, function,*  
2           *or composition has been altered so as to increase*  
3           *substantially the likelihood of wildfire, insect in-*  
4           *festation, or disease in the area and the con-*  
5           *sequent risks of damage to soils, water quality,*  
6           *watershed values, habitat, and other forest re-*  
7           *sources from wildfire, insect infestation, disease,*  
8           *wind, flood, or other causes.*

9           (8) *RECOVERY PROJECT.*—*The term “recovery*  
10          *project” means a project designed by the Secretary to*  
11          *improve, restore, or protect forest resources within an*  
12          *identified recovery area, including thinning, salvage,*  
13          *prescribed fire (after appropriate thinning), sanita-*  
14          *tion and other insect and disease control, riparian*  
15          *and other habitat improvement, soil stabilization and*  
16          *other water quality improvement, and seedling plant-*  
17          *ing and protection.*

18          (9) *SCIENTIFIC ADVISORY PANEL.*—*The term*  
19          *“Scientific Advisory Panel” means the advisory panel*  
20          *appointed under section 5.*

21          (10) *SECRETARY.*—*The term “Secretary” means*  
22          *the Secretary of Agriculture, acting through the Chief*  
23          *of the Forest Service.*

1 **SEC. 4. NATIONAL PROGRAM OF FOREST RECOVERY AND**  
2 **PROTECTION.**

3 (a) *NATIONAL PROGRAM REQUIRED.*—Not later than  
4 the implementation date, the Secretary shall commence a  
5 national program to restore and protect forest resources lo-  
6 cated on Federal forest lands in the United States through  
7 the performance of recovery projects in identified recovery  
8 areas.

9 (b) *STANDARDS AND CRITERIA.*—

10 (1) *INITIAL PUBLICATION.*—Not later than the  
11 implementation date, the Secretary shall publish in  
12 the Federal Register the standards and criteria to be  
13 used for the identification of, and the assignment of  
14 management priority rankings to, recovery areas. In  
15 establishing the standards and criteria, the Secretary  
16 shall consider the standards and criteria rec-  
17 ommended by the Scientific Advisory Panel under  
18 section 5(f). The Secretary shall include in the Fed-  
19 eral Register entry required by this paragraph an ex-  
20 planation of any significant differences between the  
21 recommendations of the Scientific Advisory Panel  
22 and the standards and criteria actually established by  
23 the Secretary.

24 (2) *MODIFICATION.*—The Secretary may modify  
25 the standards and criteria established pursuant to

1 paragraph (1). Any such modification shall also be  
2 published in the *Federal Register*.

3 (3) *EFFECT ON EXISTING LAND MANAGEMENT*  
4 *PLANS.*—The standards and criteria established pur-  
5 suant to paragraph (1), or any modification thereto,  
6 shall not amend, revise, replace, or otherwise alter  
7 any existing land management plan.

8 (c) *IDENTIFICATION OF RECOVERY AREAS.*—

9 (1) *ALLOCATION OF FUNDS; IDENTIFICATION AND*  
10 *RANKING OF RECOVERY AREAS.*—For each fiscal year  
11 during the national program, the Secretary shall allo-  
12 cate, in accordance with the standards and criteria  
13 established and in effect under subsection (b),  
14 amounts from the *Forest Recovery and Protection*  
15 *Fund* to regions of the *Forest Service* for the purpose  
16 of conducting recovery projects in identified recovery  
17 areas. In making such allocations, the Secretary  
18 shall—

19 (A) identify recovery areas within which al-  
20 located amounts should be used to conduct recov-  
21 ery projects; and

22 (B) prioritize recovery areas for the purpose  
23 of their receiving allocated amounts.

24 (2) *NOTICE REQUIRED.*—On the implementation  
25 date, and for each fiscal year during the national

1        *program in which the identification or ranking of re-*  
2        *covery areas will change, the Secretary shall publish*  
3        *in the Federal Register a notice regarding the deter-*  
4        *minations required under paragraph (1). The notice*  
5        *shall be published not later than the following:*

6                *(A) In the case of the initial notice, the im-*  
7                *plementation date.*

8                *(B) In the case of each subsequent notice,*  
9                *January 15 of each fiscal year after the fiscal*  
10              *year in which the implementation date occurs.*

11              *(3) REQUIREMENTS FOR NOTICE.—The annual*  
12              *notice required by paragraph (2) shall include the fol-*  
13              *lowing:*

14              *(A) An identification of the recovery areas*  
15              *for which the Secretary has allocated funds*  
16              *under paragraph (1).*

17              *(B) The prioritization of recovery areas for*  
18              *the purpose of their receiving allocated funds*  
19              *under paragraph (1).*

20              *(C) The total acreage, nationally and by re-*  
21              *covery area, proposed for treatment during the*  
22              *fiscal year using amounts allocated under para-*  
23              *graph (1).*

1                   (D) *A breakdown of the amounts allocated*  
2                   *to each region of the Forest Service under para-*  
3                   *graph (1).*

4                   (4) *AUTHORIZED USE OF FUNDS FOR MULTIYEAR*  
5                   *PROJECTS.—Amounts allocated by the Secretary pur-*  
6                   *suant to paragraph (1) shall be available, without*  
7                   *further allocation by the Secretary, to carry out and*  
8                   *administer multiyear recovery projects beyond the fis-*  
9                   *cal year in which the funds are allocated by the Sec-*  
10                   *retary.*

11                   (d) *SELECTION OF RECOVERY PROJECTS.—*

12                   (1) *SELECTION AND FINAL DECISION RE-*  
13                   *QUIRED.—Not later than 120 days after the date of*  
14                   *the publication of the notice required under subsection*  
15                   *(c)(2) for a fiscal year, the regional forester (or the*  
16                   *designees of the regional forester) in each region in*  
17                   *which recovery areas are identified and to which*  
18                   *funds are allocated under subsection (c) shall select*  
19                   *and render a final decision on the recovery projects*  
20                   *to be carried out within each identified recovery area.*

21                   (2) *PROHIBITED PROJECT LOCATIONS.—The re-*  
22                   *gional forester (or the designees of the regional for-*  
23                   *ester) shall not select or implement a recovery project*  
24                   *under the authority of this Act in any of the follow-*  
25                   *ing:*

1           (A) *Any unit of the National Wilderness*  
2           *Preservation System or any roadless area on*  
3           *Federal forest lands designated by Congress for*  
4           *study for possible inclusion in such system.*

5           (B) *Any riparian area, late successional re-*  
6           *serve, or old growth area within which the im-*  
7           *plementation of recovery projects is prohibited by*  
8           *the applicable land management plan.*

9           (C) *Any other area in which the implemen-*  
10          *tation of recovery projects is prohibited by law,*  
11          *a court order, or the applicable land manage-*  
12          *ment plan.*

13          (e) *REQUIREMENTS FOR RECOVERY PROJECT SELEC-*  
14          *TION.—In selecting recovery projects as required under sub-*  
15          *section (d), the regional forester (or the designees of the re-*  
16          *gional forester) in each region shall—*

17               (1) *identify for each recovery project the total*  
18               *acreage requiring treatment, the estimated cost of*  
19               *preparation and implementation, and the estimated*  
20               *project duration;*

21               (2) *ensure that the total acreage in a recovery*  
22               *area to be treated by recovery projects during the fis-*  
23               *cal year is not less than the total acreage identified*  
24               *by the Secretary under subsection (c)(3)(C) for that*  
25               *recovery area;*

1           (3) consider the economic benefits to be provided  
2           to local communities as a result of each recovery  
3           project, but only to the extent that such considerations  
4           are consistent with the standards and criteria for re-  
5           covery areas established and in effect under subsection  
6           (b) and the priorities established by the ranking of re-  
7           covery areas under subsection (c);

8           (4) ensure that each recovery project is consistent  
9           with the land management plan applicable to the re-  
10          covery area within which the recovery project will be  
11          conducted; and

12          (5) ensure that each recovery project is designed  
13          to be implemented in the most cost-effective manner,  
14          except that a recovery project is not precluded simply  
15          because the cost of preparing and implementing the  
16          recovery project is likely to exceed the revenue derived  
17          from the recovery project.

18          (f) *PETITION PROCESS.*—

19                (1) *REQUEST FOR IDENTIFICATION AS RECOVERY*  
20                *AREA.*—Not later than 180 days after the implemen-  
21                tation date, any interested person may petition the  
22                Secretary to identify a specific area of Federal forest  
23                lands as a recovery area for which funds should be al-  
24                located pursuant to subsection (c). Each area speci-

1       *fied in such a petition must be at least one thousand*  
2       *acres in size.*

3               (2) *CONTENT.*—*The petition shall contain a rea-*  
4       *sonably precise description of the boundaries of the*  
5       *area included in the petition and the reasons why the*  
6       *petitioner believes the area meets the standards and*  
7       *criteria, established pursuant to subsection (b), re-*  
8       *quired for identification as a recovery area.*

9               (3) *NOTICE AND COMMENT.*—*Not later than 210*  
10       *days after the implementation date, the Secretary*  
11       *shall publish in the Federal Register a notice of the*  
12       *availability of the petitions filed with the Secretary*  
13       *pursuant to paragraph (1) for public comment. Dur-*  
14       *ing the 30-day period beginning on the date the no-*  
15       *tice is published, the Secretary shall accept comments*  
16       *on the petitions.*

17               (4) *DETERMINATION.*—*If the Secretary deter-*  
18       *mines that an area described in a petition under this*  
19       *subsection warrants identification as a recovery area,*  
20       *the Secretary shall include the area in the list of re-*  
21       *covery areas identified in the first notice prepared*  
22       *under subsection (c) after the implementation date. If*  
23       *the Secretary determines that the area does not war-*  
24       *rant identification as a recovery area, the Secretary*

1       *shall provide the reasons therefor in that same Fed-*  
2       *eral Register entry.*

3       *(g) ANNUAL REPORT TO CONGRESS.—*

4             *(1) REPORT REQUIRED.—Not later than the im-*  
5       *plementation date, and each January 15 thereafter,*  
6       *the Secretary shall submit to Congress a report on the*  
7       *allocation of funds and the identification and ranking*  
8       *of recovery areas required under subsection (c).*

9             *(2) REPORT CONTENTS.—Each report required*  
10       *by paragraph (1) shall include the following:*

11             *(A) An identification of, and justification*  
12       *for, the recovery areas for which the Secretary*  
13       *has allocated funds under subsection (c).*

14             *(B) The prioritization of recovery areas for*  
15       *the purpose of their receiving allocated funds*  
16       *under subsection (c).*

17             *(C) The total acreage, nationally and by re-*  
18       *covery area, requiring treatment by recovery*  
19       *projects during the fiscal year using amounts al-*  
20       *located under subsection (c).*

21             *(D) A breakdown of the amounts allocated*  
22       *to each region of the Forest Service under sub-*  
23       *section (c).*

1           (3) *ADDITIONAL REQUIREMENTS.*—*After the ini-*  
2           *tial report required by paragraph (1), each subse-*  
3           *quent report shall also include the following:*

4                   (A) *A list, by recovery area, of the recovery*  
5                   *projects selected during the prior fiscal year in-*  
6                   *cluding, for each recovery project, the following:*

7                           (i) *A description of the management*  
8                           *objectives of the project.*

9                           (ii) *The total acreage requiring treat-*  
10                          *ment, the estimated cost of preparation and*  
11                          *implementation, and the estimated project*  
12                          *duration.*

13                          (iii) *The total acreage treated by the*  
14                          *recovery project during the fiscal year.*

15                          (iv) *The projected economic benefits (if*  
16                          *any) the project will provide to local com-*  
17                          *munities.*

18                   (B) *A list, by recovery area, of the recovery*  
19                   *projects completed during the prior fiscal year*  
20                   *including, for each recovery project, a compari-*  
21                   *son of the following:*

22                           (i) *The projected and actual manage-*  
23                           *ment objectives achieved by the project.*

1           (ii) *The projected and actual prepara-*  
2           *tion and implementation costs of the*  
3           *project.*

4           (iii) *The projected and actual economic*  
5           *benefits to local communities provided by*  
6           *the project.*

7           (C) *An explanation of the following:*

8           (i) *Why final decisions on any recov-*  
9           *ery projects selected during the prior fiscal*  
10           *year were not rendered within the time-*  
11           *frame required under subsection (d)(1) and*  
12           *an accounting of the steps taken by the Sec-*  
13           *retary relative to the projects pursuant to*  
14           *the requirements of section 7(d); and*

15           (ii) *Why any recovery projects were*  
16           *not begun, undertaken, or completed as*  
17           *scheduled.*

18           (D) *A description of any additional re-*  
19           *sources or authorities needed by the Secretary to*  
20           *implement and carry out the national program*  
21           *in an efficient and cost-effective manner.*

22           (4) *NOTICE OF AVAILABILITY.—The Federal Reg-*  
23           *ister entry required for each fiscal year under sub-*  
24           *section (c)(2) shall contain a notice of availability of*

1        *the most-recent report to Congress required by this*  
2        *subsection.*

3        *(h) EXCEPTIONS TO AGENCY ACTION.—For purposes*  
4        *of implementing or carrying out this Act, the following ac-*  
5        *tivities do not constitute agency action:*

6            *(1) The establishment and publication in the*  
7            *Federal Register of standards and criteria to be used*  
8            *for the identification of, and the assignment of man-*  
9            *agement priority rankings to, recovery areas under*  
10          *subsection (b).*

11          *(2) The allocation of amounts from the Forest*  
12          *Recovery and Protection Fund, the identification and*  
13          *ranking of recovery areas, and the publication of no-*  
14          *tice in the Federal Register under subsection (c).*

15          *(3) The preparation and submission of the an-*  
16          *ual reports to Congress under subsection (g) and sec-*  
17          *tion 6(e).*

18          *(i) ADMINISTRATIVE APPEALS.—Section 322 of the*  
19          *Department of the Interior and Related Agencies Appro-*  
20          *priations Act, 1993 (Public Law 102–381; 16 U.S.C. 1612*  
21          *note), shall apply with respect to actions undertaken to im-*  
22          *plement this Act, including the final decision selecting re-*  
23          *covery projects, except that the administrative stay required*  
24          *by subsection (e) of that section shall apply only to the spe-*

1 *cific recovery project or projects that are the subject of the*  
2 *administrative appeal.*

3 **SEC. 5. SCIENTIFIC ADVISORY PANEL.**

4 (a) *ESTABLISHMENT.*—*There is established a panel of*  
5 *scientific advisers to the Secretary to be known as the “Sci-*  
6 *entific Advisory Panel”.*

7 (b) *COMPOSITION OF PANEL.*—

8 (1) *APPOINTMENT FROM LIST OF EXPERTS.*—*The*  
9 *Scientific Advisory Panel shall consist of 11 members*  
10 *appointed as provided in subsection (c) from a list,*  
11 *to be prepared by the National Academy of Sciences,*  
12 *that consists of—*

13 (A) *persons with expertise in the natural*  
14 *sciences who, through the publication of peer-re-*  
15 *viewed scientific literature have demonstrated ex-*  
16 *pertise in matters relevant to forest resource*  
17 *management; and*

18 (B) *State foresters (or persons with similar*  
19 *managerial expertise) who, through the publica-*  
20 *tion of peer-reviewed scientific literature or other*  
21 *similar evidence of significant scientific or pro-*  
22 *fessional accomplishment, have demonstrated ex-*  
23 *pertise in matters relevant to forest resource*  
24 *management.*

1           (2) *PREPARATION OF LIST.*—*The National Acad-*  
2           *emy of Sciences shall prepare the list required by*  
3           *paragraph (1) not later than 30 days after the date*  
4           *of the enactment of this Act. In the preparation of the*  
5           *list, the National Academy of Sciences shall consult*  
6           *with scientific and professional organizations whose*  
7           *members have relevant experience in forest resource*  
8           *management.*

9           (c) *APPOINTMENT PROCESS.*—*The members of the Sci-*  
10          *entific Advisory Panel shall be selected from the list de-*  
11          *scribed in subsection (b) as follows:*

12           (1) *One member appointed by the Chairman of*  
13          *the Committee on Agriculture of the House of Rep-*  
14          *resentatives, in consultation with the ranking minor-*  
15          *ity member of the Committee.*

16           (2) *One member appointed by the Chairman of*  
17          *the Committee on Resources of the House of Rep-*  
18          *resentatives, in consultation with the ranking minor-*  
19          *ity member of the Committee.*

20           (3) *One member appointed by the Chairman of*  
21          *the Committee on Agriculture, Nutrition, and For-*  
22          *estry of the Senate, in consultation with the ranking*  
23          *minority member of the Committee.*

24           (4) *One member appointed by the Chairman of*  
25          *the Committee on Energy and Natural Resources of*

1       *the Senate, in consultation with the ranking minority*  
2       *member of the Committee.*

3             (5) *Three members appointed by the Secretary.*

4             (6) *Four members appointed by the National*  
5       *Academy of Sciences.*

6       (d) *ADMINISTRATIVE MATTERS.—*

7             (1) *TIME FOR APPOINTMENT.—Appointments of*  
8       *members of the Scientific Advisory Panel shall be*  
9       *made as follows:*

10            (A) *The appointment of members under*  
11       *paragraphs (1) through (4) of subsection (c) shall*  
12       *be made within 30 days after the date on which*  
13       *the list described in subsection (b) is first made*  
14       *available.*

15            (B) *The appointment of members under*  
16       *paragraphs (5) and (6) of subsection (c) shall*  
17       *begin after the appointments required under*  
18       *paragraphs (1) through (4) of such subsection*  
19       *have been made so that the persons making the*  
20       *appointments under paragraphs (5) and (6) of*  
21       *such subsection can ensure that the requirement*  
22       *specified in subsection (e) for a balanced rep-*  
23       *resentation of scientific disciplines on the Sci-*  
24       *entific Advisory Panel is satisfied. The appoint-*  
25       *ments shall be completed within 60 days after*

1           *the date on which the list described in subsection*  
2           *(b) is first made available.*

3           (2) *TERM AND VACANCIES.*—*A member of the*  
4           *Scientific Advisory Panel shall be appointed for a*  
5           *term beginning on the date of the appointment and*  
6           *ending on the implementation date. A vacancy on the*  
7           *Scientific Advisory Panel shall be filled within 30*  
8           *days in the manner in which the original appoint-*  
9           *ment was made.*

10          (3) *COMMENCEMENT OF ACTIVITY.*—*The Sci-*  
11          *entific Advisory Panel may commence its duties*  
12          *under subsection (f) as soon as at least eight of the*  
13          *members have been appointed under subsection (c). At*  
14          *the initial meeting, the members of the Scientific Ad-*  
15          *visory Panel shall select one member to serve as chair-*  
16          *person.*

17          (4) *CONFLICT OF INTERESTS.*—*A person may*  
18          *not serve as a member of the Scientific Advisory*  
19          *Panel if the member has a conflict of interest with re-*  
20          *gard to any of the duties to be performed by the Sci-*  
21          *entific Advisory Panel under subsection (f). Decisions*  
22          *regarding the existence of a conflict of interest shall*  
23          *be made by the Scientific Advisory Panel.*

1           (e) *BALANCED REPRESENTATION OF SCIENTIFIC DIS-*  
2 *CIPLINES.*—*The Scientific Advisory Panel shall include at*  
3 *least one representative of each of the following:*

4           (1) *Hydrologist.*

5           (2) *Wildlife biologist.*

6           (3) *Fisheries biologist.*

7           (4) *Entomologist or pathologist.*

8           (5) *Fire ecologist.*

9           (6) *Silviculturist.*

10          (7) *Economist.*

11          (8) *Soil scientist.*

12          (9) *State forester or person with similar mana-*  
13 *gerial expertise.*

14          (f) *DUTIES IN CONNECTION WITH IMPLEMENTA-*  
15 *TION.*—*During the period beginning on the initial meeting*  
16 *of the Scientific Advisory Panel and ending on the imple-*  
17 *mentation date, the Scientific Advisory Panel shall be re-*  
18 *sponsible for the following:*

19           (1) *The preparation and submission to the Sec-*  
20 *retary and the Congress of recommendations regard-*  
21 *ing the standards and criteria that should be used to*  
22 *identify recovery areas and rank them in the order in*  
23 *which they should host recovery projects.*

24           (2) *The preparation of and submission to the*  
25 *Secretary and the Congress of a monitoring plan for*

1        *the national program of sufficient duration to deter-*  
2        *mine the long-term impacts of the national program.*

3        *(g) CONSIDERATIONS.—In the development of its rec-*  
4        *ommendations under subsection (f), the Scientific Advisory*  
5        *Panel shall—*

6            *(1) consult as appropriate with region-specific*  
7        *scientific experts in forest ecology, hydrology, wildlife*  
8        *biology, entomology, pathology, soil science, econom-*  
9        *ics, social sciences, and other appropriate scientific*  
10       *disciplines;*

11           *(2) consider the most current peer-reviewed sci-*  
12       *entific literature regarding the duties undertaken by*  
13       *the Panel; and*

14           *(3) incorporate information gathered during the*  
15       *implementation of the advance recovery projects re-*  
16       *quired under section 6.*

17        *(h) ALLOCATION OF FOREST SERVICE PERSONNEL.—*  
18       *The Forest Service shall allocate administrative support*  
19       *staff to the Scientific Advisory Panel to assist the Panel*  
20       *in the performance of its duties as outlined in this section.*

21        *(i) FEDERAL ADVISORY COMMITTEE ACT COMPLI-*  
22       *ANCE.—The Scientific Advisory Panel shall be subject to*  
23       *sections 10 through 14 of the Federal Advisory Committee*  
24       *Act (5 U.S.C. App.).*

1 **SEC. 6. ADVANCE RECOVERY PROJECTS.**

2       (a) *SELECTION OF ADVANCE PROJECTS.*—During the  
3 18-month period beginning on the date of the enactment of  
4 this Act, the Secretary shall allocate amounts from the For-  
5 est Recovery and Protection Fund to Forest Service regions  
6 for the purpose of conducting a limited number (as deter-  
7 mined by the Secretary) of advance recovery projects on  
8 Federal forest lands. The regional foresters of the Forest  
9 Service (or the designees of the regional foresters) shall select  
10 the advance recovery projects to be carried out under this  
11 section. However, the selection of an advance recovery  
12 project in a State shall be made in consultation with the  
13 State forester of that State. The Secretary shall publish a  
14 list of selected advance recovery projects (including the de-  
15 terminations required under section 4(e)(1)) in the Federal  
16 Register within the time period specified in subsection (c).

17       (b) *SELECTION CRITERIA.*—In selecting advance recov-  
18 ery projects, the regional foresters (and their designees) shall  
19 comply with the requirements of subsections (d)(2) and (e)  
20 of section 4 applicable to the selection of recovery projects  
21 under the national program. Priority shall be given to  
22 projects on those Federal forest lands—

23               (1) where the Regional Forester (in consultation  
24 with the appropriate State forester) has identified a  
25 significant risk of loss to human life and property or  
26 serious resource degradation or destruction due to

1 wildfire, disease epidemic, severe insect infestation,  
2 wind, flood, or other causes; or

3 (2) for which thorough forest resource assess-  
4 ments have been completed, including Federal forest  
5 lands in the Pacific Northwest, the Interior Columbia  
6 Basin, the Sierra Nevada, the Southern Appalachian  
7 Region, and the northern forests of Maine, Vermont,  
8 New Hampshire, and New York.

9 (c) *TIME PERIODS FOR SELECTION AND IMPLEMENTA-*  
10 *TION.*—Final selection of advance recovery projects shall be  
11 completed within the 90-day period beginning on the date  
12 of the enactment of this Act, and the Secretary shall publish  
13 the list of selected advance recovery projects in the Federal  
14 Register by the end of that period. An advance recovery  
15 project shall be initiated (if the project is to be conducted  
16 by Federal employees) or awarded (if the project is to be  
17 conducted by an outside party) within 180 days after the  
18 date of the enactment of this Act.

19 (d) *EFFECT OF FAILURE TO COMPLY WITH TIME PE-*  
20 *RIODS.*—If an advance recovery project is not selected, ini-  
21 tiated, or awarded within the time periods specified in sub-  
22 section (c), the Secretary may not use amounts in the Forest  
23 Recovery and Protection Fund to carry out the project and  
24 shall promptly reimburse the Fund for any expenditures

1 *previously made from the Fund in connection with the*  
2 *project.*

3       (e) *REPORTING REQUIREMENTS.*—*Not later than the*  
4 *implementation date, and annually thereafter until comple-*  
5 *tion of all advance recovery projects, the Secretary shall*  
6 *submit to Congress a report on the implementation of ad-*  
7 *vance recovery projects. The report shall consist of a de-*  
8 *scription of the accomplishments of each advance recovery*  
9 *project and incorporate the requirements of paragraphs (2)*  
10 *and (3) of section 4(g).*

11       (f) *RULEMAKING.*—*No new rulemaking is required in*  
12 *order for the Secretary to carry out this section.*

13 **SEC. 7. FOREST RECOVERY AND PROTECTION FUND.**

14       (a) *ESTABLISHMENT.*—*There is established on the*  
15 *books of the Treasury a fund to be known as the “Forest*  
16 *Recovery and Protection Fund”.* *The Chief of the Forest*  
17 *Service shall be responsible for administering the Fund.*

18       (b) *CREDITS TO FUND.*—*There shall be credited to the*  
19 *Fund the following:*

20               (1) *Amounts authorized for and appropriated to*  
21 *the Fund.*

22               (2) *Unobligated amounts in the roads and trails*  
23 *fund provided for in the fourteenth paragraph under*  
24 *the heading “FOREST SERVICE” of the Act of*  
25 *March 4, 1913 (37 Stat. 843; 16 U.S.C. 501) as of*

1        *the date of the enactment of this Act, and all amounts*  
2        *which would otherwise be deposited in such fund after*  
3        *such date.*

4            (3) *Subject to subsection (f), the Federal share of*  
5        *revenues generated by recovery projects undertaken*  
6        *pursuant to sections 4 and 6.*

7            (4) *Amounts required to be reimbursed to the*  
8        *Fund under subsection (d).*

9            (c) *USE OF FUND.—During the time period specified*  
10       *under section 8(a), amounts in the Fund shall be available*  
11       *to the Secretary, without further appropriation, to carry*  
12       *out the national program, to plan, carry out, and admin-*  
13       *ister recovery projects under sections 4 and 6 (including*  
14       *defraying costs incurred by State foresters in the identifica-*  
15       *tion of advance recovery projects), and to administer the*  
16       *Scientific Advisory Panel.*

17            (d) *EFFECT OF FAILURE TO COMPLY WITH ANNUAL*  
18       *DEADLINES.—*

19            (1) *PROHIBITION ON USE OF FUND.—The Sec-*  
20       *retary may not use amounts in the Fund—*

21            (A) *to allocate monies to regions of the For-*  
22       *est Service during a fiscal year under subsection*  
23       *(c)(1) of section 4, if the deadlines specified*  
24       *under subsection (c)(2) or (g)(1) of such section*  
25       *are not met for that fiscal year; or*

1           (B) to carry out a recovery project, if the  
2           final decision on the recovery project is not ren-  
3           dered within the time period specified in sub-  
4           section (d)(1) of such section.

5           (2) *FUND REIMBURSEMENT.*—If the deadlines re-  
6           ferred to in paragraph (1)(A) are not met for a par-  
7           ticular fiscal year, the Secretary shall promptly reim-  
8           burse the Fund for any expenditures previously made  
9           from the Fund in connection with the allocation of  
10          monies to regions of the Forest Service during that  
11          fiscal year. If the time periods referred to in para-  
12          graph (1)(B) are not met for a particular recovery  
13          project, the Secretary shall promptly reimburse the  
14          Fund for any expenditures previously made to carry  
15          out that recovery project.

16          (e) *LIMITATION ON OVERHEAD EXPENSES.*—

17               (1) *OVERHEAD EXPENSES.*—The Secretary shall  
18               not allocate or assign overhead expenses to the Fund  
19               or to any of the activities or programs authorized by  
20               sections 4 through 9.

21               (2) *SCIENTIFIC ADVISORY PANEL.*—The Sec-  
22               retary may allocate up to \$1,000,000 from the Fund  
23               to finance the operation of the Scientific Advisory  
24               Panel.

1           (f) *TREATMENT OF REVENUES AS MONEYS RE-*  
2 *CEIVED.*—Revenues generated by recovery projects under-  
3 taken pursuant to sections 4 and 6 shall be considered to  
4 be money received for purposes of the sixth paragraph under  
5 the heading “FOREST SERVICE” in the Act of May 23,  
6 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the  
7 Act of March 1, 1911 (36 Stat. 963; commonly known as  
8 the Weeks Act; 16 U.S.C. 500).

9           (g) *CONFORMING AMENDMENT.*—The fourteenth para-  
10 graph under the heading “FOREST SERVICE” of the Act  
11 of March 4, 1913 (37 Stat. 843; 16 U.S.C. 501), is amended  
12 by adding at the end the following new sentence: “During  
13 the term of the Forest Recovery and Protection Fund, as  
14 established by section 7 of the Forest Recovery and Protec-  
15 tion Act of 1998, amounts reserved under the authority of  
16 this paragraph shall be deposited into that Fund.”.

17 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

18           (a) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
19 authorized to be appropriated such sums as may be nec-  
20 essary to carry out the provisions of this Act for the fiscal  
21 year in which this Act is enacted and each fiscal year there-  
22 after through September 30, 2005, or September 30 of the  
23 fifth full fiscal year following the implementation date,  
24 whichever is later.

1           (b) *DEPOSIT IN FUND.*—All sums appropriated pursu-  
2 ant to this section shall be deposited in the Forest Recovery  
3 and Protection Fund.

4           (c) *EFFECT ON EXISTING PROJECTS.*—Any contract  
5 regarding a recovery project entered into before the end of  
6 the final fiscal year specified in subsection (a), and still  
7 in effect at the end of such fiscal year, shall remain in effect  
8 until completed pursuant to the terms of the contract.

9 **SEC. 9. AUDIT REQUIREMENTS.**

10           (a) *ANNUAL REPORT VERIFICATION.*—At the request  
11 of any committee chairman identified in section 5(c), the  
12 Comptroller General shall submit to Congress a report as-  
13 sessing the accuracy of an annual report prepared by the  
14 Secretary pursuant to section 4(g). The Comptroller Gen-  
15 eral's report shall be completed as soon as practicable fol-  
16 lowing the date of the publication by the Secretary of the  
17 annual report for which the request under this subsection  
18 was made.

19           (b) *NATIONAL PROGRAM AUDIT.*—At the request of any  
20 committee chairman identified in section 5(c), the Comp-  
21 troller General shall conduct an audit of the national pro-  
22 gram at the end of the fourth full fiscal year following the  
23 implementation date.

24           (c) *ELEMENTS OF AUDIT.*—The audit under subsection  
25 (b) shall include an analysis of the following:

1           (1) *Whether advance recovery projects, the na-*  
2           *tional program, and the administration of the Forest*  
3           *Recovery and Protection Fund were carried out in a*  
4           *manner consistent with the provisions of this Act.*

5           (2) *The impact of the advance recovery projects*  
6           *conducted under section 6 on the development and*  
7           *implementation of the national program.*

8           (3) *The extent to which the recommendations of*  
9           *the Scientific Advisory Panel were used to develop*  
10          *and implement the national program.*

11          (4) *The current and projected future financial*  
12          *status of the Forest Recovery and Protection Fund.*

13          (5) *Any cost savings or efficiencies achieved*  
14          *under the national program.*

15          (6) *Any other aspect of the implementation of*  
16          *this Act considered appropriate by the chairman or*  
17          *chairmen requesting the audit.*

18 **SEC. 10. FOREST INVENTORY AND ANALYSIS.**

19          (a) *PROGRAM REQUIRED.*—*The Secretary shall estab-*  
20          *lish a program to inventory and analyze, in a timely man-*  
21          *ner, public and private forests in the United States.*

22          (b) *ANNUAL STATE INVENTORY.*—*Subject to subsection*  
23          *(c), not later than the end of each full fiscal year beginning*  
24          *after the date of the enactment of this Act, the Secretary*  
25          *shall prepare for each State, in cooperation with the State*

1 forester for that State, an inventory of the forests in that  
2 State. For purposes of preparing the inventory for a State,  
3 the Secretary shall measure annually 20 percent of all sam-  
4 ple plots that are included in the inventory program for  
5 that State. Upon completion of each annual inventory, the  
6 Secretary shall make available to the public a compilation  
7 of all data collected from the year's measurements of sample  
8 plots and any analysis of such samples.

9 (c) *MODIFICATIONS.*—At the request of the State for-  
10 ester (or equivalent State officer) of a State, the Secretary  
11 may modify for that State the time interval for preparing  
12 forest inventories, the percentage of sample plots to be meas-  
13 ured annually, or the requirements for making data avail-  
14 able to the public required under subsection (b), except that  
15 100 percent of the sample plots in the inventory program  
16 for that State shall be measured, appropriate analysis of  
17 such samples shall be conducted, and corresponding data  
18 shall be compiled during the time intervals described in sub-  
19 section (d).

20 (d) *5-YEAR REPORTS.*—At intervals not greater than  
21 every five full fiscal years after the date of the enactment  
22 of this Act, the Secretary shall prepare, publish, and make  
23 available to the public a report, prepared in cooperation  
24 with State foresters, that—

1           (1) contains a description of each State inven-  
2           tory of forests, incorporating all sample plot measure-  
3           ments conducted during the five years covered by the  
4           report;

5           (2) displays and analyzes on a nationwide basis  
6           the results of the State reports required by subsection  
7           (b); and

8           (3) contains an analysis of forest health condi-  
9           tions and trends over the previous two decades, with  
10          an emphasis on such conditions and trends during  
11          the period subsequent to the immediately preceding  
12          report under this subsection.

13          (e) NATIONAL STANDARDS AND DEFINITIONS.—To en-  
14          sure uniform and consistent data collection for all public  
15          and private forest ownerships and each State, the Secretary  
16          shall develop, in consultation with State foresters and Fed-  
17          eral land management agencies not within the jurisdiction  
18          of the Secretary, and publish national standards and defi-  
19          nitions to be applied in inventorying and analyzing forests  
20          under this section. The standards shall include a core set  
21          of variables to be measured on all sample plots under sub-  
22          section (b) and a standard set of tables to be included in  
23          the reports under subsection (d).

24          (f) PROTECTION FOR PRIVATE PROPERTY RIGHTS.—  
25          The Secretary shall obtain written authorization from

1 *property owners prior to collecting data from sample plots*  
2 *located on private property pursuant to subsections (b) and*  
3 *(c). Nothing in this section shall be construed to authorize*  
4 *the Secretary (directly or through the use of State foresters*  
5 *or other persons) to regulate privately held forest lands, the*  
6 *use of privately held forest lands, or the resources located*  
7 *on privately held forest lands.*

8       *(g) STRATEGIC PLAN.—Not later than 180 days after*  
9 *the date of the enactment of this Act, the Secretary shall*  
10 *prepare and submit to Congress a strategic plan to imple-*  
11 *ment and carry out this section, including the annual up-*  
12 *dates required by subsection (b), any modifications made*  
13 *pursuant to subsection (c), and the reports required by sub-*  
14 *section (d). The strategic plan shall describe in detail the*  
15 *following:*

16           *(1) The financial resources required to imple-*  
17           *ment and carry out this section, including the identi-*  
18           *fication of any resources required in excess of the*  
19           *amounts provided for forest inventorying and analy-*  
20           *sis in recent appropriations Acts.*

21           *(2) The personnel necessary to implement and*  
22           *carry out this section, including any personnel in ad-*  
23           *dition to personnel currently performing inventorying*  
24           *and analysis functions.*

1           (3) *The organization and procedures necessary to*  
2           *implement and carry out this section, including pro-*  
3           *posed coordination with Federal land management*  
4           *agencies and State foresters.*

5           (4) *The schedules for annual sample plot meas-*  
6           *urements in each State inventory required by sub-*  
7           *section (b), as modified for that State under sub-*  
8           *section (c), within the first five-year interval after the*  
9           *date of the enactment of this Act.*

10          (5) *The core set of variables to be measured in*  
11          *each sample plot under subsections (b) and (c) and*  
12          *the standard set of tables to be used in each State and*  
13          *national report under subsection (d).*

14          (6) *The process for employing, in coordination*  
15          *with the Department of Energy and the National Aer-*  
16          *onautics and Space Administration, remote sensing,*  
17          *global positioning systems, and other advanced tech-*  
18          *nologies to carry out this section, and the subsequent*  
19          *use of such technologies.*

Amend the title so as to read: “A bill to address the destruction and degradation of important forest resources on Federal lands in the United States through a program of recovery and protection consistent with the requirements of existing public land management and environmental laws, to establish a program to inventory, monitor, and analyze public and private forests, and for other purposes.”.